

WHITE  
OVER  
BLACK

*American Attitudes  
Toward the Negro, 1550-1812*

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seventeenth-century America. In order to comprehend it, we need first of all to examine certain social pressures generated by the American environment and how these pressures interacted with certain qualities of English social thought and law that existed on the eve of settlement, qualities that even then were being modified by examples set by England's rivals for empire in the New World.

## II UNTHINKING DECISION

### *Enslavement of Negroes in America to 1700*

AT THE START OF ENGLISH SETTLEMENT IN AMERICA, NO one had in mind to establish the institution of Negro slavery. Yet in less than a century the foundations of a peculiar institution had been laid. The first Negroes landed in Virginia in 1619, though very, very little is known about their precise status during the next twenty years. Between 1640 and 1660 there is evidence of enslavement, and after 1660 slavery crystallized on the statute books of Maryland, Virginia, and other colonies. By 1700 when African Negroes began flooding into English America they were treated as somehow deserving a life and status radically different from English and other European settlers. The Negro had been debased to a condition of chattel slavery; at some point, Englishmen in America had created a legal status which ran counter to English law.

Unfortunately the details of this process can never be completely reconstructed; there is simply not enough evidence (and very little chance of more to come) to show precisely when and how and why Negroes came to be treated so differently from white men, though there is just enough to make historians differ as to its meaning. Concerning the first years of contact especially we have very little information as to what impression Negroes made upon English settlers: accordingly, we are left knowing less about the formative years than about later periods of American slavery. That those early years were crucial ones is obvious, for it was then that the cycle of Negro debasement began; once the Negro became fully the slave it is not hard to see why white men looked down upon him. Yet precisely because understanding the dynamics of these early years is so important to understanding the centuries which followed, it is necessary to bear with the less than satisfactory data and to attempt to reconstruct the course of debasement undergone by Negroes in

#### 1. THE NECESSITIES OF A NEW WORLD

When Englishmen crossed the Atlantic to settle in America, they were immediately subject to novel strains. In some settlements, notably Jamestown and Plymouth, the survival of the community was in question. An appalling proportion of people were dead within a year, from malnutrition, starvation, unconquerable diseases, bitter cold, oppressive heat, Indian attacks, murder, and suicide. The survivors were isolated from the world as they had known it, cut off from friends and family and the familiar sights and sounds and smells which have always told men who and where they are. A similar sense of isolation and disorientation was inevitable even in the settlements that did not suffer through a starving time. English settlers were surrounded by savages. They had to perform a round of daily tasks to which most were unaccustomed. They had undergone the shock of detachment from home in order to set forth upon a dangerous voyage of from ten to thirteen weeks that ranged from unpleasant to fatal and that seared into every passenger's memory the ceaselessly tossing distance that separated him from his old way of life.<sup>1</sup>

Life in America put great pressure upon the traditional social and economic controls that Englishmen assumed were to be exercised by civil and often ecclesiastical authority. Somehow the empty woods seemed to lead much more toward license than restraint. At the same time, by reaction, this unfettering resulted in an almost pathetic social conservatism, a yearning for the forms and symbols of the old familiar social order. When in 1618, for example, the Virginia Company wangled a knighthood for a newly appointed governor of the colony the objection from the settlers was not that this artificial elevation was inappropriate to wilderness conditions but that it did not go far enough to meet them; several planters petitioned that a governor of higher rank be sent, since some settlers had "only Reverence of the Comanders Eminence, or Nobillitye

1. There is an eloquent revivification by William Bradford, *Of Plymouth Plantation, 1620-1647*, ed. Samuel Eliot Morison (N. Y., 1952), 61-63.

(whereunto by Nature everye man subordinate is ready to yeild a willing submission without contempt, or repyning)."<sup>2</sup> English social forms were transplanted to America not simply because they were nice to have around but because without them the new settlements would have fallen apart and English settlers would have become men of the forest, savage men devoid of civilization.

For the same reason, the communal goals that animated the settlement of the colonies acquired great functional importance in the wilderness; they served as antidotes to social and individual disintegration. The physical hardships of settlement could never have been surmounted without the stiffened nerve and will engendered by commonly recognized if sometimes unarticulated purposes. In New England lack of articulation was no problem. The Puritans knew precisely who they were (the chosen of God, many of them) and that they were seeking to erect a Godly community. Though that community (eventually) eluded them, they retained their conviction that they manned a significant outpost of English civilization. As Cotton Mather grandly told the Massachusetts governor and General Court in 1700, "It is no Little Blessing of God, that we are a part of the *English nation*."<sup>3</sup> A similar deep sense of self-transplantation buttressed the settlements in Virginia and Maryland. While there was less talk than in New England about God's special endorsement, virtually every settler knew that Englishmen were serving His greater glory by removing to Virginia and by making a prosperous success of the project. They recognized also that their efforts at western planting aggrandized English wealth and power and the cause of reformed Christianity. As Richard Hakluyt summarized these purposes, "This enterprize may staye the spanishe kinge ["the supporter of the greate Antechriste of Rome"] from flowinge over all the face of that waste firme of America, yf wee seate and plante there in time."<sup>4</sup> For Englishmen planting in America, then, it was of the utmost importance to know that they were Englishmen, which was to say that they were educated (to a degree suitable to their station), Christian (of an appropriate Protestant variety), civilized, and (again to an appropriate degree) free men.

2. Susan M. Kingsbury, ed., *Records of the Virginia Company of London*, 4 vols. (Washington, D.C., 1906-35), III, 216-19, 231-32.

3. Cotton Mather, *A Pillar of Gratitude* . . . (Boston, 1700), 32-33.

4. From his own "Discourse on Western Planting" (1584), in E. G. R. Taylor, ed., *The Original Writings and Correspondence of the Two Richard Hakluyts* (*Works Issued by the Hakluyt Soc.*, 2d Ser., 76-77 [1935]), II, 314-15. See Perry Miller, "Religion and Society in the Early Literature of Virginia," in his *Errand into the Wilderness* (Cambridge, Mass., 1956), 99-140.

It was with personal freedom, of course, that wilderness conditions most suddenly reshaped English laws, assumptions, and practices. In America land was plentiful, labor scarce, and, as in all new colonies, a cash crop desperately needed. These economic conditions were to remain important for centuries; in general they tended to encourage greater geographical mobility, less specialization, higher rewards, and fewer restraints on the processes and products of labor. Supporting traditional assumptions and practices, however, was the need to retain them simply because they were familiar and because they served the vital function of maintaining and advancing orderly settlement. Throughout the seventeenth century there were pressures on traditional practices which similarly told in opposite directions.

In general men who invested capital in agriculture in America came under fewer customary and legal restraints than in England concerning what they did with their land and with the people who worked on it. On the other hand their activities were constrained by the economic necessity of producing cash crops for export, which narrowed their choice of how they could treat it. Men without capital could obtain land relatively easily: hence the shortage of labor and the notably blurred line between men who had capital and men who did not. Men and women in England faced a different situation. A significant amount of capital was required in order to get to America, and the greatest barrier to material advancement in America was the Atlantic Ocean.

Three major systems of labor emerged amid the interplay of these social and economic conditions in America. One, which was present from the beginning, was free wage labor, in which contractual arrangements rested upon a monetary nexus. Another, which was the last to appear, was chattel slavery, in which there were no contractual arrangements (except among owners). The third, which virtually coincided with first settlement in America, was temporary servitude, in which complex contractual arrangements gave shape to the entire system. It was this third system, indentured servitude, which permitted so many English settlers to cross the Atlantic barrier. Indentured servitude was linked to the development of chattel slavery in America, and its operation deserves closer examination.

A very sizable proportion of settlers in the English colonies came as indentured servants bound by contract to serve a master for a specified number of years, usually from four to seven or until age twenty-one, as repayment for their ocean passage. The time of service to which the servant bound himself was negotiable property, and he might be sold or conveyed from one master to another at any

time up to the expiration of his indenture, at which point he became a free man. (Actually it was his *labor* which was owned and sold, not his *person*, though this distinction was neither important nor obvious at the time.) Custom and statute law regulated the relationship between servant and master. Obligation was reciprocal: the master undertook to feed and clothe and sometimes to educate his servant and to refrain from abusing him, while the servant was obliged to perform such work as his master set him and to obey his master in all things. This typical pattern, with a multitude of variations, was firmly established by mid-seventeenth century. In Virginia and Maryland, both the legal and actual conditions of servants seem to have improved considerably from the early years when servants had often been outrageously abused and sometimes forced to serve long terms. Beginning about 1640 the legislative assemblies of the two colonies passed numerous acts prescribing maximum terms of service and requiring masters to pay the customary "freedom dues" (clothing, provisions, and so forth) at the end of the servant's time.<sup>5</sup> This legislation may have been actuated partly by the need to attract more immigrants with guarantees of good treatment, in which case underpopulation in relation to level of technology and to natural resources in the English colonies may be said to have made for greater personal freedom. On the other hand, it may also have been a matter of protecting traditional freedoms threatened by this same fact of underpopulation which generated so powerful a need for labor which would not be transient and temporary. In this instance, very clearly, the imperatives enjoined by settlement in the wilderness interacted with previously acquired ideas concerning personal freedom. Indeed without some inquiry into Elizabethan thinking on that subject, it will remain impossible to comprehend why Englishmen became servants in the plantations, and Negroes slaves.

## 2. FREEDOM AND BONDAGE IN THE ENGLISH TRADITION

Thinking about freedom and bondage in Tudor England was confused and self-contradictory. In a period of social dislocation there was considerable disagreement among contemp-

5. William Waller Hening, ed., *The Statutes at Large Being a Collection of All the Laws of Virginia*, 13 vols. (Richmond, N.Y., and Phila., 1809-23), I, 257, 435, 439-42, II, 113-14, 240, 388, III, 447-62; *Archives of Maryland*, 69 vols. (Baltimore, 1883-), I, 53, 80, 352-53, 409-10, 428, 443-44, 453-54, 464, 469, II, 147-48, 335-36, 527.

rary observers as to what actually was going on and even as to what ought to be. Ideas about personal freedom tended to run both ahead of and behind actual social conditions. Both statute and common law were sometimes considerably more than a century out of phase with actual practice and with commonly held notions about servitude. Finally, ideas and practices were changing rapidly. It is possible, however, to identify certain important tenets of social thought that served as anchor points amid this chaos.

Englishmen lacked accurate methods of ascertaining what actually was happening to their social institutions, but they were not wrong in supposing that villenage, or "bondage" as they more often called it, had virtually disappeared in England. William Harrison put the matter most strenuously in 1577: "As for slaves and bondmen we have none, naie such is the privilege of our countrie by the especiall grace of God, and bountie of our princes, that if anie come hither from other realms, so soone as they set foot on land they become so free of condition as their masters, whereby all note of servile bondage is utterlie remooved from them."<sup>6</sup> Other observers were of the (correct) opinion that a few lingering vestiges—bondmen whom the progress of freedom had passed by—might still be found in the crannies of the decayed manorial system, but everyone agreed that such vestiges were anachronistic. In fact there were English men and women who were still "bond" in the mid-sixteenth century, but they were few in number and their status was much more a technicality than a condition. In the middle ages, being a villein had meant dependence upon the will of a feudal lord but by no means deprivation of all social and legal rights. In the thirteenth and fourteenth centuries villenage had decayed markedly, and it may be said not to have existed as a viable social institution in the second half of the sixteenth century.<sup>7</sup> Personal freedom had become the normal status of Englishmen. Most contemporaries welcomed this fact; indeed it was after about 1550 that there began to develop in England that preening consciousness of the peculiar glories of English liberties.

6. [Harrison], *Historicall Description of Britaine*, in *Holinshed's Chronicles*, I, 275.

7. The best place to start on this complicated subject is Paul Vinogradof, *Villainage in England: Essays in English Mediaeval History* (Oxford, 1892). The least unsatisfactory studies of vestiges seem to be Alexander Savine, "Bondmen under the Tudors," *Royal Historical Society, Transactions*, 2d Ser., 17 (1903), 235-89; I. S. Leadam, "The Last Days of Bondage in England," *Law Quarterly Review*, 9 (1893), 348-65. William S. Holdsworth, *A History of English Law*, 3d ed., 12 vols. (Boston, 1923), III, 491-510, explodes the supposed distinction between villeins *regardant* and *gross*.

How had it all happened? Among those observers who tried to explain, there was agreement that Christianity was primarily responsible. They thought of villenage as a mitigation of ancient bond slavery and that the continuing trend to liberty was animated, as Sir Thomas Smith said in a famous passage, by the "perswasion . . . of Christians not to make nor keepe his brother in Christ, servile, bond and underling for ever unto him, as a beast rather than as a man."<sup>8</sup> They agreed also that the trend had been forwarded by the common law, in which the disposition was always, as the phrase went, *in favorem libertatis*, "in favor of liberty." Probably they were correct in both these suppositions, but the common law harbored certain inconsistencies as to freedom which may have had an important though imponderable effect upon the reappearance of slavery in English communities in the seventeenth century.

The accreted structure of the common law sometimes resulted in imperviousness to changing conditions. The first book of Lord Coke's great *Institutes of the Laws of England* (1628), for example, was an extended gloss upon Littleton's fifteenth-century treatise on *Tenures* and it repeatedly quoted the opinions of such famous authorities as Bracton, who had died in 1268. When Bracton had described villenage, English law had not yet fully diverged from the civil or Roman law, and villenage actually existed. Almost four hundred years later some legal authorities were still citing Bracton on villenage without even alluding to the fact that villenage no longer existed. The widely used legal dictionary, Cowell's *Interpreter* (1607 and later editions), quoted Bracton at length and declared that his words "expresse the nature of our villenage something aptly."<sup>9</sup> Anyone relying solely on Cowell's *Interpreter* would suppose that some Englishmen in the early seventeenth century were hereditary serfs. Thus while villenage was actually extinct, it lay unmistakably fossilized in the common law. Its survival in that rigid form must have reminded Englishmen that there existed a sharply differing alternative to personal liberty. It was in this vague way that villenage seems to have been related to the development of chattel slavery in America. Certainly villenage was not the forerunner of slavery, but its survival in the law books meant that a possibility which might have been foreclosed was not. Later, after Negro slavery had clearly emerged, English lawyers were inclined to

8. Thomas Smith, *De Republica Anglorum: A Discourse on the Commonwealth of England*, ed. L. Alston (Cambridge, Eng., 1906), 133.

9. Coke's section on villenage is Lib. II, cap. XI; see John Cowell, *The Interpreter: Or Booke Containing the Signification of Words . . .* (Cambridge, Eng., 1607), "villein."

think of slavery as being a New World version of the ancient tenure described by Bracton and Cowell and Coke.

That the common law was running centuries behind social practice was only one of several important factors complicating Tudor thought about the proper status of individuals in society. The social ferment of the sixteenth century resulted not only in the impalpable mood of control and subordination which seems to have affected English perception of Africans but also in the well-known strenuous efforts of Tudor governments to lay restrictions on elements in English society which seemed badly out of control. From at least the 1530's the countryside swarmed with vagrants, sturdy beggars, rogues, and vagabonds, with men who could but would not work. They committed all manner of crimes, the worst of which was remaining idle. It was an article of faith among Tudor commentators (before there were "Puritans" to help propound it) that idleness was the mother of all vice and the chief danger to a well-ordered state. Tudor statesmen valiantly attempted to suppress idleness by means of the famous vagrancy laws which provided for houses of correction and (finally) for whipping the vagrant from constable to constable until he reached his home parish. They assumed that everyone belonged in a specific social niche and that anyone failing to labor in the niche assigned to him by Providence must be compelled to do so by authority.

