Slavery, sectional differences, and the conflicts they engendered proved manifest less than a month after the thirteen colonies declared their independence. While devising means to pay for war, the Continental Congress debated whether slaves should be taxed as persons or property. Anticipating eight decades of threats that lay in the future, South Carolinian Thomas Lynch, Jr. warned that “If it is debated, whether their Slaves are their Property, there is an End of the Confederation. Our Slaves being our Property, why should they be taxed more than the Land, Sheep, Cattle, Horses, &c.” To this early threat of disunion, Benjamin Franklin sardonically replied that “Slaves rather weaken than strengthen the State, and there is therefore some difference between them and Sheep. Sheep will never make any Insurrections.”

Similar conflicts, debates, and threats would carry through the War for Independence and the Confederation years. The Continental and Confederation Congresses divided over matters such as the use of black soldiers in the Continental Army, British compensation for wartime losses of slaves, the levying of taxes on slaves, and foreign commerce, including both the importation of slaves and the exportation of slave-produced cash crops. The Constitutional Convention that met in Philadelphia in 1787 was deeply divided by sectional matters, with northern and southern delegates promising rejection in their respective home states unless certain sectional demands were met. Sectional issues continued through the ratification debates. Supporters and opponents of ratification parsed the document, keeping tabs on the advantages gained by one section and lost by another. In states where ratification was contested, Federalists and Anti-Federalists marshalled forth constitutional clauses and claims demonstrating that their section had scored a divisive victory, faced impending doom, or had struck a fine balance between sectional interests.

Sectional disputes hardly ended with ratification. The first several federal Congresses wrestled with numerous issues surrounding slavery that the Constitution left open to interpretation and implementation. With Quakers, free blacks, and their political allies determined to force Congress to take action against slavery, and with southern politicians equally intent on protecting slaveholders’ interests, sectional conflicts and clashes over slavery became an inescapable part of national politics. In one form or another, and in varying degrees of duration, significance, and severity, disputes over slavery struck every Congress that met between 1789 and 1820. More broadly, slavery and sectional conflict were persistent features of local, state, national, and international politics from the 1770s through 1820.
From the 1960s through the early 2000s, the historiography on slavery, politics, and sectionalism in the early American republic was strongly shaped by assumptions grounded in American exceptionalism and nationalism. Slavery was clearly antithetical to the values and principles of the American Revolution. As such, historians assumed that there existed a revolutionary moment when the founders could have placed slavery on the road to abolition, leading historians to frame their analyses around the question of “why did the founding generation fail to abolish slavery?” Led by this question, historians have long taken the American nation-state and elite political actors as their main subject of analysis. David Brion Davis and Winthrop Jordan, whose magisterial works nearly founded the subject of slavery and politics in Revolutionary America, were modest in their criticisms of revolutionary inaction against slavery, even if their findings were less than flattering to the founders, the Constitution, the American political process, voters and politicians, and institutions such as Congress and the presidency.

The dark realities of slavery and racism in the early republic uncovered by historians in the 1960s and 1970s led historians in the 1980s to reverse the meanings of American exceptionalism without abandoning their use of the concept. Led by Paul Finkelman and Gary Nash, these historians tended towards nationalism in that their analyses focused on elite political actors and the institutions of the nation-state. They tended towards exceptionalism in assuming that the United States, as a nation conceived in liberty, should have somehow been immune to historical processes found elsewhere in the Americas and the Atlantic world. The exceptionalism and nationalism that informed much of the literature on slavery and politics in the early republic found expression in something like a standard narrative that became generally accepted by historians in the 1990s. Expressed most forcefully in works by Paul Finkelman, William Freehling, and Don Fehrenbacher, that standard narrative held that Revolutionary challenges to bondage resulted in gradual abolition laws in the North, a brief surge of manumissions in the Upper South, and the passage of the Northwest Ordinance in 1787. From this high-point of antislavery fervor, northern and southern founders allowed racism, hypocrisy, and narrow self-interest to undermine efforts to rein in slavery’s growth and to place it on the road to peaceful abolition. Southern slaveholders forged a pro-slavery constitution while facing minimal opposition from self-interested and hypocritical northerners. In the first two decades of the republic, the Democratic Republican Party served as a vehicle for southern slaveholders to gain northern support for pro-slavery laws and measures. Free from criticism and serious challenges, southern politicians quietly fashioned the United States into a slaveholders’ republic, while slavery grew in both absolute numbers and territorial extent as a result of an informal policy of silent sanction.

This narrative would continue to shape scholarship into the early 2000s. By then, scholarship on slavery and the founding became even more nationalistic and exceptionalist in both its positive and negative forms, as historians turned to evaluating the roles of various founders in creating or opposing a pro-slavery constitution and a slaveholders’ republic. In practice, this scholarship often resorts to anachronistic moralizing where historians contrast the antislavery merits of founding fathers such as John Adams and Timothy Pickering against the hypocritical, pro-slavery demerits of founders such as Thomas Jefferson. In other cases, historians ruminate on how political victories by New England Federalists might have altered the course of slavery in the United States, or
castigate the founding generation for sacrificing the principles of the revolution on the altar of self-interest and racism. When these works move beyond the confines of the United States, they typically do so to provide contrasts between functionally pro-slavery founders in the United States and antislavery advocates and revolutionaries in places such as Britain and Haiti. Recent works by Douglas Egerton and Gary Nash exemplify much of the recent literature on slavery and politics in the early republic in that both treat free and enslaved blacks as political actors who shaped conflicts over slavery and abolition. Both works, however, confine their analysis of politics mainly to the actions of a small group of founders. More broadly, recent founders-centered literature assumes that had certain founders—particularly Jefferson—acted in a certain way, at certain key moments, slavery could have somehow been placed peacefully on the road to abolition.

