

### Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts

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## Review

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**Blanck, Emily** *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts*. University of Georgia Press, \$49.95 ISBN 9780820338644

Contested Understandings of Slavery and Freedom in the Republic's Formative Years

Blanck frames her narrative around thirty-four slaves from South Carolina's Waccamaw Peninsula who in May 1779 were taken by British privateers. Within a month, however, and after a series of naval battles, their captors were overtaken by the Massachusetts brigs *Hazard* and *Tyrannicide* and the slaves soon found themselves in Boston. Many of the slaves asked to be returned to their South Carolina masters, and by the end of the year twenty of them were back home in Carolina's coastal rice and indigo plantations. Fourteen others, belonging to Anthony and Percival Pawley, remained in Boston, forging strong ties with the city's black community. These latter slaves' experience, Blanck insists, forced both Massachusetts and South Carolina to "concretely debate the boundaries of slavery and freedom" as each condition became inscribed in national law (2). Exposing contested understandings of slavery and freedom in the young republic, the debate "threatened to dissolve the fragile unity of the confederation of states before it had even coalesced," and, Blanck concludes, informed delegates' agreement on the fugitive slave clause in the 1787 Constitution.

After describing the differences in the development of slavery, and the law of slavery, in Massachusetts and South Carolina up to the outbreak of Revolutionary fervor in the 1760s and 1770s, Blanck turns to how each colony's particular experience with slavery shaped its resident's rhetoric of liberty during the crisis with the mother country. In Massachusetts, where slaves and free blacks campaigned for the same liberty from bondage that whites were rhetorically demanding, many colonists envisioned slavery as arising from a

mental state and were more likely to embrace anti-slavery leanings. White South Carolinians, in contrast, though they also employed the rhetoric of slavery to describe their relations with Great Britain, saw theirs as a literal enslavement of the body, a dehumanizing descent signified by their own degraded slaves' presence. And while this rhetorical battle in Massachusetts engendered early abolitionist efforts—which were sidelined once the war broke out and the need for inter-colony unity emerged—in South Carolina, the oppressive reality of the slave system stifled any dissent and drastically limited slaves' own efforts to seek freedom.

These divergent forms and understandings of slavery between Massachusetts and South Carolina came to a head after the war, when in August 1783, four years after the kidnapped slaves arrived in Boston, the Pawley's decided to retrieve their property. Of course, both the Pawley slaves and Massachusetts slave law, had changed in the four-year interim, leading to complex questions about state autonomy, national unity, liberty, and bondage. The slaves themselves, Blanck notes, in refusing to return to South Carolina "clearly felt at home (and probably free) in Massachusetts" (130). A number of the Pawley slaves had married or changed their names, while others escaped from their guardian's care never to be heard from again. Following years of debate, too, the emergence of whites' anti-slavery sentiment, and continued activism from the black community, Massachusetts had quietly ended slavery in 1783.

Nonetheless, the Pawleys' representative in Boston was able to round up eight of their original fourteen slaves, but the state had difficulty enforcing the judicial decree which ordered the Pawley slaves locked up in the Boston jail to await their return to South Carolina. The directive was immediately challenged and the state's highest court ordered the release of the eight imprisoned slaves. This second judicial order was not, however, one of emancipation, as Judge Charles Cushing later insisted he never denied the Pawleys' right in their eight slaves, but rather that, under Massachusetts law, the imprisoned blacks possessed the right of habeas corpus and that Massachusetts's resources should not be used to round-up or transport the "servants" back to South Carolina. To do so would be to infringe upon Massachusetts's sovereignty. The Pawley's representative returned to South Carolina empty-handed. Not long after, Massachusetts Governor John Hancock received an angry letter from South Carolina Governor Benjamin Guerard, who, while threatening disunion, demanded the return of the Pawley slaves. But here the story largely ends, as slaves throughout

Massachusetts had acquired freedom and the Pawley slaves, though technically not emancipated, largely disappear from the historical record.

Blanck, however, presses on, determined to place the *Tyrannicide* affair as a key episode in shaping the responses of Massachusetts and South Carolinian delegates at the Constitutional Convention four years later. She admits that it cannot be proven this was the case, but that “it appears likely” (148). She points to continued controversy in Massachusetts and South Carolina for a year after Cushing released the Pawley slaves from Boston’s jail, and the subsequent debates over barring slavery in the Northwest Territories, a measure only passed once a fugitive slave clause was attached. When it came to the 1787 Constitutional Convention, Blanck argues, Massachusetts and South Carolina leaders—some having been participants or at least aware of the *Tyrannicide* controversy—utilized similar language from the 1783 debates, and on the whole “showed a level of maturity” over slavery provisions that delegates from other states lacked. It is a tenuous, but interesting conclusion that legal and constitution historians will surely debate in the coming years.

Of course, sectional compromise over slavery was in its nascent stages in 1787. The next sixty-plus years witnessed the Missouri Compromise of 1820, the Compromise of 1850, and the Kanas-Nebraska Act of 1854. Each measure, in its own way, kicked the problem of slavery down the road. One wonders if this research could be strengthened had Blanck used the *Tyrannicide* affair as one piece of a larger examination of contested notions of freedom, slavery, and state sovereignty through the Civil War period. For instance, how did Bostonians respond to South Carolina’s Negro Seaman Act of 1822 barring free black mariners from departing their ships when in one of that state’s port? What about South Carolina’s response to the “personal-liberty” laws passed by nine northern states in response to the Fugitive Slave Act attached to the 1850 Compromise? Surely observers in Boston utilized language similar to Cushing (in regards to intrusion on state sovereignty) when in 1854 Virginia utilized the resources of the federal government to retrieve escaped-slave Anthony Burns from Boston and return him to bondage. Admittedly, this is beyond the scope of the book, and Blanck does successfully demonstrate that “the problem of fugitive slaves was not an antebellum dilemma but began with the founding of the country” (154). Along the way, too, she provides ample background and context for the divergent paths taken by Massachusetts and South Carolina in dealing with the slavery. Anyone interested in the Revolutionary period, slavery, or the development of slave law in the new nation, will find use for Blanck’s succinct

work.

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