Some experiments in compulsion ran counter to the trend toward personal liberty. In 1547, shortly after the death of Henry VIII, a parliamentary statute provided that any able-bodied person adjudged a vagabond upon presentment to two justices of the peace should be branded with a "V" on the chest and made a "slave" for two years to the presenter who was urged to give "the saide Slave breade and water or small dryncke and such refuse of meate as he shall thincke mete [and] cause the said Slave to worke by beating cheyninge or otherwise in such worke and Labor how vyle so ever it be." Masters could "putt a rynge of Iron about his Necke Arme or his Legge for a more knowledge and suretie of the keepinge of him." A runaway "slave" convicted by a court was to be branded on the cheek or forehead and adjudged "to be the saide Masters Slave for ever." These provisions reflected desperation. Fully as significant as their passage was their repeal three years later by a statute which frankly asserted in the preamble that their "extremitie" had "byn occasion that they have not ben putt in ure [use]."<sup>10</sup>

10. *The Statutes of the Realm*, 11 vols. ([London], 1810-28), 1 Edw. VI. c. 3; 3 and 4 Edw. VI. c. 16. A standard treatment is Frank Aydelotte, *Elizabethan Rogues and Vagabonds* (Oxford, 1913).

Englishmen generally were unwilling to submit or subscribe to such debasement. Despite a brief statutory experiment with banishment "beyond the Seas" and with judgment "perpetually to the Gallies of this Realme" in 1598,<sup>11</sup> Tudor authorities gradually hammered out the legal framework of a labor system which permitted compulsion but which did not permit so total a loss of freedom as lifetime hereditary slavery. Apprenticeship seemed to them the ideal status, for apprenticeship provided a means of regulating the economy and of guiding youth into acceptable paths of honest industry. By 1600, many writers had come to think of other kinds of bound labor as inferior forms of apprenticeship, involving less of an educative function, less permanence, and a less rigidly contractual basis. This tendency to reason from apprenticeship downward, rather than from penal service up, had the important effect of imparting some of the very strong contractualism in the master-apprentice relationship to less formal varieties of servitude. There were "indentured" servants in England prior to English settlement in America. Their written "indentures" gave visible evidence of the strong element of mutual obligation between master and servant: each retained a copy of the contract which was "indented" at the top so as to match the other.

As things turned out, it was indentured servitude which best met the requirements for settling in America. Of course there were other forms of bound labor which contributed to the process of settlement: many convicts were sent and many children abducted.<sup>12</sup> Yet among all the numerous varieties and degrees of non-freedom which existed in England, there was none which could have served as a well-formed model for the chattel slavery which developed in America. This is not to say, though, that slavery was an unheard-of novelty in Tudor England. On the contrary, "bond slavery" was a memory trace of long standing. Vague and confused as the concept of slavery was in the minds of Englishmen, it possessed certain fairly consistent connotations which were to help shape English perceptions of the way Europeans should properly treat the newly discovered peoples overseas.

### 3. THE CONCEPT OF SLAVERY

At first glance, one is likely to see merely a fog of inconsistency and vagueness enveloping the terms *servant* and *slave* as

11. *Statutes of the Realm*, 39 Eliz. c. 4.

12. The "standard" work on this subject unfortunately does not address itself to the problem of origins: Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, 1947).

they were used both in England and in seventeenth-century America. When Hamlet declaims "O what a rogue and peasant slave am I," the term seems to have a certain elasticity. When Peter Heylyn defines it in 1627 as "that ignominious word, *Slave*; whereby we use to call ignoble fellowes, and the more base sort of people,"<sup>13</sup> the term seems useless as a key to a specific social status. And when we find in the American colonies a reference in 1665 to "Jacob a negro slave and servant to Nathaniel Utye,"<sup>14</sup> it is tempting to regard slavery as having been in the first half of the seventeenth century merely a not very elevated sort of servitude.

In one sense it was, since the concept embodied in the terms *servitude*, *service*, and *servant* was widely embracive. *Servant* was more a generic term than *slave*. Slaves could be "servants"—as they were eventually and ironically to become in the ante-bellum South—but servants should not be "slaves." This injunction, which was common in England, suggests a measure of precision in the concept of slavery. In fact there was a large measure which merits closer inspection.

First of all, the "slave's" loss of freedom was complete. "Of all men which be destitute of libertie or freedome," explained Henry Swinburne in his *Briefe Treatise of Testaments and Last Willes* (1590), "the slave is in greatest subjection, for a slave is that person which is in servitude or bondage to an other, even against nature." "Even his children," moreover, ". . . are infected with the Leprosie of his father's bondage." Swinburne was at pains to distinguish this condition from that of the villein, whom he likened to the *Ascriptitius Glebæ* of the civil law, "one that is ascribed or assigned to a ground or farme, for the perpetuall tilling or manuring thereof." "A villeine," he insisted, "howsoever he may seeme like unto a slave, yet his bondage is not so great."<sup>15</sup> Swinburne's was the prevailing view of bond slavery; only the preciseness of emphasis was unusual. At law, much more clearly than in literary usage, "bond slavery" implied utter deprivation of liberty.

Slavery was also thought of as a perpetual condition. While it had not yet come invariably to mean lifetime labor, it was frequently thought of in those terms. Except sometimes in instances of punishment for crime, slavery was open ended; in contrast to servitude, it did not involve a definite term of years. Slavery was perpetual also in the sense that it was often thought of as hereditary. It was these

13. *Hamlet*, II, ii; Heylyn, ΜΙΚΡÓΚΟΣΜΟΣ, 175.

14. *Archives of Maryland*, XLIX, 489.

15. Henry Swinburne, *A Briefe Treatise of Testaments and Last Willes* . . . (London, 1590), 43.

dual aspects of perpetuity which were to assume such importance in America.

So much was slavery a complete loss of liberty that it seemed to Englishmen somehow akin to loss of humanity. No theme was more persistent than the claim that to treat a man as a slave was to treat him as a beast. Almost half a century after Sir Thomas Smith had made this connection a Puritan divine was condemning masters who used "their servants as slaves, or rather as beasts" while Captain John Smith was moaning about being captured by the Turks and "all sold for slaves, like beasts in a market-place."<sup>16</sup> No analogy could have better demonstrated how strongly Englishmen felt about total loss of personal freedom.

Certain prevalent assumptions about the origins of slavery paralleled this analogy at a different level of intellectual construction. Lawyers and divines alike assumed that slavery was impossible before the Fall, that it violated natural law, that it was instituted by positive human laws, and, more generally, that in various ways it was connected with sin. These ideas were as old as the church fathers and the Roman writers on natural law. In the social atmosphere of pre-Restoration England it was virtually inevitable that they should have been capsulated in the story of Ham. The Reverend Jeremy Taylor (an opponent of the Puritans) explained what it was "that brought servitude or slavery into the world": God had "consigned a sad example that for ever children should be afraid to dishonour their parents, and discover their nakedness, or reveal their turpitude, their follies and dishonours." Sir Edward Coke (himself scarcely a Puritan) declared, "This is assured, That Bondage or Servitude was first inflicted for dishonouring of Parents: For Cham the Father of Canaan . . . seeing the Nakedness of his Father Noah, and shewing it in Derision to his Brethren, was therefore punished in his Son Canaan with Bondage."<sup>17</sup>

The great jurist wrote this in earnest, but at least he did offer another description of slavery's genesis. In it he established what was perhaps the most important and widely acknowledged attribute

16. William Gouge, *Of Domesticall Duties Eight Treatises* (London, 1622), 690; Edward Arber, ed., *Travels and Works of Captain John Smith . . .*, 2 vols. (Edinburgh, 1910), II, 853.

17. *The Whole Works of the Right Rev. Jeremy Taylor . . .*, 10 vols. (London, 1850-54), X, 453; Sir Edward Coke, *The First Part of the Institutes of the Laws of England: or, a Commentary upon Littleton . . .*, 12th ed. (London, 1738), Lib. II, Cap. XI. For the long-standing assumption that slavery was brought about by man's sinfulness see R. W. and A. J. Carlyle, *A History of Medieval Political Theory in the West*, 6 vols. (Edinburgh and London, 1903-36), I, 116-24, II, 119-20.

of slavery: at the time of the Flood "all Things were common to all," but afterward, with the emergence of private property, there "arose battles"; "then it was ordained by Constitution of Nations . . . that he that was taken in Battle should remain Bond to his taker for ever, and he to do with him, all that should come of him, his Will and Pleasure, as with his Beast, or any other Cattle, to give, or to sell, or to kill." This final power, Coke noted, had since been taken away (owing to "the Cruelty of some Lords") and placed in the hands only of kings.<sup>18</sup> The animating rationale here was that captivity in war meant an end to a person's claim to life as a human being; by sparing the captive's life, the captor acquired virtually absolute power over the life of the man who had lost the power to control his own.

More than any other single quality, captivity differentiated slavery from servitude. Although there were other, subsidiary ways of becoming a slave, such as being born of slave parents, selling oneself into slavery, or being adjudged to slavery for crime, none of these were considered to explain the way slavery had originated. Slavery was a power relationship; servitude was a relationship of service. Men were "slaves" to the devil but "servants" of God. Men were "galley-slaves," not galley servants. Bondage had never existed in the county of Kent because Kent was "never vanquished by [William] the Conquerour, but yeilded it selfe by composition."<sup>19</sup>

This tendency to equate slavery with captivity had important ramifications. Warfare was usually waged against another people; captives were usually foreigners—"strangers" as they were termed. Until the emergence of nation-states in Europe, by far the most important category of strangers was the non-Christian. International warfare seemed above all a ceaseless struggle between Christians and Turks. Slavery, therefore, frequently appeared to rest upon the "perpetual enmity" which existed between Christians on the one hand and "infidels" and "pagans" on the other.<sup>20</sup> sixteenth and seventeenth centuries Englishmen at home could read scores of accounts concerning the miserable fate of Englishmen and other Christians taken into "captivity" by Turks and Moors and

18. Coke, *Institutes*, Lib. II, Cap. XI.

19. William Lambard[e], *A Perambulation of Kent . . .* (London, 1576), 11. The notion of selling oneself into slavery was very much subsidiary and probably derived from the Old Testament. Isaac Mendelsohn, *Slavery in the Ancient Near East . . .* (N. Y., 1949), 18, points out that the Old Testament was the only ancient law code to mention voluntary slavery and self-sale.

20. The phrases are from Michael Dalton, *The Country Justice . . .* (London, 1655), 191.

oppressed by the "verie worst manner of bondmanship and slav-erie." <sup>21</sup> Clearly slavery was tinged by the religious disjunction.

Just as many commentators thought that the spirit of Christianity was responsible for the demise of bondage in England, many divines distinguished between ownership of Christian and of non-Christian servants. The Reverend William Gouge referred to "such servants as being strangers were bond-slaves, over whom masters had a more absolute power than others." The Reverend Henry Smith declared, "He which counteth his servant a slave, is in error: for there is difference betweene beleeving servants and infidell servants." <sup>22</sup> Implicit in every clerical discourse was the assumption that common brotherhood in Christ imparted a special quality to the master-servant relationship.

Slavery did not possess that quality, which made it fortunate that Englishmen did not enslave one another. As we have seen, however, Englishmen did possess a concept of slavery, formed by the clustering of several rough but not illogical equations. The slave was treated like a beast. Slavery was inseparable from the evil in men; it was God's punishment upon Ham's prurient disobedience. Enslavement was captivity, the loser's lot in a contest of power. Slaves were infidels or heathens.

On every count, Negroes qualified.

#### 4. THE PRACTICES OF PORTINGALS AND SPANYARDS

Which is not to say that Englishmen were casting about for a people to enslave. What happened was that they found thrust before them not only instances of Negroes being taken into slavery but attractive opportunities for joining in that business. Englishmen actually were rather slow to seize these opportunities; on most of the sixteenth-century English voyages to West Africa there was no dealing in slaves. The notion that it was appropriate to do so seems to have been drawn chiefly from the example set by the Spanish and Portuguese.

Without inquiring into the reasons, it can be said that slavery had persisted since ancient times in the Iberian peninsula, that prior to the discoveries it was primarily a function of the religious wars against the Moors,<sup>23</sup> that Portuguese explorers pressing down the

21. *The Estate of Christians, Living under the Subjection of the Turke* . . . (London, 1595), 5.

22. Gouge, *Domesticall Duties*, 663; *The Sermons of Master Henry Smith* . . . (London, 1607), 40.

23. The complex situation is set forth by Charles Verlinden, *L'Esclavage dans L'Europe Médiévale. Vol. 1. Péninsule Ibérique-France* (Brugge, 1955). The still

coast in the fifteenth century captured thousands of Negroes whom they carried back to Portugal as slaves, and that after 1500, Portuguese ships began supplying the Spanish and Portuguese settlements in America with Negro slaves. By 1550 European enslavement of Negroes was more than a century old, and Negro slavery had become a fixture of the New World.

For present purposes there is no need to inquire into the precise nature of this slavery except to point out that in actual practice it did fit the English concept of bond slavery. The question which needs answering pertains to contemporary English knowledge of what was going on. And the answer may be given concisely: Englishmen had easily at hand a great deal of not very precise information.

The news that Negroes were being carried off to forced labor in America was broadcast across the pages of the Hakluyt and Purchas collections. While only one account stated explicitly that Negroes "be their slaves during their life," it was clear that the Portuguese and Spaniards treated Negroes and frequently the Indians as "slaves." <sup>24</sup> This was the term customarily used by English voyagers and by translators of foreign accounts and documents. Readers of a lament about the treatment of Indians in Brazil by an unnamed Portuguese could hardly mistake learning that slavery there was a clearly defined condition: Indians held "a title of free" but were treated as "slaves, all their lives," and when masters died the poor Indians "remaine in their wils with the name of free, but bound to serve their children perpetually . . . as if they were lawful slaves." The same author objected to unjust wars mounted against Indians in "the hope of the profit that is offered them, of getting of slaves . . . to serve themselves perpetually." <sup>25</sup> Repeatedly the language employed in these widely read books gave clear indication of how the Negro was involved. William Towrson was told by a Negro

Prevalent state of enmity becomes clear in Franklin L. Baumer, "England, the Turk, and the Common Corps of Christendom," *American Historical Review*, 50 (1944-45), 26-48; Chew, *The Crescent and the Rose*.

24. Hakluyt, *Principall Navigations* (1589), 572; see also the comment, "It is good trafficking with the people of Guinea, specially with such as are not over ruled and opprest by the Portingales, which take the people, and make them slaves, for which they are hated," in John Huigen van Linschoten, *His Discours of Voyages into the Easte and West Indies* . . . , trans. William Phillip (London, [1598]), 198.