Interpretations which hold that the founding generation should have abolished slavery still hold considerable sway in the historiography. Over the past fifteen years, however, they have been joined by a group of historians who have revised this understanding of slavery and American politics in significant ways. While much previous scholarship placed the founders at the center of the politics of slavery, recent scholarship instead shows that political elites found themselves reacting to events and actors that forced slavery into local, state, regional, and national politics far more frequently than they initiated and directed them. Political icons such as Thomas Jefferson and George Washington remain prominent in this literature, as do important national-level institutions such as Congress and the presidency. However, they have been joined by an expansive cast of groups, individuals, and institutions that includes free and enslaved blacks, northern and southern farmers, eastern and western planters, early antislavery activists, minor Federalist and Republican politicians, urban mechanics and newspaper editors, free black churches and self-help societies, and Quaker-led antislavery societies. More than just a means of placating calls for more inclusive history, historians have shown how these various groups repeatedly forced slavery into local, state, regional, national, and international politics, and then shaped the outcome of events and conflicts, for better or for worse.

In place of moralizing about the failures of the founders, historians now favor analysis of the interests of various groups, sections, nation-states, and empires: the motives and conditions that drove them to act; the actions they undertook to protect their interests; and the institutions they created to further them. Rather than asking why an amorphous group of founding fathers failed to abolish slavery, and rather than assuming that slavery should have been abolished, historians now ask how and why some groups defended slavery; why other groups remained indifferent about it; why some well-meaning whites strove for its eradication; and how free and enslaved black people sought to gain freedom for themselves and others. And rather than positing a period of unbridled slaveholder victories, this group of historians has constructed a narrative of nearly continuous conflict, compromise, and accommodation that pitted slaveholders against a shifting amalgamation of slaves, free blacks, antislavery groups, and rival partisan, sectional, and imperial powers.

Taken collectively, these works point towards a narrative of the politics of slavery in the early republic that focuses on the workings of a nation-state where slaveholders wielded a tremendous amount of economic, social, political, and cultural power. In other slave societies in the Atlantic world, planter elites found themselves subordinate to imperial authorities and prerogatives. In the United States, slaveholders reigned as the most powerful
political class, and they did so within a single nation-state with imperial ambitions. Unlike their counterparts elsewhere, slaveholders in the United States wielded a tremendous amount of political influence both in their states and in the confederal and then federal governments. Recent literature thus treats the founders and a broader class of slaveholding politicians not as moral monsters or as hypocrites, nor as villains or heroes, even if many were certainly capable of acting in all of these roles. It instead treats slaveholders as an extremely powerful class, loath to relinquish their power and always hungry for more, whether that was power over slaves and lesser whites, power over their local communities and states, or power over the federal government. Slaveholders exploited powerful incentives to expand slavery; they confronted a shifting array of challenges to slavery; and they fought strenuously to maintain their sovereignty over slavery as an institution and their claims of mastery over black people as individuals and as slaves.

Much of the recent literature on slavery and politics in the early republic focuses on understanding these struggles and confrontations, along with their outcomes. Side-stepping the negative expressions of American exceptionalism that pervade so much of the past three decades of scholarship on slavery and politics, this group of historians finds it utterly unexceptional that an elite class of slaveholders who helped lead a movement for independence and oversaw a revolution in government, then insisted on protecting their interests and the base of their power.

Historians' understandings of the conflicts over slavery in the early republic have also been aided by situating slavery in the United States in broader Atlantic, continental, and hemispheric frameworks. In doing so, historians have placed what once appeared to be the exceptionally harsh forms of slavery and racism in the United States in a larger context: the ubiquity of state-driven exploitation, racial hierarchies, and unfree labor in the Americas from the early 1500s through the late 1800s. There was nothing peculiar about slavery in the early American republic. Furthermore, slavery in the Atlantic world and the broader Americas was not an institution in decline in the late eighteenth and early nineteenth centuries. Indeed, between 1770 and the 1810s, in what historians increasingly label a period of “second slavery,” the transatlantic trade in slaves and slave-produced commodities underwent its greatest period of growth, while the territorial reach of the institution expanded greatly. This period might have been an Age of Revolutions that birthed the rise of liberal and antislavery values, but it was also an age of slavery and imperial expansion. The principles of the American, French, and Haitian Revolutions might have favored abolition, but the interests of emerging nation-states, empires, merchants, planters, and consumers in the Atlantic world favored expanding empires using state power to force more slaves to produce more cash crops, in areas that were marginal to the eighteenth-century Atlantic plantation slave complex. Slaveholders in the United States—like slaveholders elsewhere—used state power to exploit these developments for their own benefit.

As the most recent literature demonstrates, there was nothing exceptional about the growth and expansion of slavery in the United States between 1770 and 1820. The enormous growth and territorial expansion of slavery in the United States mirrored broader trends in the Americas and the Atlantic world. Only in two places in the Americas—Haiti and the northern United States—did slavery contract and shrink during this period; only in Haiti and northern New England was it fully and more or less immediately abolished. What was exceptional in the early American republic was not slavery’s growth and expansion, but its
gradual abolition in the North and its prohibition from the Northwest. That created deep sectional differences within an expanding imperial nation-state; those differences gave rise to continuous conflicts over slavery.