25. Purchas, *Purchas His Pilgrimes*, XVI, 513-15, 506. See also the early translation of a famous Spanish condemnation of the abuse of Indians in which they were said to be held in "an absolute, perpetuall, forced, and unwilling bondage." Bartolomé de las Casas, *The Spanish Colonie, or Briefe Chronicle of the Actes and Gestes of the Spaniardes in the West Indies* . . . (London, 1583), 4 and *passim*.

in 1556 "that the Portingals were bad men, and that they made them slaves, if they could take them, and would put yrons upon their legges." There were "rich trades" on that coast in Negroes "which be caried continually to the West Indies." The Portuguese in the Congo "have divers rich Commodities from this Kingdome, but the most important is every yeere about five thousand Slaves, which they transport from thence, and sell them at good round prices in . . . the West Indies." In the New World the Spaniards "buy many slaves to follow their husbandry" and had "Negros to worke in the mynes." As for the Negroes, according to an Englishman they "doe daily lie in waite to practice their deliverance out of that thraldome and bondage, that the Spaniards do keepe them in"; according to a Spanish official, "there is no trust nor confidence in any of these Negros, and therefore we must take heede and beware of them, for they are our mortall enemies."<sup>26</sup> By 1600 the European demand for slaves in Africa had altered the character of West African slavery, which for the most part had been a household institution very different from the chattel slavery practiced in America. A description of Guinea by an unnamed Dutchman explained that "in this Warre whosoever is taken Prisoner they make him a slave all his life long"; the "Kings of the Townes have many Slaves, which they buy and sell, and get much by them; and to be briefe, in those Countries there are no men to be hired to worke or goe of any errand for money, but such as are Slaves and Captives, which are to spend their dayes in slaverie."<sup>27</sup>

Some Englishmen decided that there might be profit in supplying the Spanish with Negroes, despite the somewhat theoretical prohibition of foreigners from the Spanish dominions in the New World. John Hawkins was first; in the 1560's he made three voyages to Africa, the islands, and home. The first two were very successful; the third met disaster at San Juan de Ulua when the Spanish attacked his ships, took most of them, and turned the captured English seamen over to the Inquisition.<sup>28</sup> This famous incident, which thoroughly provoked a young captain on the expedition, Francis Drake, may have done something to discourage English slave trading in favor of other maritime activities. English vessels were not again active frequently in the slave trade until the next century.

26. Hakluyt, *Principal Navigations*, VI, 200, VII, 98, VI, 110, X, 445, IX, 430, X, 149.

27. Purchas, *Purchas His Pilgrimes*, VI, 306, 341-42.

28. Well told by Rayner Unwin, *The Defeat of John Hawkins: A Biography of His Third Slaving Voyage* (N. Y., 1960).

As assiduously collected by Richard Hakluyt, the various accounts of the Hawkins voyages did not state explicitly that English seamen were making "slaves" of Negroes. They scarcely needed to do so. On the first voyage in 1562 Hawkins learned at the Canary Islands "that Negroes were very good marchandise in Hispaniola, and that store of Negroes might easily be had upon the coast of Guinea." At Sierra Leone Hawkins "got into his possession, partly by the sword, and partly by other meanes . . . 300. Negroes at the least." Thereupon, "with this praye" he sailed westwards where he "made vent of" the Negroes to the Spaniards. On his second voyage he was able to get hold of Negroes from one tribe which another tribe "tooke in the warres, as their slaves," and he attacked the town of Bymba where the "Portingals" told him "hee might gette a hundreth slaves." On the third voyage, in 1567, Hawkins agreed with an African chief to join in attacking another town "with promise, that as many Negroes as by these warres might be obtained, as well of his part as ours, should be at our pleasure." Eventually the English "obtained betweene 4. and 500. Negroes, where with we thought it somewhat reasonable to seek the coast of the West Indies, and there, for our Negroes, and other our merchandise, we hoped to obtaine . . . some gaines."<sup>29</sup> Gain they did until a Spanish admiral caught up with them.

The Hawkins voyages were the principal but not the only instances where Englishmen had direct contact with the sixteenth-century trade in Negroes. George Fenner, who was offered "Negroes for ware" by some Portuguese on his way out to Guinea in 1566, sold five Negroes to a Portuguese vessel on his way back. In 1592 off the Isle of Dominica William King captured "a shippe of an hundred tunnes come from Guiny, laden with two hundred and seventy Negros."<sup>30</sup> Long before English settlement in the New World, there were English merchants who knew the prices Negroes were bringing there. At the Admiralty Court hearing after the third Hawkins voyage, William Fowler, who had not been with Hawkins, was called in to testify concerning the value of the Negroes lost at San Juan de Ulua. Fowler deposed "that the best trade in those places is of Negroes: the trade whereof he hath used, and hath sold Negroes at the said places; and seen other merchants likewise sell their Negroes there, divers times."<sup>31</sup>

29. Hakluyt, *Principal Navigations*, X, 7-8, 17-18, 21-22, 64-66.

30. *Ibid.*, VI, 277, 284, X, 191.

31. Edward Arber, ed., *An English Garner: Ingatherings from Our History and Literature*, 8 vols. ([London], 1877-96), V, 228-29.

By the end of the first quarter of the seventeenth century it had become abundantly evident in England that Negroes were being enslaved on an international scale. A century before, Leo Africanus had referred frequently to "Negro-slaves" in North Africa. By 1589 Negroes had become so pre-eminently "slaves" that Richard Hakluyt gratuitously referred to five Africans brought temporarily to England as "black slaves."<sup>32</sup> Readers of Hakluyt, Purchas, and other popular accounts were informed that the Dutch had "Blacks (which are Slaves)" in the East Indies; that Greeks ventured "into Arabia to steale Negroes"; that the "blacks of Mozambique" were frequently taken as "slaves" to India, and, according to George Sandys, that near Cairo merchants purchased "Negroes" (for "slavery") who came from the upper Nile and were "descended of *Chus*, the Sonne of cursed *Cham*; as are all of that complexion."<sup>33</sup>

As suggested by Sandys's remark, an equation had developed between African Negroes and slavery. Primarily, the associations were with the Portuguese and Spanish, with captivity, with buying and selling in Guinea and in America. While the Negro's exact status in America was not entirely clear, neither was it conceived as an off-brand of apprenticeship or servitude: Hawkins assumed as his crest a "demi-Moor" (plainly Negroid) "captive and bound."<sup>34</sup> Nor was Portuguese or Spanish slavery regarded as being of a mild, protective sort:

The Portugals doe marke them as we doe Sheepe with a hot Iron, which the Moores call Crimbo, the poore slaves stand all in a row . . . and sing Mundele que sumbela he Carey ha belelelle, and thus the poore rogues are beguiled, for the Portugals make them beleeve that they that have not the marke is not accounted a man of any account in Brasil or in Portugall, and thos they bring the poore Moores to be in a most damnable bondage under the colour of love.<sup>35</sup>

Englishmen had no special wish to emulate their rivals in these cruelties, unless like Hawkins they could silently profit by raiding some villages and furnishing transportation. There is no reason to suppose Englishmen eager to enslave Negroes, nor even to regard

32. Leo Africanus, *The History and Description of Africa*, trans. Pory, ed. Brown, I, 76-77, II, 309, 482, III, 724, 780, 791, 835; Hakluyt, *Principall Navigations* (1589), 97.

33. Purchas, *Purchas His Pilgrimes*, IV, 519; Hakluyt, *Principall Navigations*, V, 301-2; Burnell and Tiele, *Voyage of Linschoten*, I, 275; [George Sandys], *A Relation of a Journey Begun An: Dom: 1610 . . .*, 2d ed. (London, 1621), 136, which was reprinted by Purchas, *Purchas His Pilgrimes*, VI, 213.

34. Markham, ed., *The Hawkins' Voyages*, xi; see also Donnan, ed., *of the Slave Trade*, I, 44-71.

35. Purchas, *Purchas His Pilgrimes*, XVI, 269.

Richard Jobson eccentric in his response to a chief's offer to buy some "slaves": "I made answer, We were a people, who did not deale in any such commodities, neither did wee buy or sell one another, or any that had our owne shapes."<sup>36</sup> By the seventeenth century, after all, English prejudices as well as English law were *in favorem libertatis*.

When they came to settle in America, Englishmen found that things happened to liberty, some favorable, some not. Negroes became slaves, partly because there were social and economic necessities in America which called for some sort of bound, controlled labor. The Portuguese and Spanish had set an example, which, however rough in outline, proved to be, at very least, suggestive to Englishmen. It would be surprising if there had been a clear-cut line of influence from Latin to English slavery.<sup>37</sup> Elizabethans were not in the business of modeling themselves after Spaniards. Yet from about 1550, Englishmen were in such continual contact with the Spanish that they could hardly have failed to acquire the notion that Negroes could be enslaved. Precisely what slavery meant, of course, was a matter of English preconceptions patterning the information from overseas, but from the first, Englishmen tended to associate, in a diffuse way, Negroes with the Portuguese and Spanish. The term *negro* itself was incorporated into English from the Hispanic languages in mid-sixteenth century and *mulatto* a half century later. This is the more striking because a perfectly adequate term, identical in meaning to *negro*, already existed in English; of course *black* was used also, though not so commonly in the sixteenth century as later.

The fashion in which this absorption of foreign values took place may be illustrated by a remarkable passage in a book by a well-known Puritan theologian, Paul Baynes, who died in 1617, two years before the first Negroes arrived in the English colonies. Except for the four words set here in italics, his remarks were commonplace.

Now servants are either more slavish, or else more free and liberall: the first are such whose bodies are perpetually put under the power of the

36. Jobson, *The Golden Trade*, ed. Kingsley, 112.

37. The clearest instance of direct influence in America is probably the experience of Christopher Newport who was in Virginia five times between 1607 and 1611 and who had commanded a voyage in 1591 to the West Indies on which, as a member of his company reported, "wee tooke a Portugall ship . . . from Gunie . . . bound for Cartagena, wherein were 300. Negros young and olde." The English mariners took the prize to Puerto Rico and sent a Portuguese merchant ashore because "he hoped to help us to some money for his Negros there." Hakluyt, *Principall Navigations*, X, 184-85.

Master, as *Blackmores with us*; of which kinds servants are made sometime forcibly, as in captivity: sometime voluntarily, as when one doth willingly make himselfe over: sometime naturally, as the children of servants are borne the slaves of their Masters; and this [following type] was the most frequent kinde of service, wherein parties are upon certaine termes or conditions for a certaine time onely under the power of a man: such are our Apprentises, Journeyemen, maideservants, etc.<sup>38</sup>

Here, Negroes were incorporated casually into a thoroughly conventional discussion of age-old categories of servitude. His use of Negroes to illustrate a traditional category of bound labor would not have been possible much earlier. Baynes knew, as everyone did, that the "more slavish" variety of servitude had disappeared in England.

Actually, it is possible that someone else added the "Blackmores" to Baynes's remarks after his death in 1617. In this period sermons were sometimes published with the speaker's original notes as the only basis for the final text, and the colossal tome which contains this passage was not published until the early 1640's. It is possible, therefore, that "as Blackmores with us" reflected more than an accidental spark struck off by English contact with the Hispanic world. For by 1640 it was becoming apparent that in many of the new colonies overseas the English settlers had obtained Negroes and were holding them, frequently, as hereditary slaves for life.

In considering the development of slavery in various groups of colonies, the above passage of (if not by) Paul Baynes can serve as a summary of the most essential features of the Negro's status as a slave. As the passage suggests, that status was at first distinguished from servitude more by duration than by onerousness; the key term in this and in many other early descriptions of the Negro's condition was *perpetual*. Negroes served "for ever" and so would their children. Englishmen did not do so. Despite his conflation of the terms *servant* and *slave*, Baynes clearly differentiated the two statuses, and in this his thinking was typical. Servitude, no matter how

38. Paul Bayne[s], *An Entire Commentary upon the Whole Epistle of the Apostle Paul to the Ephesians* . . . (London, 16[41-43], 694-95 (italics mine)). Too late for incorporation in the text, I came across a discussion published in 1627 which described five varieties of "servants." The author, a minister, used that term except for one category, the "*servi belli*, as these that are taken slaves in the wars." In this context he explained that "this curse to be a servant was laid, first upon a disobedient sonne *Cham*, and wee see to this day, that the *Moores*, *Chams* posteritie, are sold like slaves yet." This passage suggests how clearly defined a condition slavery was for Englishmen and that they associated it with Negroes, but of course it fails to disclose *who* is selling Negroes as slaves "yet." John Weemse [i.e., Weemes], *The Portraiture of the Image of God in Man* . . . (London, 1627), 279.

long, brutal, and involuntary, was not the same thing as perpetual slavery. Servitude comprehended alike the young apprentice, the orphan, the indentured servant, the redemptioner, the convicted debtor or criminal, the political prisoner, and, even, the Scottish and Irish captive of war who was sold as a "slave" to New England or Barbados. Yet none of these persons, no matter how miserably treated, served for life in the colonies, though of course many died before their term ended.<sup>39</sup> Hereditary lifetime service was restricted to Indians and Negroes. Among the various English colonies in the New World, this service known as "slavery" seems first to have developed in the international cockpit known as the Caribbean,

##### 5. ENSLAVEMENT: THE WEST INDIES

The Englishmen who settled the Caribbean colonies were not very different from those who went to Virginia, Bermuda, Maryland, or even New England. Their experience in the islands, however, was very different indeed. By 1640 there were roughly as many English in the little islands as on the American continent. A half century after the first settlements were established in the 1620's, the major islands—Barbados, St. Kitts and the other Leeward Islands—were overcrowded. Thousands of whites who had been squeezed off the land by burgeoning sugar plantations migrated to other English colonies, including much larger Jamaica which had been captured from the Spanish in 1655. Their places were taken by Negro slaves who had been shipped to the islands, particularly after 1640, to meet an insatiable demand for labor which was cheap to maintain, easy to dragoon, and simple to replace when worked to death. Negroes outnumbered whites in Barbados as early as 1660. This rapid and thorough commitment to slavery placed white settlers under an ever-present danger of slave rebellion (the first rising came in 1638 on Providence Island), and whereas in the very early years authorities had rightly been fearful of white servant revolt, by the 1670's they were casting about desperately for means to attract white servants as protection against foreign and servile attack. Negro slavery matured hothouse fashion in the islands.

This compression of development was most clearly evident in the Puritan colony on the tiny island of Providence 150 miles off the coast of Central America, first settled in 1629 though not a going

39. Smith, *Colonists in Bondage*, 171, said flatly that "there was never any such thing as perpetual slavery for any white man in any English colony." To my knowledge, he was correct.

concern for several years. During the brief period before the Spanish snuffed out the colony in 1641 the settlers bought so many Negroes that white men were nearly outnumbered, and in England the Providence Company, apprehensive over possible Negro uprisings (with good reason as it turned out), drew up regulations for restricting the ratio of slaves to white men, "well knowing that if all men be left at Libty to buy as they please no man will take of English servants."<sup>40</sup> Not only were Negroes cheaper to maintain but it was felt that they could legitimately be treated in a different way from Englishmen—they could be held to service for life. At least this was the impression prevailing among officials of the Providence Company in London, for in 1638 they wrote Governor Nathaniel Butler and the Council, "We also think it reasonable that wheras the English servants are to answer XX [pounds of tobacco] per head the Negros being procured at Cheaper rates more easily kept as perpetuall servants should answer 40 [pounds of tobacco] per head. And the rather that the desire of English bodyes may be kept, we are depending upon them for the defence of the Island. We shall also expect that Negroes performe service in the publique works in double proporcon to the English."<sup>41</sup>

In Barbados this helpful idea that Negroes served for life seems to have existed even before they were purchased in large numbers. In 1627 the ship bearing the first eighty settlers captured a prize from which ten Negroes were seized, so white men and Negroes settled the island together.<sup>42</sup> Any doubt which may have existed as to the appropriate status of Negroes was dispelled in 1636 when Governor Henry Hawley and the Council resolved "that Negroes and Indians, that came here to be sold, should serve for Life, unless a Contract was before made to the contrary."<sup>43</sup> Europeans were not treated in

40. Earl of Holland, John Pym, Robert Warwick, and others to Governor and Council, London, July 3, 1638, Box 9, bundle: 2d and last portion of List no. 3, re Royal African Co. and Slavery Matters, 17, Parish Transcripts, New-York Historical Society, New York City. For Providence, see Arthur P. Newton, *The Colonising Activities of the English Puritans: The Last Phase of the Elizabethan Struggle with Spain* (New Haven, 1914); for further details on early slavery in the English West Indies and New England, Winthrop D. Jordan, "The Influence of the West Indies on the Origins of New England Slavery," *William and Mary Quarterly*, 3d Ser., 18 (1961), 243-50.

41. Earl of Holland and others to Governor and Council, July 3, 1638, Box 9, bundle: 2d and last portion of List no. 3, re Royal African Co. and Slavery Matters, 17, Parish Transcripts, N.-Y. Hist. Soc.

42. Vincent T. Harlow, *A History of Barbados, 1625-1685* (Oxford, 1926), 4.

43. [William Duke], *Memoirs of the First Settlement of the Island of Barbados and Other the Carribbee Islands, with the Succession of the Governors and Commanders in Chief of Barbados to the Year 1742* . . . (London, 1743), 20.

this manner: in 1643 Governor Philip Bell set at liberty fifty Portuguese who had been captured in Brazil and then offered for sale to Barbadians by a Dutch ship. The Governor seems to have been shocked by the proposed sale of Christian white men.<sup>44</sup> In the 1650's several observers referred to the lifetime slavery of Negroes as if it were a matter of common knowledge. "Its the Custome for a Christian servant to serve foure yeares," one wrote at the beginning of the decade, "and then enjoy his freedome; and (which hee hath dearly earned) 10£ Ster. or the value of it in goods if his Master bee soe honest as to pay it; the Negros and Indians (of which latter there are but few here) they and the generation are Slaves to their owners to perpetuity." The widely read Richard Ligon wrote in 1657: "The Iland is divided into three sorts of men, viz. Masters, Servants, and slaves. The slaves and their posterity, being subject to their Masters for ever, are kept and preserv'd with greater care then the servants, who are theirs but for five yeares, according to the law of the Iland."<sup>45</sup> the island delightfully in 1655:

The genterey heare doth live far better than ours doue in England: thay have most of them 100 or 2 or 3 of slaves apes whou they command as they pleas: hear they may say what they have is thayer oune: and they have that Libertie of contien which wee soe long have in England fought for: but they doue abus it. This Island is inhabited with all sortes: with English, french, Duch, Scotcs, Irish, Spaniards thay being Jues: with Ingones and miserabell Negors borne to perpetuall slavery thay and thayer seed: these Negors they doue allow as many wives as thay will have, sume will have 3 or 4 according as they find thayer bodie abell: our English heare doth think a negor child the first day it is born to be worth 05<sup>11</sup>, they cost them noething the bringing up, they goe all ways naked: some planters will have 30 more or les about 4 or 5 yeares ould: they sele them from one to the other as we doue shepe. This Illand is the Dunghill wharone England doth cast forth its rubidg: Rodgs and hors and such like peopel are those which are generallly Broght heare.<sup>46</sup>

Dunghill or no dunghill, Barbados was treating her Negroes as slaves for life.

The rapid introduction of Negro slavery into the English islands

44. Alan Burns, *History of the British West Indies* (London, 1954), 232n.

45. "A Breife Description of the Ilande of Barbados," Vincent T. Harlow, ed., *Colonising Expeditions to the West Indies and Guiana, 1623-1667* (Works Issued by the Hakluyt Soc., 2d Ser., 56 [1925]), 44-45; Richard Ligon, *A True and Exact History of the Island of Barbadoes* . . . (London, 1657), 43.

46. "Extracts from Henry Whistler's Journal of the West India Expedition," Charles H. Firth, ed., *The Narrative of General Venables, with an Appendix of Papers Relating to the Expedition to the West Indies and the Conquest of Jamaica, 1654-1655* (London, 1900), 146.

was accomplished without leaving any permanent trace of hesitation or misgivings. This was not the case in many of the continental colonies, both because different geographic and economic conditions prevailed there and because these conditions permitted a more complete and successful transplantation of English ways and values. This difference was particularly pronounced in New England, and it was therefore particularly ironic that the treatment accorded Negroes in New England seems to have been directly influenced by the West Indian model.

#### 6. ENSLAVEMENT: NEW ENGLAND

Negro slavery never really flourished in New England. It never became so important or so rigorous as in the plantation colonies to the southwards. There were relatively few Negroes, only a few hundred in 1680 and not more than 3 per cent of the population in the eighteenth century; no one thought that Negroes were about to rise and overwhelm the white community.<sup>47</sup> Treatment of slaves in New England was milder even than the laws allowed: Negroes were not employed in gangs except occasionally in the Narragansett region of Rhode Island, and the established codes of family, congregation, and community mitigated the condition of servitude generally. Negroes were not treated very differently from white servants—except that somehow they and their children served for life.

The question with New England slavery is not why it was weakly rooted, but why it existed at all. No staple crop demanded regiments of raw labor. That there was no compelling economic demand for Negroes is evident in the numbers actually imported: economic exigencies scarcely required establishment of a distinct status for only 3 per cent of the labor force. Indentured servitude was adequate to New England's needs, and in fact some Negroes became free servants rather than slaves. Why, then, did New Englanders enslave Negroes, probably as early as 1638? Why was it that the Puritans rather mindlessly (which was not their way) accepted slavery for Negroes and Indians but not for white men?

The early appearance of slavery in New England may in part be explained by the provenance of the first Negroes imported. They

47. Lorenzo J. Greene, *The Negro in Colonial New England, 1620-1776* (N. Y., 1942); report by the Massachusetts governor, Box 4, bundle: The Royal African Co. of England, MS. relating to the Company's trade in Negroes (1672-1734/35). 13. Parish Transcripts, N.-Y. Hist. Soc.

were brought by Captain William Peirce of the Salem ship *Desire* in 1638 from the Providence Island colony where Negroes were already being kept as perpetual servants.<sup>48</sup> A minor traffic in Negroes and other products developed between the two Puritan colonies, though evidently some of the Negroes proved less than satisfactory, for Governor Butler was cautioned by the Providence Company to take special care of "the cannibal negroes brought from New England."<sup>49</sup> After 1640 a brisk trade got under way between New England and the other English islands, and Massachusetts vessels sometimes touched upon the West African coast before heading for the Caribbean. Trade with Barbados was particularly lively, and Massachusetts vessels carried Negroes to that bustling colony from Africa and the Cape Verde Islands. As John Winthrop gratefully described the salvation of New England's economy, "it pleased the Lord to open to us a trade with Barbados and other Islands in the West Indies."<sup>50</sup> These strange Negroes from the West Indies must surely have been accompanied by prevailing notions about their usual status. Ship masters who purchased perpetual service in Barbados would not have been likely to sell service for term in Boston. Then too, white settlers from the crowded islands migrated to New England, 1,200 from Barbados alone in the years 1643-47.<sup>51</sup>

No amount of contact with the West Indies could have by itself created Negro slavery in New England; settlers there had to be willing to accept the proposition. Because they were Englishmen, they were so prepared—and at the same time they were not. Characteristically, as Puritans, they officially codified this ambivalence in 1641 as follows: "there shall never be any bond-slavery, villenage or captivitie amongst us; unlesse it be lawfull captives taken in just warrs, and such strangers as willingly sell themselves, or are solde to us: and such shall have the libertyes and christian usages which the law of God established in Israell concerning such persons doth morally require, provided, this exempts none from servitude who shall be judged thereto by Authoritie."<sup>52</sup> Here were the wishes of the General Court as expressed in the Massachusetts

48. John Winthrop, *Winthrop's Journal: "History of New England," 1634-1649*, ed. James K. Hosmer, 2 vols. (N. Y., 1908), I, 260.

49. Newton, *Colonising Activities of the English Puritans*, 260-61.

50. Winthrop, *Journal*, ed. Hosmer, II, 73-74, 328; Donnan, ed., *Documents of the Slave Trade*, III, 4-5, 6, 9, 10, 11-14.

51. Harlow, *Barbados*, 340.

52. Max Farrand, ed., *The Laws and Liberties of Massachusetts* (Cambridge, Mass., 1929), 4. See the very good discussion in George H. Moore, *Notes on the History of Slavery in Massachusetts* (N. Y., 1866).

Body of Liberties, which is to say that as early as 1641 the Puritan settlers were seeking to guarantee in writing their own liberty without closing off the opportunity of taking it from others whom they identified with the Biblical term, "strangers."

aegis of this concept that Theophilus Eaton, one of the founders of New Haven, seems to have owned Negroes before 1658 who were "servants forever or during his pleasure, according to Leviticus, 25: 45 and 46."<sup>53</sup> ("Of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families . . . : and they shall be your possession. And ye shall take them as an inheritance for your children . . . ; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigor.")

slavery was reserved to those not partaking of true religion nor possessing proper nationality, the Body of Liberties expressly reserved the colony's right to enslave convicted criminals. For reasons not clear, this endorsement of an existing practice was followed almost immediately by discontinuance of its application to white men. The first instance of penal "slavery" in Massachusetts came in 1636, when an Indian was sentenced to "bee kept as a slave for life to worke, unles wee see further cause."

months after the first Negroes arrived, the Quarter Court for the first time sentenced three white offenders to be "slaves"—a tentative but perhaps meaningless coincidence. Having by June 1642 sentenced altogether some half dozen white men to "slavery" (and explicitly releasing several after less than a year) the Court stopped.<sup>54</sup> Slavery, as had been announced in the Body of Liberties, was to be only for "strangers."

The Body of Liberties made equally clear that captivity in a just war constituted legitimate grounds for slavery. The practice had begun during the first major conflict with the Indians, the Pequot War of 1637. Some of the Pequot captives had been shipped aboard the *Desire*, to Providence Island; accordingly, the first Negroes in New England arrived in exchange for men taken captive in a just war! That this provenance played an important role in shaping views about Negroes is suggested by the first recorded plea by an

53. Simeon E. Baldwin, "Theophilus Eaton, First Governor of the Colony of New Haven," *New Haven Colony Historical Society, Papers*, 7 (1908), 31.

54. Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England*, 5 vols. in 6 (Boston, 1853-54), I, 181, 246; John Noble and John F. Cronin, eds., *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630-1692*, 3 vols. (Boston, 1901-28), II, 78-79, 86, 90, 94, 97, 118.

Englishman on the North American continent for the establishment of an African slave trade. Emanuel Downing, in a letter to his brother-in-law John Winthrop in 1645, described the advantages: "If upon a Just warre [with the Narragansett Indians] the Lord should deliver them into our hands, wee might easily have men woemen and children enough to exchange for Moores, which wilbe more gaynefull pilladge for us then wee conceive, for I doe not see how wee can thrive untill wee get into a stock of slaves sufficient to doe all our buisness, for our children's children will hardly see this great Continent filled with people, soe that our servants will still desire freedome to plant for themselves, and not stay but for verie great wages. And I suppose you know verie well how wee shall mayneteyne 20 Moores cheaper than one Englishe servant." Apart from

These two facets of justifiable enslavement—punishment for crime and captivity in war—were closely related. Slavery as punishment probably derived from analogy with captivity, since presumably a king or magistrates could mercifully spare and enslave a man whose crime had forfeited his right to life. The analogy had not been worked out by commentators in England, but a fairly clear linkage between crime and captivity seems to have existed in the minds of New Englanders concerning Indian slavery. In 1644 the commissioners of the United Colonies meeting at New Haven decided, in light of the Indians' "proud affronts," and "protectinge or rescuinge of offenders," that magistrates might "send some convenient strength of English and, . . . seise and bring away" and "protectinge or rescuinge of offenders," that magistrates might "send some convenient strength of English and, . . . seise and bring away" sisted in this practice and, if no satisfaction was forthcoming, could deliver the "Indians seased . . . either to serve or be shipped out and exchanged for Negroes."

seemed to mean the same thing, slavery.

It would be wrong to suppose that all the Puritans' preconceived ideas about freedom and bondage worked in the same direction. While the concepts of difference in religion and of captivity worked against Indians and Negroes, certain Scriptural injunctions and English pride in liberty told in the opposite direction. In Massachusetts the magistrates demonstrated that they were not about to tolerate glaring breaches of "the Law of God established in Israel" even when the victims were Negroes. In 1646 the authorities ar-

55. Donnan, ed., *Documents of the Slave Trade*, III, 8.

56. Nathaniel B. Shurtleff and David Pulsifer, eds., *Records of the Colony of New Plymouth in New England*, 12 vols. (Boston, 1855-61), IX, 70-71. See also Ebenezer Hazard, comp., *Historical Collections; Consisting of State Papers, and Other Authentic Documents . . .*, 2 vols. (Phila., 1792-94), II, 63-64.

1636 in  
Pequot  
WAR - 1627

rested two mariners, James Smith and Thomas Keyser, who had carried two Negroes directly from Africa and sold them in Massachusetts. What distressed the General Court was that the Negroes had been obtained during a raid on an African village and that this "haynos and crying sinn of man stealing" had transpired on the Lord's Day. The General Court decided to free the unfortunate victims and ship them back to Africa, though the death penalty for the crime (clearly mandatory in Scripture) was not imposed.<sup>57</sup> More quietly than in this dramatic incident, Puritan authorities extended the same protections against maltreatment to Negroes and Indians as to white servants.

Only once before the eighteenth century was New England slavery challenged directly, and in that instance the tone was as much bafflement as indignation. This famous Rhode Island protest perhaps derived from a diffuse Christian equalitarianism which operated to extend the English presumption of liberty to non-Englishmen. The Rhode Island law of 1652 actually forbade enslavement.

Whereas, there is a common course practised amongst English men to buy negers, to that end they may have them for service or slaves forever; for the preventigge of such practices among us, let it be ordered, that no blacke mankind or white being forced by covenant bond, or otherwise, to serve any man or his assignes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of thier cominge within the liberties of this Collonie. And at the end or terme of ten yeares to sett them free, as the manner is with the English servants. And that man that will not let them goe free, or shall sell them away elsewhere, to that end that they may bee enslaved to others for a long time, hee or they shall forfeit to the Collonie forty pounds.

Perhaps it was Rhode Island's tolerance of religious diversity and relatively high standard of justice for the Indian which led to this attempt to prevent Englishmen from taking advantage of a different people.<sup>58</sup>

57. Donnan, ed., *Documents of the Slave Trade*, III, 6-9. Exodus 21:16: "And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death." Compare with Deuteronomy 24:7: "If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him; then that thief shall die; and thou shalt put evil away from among you."

58. John R. Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations, in New England*, 10 vols. (Providence, 1856-65), I, 243. The act passed during the Coddington secession; only two of the four towns, Providence and Warwick, were represented. Roger Williams was in England, and it seems likely Samuel Gorton pressed passage. The absence of the two southern towns (where trading in Negroes must have centered) suggests a strangely prophetic division of opinion. See Charles M. Andrews, *The Colonial Period of American History*, 4 vols. (New Haven, 1934-38), II, 29-30.