**Accentuating Sectional Differences: War, Independence, Revolution, and Slavery in the States, 1770–1820**

Even before the Imperial Crisis, the northern and southern colonies of British North America differed in significant ways. The Imperial Crisis, the War for Independence, and the process of forging new republican institutions wrought changes that magnified existing cultural, economic, and political differences between the two sections. Slavery existed in all of the northern colonies, but the 50,000 slaves there in 1770 accounted for less than 5 percent of the overall population. The northern colonies were societies with slaves rather than slave societies, and only in the Hudson Valley did the population of slaves near 20 percent. Politically, ordinary white men in the northern colonies had fashioned a form of politics that was perhaps the most democratic in the Atlantic world, even if urban elites and rural potentates still wielded considerable power and influence. The American and then French Revolution, along with the migration of British radicals to northern port cities, amplified these lived democratic realities. From the 1770s through the first decade of the 1800s, ordinary people and sympathetic elites in the North seized the principles that underwrote the case for independence and fashioned a decidedly egalitarian ideology that elevated equality, personal and family independence, and democratic self-government as the highest ideals of republican government and society. Middling whites and sympathetic elites used these egalitarian ideologies to chip away at hierarchy and privilege in the North in principle if not always in practice. In doing so, they opened crucial spaces that slaves, free blacks, and antislavery whites used to claim natural rights for enslaved blacks, and to begin the process of state-level abolition. Across the North, state-level abolition was ideologically grounded in free and enslaved black claims to the natural rights claimed by whites. In general, even when northern whites denied black claims to citizenship and equality, they accepted the legitimacy of black claims to freedom.

Natural rights principles and egalitarian ideologies did little to change the basic social, political, and economic hierarchies that had dominated southern life since the 1750s. For southern politicians, the purpose of government, whether in 1750 or in 1820, was to empower the gentry, who then governed those beneath them according to their race, gender, and rank. In the South, elites met popular challenges to their rule and authority—from both black slaves and non-gentry whites—in various ways. Southern slaveholders used the Revolution's emphasis on property rights to blunt popular attacks on slavery and gentry political power. They emphasized white supremacy and insisted that free blacks and whites could never live together peacefully in the United States. When pressed by lesser whites for democratic reforms, southern planters created an imagined gentry of all white men, emphasized the authority and mastery that all white men were to exercise over all black people, and wrote protections for themselves as a class into state constitutions and laws. By the early 1800s, antislavery voices and emancipation societies in places such as Virginia had been publicly silenced. As one Virginia legislator noted in an 1806 debate over tightening Virginia's manumission laws, the principles of the Revolution
meant little in Virginia, for "Those principles have been annihilated by the existence of slavery among us." Hierarchy and racial subordination remained as vital in the South of 1820 as in the 1750s, even if the particulars of how they operated changed in their details.9

The dominant ideologies circulating in each section possessed some adherents in the other section: northern conservatives shared southern slaveholder concerns about the excesses of democracy; some southern radicals and enlightened gentlemen espoused the rights of man and equality, providing at least rhetorical support for democracy. Nonetheless, the Revolution produced significantly different effects in the two sections. The American Revolution in the North unleashed egalitarian ideologies and an emphasis on individual rights that allowed for state-level emancipation and the flourishing of antislavery principles and politics. The American Revolution in the South produced an ideology that slaveholders used to justify gentry rule, white male supremacy, black slavery, and the sanctity of slaveowner property rights. The American Revolution strengthened slavery in the South, and it accelerated abolition in the North.

The disruptions caused by independence, war, revolution, state building, and expansion also magnified the differences that marked slavery in the two sections. Slavery declined in both numbers and in its significance in the North. There were perhaps 50,000 slaves in the North in 1770; by 1820 slavery had been eliminated or nearly eliminated in every northern state except for New Jersey and New York, where the institution limped on in ever-declining numbers. In the North, free blacks and well-meaning whites could facilitate emancipation because the opposition they faced was weak and scattered, confined mostly to the comparatively small class of slaveholders in the North. Most northern whites, however, were at most indifferent about black efforts to gain freedom, and put up little resistance to free and enslaved black efforts to pass state-level emancipation laws.

Free blacks, enslaved blacks, and sympathetic whites blazed a clear if nonetheless difficult and prolonged path to state-level abolition. During the War for Independence, slaves used the chaos and disruptions of war, along with military demands for manpower, to free themselves from slavery. For most northern whites, winning the war and securing independence ranked as far higher priorities than maintaining the property rights of the section's comparatively small number of slaveholders. By war's end, perhaps 5,000 former slaves had gained their freedom through military service in both Patriot and British forces. Another 5,000 slaves fled their owners, mostly to the anonymity of cities such as Boston, New York, and Philadelphia. By war's end, perhaps 10,000 northern slaves had effectively freed themselves from slavery in one way or another. Even before the war ended, these free men and women joined with sympathetic whites and Quaker-led antislavery societies to work for the full abolition of slavery in the North. Due to the combined efforts of these groups, by 1784 six northern states had taken legislative or judicial action providing for the immediate or gradual abolition of slavery. New York and New Jersey proved exceptions, as powerful slaveholders from the Hudson Valley still dominated state politics. Slaveholders in those states fought off early efforts at gradual emancipation, but blacks and whites committed to ending slavery in those states drove relentlessly for abolition. In 1799 and 1804, when expanded and more democratic legislatures diluted the political power of slaveholders in those states, gradual abolition legislation passed.
Emancipation proved to be both a quick and a long process in the North. A significant number of slaves managed to gain freedom within a decade of passage of gradual abolition laws, either through flight, negotiation, or lawsuits, the latter two almost always facilitated by Quaker-led antislavery societies. Other slaves, however, remained trapped in bondage, and slavery continued to linger on, particularly in the countryside, until the 1820s and 1830s in places such as New Jersey. With emancipation, northern whites sought to exclude blacks from public and civic life, and forced them out of all but a few menial trades and services. Unlike in the South, however, northern whites stopped short of seeking direct control over the private and laboring lives of black people. In turn, by the 1820s the nascent free black communities of the 1770s had won a large degree of autonomy and the right to self-government within black institutions and communities, even if black individuals, communities, and institutions were severely constrained by the denial of economic opportunities and civil rights to free black northerners.¹⁰