The law remained a dead letter. The need for labor, the example set in the West Indies, the condition of Negroes as "strangers," and their initial connection with captive Indians combined to override any hesitation about introducing Negro bond slavery into New England. Laws regulating the conduct of Negroes specifically did not appear until the 1690's.<sup>59</sup> From the first, however, there were scattered signs that Negroes were regarded as different from English people not merely in their status as slaves. In 1639 Samuel Maverick of Noddles Island attempted, apparently rather clumsily, to breed two of his Negroes, or so an English visitor reported: "Mr. Maverick was desirous to have a breed of Negroes, and therefore seeing [that his "Negro woman"] would not yield by persuasions to company with a Negro young man he had in his house; he commanded him will'd she nill'd she to go to bed to her which was no sooner done but she kickt him out again, this she took in high disdain beyond her slavery." In 1652 the Massachusetts General Court ordered that Scotsmen, Indians, and Negroes should train with the English in the militia, but four years later abruptly excluded Negroes, as did Connecticut in 1660.<sup>60</sup> Evidently Negroes, even free Negroes, were regarded as distinct from the English. They were, in New England where economic necessities were not sufficiently pressing to determine the decision, treated differently from other men.

#### 7. ENSLAVEMENT: VIRGINIA AND MARYLAND

In Virginia and Maryland the development of Negro slavery followed a very different course, for several reasons. Most obviously, geographic conditions and the intentions of the settlers quickly combined to produce a successful agricultural staple. The deep tidal rivers, the long growing season, the fertile soil, and the absence of strong communal spirit among the settlers opened the way. Ten years after settlers first landed at Jamestown they were on the way to proving, in the face of assertions to the contrary, that it was possible "to found an empire upon smoke." More than the

59. *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* . . . , 21 vols. (Boston, 1869-1922), I, 130, 154, 156, 325, 327; J. Hammond Trumbull and Charles J. Hoadly, eds., *The Public Records of the Colony of Connecticut*, 15 vols: (Hartford, 1850-90), IV, 40. For treatment of servants see Lawrence W. Towner, "'A Fondness for Freedom': Servant Protest in Puritan Society," *Wm. and Mary Qlty.*, 3d Ser., 19 (1962), 201-19.

60. John Josselyn, *An Account of Two Voyages to New-England* . . . , 2d ed. (London, 1675), reprinted in Massachusetts Historical Society, *Collections*, 3d Ser., 3 (1833), 231; Shurtleff, ed., *Records of Massachusetts Bay*, III, 268, 397, IV, Pt. 1, 86, 257; *Acts and Resolves Mass.*, I, 130; Trumbull and Hoadly, eds., *Recs. Col. Conn.*, I, 349.

miscellaneous productions of New England, tobacco required labor which was cheap but not temporary, mobile but not independent, and tireless rather than skilled. In the Chesapeake area more than anywhere to the northward, the shortage of labor and the abundance of land—the “frontier”—placed a premium on involuntary labor.

This need for labor played more directly upon these settlers' ideas about freedom and bondage than it did either in the West Indies or in New England. Perhaps it would be more accurate to say that settlers in Virginia (and in Maryland after settlement in 1634) made their decisions concerning Negroes while relatively virginal, relatively free from external influences and from firm preconceptions. Of all the important early English settlements, Virginia had the least contact with the Spanish, Portuguese, Dutch, and other English colonies. At the same time, the settlers of Virginia did not possess either the legal or Scriptural learning of the New England Puritans whose conception of the just war had opened the way to the enslavement of Indians. Slavery in the tobacco colonies did not begin as an adjunct of captivity; in marked contrast to the Puritan response to the Pequot War the settlers of Virginia did *not* generally react to the Indian massacre of 1622 with propositions for taking captives and selling them as “slaves.” It was perhaps a correct measure of the conceptual atmosphere in Virginia that there was only one such proposition after the 1622 disaster and that that one was defective in precision as to how exactly one treated captive Indians.<sup>61</sup>

In the absence, then, of these influences which obtained in other English colonies, slavery as it developed in Virginia and Maryland assumes a special interest and importance over and above the fact that Negro slavery was to become a vitally important institution there and, later, to the southwards. In the tobacco colonies it is possible to watch Negro slavery develop, not pop up full-grown overnight, and it is therefore possible to trace, very imperfectly, the development of the shadowy, unexamined rationale which supported it. The concept of Negro slavery there was neither borrowed from foreigners, nor extracted from books, nor invented out of whole cloth, nor extrapolated from servitude, nor generated by English reaction to Negroes as such, nor necessitated by the exigencies of the New World. Not any one of these made the Negro a slave, but all.

61. Kingsbury, ed., *Recs. Virginia Company*, III, 672-73, 704-7.

In rough outline, slavery's development in the tobacco colonies seems to have undergone three stages. Negroes first arrived in 1619, only a few days late for the meeting of the first representative assembly in America. John Rolfe described the event with the utmost unconcern: “About the last of August came in a dutch man of warre that sold us twenty Negars.”<sup>62</sup> Negroes continued to trickle in slowly for the next half century; one report in 1649 estimated that there were three hundred among Virginia's population of fifteen thousand—about 2 per cent.<sup>63</sup> Long before there were more appreciable numbers, the development of slavery had, so far as we can tell, shifted gears. Prior to about 1640, there is very little evidence to show how Negroes were treated—though we will need to return to those first twenty years in a moment. After 1640 there is mounting evidence that some Negroes were in fact being treated as slaves, at least that they were being held in hereditary lifetime service. This is to say that the twin essences of slavery—the two kinds of perpetuity—first become evident during the twenty years prior to the beginning of legal formulation. After 1660 slavery was written into statute law. Negroes began to flood into the two colonies at the end of the seventeenth century. In 1705 Virginia produced a codification of laws applying to slaves.

Concerning the first of these stages, there is only one major historical certainty, and unfortunately it is the sort which historians find hardest to bear. There simply is not enough evidence to indicate with any certainty whether Negroes were treated like white servants or not. At least we can be confident, therefore, that the two most common assertions about the first Negroes—that they were slaves and that they were servants—are unfounded, though not necessarily incorrect. And what of the positive evidence?

Some of the first group bore Spanish names and presumably had been baptized, which would mean they were at least nominally Christian, though of the Papist sort. They had been “sold” to the English; so had other Englishmen but not by the Dutch. Certainly these Negroes were not fully free, but many Englishmen were not. It can be said, though, that from the first in Virginia Negroes were set apart from white men by the word Negroes. The earliest Virginia census reports plainly distinguished Negroes from white men, often giving Negroes no personal name; in 1629 every commander of the

62. Arber, ed., *Travels of John Smith*, II, 541.

63. *A Perfect Description of Virginia . . .* (London, 1649), reprinted in Peter Force, ed., *Tracts . . .*, 4 vols. (N. Y., 1947), II, no. 8.

1611  
1640-1660  
1705-slave [73]

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several plantations was ordered to "take a generall muster of all the inhabitants men woemen and Children as well *Englishe* as Negroes." 64 A distinct name is not attached to a group unless it is regarded as distinct. It seems logical to suppose that this perception of the Negro as being distinct from the Englishman must have operated to debase his status rather than to raise it, for in the absence of countervailing social factors, the need for labor in the colonies usually told in the direction of non-freedom. There were few countervailing factors present, surely, in such instances as in 1629 when a group of Negroes were brought to Virginia freshly captured from a Portuguese vessel which had snatched them from Angola a few weeks earlier. 65 Given the context of English thought and experience sketched in this chapter, it seems probable that the Negro's status was not ever the same as that accorded the white servant. But we do not know for sure.

When the first fragmentary evidence appears about 1640 it becomes clear that *some* Negroes in both Virginia and Maryland were serving for life and some Negro children inheriting the same obligation. 66 Not all Negroes, certainly, for Nathaniel Littleton had released a Negro named Anthony Longoe from all service whatsoever in 1635, and after the mid-1640's the court records show that other Negroes were incontestably free and were accumulating property of their own. At least one Negro freeman, Anthony Johnson, himself owned a Negro. Some Negroes served only terms of usual length, but others were held for terms far longer than custom and statute permitted with white servants. 67 The first fairly clear indication that slavery was practiced in the tobacco colonies appears in 1639, when a Maryland statute declared that "all the Inhabitants of this Province being Christians (Slaves excepted) Shall have and enjoy all such rights liberties immunities priviledges and free customs within this Province as any naturall born subject of England." Another Maryland law passed the same year provided that "all

64. Henry R. McIlwaine, ed., *Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676* (Richmond, 1924), 196. Lists and musters of 1624 and 1625 are in John C. Hotten, ed., *The Original Lists of Persons of Quality . . .* (N. Y., 1880), 169-265.

65. Philip A. Bruce, *Economic History of Virginia in the Seventeenth Century . . .*, 2 vols. (N. Y., 1896), II, 73.

66. Further details are in Winthrop D. Jordan, "Modern Tensions and the Origins of American Slavery," *Journal of Southern History*, 28 (1962), 18-30.

67. Susie M. Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (Richmond, 1940), 99; John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore, 1913), 23-39; and his "Colored Freemen As Slave Owners in Virginia," *Journal of Negro History*, 1 (1916),

persons being Christians (Slaves excepted)" over eighteen who were imported without indentures would serve for four years. 68 These laws make very little sense unless the term *slaves* meant Negroes and perhaps Indians.

The next year, 1640, the first definite indication of outright enslavement appears in Virginia. The General Court pronounced sentence on three servants who had been retaken after absconding to Maryland. Two of them, a Dutchman and a Scot, were ordered to serve their masters for one additional year and then the colony for three more, but "the third being a negro named John Punch shall serve his said master or his assigns for the time of his natural life here or else where." No white servant in any English colony, so far as is known, ever received a like sentence. Later the same month a Negro (possibly the same enterprising fellow) was again singled out from a group of recaptured runaways; six of the seven culprits were assigned additional time while the Negro was given none, presumably because he was already serving for life. 69

After 1640, when surviving Virginia county court records began to mention Negroes, sales for life, often including any future progeny, were recorded in unmistakable language. In 1646 Francis Pott sold a Negro woman and boy to Stephen Charlton "to the use of him . . . forever." Similarly, six years later William Whittington sold to John Pott "one Negro girle named Jowan; aged about Ten yeares and with her Issue and produce duringe her (or either of them) for their Life tyme. And their Successors forever"; and a Maryland man in 1649 deeded two Negro men and a woman "and all their issue both male and Female." The executors of a York County estate in 1647 disposed of eight Negroes—four men, two women, and two children—to Captain John Chisman "to have hold occupy posse and injoy and every one of the afforementioned Negroes forever." 70 The will of Rowland Burnham of "Rapahanocke," made in 1657, dispensed his considerable number of Negroes and white servants in language which clearly differentiated between the two by specifying that the whites were to serve for their "full terme of tyme" and the Negroes "for ever." 71 Noth-

68. *Archives Md.*, I, 41, 80, also 409, 453-54.

69. "Decisions of the General Court," *Virginia Magazine of History and Biography*, 5 (1898), 236-37.

70. (1651-5 *Archives Md.*, XLI, 261-62; York County Records, no. 2 (transcribed Wills and Deeds, 1645-49), 256-57, Va. State Lib.

71. Lancaster County Loose Papers, Box of Wills, 1650-1719, Folder 1656-1659, Va. State Lib.

ing in the will indicated that this distinction was exceptional or novel.

Further evidence that some Negroes were serving for life in this period lies in the prices paid for them. In many instances the valuations placed on Negroes (in estate inventories and bills of sale) were far higher than for white servants, even those servants with full terms yet to serve. Higher prices must have meant that Negroes were more highly valued because of their greater length of service. Negro women may have been especially prized, moreover, because their progeny could also be held perpetually. In 1643, for example, William Burdett's inventory listed eight servants, with the time each had still to serve, at valuations ranging from 400 to 1,100 pounds of tobacco, while a "very anntient" Negro was valued at 3,000 and an eight-year-old Negro girl at 2,000 pounds, with no time remaining indicated for either. In the late 1650's an inventory of Thomas Ludlow's estate evaluated a white servant with six years to serve at less than an elderly Negro man and only one half of a Negro woman.<sup>72</sup> Similarly, the labor owned by James Stone in 1648 was evaluated as follows:

	lb tobo
Thomas Groves, 4 yeares to serve	1300
Francis Bomley for 6 yeares	1500
John Thackstone for 3 yeares	1300
Susan Davis for 3 yeares	1000
→ Emaniell a Negro man	2000
Roger Stone 3 yeares	1300
→ Mingo a Negro man	2000 <sup>73</sup>

The 1655 inventory of Argoll Yeardley's estate provides clear evidence of a distinction between perpetual and limited service for Negroes. Under the heading "Servants" were listed "Towe Negro men, towe Negro women (their wives) one Negro girle aged 15 yeares, Item One Negro girle aged about teen yeares and one Negro child aged about sixe moneths," valued at 12,000 pounds, and under the heading "Corne" were "Servants, towe men their tyme three months," valued at 300 pounds, and "one Negro boye ["about three yeares old"] (which by witness of his godfather) is to bee free att twenty foure yeares of age and then to have towe cowes given him,"

72. Northampton County Orders, Deeds, Wills, etc., no. 2 (1640-45), 224; York County Deeds, Orders, Wills, etc. (1657-62), 108-9; in 1645 two Negro women and a boy sold for 5,500 lbs. of tobacco, York County Records, no. 2, 63; all Va. State Lib.

73. York County Records, no. 2, 390, Va. State Lib.

valued at 600 pounds.<sup>74</sup> Besides setting a higher value on Negroes, these inventories failed to indicate the number of years they had still to serve, presumably because their service was for an unlimited time.

Where Negro women were involved, higher valuations probably reflected the facts that their issue were valuable and that they could be used for field work while white women generally were not. This latter discrimination between Negro and white women did not necessarily involve perpetual service, but it meant that Negroes were set apart in a way clearly not to their advantage. This was not the only instance in which Negroes were subjected to degrading distinctions not immediately and necessarily attached to the concept of slavery. Negroes were singled out for special treatment in several ways which suggest a generalized debasement of Negroes as a group.<sup>del</sup> Significantly, the first indications of this debasement appeared at about the same time as the first indications of actual enslavement.<sup>del</sup>

The distinction concerning field work is a case in point. It first appears on the written record in 1643, when Virginia almost pointedly endorsed it in a tax law. Previously, in 1629, tithable persons had been defined as "all those that worke in the ground of what qualitie or condition soever." The new law provided that *all* adult men were tithable and, in addition, Negro women. The same distinction was made twice again before 1660. Maryland adopted a similar policy beginning in 1654.<sup>75</sup> This official discrimination between Negro and other women was made by men who were accustomed to thinking of field work as being ordinarily the work of men rather than women. As John Hammond wrote in a 1656 tract defending the tobacco colonies, servant women were not put to work in the fields but in domestic employments, "yet som wenches that are nasty, and beastly and not fit to be so employed are put into the ground."<sup>76</sup> The essentially racial character of this discrimination stood out clearly in a law passed in 1668 at the time slavery was taking shape in the statute books:

Whereas some doubts, have arisen whether negro women set free were still to be accompted tithable according to a former act, *It is declared by this*

74. Nora Miller Turman and Mark C. Lewis, eds., "Inventory of the Estate of Argoll Yeardley of Northampton County, Virginia, in 1655," *Va. Mag. of Hist. and Biog.*, 70 (1962), 410-19.