In the South, the effects of independence, war, revolution, and state-making on slavery were far more limited. While some slaves struck blows for their own freedom during the war, southern whites always fought the war with one eye towards minimizing the damage it might inflict on slavery and white control of black lives. For example, South Carolina rejected Congress’s proposal to fund the emancipation and arming of 3,000 South Carolina slaves, even as British forces stood poised to reconquer the Low Country. And though Virginians emancipated some slaves for military service, they far more frequently dangled a promise of emancipation at some time in the future to prevent flight, or used violence and terror to keep blacks in slavery. With the war’s end in 1781, southern whites fought to regain white control of black lives, reconstructing their slave societies and the routines of terror that kept black people enslaved. By the late 1780s, southern whites had met and bested slaves’ efforts to disrupt and dismantle the slave societies of the South.

In the Upper South, economic and political changes seemed most likely to result in some kind of long-term program of gradual emancipation or abolition. Beginning in the 1760s, the economy of the Upper South shifted away from a singular focus on tobacco towards the production of grains and mixed farming, while commerce and small-scale manufacturing appeared in the towns and cities that sprouted up across the Chesapeake and Piedmont. These economic changes lessened the region’s theoretical dependence on slave labor – crops like wheat did not require year-round, unfree labor as tobacco did. Nonetheless, slaveholders readily forced their enslaved workforce to adapt to these economic changes. The work and lives of slaves changed dramatically in the Upper South between 1770 and 1820: by then, slaves were as likely to work as cartmen, day laborers in cities, boatmen, skilled craftsmen, or grain harvesters as they were to labor on tobacco plantations. While these economic changes produced significant differences in the lives of slaves, they did little to alter the importance of slavery in the region, especially in the lower Chesapeake and the Piedmont. The significance of slavery in the Upper South also increased due to the great expansion of slavery into the interior Lower South and the trans-Appalachian West. Chesapeake planters and their sons used their slaves to pursue new opportunities in the cotton fields of upcountry South Carolina, and in the tobacco and hemp fields of Kentucky. The expansion of slavery into the interior of the Lower South also led to the creation of the “Georgia trade,” a burgeoning interstate slave trade that resulted in the sale of tens of thousands of Chesapeake slaves southward to Georgia.
and South Carolina from the 1790s into the 1810s. While some Upper South slaves clung to the possibility that circumstances might allow them to somehow gain their freedom, far more found themselves sold into the “Georgia trade,” followed by a life of labor on Georgian or Carolinian cotton plantations. If slavery appeared to be on the decline in the Upper South after 1770, slaveholders nonetheless had every intention of controlling that decline, and they fully intended to profit from it while exercising control over the laboring lives of blacks, whether in freedom or in slavery.11

Political changes and the disruptions of war and revolution likewise offered hope that slavery might yet be placed on the road to abolition in the Chesapeake. But as had happened with economic changes, slaves, free blacks, and antislavery whites who sought gradual emancipation proved no match for ordinary whites heavily invested in racial subordination, or for the South’s ruling class, planters whose wealth and place in society were grounded in slavery. Upwards of 10,000 slaves managed to gain their freedom during the war, mainly by flight and military service. In 1782, Virginia passed a manumission law that eased the process of individual emancipations, largely due to the pleas of conscientious Quakers, Baptists, and Methodists. The law and the manumissions it produced faced immediate backlash from whites, who in 1784 and 1785 inundated the Virginia legislature with petitions calling for repeal of the 1782 manumission law. After the first wave of emancipations by Quakers, Baptists, and Methodists in the 1780s, emancipation became far less frequent by the 1790s. From then on, emancipation became attainable only with particularly guilt-wrecked owners, with slaves deemed particularly meritorious, or when slaves could convince owners that slave self-purchase was somehow advantageous to a slaveowner. In Virginia, the absolute number of slaveholders grew between the 1770s and the 1780s, despite the cessation of the international slave trade, the surge in the free black population, and the developing interstate slave trade. Proposals for state-level gradual emancipation made little headway in the 1780s and 1790s. White southerners fiercely fought any suggestions that their individual states should enact some type of gradual abolition plan, even when those plans originated from Virginians themselves, as luminaries such as Thomas Jefferson and St. George Tucker quickly learned. Slavery in the Chesapeake emerged from independence, war, and revolution no weaker and perhaps even stronger than it was in the 1760s. From the 1780s through the 1810s, white migrants from the Chesapeake expanded the basic political and economic institutions of the Chesapeake into the Piedmont, Kentucky, Tennessee, the interior of South Carolina and Georgia, and after 1815 into Mississippi and Alabama.12

While Upper South slaveholders frequently lamented the existence of slavery and promised its eventual abolition, these professions were almost always deployed in defense of the honor of southern politicians to foreign and northern luminaries, or as part of a deliberate effort to defeat northern efforts to take some kind of action to rein in slavery’s growth and expansion. Frequently lamenting about the troubles of slavery and slaveholding, Upper South slaveholders deceived generations of historians, antislavery advocates, and perhaps themselves into believing that there existed, or that circumstances would someday produce, a protean moment where abolition would become a reality. That moment never came to pass; Upper South slaveholders worked as hard as anyone to ensure it never would. Slaveholders proved unwilling to relinquish voluntarily their power over blacks and the base of their power over lesser whites. Slaveholders and southern white men more
generally would never willingly give up their sovereignty over slavery as an institution, or their claims to mastery over all black people.\(^{13}\)

In the Lower South, wartime disruptions allowed some slaves to strike for their freedom, but whites had no doubt that their states were and would be anything other than slave societies. In Georgia, perhaps 5,000 of the enslaved population of 15,000 escaped in the midst of war. In neighboring South Carolina, as many as 15,000 of the state's 75,000 enslaved persons fled their owners. Though slave flight hurt slaveowners, it did nothing to advance the cause of emancipation in the Deep South. Slaves who fled to Spanish Florida, low country swamps, or interior Native American nations faced an incredibly difficult existence. Slaves who fled to British-occupied Charleston and Savannah fell to diseases such as malaria by the thousands; the unlucky survivors who fled with British forces after the war faced an uncertain future: some found a difficult freedom in British Canada, others were sold as slaves in the British Caribbean. With the war's end in 1781, southern whites fought to regain fuller white control of black lives and to reconstruct their slave societies. At the same time, Lower South planters exploited growing transatlantic demand for slave-produced commodities, and harnessed the powers of the nation-state to defeat Native Americans and then oversee slavery's great expansion into the interior. In the 1760s, South Carolina and Georgia were coastal slave societies that barely reached inland; by the 1810s slavery extended deep into the interiors as a result of the first cotton boom. Fed by both the international slave trade and the "Georgia trade," the 90,000 slaves laboring in the Lower South in 1770 had grown to 200,000 by 1800, and to 400,000 by 1820. Slavery's greatest growth and expansion in the Americas between 1770 and 1820 occurred in Georgia and South Carolina, laying the groundwork for the cotton regime's later expansion into Alabama, Mississippi, Arkansas, and Texas.\(^{14}\)

Independence, war, revolution, and state building posed a multitude of threats to the slave societies of the South in the 1770s and the early 1780s. By the late 1780s, southern whites had met all of those challenges, and slavery began its great growth and expansion in the United States. Between 1770 and 1790, the enslaved population of the southern states grew from 400,000 to perhaps 650,000. By 1820, there were 1.5 million slaves in the United States, and slavery stretched from the Chesapeake to Georgia, from the Atlantic to the Mississippi Valley, from the Ohio River to the Gulf of Mexico.\(^{15}\) Southern whites would never abolish slavery on their own, and they would do everything within their power to resist outside efforts to do the same. It is difficult to dispute historian Annette Gordon-Reed's conclusion that "the problem of American slavery could only have been solved in the way that it ultimately was solved: through bloody conflict and strife." Only a massive and prolonged foreign invasion of the kind that happened during the U.S. Civil War could allow slaves and their white antislavery allies to destroy such an invidious institution.\(^{16}\)

The National Politics of Slavery and Sectionalism, 1770–1820

Growing sectional differences meant sectional conflict, which was a persistent feature of politics in the early American republic. Sectional politics and the politics of slavery from the 1770s through 1820 took on certain characteristics, was marked by a large degree of continuity, and conformed to a general set of patterns. Conflict stemmed not only from
the differences between the North and the South, but from the difficulties inherent in creating and governing an immense, diverse, and expanding continental union. To create, govern, and preserve a continental union required various groups to confront slavery in various ways, whether those groups were New England farmers opposing ratification of a constitution they deemed overly generous to slaveholders, Philadelphia free blacks petitioning Congress in the 1790s, or Tidewater planters fighting off widespread slave flight to the British during the War of 1812. Slavery was an immense and important institution in the United States, commanding a significant share of the nation's population, wealth, economic activity, and political power. As such, it generated conflicts from multiple sources in multiple ways. In the period between 1770 and 1820, war, revolution, and state building posed challenges to slavery. At the same time, growing Atlantic world demand for slave-produced commodities offered slaveholders a host of new opportunities. Slavery frequently entered into all matters of governance at the local, state, regional, national, and international levels. Sometimes it did so in unforeseen ways as an adjunct to other issues; sometimes because free blacks, slaves, and their northern political allies forced the issue; sometimes because southern planters anticipated threats and challenges; and sometimes because planters sought to use state power to advance their interests. In any case, to govern the United States was to govern slavery; and governing slavery always entailed political conflict.\(^7\)

Whether in 1776 or 1820, free and enslaved blacks – much like northern and southern whites – acted in predictable ways when slavery entered politics. Free and enslaved blacks were as responsible as any party for forcing slavery into local, state, national, and international politics between 1770 and 1820. Slaves and free blacks refused to acquiesce to enslavement, seeking greater freedoms within slavery, and freedom from slavery. Much of the legislation and action demanded by southern politicians reflected their understanding that state power was indispensable in keeping black people in slavery; slaves sought whatever freedoms presented themselves whenever even the slightest crack appeared in the fortress of state-power erected by slaveholders. In war and peace, slaves sought freedom through flight whenever circumstances permitted it. By the 1790s, a small but growing stream of Upper South slaves had learned how to make their way to the North, prompting passage of a fugitive slave law in 1793. Slave flight across the Ohio River from the 1790s into the 1810s continuously informed local, state, and national politics in the old Northwest's first state. The stream of fugitives increased between the 1790s and the 1810s, and slaveholders demanded but failed to gain more stringent federal fugitive slave laws in 1800 and again in 1818. Slave flight to Spanish Florida and to Native American controlled areas in the west fed southern calls for war with Native Americans and their British patrons, leading to the War of 1812 and provoking Andrew Jackson's invasions of Spanish Florida. The British invasion of the Chesapeake in 1813 offered a new avenue for flight. The first group of former Chesapeake slaves who took up service in the British Marines in 1813 made it a point to free their families and friends when they returned to the Chesapeake with the British Navy in 1814. Over the next five years, federal officials expended copious amounts of diplomatic time and energy seeking the return of their former slaves or compensation from the British.