75. Hening, ed., *Statutes Va.*, I, 144, 242, 292, 454; *Archives Md.*, I, 342, II, 136, 399, 538-39, XIII, 538-39.

76. John Hammond, *Leah and Rachel, or, the Two Fruitfull Sisters Virginia, and Maryland: Their Present Condition, Impartially Stated and Related . . .* (London, 1656), 9.

*grand assembly* that negro women, though permitted to enjoy their Freedome yet ought not in all respects to be admitted to a full fruition of the exemptions and impunities of the English, and are still lyable to payment of taxes.<sup>77</sup>

Virginia law set Negroes apart from all other groups in a second way by denying them the important right and obligation to bear arms. Few restraints could indicate more clearly the denial to Negroes of membership in the white community. This first foreshadowing of the slave codes came in 1640, at just the time when other indications first appeared that Negroes were subject to special treatment.<sup>78</sup>

Finally, an even more compelling sense of the separateness of Negroes was revealed in early reactions to sexual union between the races. Prior to 1660 the evidence concerning these reactions is equivocal, and it is not possible to tell whether repugnance for intermixture preceded legislative enactment of slavery. In 1630 an angry Virginia court sentenced "Hugh Davis to be soundly 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," but it is possible that the "negro" may not have been female. With other instances of punishment for interracial union in the ensuing years, fornication rather than miscegenation may well have been the primary offense, though in 1651 a Maryland man sued someone who he claimed had said "that he had a black bastard in Virginia." (The court recognized the legitimacy of his complaint, but thought his claim for £20,000 sterling somewhat

77. Hening, ed., *Statutes Va.*, II, 267.

78. *Ibid.*, I, 226; for the same act in more detail, "Acts of General Assembly, Jan. 6, 1639-40," *Wm. and Mary Qtly.*, 2d Ser., 4 (1924), 147. In Bermuda, always closely connected with Virginia, the first prohibition of weapons to Negroes came in 1623, only seven years after the first Negro landed. The 1623 law was the first law anywhere in English specifically dealing with Negroes. After stressing the insolence of Negroes secretly carrying "cudgells and other weapons and working tools, very dangerous and not meete to be suffered to be carried by such vassalls," it prohibited (in addition to arms) Negroes going abroad at night, trespassing on other people's lands, and trading in tobacco without permission of their masters. Unfortunately the evidence concerning lifetime service for Negroes is much less definite in the scanty Bermuda sources than in those for Maryland and Virginia; the first known incident suggestive of the practice might reasonably be placed anywhere from 1631 to 1656. Later evidence shows Bermuda's slavery and proportion of Negroes similar to Virginia's, and it seems unlikely that the two colonies' early experience was radically different. Henry C. Wilkinson, *The Adventurers of Bermuda; A History of the Island from Its Discovery until the Dissolution of the Somers Island Company in 1684* (London, 1933), 114; J. H. Lefroy, comp., *Memorials of the Discovery and Early Settlement of the Bermudas or Somers Islands, 1515-1685* . . . , 2 vols. (London, 1877-79), I, 308-9, 505, 526-27, 633, 645, II, 34-35, 70. But Negroes were to be armed at times of alarm (*ibid.*, II, 242, 366, 380 [1666-73]): Bermuda was exposed to foreign attack.

overvalued his reputation and awarded him 1500 pounds "of Tobacco and Cask.")<sup>79</sup> There may have been no racial feeling involved when in 1640 Robert Sweet, a gentleman, was compelled "to do penance in church according to laws of England, for getting a negroe woman with child and the woman whipt."<sup>80</sup> About 1650 a white man and a Negro woman were required to stand clad in white sheets before a congregation in lower Norfolk County for having had relations, but this punishment was sometimes used in cases of fornication between two whites.<sup>81</sup> A quarter century later in 1676, however, the emergence of distaste for racial intermixture was unmistakable. A contemporary account of Bacon's Rebellion caustically described one of the ringleaders, Richard Lawrence, as a person who had eclipsed his learning and abilities "in the darke embraces of a Blackamoore, his slave: And that in so fond a Maner, . . . to the noe meane Scandle and affrunt of all the Vottrisses in or about towne."<sup>82</sup>

Such condemnation was not confined to polemics. In the early 1660's when slavery was gaining statutory recognition, the assemblies acted with full-throated indignation against miscegenation. These acts aimed at more than merely avoiding confusion of status. In 1662 Virginia declared that "if any christian shall committ Fornication with a negro man or woman, hee or shee soe offending" should pay double the usual fine. (The next year Bermuda prohibited all sexual relations between whites and Negroes.) Two years later Maryland banned interracial marriages: "forasmuch as divers freeborne English women forgettfull of their free Condicion and to the disgrace of our Nation doe intermarry with Negro Slaves by which alsoe divers suites may arise touching the Issue of such woemen and a great damage doth befall the Masters of such Negroes for prevention whereof for deterring such freeborne women from such shamefull Matches," strong language indeed if "divers suites" had been the only problem. A Maryland act of 1681 described marriages of white women with Negroes as, among other things, "always to the Satisfaccion of their Lascivious and Lustfull desires, and to the disgrace not only of the English butt allso of many other

79. Hening, ed., *Statutes Va.*, I, 146. (The term "negro woman" was in very common use.) *Archives Md.*, X, 114-15.

80. Hening, ed., *Statutes Va.*, I, 552; McIlwaine, ed., *Minutes Council Va.*, 477.

81. Bruce, *Economic History of Va.*, II, 110.

82. "The History of Bacon's and Ingram's Rebellion, 1676," in Charles M. Andrews, ed., *Narratives of the Insurrections, 1675-1690* (N. Y., 1915), 96. Cf. the will of John Fenwick (1683), *Documents Relating to the Colonial, Revolutionary and Post-Revolutionary History of the State of New Jersey* . . . [New Jersey Archives], 1st Ser. (Newark, etc., 1880-1949), XXIII, 162.

Christian Nations." When Virginia finally prohibited all interracial liaisons in 1691, the Assembly vigorously denounced miscegenation and its fruits as "that abominable mixture and spurious issue."<sup>83</sup>

From the surviving evidence, it appears that outright enslavement and these other forms of debasement appeared at about the same time in Maryland and Virginia. Indications of perpetual service, the very nub of slavery, coincided with indications that English settlers discriminated against Negro women, withheld arms from Negroes, and—though the timing is far less certain—reacted unfavorably to interracial sexual union. The coincidence suggests a mutual relationship between slavery and unfavorable assessment of Negroes. Rather than slavery causing "prejudice," or vice versa, they seem rather to have generated each other. Both were, after all, twin aspects of a general debasement of the Negro. Slavery and "prejudice" may have been equally cause and effect, continuously reacting upon each other, dynamically joining hands to hustle the Negro down the road to complete degradation. Much more than with the other English colonies, where the enslavement of Negroes was to some extent a borrowed practice, the available evidence for Maryland and Virginia points to less borrowing and to this kind of process: a mutually interactive growth of slavery and unfavorable assessment, with no cause for either which did not cause the other as well. If slavery caused prejudice, then invidious distinctions concerning working in the fields, bearing arms, and sexual union should have appeared *after* slavery's firm establishment. If prejudice caused slavery, then one would expect to find these lesser discriminations preceding the greater discrimination of outright enslavement. Taken as a whole, the evidence reveals a process of debasement of which hereditary lifetime service was an important but not the only part.

White servants did not suffer this debasement. Rather, their position improved, partly for the reason that they were not Negroes. By the early 1660's white men were loudly protesting against being made "slaves" in terms which strongly suggest that they considered slavery not as wrong but as inapplicable to themselves. The father of a Maryland apprentice petitioned in 1663 that "he Craves that his daughter may not be made a Slave a tearme soe Scandalous that if admitted to be the Condicon or tytle of the Apprentices in this

83. Hening, ed., *Statutes Va.*, II, 170, III, 86-87; *Archives Md.*, I, 533-34, VII, 204; Lefroy, comp., *Memorials Bermudas*, II, 190 (a resolution, not a statute). Some evidence suggests miscegenation was not taken as seriously in 17th-century Bermuda as on the mainland: *ibid.*, I, 550, II, 30, 103, 141, 161, 228, 314.

Province will be soe destructive as noe free borne Christians will ever be induced to come over servants."<sup>84</sup> An Irish youth complained to a Maryland court in 1661 that he had been kidnapped and forced to sign for fifteen years, that he had already served six and a half years and was now twenty-one, and that eight and a half more years of service was "contrary to the lawes of God and man that a Christian Subject should be made a Slave." (The jury blandly compromised the dispute by deciding that he should serve only until age twenty-one, but that he was now only nineteen.) Free Negro servants were generally increasingly less able to defend themselves against this insidious kind of encroachment.<sup>85</sup> Increasingly, white men were more clearly free because Negroes had become so clearly slave.

Certainly it was the case in Maryland and Virginia that the legal enactment of Negro slavery followed social practice, rather than vice versa, and also that the assemblies were slower than in other English colonies to declare how Negroes could or should be treated. These two patterns in themselves suggest that slavery was less a matter of previous conception or external example in Maryland and Virginia than elsewhere.

The Virginia Assembly first showed itself incontrovertibly aware that Negroes were not serving in the same manner as English servants in 1660 when it declared "that for the future no servant comeing into the country without indentures, of what christian nation soever, shall serve longer then those of our own country, of the like age." In 1661 the Assembly indirectly provided statutory recognition that some Negroes served for life: "That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time," he must serve for the Negroes' lost time as well as his own. Maryland enacted a closely similar law in 1663 (possibly modeled on Virginia's) and in the following year, on the initiative of the lower house, came out with the categorical declaration that Negroes were to serve "Durante Vita."<sup>86</sup> During the next twenty-odd years a succession of acts

84. *Archives Md.*, I, 464.

85. *Ibid.*, XLI, 476-78, XLIX, 123-24. Compare the contemporary difficulties of a Negro servant: William P. Palmer et al., eds., *Calendar of Virginia State Papers* . . . 11 vols. (Richmond, 1875-93), I, 9-10.

86. Hening, ed., *Statutes Va.*, I, 539, II, 26; *Archives Md.*, I, 449, 489, 526, 533-34. The "any negroes who are incapable" suggests explicit recognition that some were free, but in several sources the law as re-enacted the next year included a comma between "negroes" and "who," as did the Maryland act of 1663. See *The Lawes of Virginia Now in Force: Collected out of the Assembly Records* . . . (London, 1662), 59.

in both colonies defined with increasing precision what sorts of persons might be treated as slaves.<sup>87</sup> Other acts dealt with the growing problem of slave control, and especially after 1690 slavery began to assume its now familiar character as a complete deprivation of all rights.<sup>88</sup> As early as 1669 the Virginia Assembly unabashedly enacted a brutal law which showed where the logic of perpetual servitude was inevitably tending. Unruly servants could be chastened by sentences to additional terms, but "WHEREAS the only law in force for the punishment of refractory servants resisting their master, mistress or overseer cannot be inflicted upon negroes, nor the obstinacy of many of them by other then violent means suppressed," if a slave "by the extremity of the correction should chance to die" his master was not to be adjudged guilty of felony "since it cannot be presumed that prepensed malice (which alone makes murder Felony) should induce any man to destroy his owne estate."<sup>89</sup> Virginia planters felt they acted out of mounting necessity: there were disturbances among slaves in several areas in the early 1670's.<sup>90</sup>

By about 1700 the slave ships began spilling forth their black cargoes in greater and greater numbers. By that time, racial slavery and the necessary police powers had been written into law. By that time, too, slavery had lost all resemblance to a perpetual and hereditary version of English servitude, though service for life still seemed to contemporaries its most essential feature.<sup>91</sup> In the last quarter of the seventeenth century the trend was to treat Negroes more like property and less like men, to send them to the fields at younger ages, to deny them automatic existence as inherent members of the community, to tighten the bonds on their personal and civil freedom, and correspondingly to loosen the traditional restraints on the master's freedom to deal with his human property as he saw fit.<sup>92</sup> In 1705 Virginia gathered up the random statutes of a whole generation and baled them into a "slave code" which would not have been out of place in the nineteenth century.<sup>93</sup>

87. Hening, ed., *Statutes Va.*, II, 170, 270, 283, 490-91, III, 137-40, 447-48; *Archives Md.*, VII, 203-5, XIII, 546-49, XXII, 551-52.

88. Especially Hening, ed., *Statutes Va.*, II, 270-71, 481-82, 493, III, 86, 102-3; *Archives Md.*, XIII, 451-53, XIX, 167, 193, XXII, 546-48, XXVI, 254-56.

89. Hening, ed., *Statutes Va.*, II, 270; compare law for servants, I, 538, II, 118.

90. *Ibid.*, II, 299.

91. Robert Beverley, *The History and Present State of Virginia*, ed. Louis B. Wright (Chapel Hill, 1947), 271-72.

92. For illustration, Hening, ed., *Statutes Va.*, II, 288, 479-80 (Negro children taxed from age 12, white boys from 14), III, 102-3; *Archives Md.*, VII, 76 (county courts required to register births, marriages, burials of all "Except Negroes Indians and Molottos").

93. Hening, ed., *Statutes Va.*, III, 447-62.

## 8. ENSLAVEMENT: NEW YORK AND THE CAROLINAS

While the development of Negro slavery followed a different pattern in the tobacco colonies than in New England, and while, indeed, there were distinctive patterns of development in each of the English colonies, there were also factors which made for an underlying similarity in the slavery which emerged. The universal need for labor, the common cultural background and acceptance of English law, and the increasing contacts among the various colonies all worked eventually to make Negro slavery a roughly similar institution from one colony to the next, especially where economic and demographic conditions did not differ markedly. In each of the colonies which England acquired after the Restoration of Charles II, slavery developed in a distinctive fashion, yet by 1700 New York's slavery was much like New England's and Carolina's much like Virginia's.