In the North, free and enslaved blacks could count on assistance in securing their freedom from black churches and organizations, along with Quaker-led antislavery
societies. Slaves and free blacks immediately recognized the potential of natural rights ideology and the Revolution’s emphasis on liberty, equality, and independence. Assisted by antislavery white groups such as the Quakers and state-level abolition societies, free and enslaved blacks incessantly petitioned state legislatures to pass emancipation legislation. When this was accomplished, they sought laws accelerating the emancipation process, laws protecting against kidnapping, and laws to prevent the out-of-state sale of “term-slaves,” slaves and their children who were legally entitled to freedom at a future date according to gradual emancipation legislation. When the federal Congress took up residency in Philadelphia and then New York, free blacks stood as one of that body’s most persistent petitioners. Free and enslaved blacks incited lengthy and cantankerous congressional debates about the place of slavery in the United States when they asked Congress to place regulations on the domestic and international slave trades, to protect the rights of free blacks and northern “term-slaves,” and to expand federal power to regulate and restrict slavery. Whether in freedom, slavery, or in the netherworld between the two, African Americans repeatedly forced the problem of governing slaves and slavery into local, state, national, and international politics.

Northern white opinion on race, slavery, and political action ranged widely. At one extreme, committed abolitionists worked to promote abolition, to end the transatlantic slave trade, to halt slavery’s expansion in the west, and to secure black freedom in the northern states. Other whites held that blacks were unfit for freedom and could remain in the United States only as slaves. Depending on the issue, the positions of most whites could shift anywhere on a spectrum ranging from indifference to support for gradual emancipation, with or without removal. And while many northern whites would have gladly accepted the abolition of slavery in the United States, they also recognized that they had no real power to compel southern whites to do so.

Though prevalent, northern white racism and occasional indifference towards slavery did not preclude the development of a meaningful form of antislavery politics. In general, many white northerners accepted the legitimacy of black claims to freedom and agreed that blacks enjoyed a natural right to freedom, even if they denied black claims to equality and citizenship. Furthermore, most northern whites held that slavery was a plague on the South, a stain on the national character, and detrimental to national interests, republic society, and economic development. They expected their representatives to take meaningful action against slavery when circumstances permitted, whether in drafting a new Constitution for the Union, in closing the international slave trade, or by limiting slavery’s expansion. After 1815, northern voters and politicians began to take a more explicit stand against what they perceived to be the excessive and illegitimate demands made by slaveholders, along with slaveholder control of the Democratic Republican Party. By then, a growing chorus of northern voters and politicians contended that over the previous decade, the federal government had come under the sway of slaveholders and that southern interests had been promoted at the expense of the North. As slaveholders placed a growing number of demands on the North, including in 1818 a call for a new fugitive slave law, northern politicians began to identify a distinct northern interest that had to be defended against the machinations of slaveholders.

In the South, a few conscientious whites took seriously the Revolution’s challenge to slavery; for most southern voters and politicians, however, protection of white supremacy
and the rights and interests of slaveholders was axiomatic and sacrosanct. Southern politicians and voters insisted that blacks and whites could never live together in peace, that slavery was necessary to keep blacks in their place, and that whatever evils inhered in slavery, it was a necessary institution in the southern states because abolition promised calamities far worse than black slavery. Politically, southern states were slaveholders' republics which either directly or indirectly granted slaveholders a host of protections and legislative advantages. As the governing elites in those states understood matters, the purpose of government, whether at the state or the federal level, was to empower the governing gentry, who then governed their subordinates, white and black. Government was also tasked with promoting the rights and interests of slaveholders by recognizing and protecting their property in slaves. Working from these assumptions, slaveholders insisted that any terms of union had to acknowledge southern state and slaveholder sovereignty over slavery as an institution, and a de facto veto over any unfavorable legislation, which would be realized with the three-fifths clause. 

In national politics, southern politicians defended the rights of slaveholders in sectional, political, legal, constitutional, and extra-constitutional terms. They also used theories of natural law and republican government to develop a wide-ranging defense of property rights. Southern politicians could be counted on to use any and all of these positions whenever they sought to protect or advance their interests. Thus, southern slaveholders could insist on extra representation in the House of Representatives as a necessary means for the slave states to protect their interests, and further ground these demands in republican theories about representation of wealth. Conversely, they also maintained that slavery was protected from normal democratic and constitutional processes by insisting that the Constitution was a sectional compact, and by claiming that as a southern institution, southern politicians alone had the right to make decisions regarding it. Slaveholders also warned that with or without a certain piece of legislation, the South would be immediately visited by slave rebellion, racial civil war, and all of the horrors of Saint-Domingue. More broadly still, southern politicians refused to consent to any action or legislation unless they could gain guarantees that their interests would be protected and that southern slavery would be free from northern interference.

When northern politicians continued to push for antislavery action, southern politicians always stood ready to play the disunion card. All of these strategies belied the underlying political and ideological defensiveness that southern slaveholding politicians felt in this period. They may have won political battles most of the time, but they were constantly haunted by the idea that they could lose at any moment. Thus, when challenged or when seeking to promote their interests, slaveholders acted as a powerful, determined, and self-righteous lot. They fought ruthlessly to retain their sovereignty over slavery as an institution and their mastery over slaves as persons, even if they frequently squabbled among themselves over the best way to preserve their sovereignty and mastery.

Northern politicians frequently fell short of their own expectations and the expectations of their constituents, as slaveholders employed a host of tactics to defeat antislavery measures. Nonetheless, the period between 1770 and 1820 should not be characterized as a period of unbridled slaveholders' triumphs. Instead, the period was one of continuous conflict, accommodation, and compromise between the two sections. That being said, while slaveholders rarely had all of their demands met by northern politicians, they almost
always came out ahead: they defeated any antislavery legislation they opposed as a section; and they frequently managed to dictate the terms and implementation of any antislavery legislation that did pass.\textsuperscript{22}

The processes of conflict, accommodation, and compromise weighted in favor of slaveholders are exemplified by the Constitution. The Constitution created a union that included five states where slavery was the single most important economic, social, and political institution. Those five states would ratify a constitution and enter into union only with certain guarantees, protections, advantages, and privileges. As a result, the Constitution created a republic and a union that acknowledged the existence of slavery as a powerful state and sectional interest, albeit using euphemistic language. Northern delegates made it clear that the words “slave,” “slavery,” or “negro” could not appear in the Constitution if it was to have any hope of being ratified in the northern states. Southern delegates agreed to this concession, but won many more of their own. The fugitive slave clause gave slaveholders national guarantees for their property in slaves. The three-fifths clause granted the southern states a de facto sectional veto that could be used whenever the South acted in unison. Despite these advantages and privileges, southern Anti-Federalists identified significant deficiencies in the Constitution. The three-fifths clause provided political rather than constitutional protections for slavery in the states. Southern Anti-Federalists also recognized that the advantages conferred by the three-fifths clause would prove effective only so long as the South maintained parity in Congress and the electoral college. Indeed, as southern Anti-Federalists repeatedly pointed out, the Constitution failed to define slaves as property and to cast the institution in explicitly racial terms, leaving the door open for future challenges to slavery.

Whether or not the Philadelphia convention produced a proslavery constitution that created a proslavery nation-state has become an irreducible matter of teleology and terminology centering on how one defines “proslavery.” It also engages in a form of essentialism that ignores the conflicting positions that went into the construction of both the Constitution and the clauses regarding slavery and slave state political power. The clauses addressing slavery were the product of too many clashing interests, too much conflict and compromise, to bear the weight of any singular intent, purpose, or effect. These clauses were also suggestive rather than definitive, and they left their implementation to normal political processes in Congress. These clauses would prove limited enough, vague enough, and imprecise enough to allow for multiple positions on what actions were permissible under the Constitution, as seven decades of sectional politics, culminating in civil war, would demonstrate. Finally, these clauses were ambiguous enough to allow for endorsement and quick ratification of the Constitution in places such as Pennsylvania and South Carolina, states that possessed wildly divergent interests and positions on the place of slavery in the federal union. Nonetheless, what remains clear when the Constitution is situated in the larger period between 1770 and 1820 is that its slavery and sectional clauses were the product of conflict, accommodation, and compromise. As with just about every sectional conflict in this period, the slave states gave up a little and received much in return. The little that they did give up, however, allowed for a multitude of challenges to slavery. In the end, the Constitution maintained the status quo of an expanding continental union, half-slave and half-free. It also put off – albeit temporarily – irreconcilable
disagreements about the place of slavery under a republican government and in a union with continental ambitions.23

The ability of the slave states to come out ahead in national politics was due to several factors: the South always acted in unity whenever they perceived a real and tangible threat to slavery; they made concessions on issues unrelated to slavery to gain northern votes in support of southern interests; they expertly exploited partisan ties, gaining needed Federalist or Republican votes to defeat legislation the South opposed. When all else failed, they threatened disunion and promised that whatever calamities followed from disunion would rest in the hands of northerners who issued unreasonable demands that no southern slaveholder could accept.

Southern politicians used threats of disunion even before independence was declared. In 1774 South Carolina threatened to forego signing on to a non-export agreement unless they received exemptions for rice; in 1776, the same group of planters refused to sign on to the Declaration of Independence unless the Continental Congress excised Jefferson’s famous antislave trade clause. During the Confederation years, Lower South planters threatened disunion whenever Congress considered levying taxes on slaves. South Carolina and Georgia insisted that neither state would sign on to the Philadelphia Constitution without protections for the international slave trade. More broadly, southern delegates to the Philadelphia convention promised that the Constitution stood no chance of ratification in the South unless something like the three-fifths clause granted slaveholders sufficient weight in the federal legislature to protect southern interests. Threats of disunion were commonplace in Congress during the 1790s, prompted by free black and Quaker antislavery petitions. Disunion threats subsided once the Democratic-Republicans gained control of the presidency and Congress and the capital moved South, but those threats of disunion came back with a vengeance after 1815, culminating in the Missouri Crisis. By then, the disunion card had become the favored tool of Virginia planters who feared that their influence in Virginia and over the federal government was waning.24