In 1664, at about the time slavery was being written into law in the tobacco colonies, the English took over a Dutch colony which had been in existence for over forty years. New York was already a hodgepodge of nationalities—Dutch, English, Walloons, French, Negroes and others. The status of Negroes under Dutch rule lies enshrouded in the same sort of fog which envelops the English colonies. It is clear, however, that the early and extensive Dutch experience in the international slave trade must have had some influence on the treatment of Negroes in New Amsterdam. There were Negroes in the colony as early as 1628. In that year (perhaps by coincidence) came the colony's first minister, the Reverend Jonas Michaëlius, who had previously been on the West African coast. Yet the first clearly indicated status of any Negroes was freedom, in the 1640's; indeed it remains possible that Negroes were not slaves in New Netherland until the 1650's.<sup>94</sup> In 1650 two sparring pamphleteers disagreed as to whether some Negroes were actually slaves.<sup>95</sup> Within a very few years, though, the records show indisputably that certain colonists were actively interested in the African slave trade. Possibly this interest may have been stimulated by Jacob Steendam, a poet who had resided at a Dutch fort in Guinea before coming to New Amsterdam about 1652.<sup>96</sup>

94. Ellis Lawrence Raesly, *Portrait of New Netherland* (N. Y., 1945), 161-62, 201-2.

95. J. Franklin Jameson, ed., *Narratives of New Netherland, 1609-1664* (N. Y., 1909), 329-30, 364.

96. Raesly, *New Netherland*, 160-62, 269-84.

So far as their response to Negroes is concerned, the cultural background of Dutchmen was not very different from Englishmen. They shared a similar commercial orientation and large portions of religious and intellectual heritage. One of Steendam's poems, addressed to his legitimate mulatto son in Africa, lamented (in translation):

Since two bloods course within your veins,  
Both Ham's and Japhet's intermingling;  
One race forever doomed to serve,  
The other bearing freedom's likeness.<sup>97</sup>

Certainly there is no evidence of friction concerning slave-owning when Englishmen took over the Dutch colony in 1664. The first English code (the "Duke's Laws"), adopted in 1665 by an assemblage composed largely of New Englanders who had migrated to Long Island and presided over by the newly appointed English governor, specifically recognized the practice of service for life in a proviso patterned after the Massachusetts Bay law of 1641.<sup>98</sup> During the remaining years of the century Negro slavery flourished, and New York eventually came to have a higher proportion of Negroes than any other colony north of Delaware. In New York more than anywhere else, Negro slavery seems to have grown Topsy fashion.<sup>1</sup>

By contrast, in the Carolinas Negro slavery was deliberately planted and cultivated. In the 1660's a group of enterprising gentlemen in Barbados, well acquainted with perpetual slavery, proposed removal with some Negroes to the new mainland colony; their agreement with the proprietors in England clearly distinguished between white servants and Negro slaves. Barbadian influence remained strong in South Carolina throughout the seventeenth century. The establishment of slavery in the Carolinas was the more easily accomplished because after 1660 traditional controls over master-servant relations were breaking down rapidly in England itself. Since the state in England was abdicating some of its traditional responsibilities for overseeing the relationship between landlords and tenants at home, it felt little solicitude for the relations between planters and Negroes in far-off plantations. Besides, a good supply of sugar was enough to bury any questions about its production. It was a telling measure of how far this process had advanced

97. *Ibid.*, 276. Quoted by permission of the Columbia University Press.

98. Colonial Office Papers, 5/1142, f. 33v., Public Record Office, London.

in the English-speaking world that the famous Fundamental Constitutions of Carolina (1669) should have granted each freeman of the colony "absolute power and authority over his negro slaves, of what opinion or religion soever." English civil authorities offered little or no resistance to the growth of this new idea of uncontrolled personal dominion in the colonies; they knew perfectly well what was going on and were inclined to welcome it, for, as the Council for Foreign Plantations exclaimed happily in 1664, "Blacks [are] the most useful appurtenances of a Plantation and perpetual servants."<sup>99</sup> For their part, the planters demanded that their legislative assemblies regulate Negro slavery, but what they wanted and got was unfettering of their personal power over their slaves and the force of the state to back it up. In the 1690's the South Carolina Assembly borrowed from the already mature slave code of Barbados in an effort to maintain control over the growing masses of slaves.<sup>100</sup> Negroes were given virtually none of the protections accorded white servants, protections which were in fact designed to encourage immigration of white men to counterbalance the influx of Negroes. A requirement that "all slaves shall have convenient clothes, once every year," the only right accorded slaves by an act of 1690, was dropped in 1696. Perhaps it would have comforted slaves had they known that anyone killing a slave "cruelly or willfully" (death or dismemberment during punishment specifically excepted) was liable to a fine of five hundred pounds.<sup>101</sup> By the end of the seventeenth century the development of rice plantations and the Barbadian example had combined to yield in South Carolina the most rigorous deprivation of freedom to exist in institutionalized form anywhere in the English continental colonies.

#### 9. THE UN-ENGLISH: SCOTS, IRISH, AND INDIANS

In the minds of overseas Englishmen, slavery, the new tyranny, did not apply to any Europeans. Something about Negroes, and to lesser extent Indians, set them apart for drastic exploitation,

99. William L. Saunders, ed., *The Colonial Records of North Carolina*, 10 vols. (Raleigh, 1886-90), I, 41, 86-89, 204; William Noel Sainsbury, ed., "Virginia in 1662-1665," *Va. Mag. of Hist. and Biog.*, 18 (1910), 420.

100. Conclusive evidence of Barbadian influence is in M. Eugene Sirmans, "The Legal Status of the Slave in South Carolina, 1670-1740," *Jour. Southern Hist.*, 28 (1962), 462-66.

101. Thomas Cooper and David J. McCord, eds., *Statutes at Large of South Carolina*, 10 vols. (Columbia, 1836-41), VII, 343, 393 (1696 code misdated 1712).

oppression, and degradation. In order to discover why, it is useful to turn the problem inside out, to inquire why Englishmen in America did not treat any other peoples like Negroes. It is especially revealing to see how English settlers looked upon the Scotch (as they frequently called them) and the Irish, whom they often had opportunity and "reason" to enslave, and upon the Indians, whom they enslaved, though only, as it were, casually.

In the early years Englishmen treated the increasingly numerous settlers from other European countries, especially Scottish and Irish servants, with condescension and frequently with exploitive brutality. Englishmen seemed to regard their colonies as exclusively *English* preserves and to wish to protect English persons especially from the exploitation which inevitably accompanied settlement in the New World. In Barbados, for example, the assembly in 1661 denounced the kidnapping of youngsters for service in the colony in a law which applied only to "Children of the *English Nation*."<sup>102</sup> In 1650 Connecticut provided that debtors were not to "bee sould to any but of the English Nation."<sup>103</sup>

While Englishmen distinguished themselves from other peoples, they also distinguished *among* those different peoples who failed to be English. It seems almost as if Englishmen possessed a view of other peoples which placed the English nation at the center of widening concentric circles each of which contained a people more alien than the one inside it. On occasion these social distances felt by Englishmen may be gauged with considerable precision, as in the sequence employed by the Committee for Trade and Foreign Plantations in a query to the governor of Connecticut in 1680: "What number of English, Scotch, Irish or Forreigners have . . . come yearly to . . . your Corporation. And also, what Blacks and Slaves have been brought in." Sometimes the English sense of distance seems to have been based upon a scale of values which would be thought of today in terms of nationality. When the Leeward Islands encouraged immigration of foreign Protestants the Assembly stipulated that the number of such aliens "shall not exceed the One Fourth of *English, Scotch, Irish, and Cariole* [Creole] Subjects." Jamaica achieved a finer discrimination: the colony offered a bounty of £18 in time of war, £14 in peace, for importing English, Welsh, Scots, or residents of "*Jersey, Gernsey, or Man*," and lower bounties of £15 and £12 for Irish. Maryland placed a discriminatory duty on

102. Hening, ed., *Statutes Va.*, I, 161; *Acts of Assembly, Passed in the Island of Barbadoes, from 1648, to 1718* (London, 1721), 22.

103. Trumbull and Hoadly, eds., *Recs. Col. Conn.*, I, 510.

Irish servants while Virginia did the same with all servants not born in England or Wales.<sup>104</sup>

At other times, though, the sense of foreignness seems to have been explicitly religious, as instanced by Lord William Willoughby's letter from Barbados in 1667: "We have more than a good many Irish amongst us, therefore I am for the down right Scott, who I am certain will fight without a crucifix about his neck."<sup>105</sup> It is scarcely surprising that hostility toward the numerous Irish servants should have been especially strong, for they were doubly damned as foreign and Papist. Already, for Englishmen in the seventeenth century, the Irish were a special case, and it required more than an ocean voyage to alter this perception. In the 1650's, while Cromwell was wielding the sword of Protestantism in Ireland and while Puritan factions held sway in Virginia, Maryland, and Bermuda, the Virginia Assembly assigned Irish servants arriving without indentures somewhat longer terms than other Europeans (the previous blanket act "being only [for] the benefit of our own nation") and then extended this discrimination to "all aliens." With re-establishment of royal control in 1660 the assembly repealed these laws, terming them full of "rigour and inconvenience" and a discouragement to immigration of servants, and declared with finality "that for the future no servant coming into the country without indentures, of what christian nation soever, shall serve longer then those of our own country, of the like age."<sup>106</sup>

As time went on Englishmen began to absorb the idea that their settlements in America were not going to remain exclusively English preserves. In 1671 Virginia began encouraging naturalization of legal aliens, so that they might enjoy "all such liberties, priviledges, immunities whatsoever, as a naturall borne Englishman is capable of," and Maryland accomplished the same end with private natural-

104. *Ibid.*, III, 293 (an inquiry also sent other governors); *Acts of Assembly, Passed in the Charibbee Leeward Islands, from 1690, to 1730* (London, 1734), 127; *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737, Inclusive* (London, 1738), 100; also *Montserrat Code of Laws: from 1668, to 1788* (London, 1790), 19; Hening, ed., *Statutes Va.*, III, 193; Thomas Bacon, ed., *Laws of Maryland at Large, 1637-1763* (Annapolis, 1765), 1715, chap. xxxvi, 1717, chap. x, 1732, chap. xxii. The Maryland laws aimed at Irish Papists.

105. Willoughby quoted in C. S. S. Higham, *The Development of the Leeward Islands under the Restoration, 1660-1688; A Study of the Foundations of the Old Colonial System* (Cambridge, Eng., 1921), 170n.

106. Hening, ed., *Statutes Va.*, I, 257, 411, 471, 538-39. In Barbados ca. 1660 there was apprehension concerning the "turbulent and dangerous" Irish; William Noël Sainsbury et al., eds., *Calendar of State Papers, Colonial Series* (London, 1860-), *America and West Indies, 1574-1660*, 481, 483, 487.

ization acts that frequently included a potpourri of French, Dutch, Swiss, Swedes, and so forth.<sup>107</sup>

The necessity of peopling the colonies transformed the long-standing urge to discriminate among non-English peoples into a necessity. Which of the non-English were sufficiently different and foreign to warrant treating as "perpetual servants"? The need to answer this question did not mean, of course, that upon arrival in America the colonists immediately jettisoned their sense of distance from those persons they did not actually enslave. They discriminated against Welshmen and Scotsmen who, while admittedly "the best servants," were typically the servants of Englishmen. There was a considerably stronger tendency to discriminate against Papist Irishmen, those "worst" servants, but never to make slaves of them.<sup>108</sup> And here lay the crucial difference. Even the Scottish prisoners taken by Cromwell at Worcester and Dunbar—captives in a just war!—were never treated as slaves in England or the colonies. Certainly the lot of those sent to Barbados was miserable, but it was a different lot from the African slave's. In New England they were quickly accommodated to the prevailing labor system, which was servitude. As the Reverend Mr. Cotton of the Massachusetts Bay described the situation to Oliver Cromwell in 1651,

The Scots, whom God delivered into you hand at Dunbarre, and whereof sundry were sent hither, we have been desirous (as we could) to make their yoke easy. Such as were sick of the scurvy or other diseases have not wanted physick and chyrurgery. They have not been sold for slaves to perpetuall servitude, but for 6 or 7 or 8 yeares, as we do our owne; and he that bought the most of them (I heare) buildeth houses for them, for every 4 an house, layeth some acres of ground thereto, which he giveth them as their owne, requiring 3 dayes in the weeke to worke for him (by turnes) and 4 dayes for themselves, and promisteth, as soone as they can repay him the money he layed out for them, he will set them at liberty.<sup>109</sup>

Here was the nub: captive Scots were men "as our owne." Negroes were not. They were almost hopelessly far from being of the English nation. As the Bermuda legislature proclaimed in 1663, even such Negroes "as count themselves Free because no p.ticler masters clay-

107. Hening, ed., *Statutes Va.*, II, 289-90, 464-65; for one of many in Maryland, *Archives Md.*, II, 205-6.

108. The designations are a prominent planter's, quoted in Higham, *Development of the Leeward Islands*, 169, also 170n.

109. Boston, July 28, 1651. W. H. Whitmore and W. S. Appleton, eds., *Hutchinson Papers*, 2 vols. (Prince Society, *Publications* [Albany, 1865]), I, 264-65. For prisoners to Barbados see Smith, *Colonists in Bondage*, 152-59.

meth their servies, in our judgments are not Free to all nationall priviledges."<sup>110</sup>

Indians too seemed radically different from Englishmen, far more so than any Europeans. They were enslaved, like Negroes, and so fell on the losing side of a crucial dividing line. It is easy to see why: whether considered in terms of complexion, religion, nationality, savagery, bestiality, or geographical location, Indians were more like Negroes than like Englishmen. Given this resemblance the essential problem becomes why Indian slavery never became an important institution in the colonies. Why did Indian slavery remain numerically insignificant and typically incidental in character? Why were Indian slaves valued at much lower prices than Negroes? Why were Indians, as a kind of people, treated like Negroes and yet at the same time very differently?

Certain obvious factors made for important differentiations in the minds of the English colonists. As was the case with first confrontations in America and Africa, the different contexts of confrontation made Englishmen more interested in converting and civilizing Indians than Negroes. That this campaign in America too frequently degenerated into military campaigns of extermination did nothing to eradicate the initial distinction. Entirely apart from English intentions, the culture of the American Indians probably meant that they were less readily enslavable than Africans. By comparison, they were less used to settled agriculture, and their own variety of slavery was probably even less similar to the chattel slavery which Englishmen practiced in America than was the domestic and political slavery of the West African cultures. But it was the transformation of English intentions in the wilderness which counted most heavily in the long run. The Bible and the treaty so often gave way to the clash of flintlock and tomahawk. The colonists' perceptions of the Indians came to be organized not only in pulpits and printshops but at the bloody cutting edge of the English thrust into the Indians' lands. Thus the most pressing and mundane circumstances worked to make Indians seem very different from Negroes. In the early years especially, Indians were in a position to mount murderous reprisals upon the English settlers, while the few scattered Negroes were not. When English-Indian relations did not turn upon sheer power they rested on diplomacy. In many instances the colonists took assiduous precautions to prevent abuse of Indians belong-

110. Lefroy, comp., *Memorials Bermudas*, II, 190-91.



the colonists enslaved Negroes because they were heathens. The most clear-cut positive trace of such reasoning was probably unique and certainly far from being a forceful statement: in 1660 John Hathorne declared, before a Massachusetts court in partial support of his contention that an Indian girl should not be compelled to return to her master, that "first the law is undeniable that the indian may have the same distribution of Justice with our selves: ther is as I humbly conceive not the same argument as amongst the negroes[,] for the light of the gossple is a begining to appeare amongst them—that is the indians."<sup>113</sup>

The importance and persistence of the tradition which attached slavery to heathenism did not become evident in any positive assertions that heathens might be enslaved. It was not until the period of legal establishment of slavery after 1660 that the tradition became manifest at all, and even then there was no effort to place heathenism and slavery on a one-for-one relationship. Virginia's second statutory definition of a slave (1682), for example, awkwardly attempted to rest enslavement on religious difference while excluding from possible enslavement all heathens who were not Indian or Negro.<sup>114</sup> Despite such logical difficulties, the old European equation of slavery and religious difference did not rapidly vanish in America, for it cropped up repeatedly after 1660 in assertions that slaves by becoming Christian did not automatically become free. By about the end of the seventeenth century, Maryland, New York, Virginia, North and South Carolina, and New Jersey had all passed laws reassuring masters that conversion of their slaves did not necessitate manumission.<sup>115</sup> These acts were passed in response to occasional

*can Slavery and the Negro*, 5 vols. (Washington, 1926-37), I, 55n. Data in the following pages suggest this. The implication that slavery could last only during the heathen state is in Providence Company to Gov. Philip Bell, London, Apr. 20, 1635, Box 9, bundle: List no. 7, 2d portion, MS. relating to the Royal African Co. and Slavery matters, 43, Parish Transcripts, N.-Y. Hist. Soc.: ". . . a Groundless opinion that Christians may not lawfully keepe such persons in a state of Servitude during their strangeness from Christianity." In 1695 Gov. John Archdale of South Carolina prohibited sale of some Indians, captured by his own Indian allies, as slaves to the West Indies and freed them because they were Christians: John Archdale, *A New Description of That Fertile and Pleasant Province of Carolina* . . . (London, 1707), in Alexander S. Salley, Jr., ed., *Narratives of Early Carolina, 1650-1708* (N. Y., 1911), 300.

113. *Records and Files of the Quarterly Courts of Essex County Massachusetts, 1636-1683*, 8 vols. (Salem, 1911-21), II, 240-42.

114. Hening, ed., *Statutes Va.*, II, 490-92.

115. *Archives Md.*, I, 526, 533 (1664), II, 272; "Duke's Laws," C. O. 5/1142, f. 33v., P. R. O., a portion of the section of "Bondslavery" omitted from the standard New York printed sources which reads "And also provided that This Law shall

pleas that Christianity created a claim to freedom and to much more frequent assertions by men interested in converting Negroes that nothing could be accomplished if masters thought their slaves were about to be snatched from them by meddling missionaries.<sup>116</sup> This decision that the slave's religious condition had no relevance to his status as a slave (the only one possible if an already valuable economic institution was to be retained) strongly suggests that heathenism was an important component in the colonists' initial reaction to Negroes early in the century.

Yet its importance can easily be overstressed. For one thing, some of the first Negroes in Virginia had been baptized before arrival. In the early years others were baptized in various colonies and became more than nominally Christian; a Negro woman joined the church in Dorchester, Massachusetts, as a full member in 1641.<sup>117</sup> With some Negroes becoming Christian and others not, there might have developed a caste differentiation along religious lines, yet there is no evidence to suggest that the colonists distinguished consistently between the Negroes they converted and those they did not. It was racial, not religious, slavery which developed in America.

Still, in the early years, the English settlers most frequently contrasted themselves with Negroes by the term *Christian*, though they also sometimes described themselves as *English*;<sup>118</sup> here the explicit religious distinction would seem to have lain at the core of English reaction. Yet the concept embodied by the term *Christian* embraced so much more meaning than was contained in specific doctrinal affirmations that it is scarcely possible to assume on the basis of this

not extend to sett at Liberty Any Negroe or Indian Servant who shall turne Christian after he shall have been bought by Any Person." (This unpublished Crown Copyright material is reproduced by permission of the Controller of H. M. Stationery Office.) *The Colonial Laws of New York from the Year 1664 to the Revolution* . . . , 5 vols. (Albany, 1894-96), I, 597-98 (1706); Hening, ed., *Statutes Va.*, II, 260 (1667); Saunders, ed., *Col. Recs. N. C.*, I, 204 (1670), II, 857; Cooper and McCord, eds., *Statutes S. C.*, VII, 343 (1691), 364-65; *Anno Regni Reginae Annae* . . . *Tertio*; [*The Acts Passed by the Second Assembly of New Jersey in December, 1704*] ([N. Y., 1704]), 20, an act which was disallowed for other reasons.

116. For example, in 1652 a mulatto girl pleaded Christianity as the reason why she should not be "a perpetuall slave" (Lefroy, comp., *Memorials Bermudas*, II, 34-35, also 293-94), and in 1694 some Massachusetts ministers asked the governor and legislature to remove that "wel-knowne Discouragement" to conversion of slaves with a law denying that baptism necessitated freedom (*Acts and Resolves Mass.*, VII, 537).

117. Winthrop, *Journal*, ed. Hosmer, II, 26.

118. These statements on prevailing word usage are based on a wide variety of sources, many of them cited in this chapter; some passages already quoted may serve to amplify the illustrations in the following paragraphs.

linguistic contrast that the colonists set Negroes apart because they were heathen. The historical experience of the English people in the sixteenth century had made for fusion of religion and nationality; the qualities of being English and Christian had become so inseparably blended that it seemed perfectly consistent to the Virginia Assembly in 1670 to declare that "noe negroe or Indian though baptised and enjoined their owne Freedome shall be capable of any such purchase of christians, but yet not debarred from buying any of their owne nation." Similarly, an order of the Virginia Assembly in 1662 revealed a well-knit sense of self-identity of which Englishness and Christianity were interrelated parts: "METAPPIN a Powhatan Indian being sold for life time to one Elizabeth Short by the king of Wainoake Indians who had no power to sell him being of another nation, *it is ordered* that the said Indian be free, he speaking perfectly the English tongue and desiring baptism."<sup>119</sup>

From the first, then, vis-à-vis the Negro the concept embedded in the term *Christian* seems to have conveyed much of the idea and feeling of *we* as against *they*: to be Christian was to be civilized rather than barbarous, English rather than African, white rather than black. The term *Christian* itself proved to have remarkable elasticity, for by the end of the seventeenth century it was being used to define a species of slavery which had altogether lost any connection with explicit religious difference. In the Virginia code of 1705, for example, the term sounded much more like a definition of race than of religion: "And for a further christian care and usage of all christian servants, *Be it also enacted, by the authority aforesaid, and it is hereby enacted*, That no negroes, mulattos, or Indians, although christians, or Jews, Moors, Mahometans, or other infidels, shall, at any time, purchase any christian servant, nor any other, except of their own complexion, or such as are declared slaves by this act." By this time "Christianity" had somehow become intimately and explicitly linked with "complexion." The 1705 statute declared "That all servants imported and brought into this country, by sea or land, who were not christians in their native country, (except Turks and Moors in amity with her majesty, and others that can make due proof of their being free in England, or any other christian country, before they were shipped, in order to transportation hither) shall be accounted and be slaves, and as such be here bought and sold notwithstanding a conversion to christianity after-

119. Hening, ed., *Statutes Va.*, II, 281 (1670), 155 (1662).

wards."<sup>120</sup> As late as 1753 the Virginia slave code anachronistically defined slavery in terms of religion when everyone knew that slavery had for generations been based on the racial and not the religious difference.<sup>121</sup>

It is worth making still closer scrutiny of the terminology which Englishmen employed when referring both to themselves and to the two peoples they enslaved, for this terminology affords the best single means of probing the content of their sense of difference. The terms *Indian* and *Negro* were both borrowed from the Hispanic languages, the one originally deriving from (mistaken) geographical locality and the other from human complexion. When referring to the Indians the English colonists either used that proper name or called them *savages*, a term which reflected primarily their view of Indians as uncivilized, or occasionally (in Maryland especially) *pagans*, which gave more explicit expression to the missionary urge. When they had reference to Indians the colonists occasionally spoke of themselves as *Christians* but after the early years almost always as *English*.

In significant contrast, the colonists referred to *Negroes* and by the eighteenth century to *blacks* and to *Africans*, but almost never to Negro *heathens* or *pagans* or *savages*. Most suggestive of all, there seems to have been something of a shift during the seventeenth century in the terminology which Englishmen in the colonies applied to themselves. From the initially most common term *Christian*, at mid-century there was a marked drift toward *English* and *free*. After about 1680, taking the colonies as a whole, a new term appeared—*white*.

So far as the weight of analysis may be imposed upon such terms, diminishing reliance upon *Christian* suggests a gradual muting of the specifically religious element in the Christian-Negro disjunction in favor of secular nationality: Negroes were, in 1667, "not in all respects to be admitted to a full fruition of the exemptions and impunities of the English."<sup>122</sup> As time went on, as some Negroes became assimilated to the English colonial culture, as more "raw Africans" arrived, and as increasing numbers of non-English Europeans were attracted to the colonies, the colonists turned increas-

120. *Ibid.*, III, 447-48 (1705), also 283, V, 547-48, VI, 356-57. Lingering aftereffects of the old concept cropped up as late as 1791, when *Negro* was still contradistinguished by *Christian*: Certificate of character of Negro Phill, Feb. 20, 1791, Character Certificates of Negroes, Papers of the Pennsylvania Abolition Society, Historical Society of Pennsylvania, Philadelphia.

121. Hening, ed., *Statutes Va.*, VI, 356-57.

122. *Ibid.*, II, 267.

ingly to the striking physiognomic difference. By 1676 it was possible in Virginia to assail a man for "eclipsing" himself in the "darke imbraces of a Blackamoore" as if "Buty consisted all together in the Antiphety of Complexions." In Maryland a revised law prohibiting miscegenation (1692) retained *white* and *English* but dropped the term *Christian*—a symptomatic modification. As early as 1664 a Bermuda statute (aimed, ironically, at protecting Negroes from brutal abandonment) required that the "last Master" of senile Negroes "provide for them such accomodations as shall be convenient for Creatures of that hue and colour untill their death." By the end of the seventeenth century dark complexion had become an independent rationale for enslavement: in 1709 Samuel Sewall noted in his diary that a "Spaniard" had petitioned the Massachusetts Council for freedom but that "Capt. Teat alledg'd that all of that Color were Slaves."<sup>123</sup> Here was a barrier between "we" and "they" which was visible and permanent: the Negro could not become a white man. Not, at least, as yet.

What had occurred was not a change in the justification of slavery from religion to race. No such justifications were made. There seems to have been, within the unarticulated concept of the Negro as a different sort of person, a subtle but highly significant shift in emphasis. Consciousness of the Negro's heathenism remained through the eighteenth and into the nineteenth and even the twentieth century, and an awareness, at very least, of his different appearance was present from the beginning. The shift was an alteration in emphasis within a single concept of difference rather than a development of a novel conceptualization. The amorphousness and subtlety of such a change is evident, for instance, in the famous

123. "History of Bacon's and Ingram's Rebellion," Andrews, ed., *Narratives of the Insurrections*, 96; *Archives Md.*, XIII, 546-49; Lefroy, comp., *Memorials Bermudas*, II, 216; *Diary of Samuel Sewall, 1674-1729* (Mass. Hist. Soc., *Collections*, 5th Ser. 5-7 [1878-82]), I, 248. In 1698 Gov. Francis Nicholson informed the Board of Trade that the "major part" of Negroes in Maryland spoke English: *Archives Md.*, XXIII, 499. For first use of "white" in statutes of various colonies, Bartlett, ed., *Recs. Col. R. I.*, I, 243 (1652); *Archives Md.*, VII, 204-5 (1681); Aaron Leaming and Jacob Spicer, eds., *The Grants, Concessions, and Original Constitutions of the Province of New Jersey . . .*, 2d ed. (Somerville, N. J., 1881), 236 (1683); *Col. Laws N. Y.*, I, 148 (1684); Cooper and McCord, eds., *Statutes S. C.*, VII, 343 (1691); Hening, ed., *Statutes Va.*, III, 86-87 (1691); *Acts of Assembly, Made and Enacted in the Bermuda or Summer-Islands, from 1690, to 1713-14* (London, 1719), 12-13 (1690 or 1691). West Indian assemblies used the term in the 1680's and 1690's, possibly earlier. Officials in England were using "whites" and "blacks" as early as 1670 in questionnaires to colonial governors: Hening, ed., *Statutes Va.*, II, 515; Trumbull and Hoadly, eds., *Recs. Col. Conn.*, III, 293.

tract, *The Negro's and Indians Advocate*, published in 1680 by the Reverend Morgan Godwyn. Baffled and frustrated by the disinterest of planters in converting their slaves, Godwyn declared at one point that "their *Complexion*, which being most obvious to the sight, by which the *Notion* of things doth seem to be most certainly conveyed to the Understanding, is apt to make no *slight* impressions upon rude Minds, already prepared to admit of any thing for *Truth* which shall make for Interest." Altering his emphasis a few pages later, Godwyn complained that "these two words, *Negro* and *Slave*" are "by custom grown Homogeneous and Convertible; even as *Negro* and *Christian*, *Englishman* and *Heathen*, are by the like corrupt Custom and Partiality made Opposites."<sup>124</sup> Most arresting of all, throughout the colonies the terms *Christian*, *free*, *English*, and *white* were for many years employed indiscriminately as metonyms. A Maryland law of 1681 used all four terms in one short paragraph!<sup>125</sup>

Whatever the limitations of terminology as an index to thought and feeling, it seems likely that the colonists' initial sense of difference from the Negro was founded not on a single characteristic but on a congeries of qualities which, taken as a whole, seemed to set the Negro apart. Virtually every quality in the Negro invited pejorative feelings. What may have been his two most striking characteristics, his heathenism and his appearance, were probably prerequisite to his complete debasement. His heathenism alone could never have led to permanent enslavement since conversion easily wiped out that failing. If his appearance, his racial characteristics, meant nothing to the English settlers, it is difficult to see how slavery based on race ever emerged, how the concept of complexion as the mark of slavery ever entered the colonists' minds. Even if the colonists were most unfavorably struck by the Negro's color, though, blackness itself did not urge the complete debasement of slavery. Other qualities—the utter strangeness of his language, gestures, eating habits, and so on—certainly must have contributed to the colonists' sense that he was very different, perhaps disturbingly so. In Africa these qualities had for Englishmen added up to *savagery*; they were major components in that sense of *difference* which provided the mental margin absolutely requisite for placing the European on the deck of the slave ship and the Negro in the hold.

The available evidence (what little there is) suggests that for Englishmen settling in America, the specific religious difference was

124. Godwyn, *The Negro's and Indians Advocate*, 20, 36.

125. *Archives Md.*, VII, 204.

initially of greater importance than color, certainly of much greater relative importance than for the Englishmen who confronted Negroes in their African homeland. Perhaps Englishmen in Virginia, living uncomfortably close to nature under a hot sun and in almost daily contact with tawny Indians, found the Negro's color less arresting than they might have in other circumstances. Perhaps, too, these first Virginians sensed how inadequately they had reconstructed the institutions and practices of Christian piety in the wilderness; they would perhaps appear less as failures to themselves in this respect if compared to persons who as Christians were totally defective. In this connection they may be compared to their brethren in New England, where godliness appeared (at first) triumphantly to hold full sway; in New England there was distinctly less contrasting of Negroes on the basis of the religious disjunction and much more militant discussion of just wars. Perhaps, though, the Jamestown settlers were told in 1619 by the Dutch shipmaster that these "negars" were heathens and could be treated as such. We do not know. The available data will not bear all the weight that the really crucial questions impose.

Of course once the cycle of degradation was fully under way, once slavery and racial discrimination were completely linked together, once the engine of oppression was in full operation, then there is no need to plead *ignoramus*. By the end of the seventeenth century in all the colonies of the English empire there was chattel racial slavery of a kind which would have seemed familiar to men living in the nineteenth century. No Elizabethan Englishman would have found it familiar, though certain strands of thought and feeling in Elizabethan England had intertwined with reports about the Spanish and Portuguese to engender a willingness on the part of English settlers in the New World to treat some men as suitable for private exploitation. During the seventeenth century New World conditions had exploited this predisposition and vastly enlarged it, so much so that English colonials of the eighteenth century were faced with full-blown slavery—something they thought of not as an institution but as a host of ever present problems, dangers, and opportunities.