Threats of disunion proved effective against even the most committed northern abolitionists who believed that perpetual union was more important than immediate action against slavery. For them, republican self-government and natural rights could only be realized in union; if disunion transpired, then all hopes of abolition went with it. Thus, while Philadelphia Quakers and their allies such as Benjamin Rush lamented the concessions made to slaveholders in the Constitution, they accepted them as the necessary price of union, which they hoped would be the mechanism by which they could nudge the nation towards gradual emancipation. Likewise, northern Anti-Federalists condemned constitutional concessions to slaveholders from every conceivable angle. But like Abraham Lincoln, they preferred to “noblely save” rather than “meanly lose the last best hope of earth”: union, the only means by which republican government and the values of the Revolution could be maintained and then more perfectly realized. Southern slaveholders always stood ready to cynically exploit northerners’ pragmatic and increasingly sentimental devotion to union.25

Southern politicians had other methods of protecting their interests. They proved masterful at gaining sufficient northern votes by agreeing to concessions on issues unrelated to slavery. Examples of this kind of sectional horse-trading abound. New England delegates to the Constitutional Convention supported the three-fifths clause in exchange
for granting Congress authority to make commercial regulations with a simple majority. The first federal Congress agreed to cease debating Quaker petitions on slavery in exchange for southern support for federal funding and assumption of state debts. That same body dropped a Virginia-led effort to impose a $10 tax in the international slave trade after Deep South representatives struck a bargain with New Englanders to lower the import tax on molasses. When the legislative advantages gained under the three-fifths clause diminished after 1810, slaveholders used parity in the Senate to protect their interests, for example, by blocking the house-passed Tallmadge Amendments which set off the Missouri Controversy in 1819. Southern politicians prevailed frequently in national politics — not because they were superior parliamentarians — but because they acted as a class when their interests were threatened; because they enjoyed institutional advantages thanks to the three-fifths clause; because they were willing to make trade-offs for northern support; and because they always proved willing to threaten disunion.26

Despite southern successes in protecting slavery and in using state power to promote slavery’s expansion, real and tangible antislavery gains were made from the 1780s to the Missouri Crisis. That being said, whenever antislavery actions were undertaken by the federal government, they were always done with the consent of at least some southern politicians, on southern terms, and with the expectation that southern states would receive important concessions in return. Thus, the Confederation Congress and then the first federal Congress passed and repassed the Northwest Ordinance, which prohibited slavery in the Northwest territories. In exchange for this measure, southern politicians gained a fugitive slave clause in the Constitution, and passage of the Southwest Ordinance of 1790, which exempted the territories south of Kentucky from the Northwest Ordinance’s ban on slavery. Likewise, the terms by which Congress closed and patrolled the international slave trade were largely dictated by southern politicians. Despite vociferous northern objections, the 1807 law prohibiting the international slave trade provided light penalties for violators, and allowed states themselves to dispose of seized slaves as they saw fit, which in practice meant that state officials auctioned off any Africans seized from violators. Congress and northwestern farmers beat back efforts to legalize slavery in Indiana and Illinois, but western planters and farmers defeated congressional efforts to prohibit slavery’s further growth in Mississippi in 1798 and in Louisiana and Missouri in 1804. When emancipation and colonization gained institutional expression in the formation of the American Colonization Society in 1816, southern slaveholders insisted that they alone would determine how the Society would be used. In the Missouri Crisis, northern politicians managed to ban slavery from the regions north of the 36° 30’ line, but they did so by abandoning their quest to end slavery’s expansion in all future territories, and accepting that Congress could not impose conditions on incoming states.27

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The antislavery legislation and actions from the period between 1770 and 1820 can be understandably taken as so many half-hearted measures, repeatedly compromised by racism if not outright hypocrisy from a people who professed liberty while maintaining slavery. At the same time, however, they represent very real antislavery accomplishments in the face of a nation-state where slaveholders constituted the single most powerful economic and political interest. If slavery persisted and then grew and expanded in the United States, it was
in no small part because slaveholders in the United States—unlike slaveholders elsewhere—did not have to answer to a powerful imperial metropole. Instead, they were the metropole, and more than any other group, they controlled the levers of state and imperial power. Above all else, they used the powers of the imperial state to protect and promote slavery, and to defeat efforts to undermine it.

Notes

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2 For the ways in which nationalism and exceptionalism have structured much of the historiography of the early republic in both their older celebratory and newer critical forms, see Rosemarie Zagarri, “The Significance of the ‘Global Turn’ for the Early American Republic: Globalization in the Age of Nation-Building,” Journal of the Early Republic 31 (Spring 2011), 1–37. Though she does not write specifically about slavery, Zagarri is especially helpful in distinguishing between the old and new forms of nationalist and exceptionalist historiography. As Zagarri notes, “whether celebratory or negative, however, both forms of exceptionalism result from the same basic premise: an approach that emphasizes the country’s separateness and distinctiveness as a nation-state rather than its connections to and similarities with the rest of the world” (quote at 6). For critical analyses of nationalist and exceptionalist histories of the United States, in both their celebratory and negative forms, see Thomas Bender, A Nation among Nations: America’s Place in World History (New York: Hill and Wang, 2006), 3–14; Johan N. Neem, “American Exceptionalism in a Global Age,” History and Theory 50 (Feb. 2011), 41–70.


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26 Varon, Disunion; Ford, Deliver Us from Evil; Mason, Slavery and Politics; Hammond, Slavery, Freedom, and Expansion; Taylor, Internal Enemy; Riley, Slavery and the Democratic Conscience; Wood, Before Garrison; Waldstreicher, Slavery’s Constitution.