

### The Southern Debate Over Slavery

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## Review

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**Schwenger, Loren** *The Southern Debate over Slavery*. University of Illinois Press, \$60.00 hardcover ISBN 9780252032608

### Primary Sources on American Slavery

*The Southern Debate over Slavery*, Vol. I, Petitions to Southern State Legislatures, 1778-1864.

Vol. II, Petitions to Southern County Courts, 1775-1867.

The two volumes under review have their origin in the "Race and Slavery Petitions Project," launched in 1991 to "locate, collect, organize, and publish all extant legislative petitions relevant to slavery as well as a selected group of county court petitions from the fifteen former slaveholding states and the District of Columbia during the period from the American Revolution through the Civil War." (II, 357) In pursuit of this ambitious goal, between 1991 and 1995 Professor Loren Schwenger of the University of North Carolina at Greensboro visited fourteen state archives and some 160 county court houses across the south, collecting in the process copies of 2,975 legislative petitions and 14,512 county court petitions. Selected from every major geographic subregion within each state, the petitions in their totality represent more than one half of the 1,127 southern counties that existed in 1860. The entire collection was subsequently published by Lexis-Nexis as a 151-reel microfilm edition under the general title *Race, Slavery, and Free Blacks: Petitions to Southern Legislatures and County Courts*. Even in an age of ubiquitous photo-duplication and the use of hand held digital cameras to capture and store document images, one must pronounce Schwenger's labors a landmark feat of historical discovery and retrieval.

*The Southern Debate over Slavery* reprints 160 legislative and 180 county court petitions, comprising slightly less than 2% of the microfilmed material. Arranged in chronological order and with minimal annotation, the legislative

petitions were chosen “mainly to illustrate the chronological, geographical, and topical diversity of the larger collection.” (I, xxi) A similar rationale guided the selection process for county court petitions, where the editor’s “primary objective” was “to offer as broad a selection as possible and [to] include the voices of all participants: black and white, slave and free, slaveholder and non-slaveholder, male and female.” (II, xxi) The selection is, indeed, broad and presumably representative, but the space constraints of a two volume publication reduce the work’s value for researchers, who will naturally wish to consult the larger microfilm collection.

One suspects that the principal value of *The Southern Debate over Slavery* will be to alert both neophyte and veteran scholars to the value of petitions as windows onto the routine aspects of life in the Old South. Subjects treated in the documents span the entire range of legal issues generated by a society that held human beings as property and equated color with legal status. Slaves petition for emancipation in the wake of an owner’s death; white heirs object. Free blacks seek permission to remain within a state; whites petition to have them removed; free blacks acquire white “guardians” in the hope of avoiding enslavement. Students of family and gender relations will find much of value in petitions where white women complain of psychological abuse and domestic violence, describe their husbands’ liaisons with slave mistresses, and seek to be placed on a legal footing that allows them to buy, sell, and control property in their own right. Other petitions describe the violent punishment of slaves, complain of incorrigible runaways, or recount in minute detail black attempts to poison white owners and their children. No one can read such accounts without being reminded of the brutality and seething resentment that lay just beneath the surface of “normal” master-slave relations. At the same time one may be led to ask if the series title is in fact descriptive of the volumes’ actual content. Despite a mountain of legal disputation between slaveowners, and notwithstanding efforts by blacks to gain freedom or avoid enslavement, the petitions fail to reveal any significant “debate over slavery” as the phrase is generally understood. Even an 1822 petition by North Carolina free blacks affirming that “all men are by nature free & equal” (I, 70) is, in reality, a protest over a law allowing slaves to give evidence against free Negroes. Only 12 petitions date from the Civil War years and none of these make mention of the Confederate debate on emancipation that began in earnest in 1863.

In speaking of the legislative petitions, which tended to peak after rumors of revolt, Schweninger finds their “most striking feature” to be “the picture they

paint of slave resistance." (I, xxxi) While valid in its own terms, the observation raises a larger question about the degree to which either county court or state legislative petitions reflect the overall tenor of black white relations in the Old South. By their very nature such documents portray only those situations in which parties found it necessary to resort to legal mechanisms for voicing fears, addressing problems, or settling disputes. For most purposes, however, the law impinged scarcely at all upon the customary prerogative of masters or the domestic relations of men and women. Slaves and free blacks had only the most limited access to legislative and judicial bodies unless a white patron was somehow involved. To generalize about antebellum life from legal records alone is roughly equivalent to analyzing the mortality of a general population from the records of a hospital cancer ward. In both instances one is left with what might be called a "worst case scenario." (Estate executors who acted responsibly, like slaves who accommodated themselves to white power, or husbands who treated wives with love, respect, and generosity—perhaps the majority of husbands?—would presumably be under represented in petitions seeking redress of grievances.)

This is not to say that bondage and patriarchy were benevolent or that the petitions lack historical value. The point is simply that, as presented here, without contextual head notes or biographical annotation, the petitions must be regarded as a sampling of raw data—one of many data sets generated by antebellum southern society. Before such data can rise to the level of historical evidence they must, as Allan Megill reminds us, be employed as part of an argument—as evidence for or against something. Older studies of the slave regime made occasional use of petitions for illustrative purposes but, as Schweninger notes, only Luther P. Jackson and James Hugo Johnson may be said to have used petitions in a thoroughgoing manner. Indeed, Johnson's 1937 University of Chicago dissertation, which used Virginia divorce petitions to document the reality of interracial sex, served as inspiration to later students of slavery at the local level. In more recent times works such as Suzanne Lebsack's *The Free Women of Petersburg* (1984) and Schweninger's own *Runaway Slaves* (1999), co-authored with John Hope Franklin, offer excellent examples of how petitions and other legal records may add depth to narratives grounded in a wide range of primary sources.

Readers unfamiliar with antebellum legal pleadings may find the arcane language, verbosity, and lack of punctuation in some petitions to be as daunting as the fine print on a 21st century credit card agreement, to wit: "Your Oratrix

would further show unto your honor that the said deft has confessed to your Oratrix that he has at sundry times committed adultery with lewd women and common prostitutes in the city of New Orleans the names of whom are unknown to your Oratrix Your Oratrix would therefore charge that the said deft has committed adultery with sundry diverse persons in the city of New Orleans whose names are unknown to your Oratrix." (II, 291) And so forth.

Problems of syntax aside, *The Southern Debate over Slavery* provides a truly fascinating glimpse into the thoughts and personal conduct of otherwise obscure men and women of both races in the pre-emancipation south. Historians could use these volumes with great profit in undergraduate seminars aimed at introducing students to the richness and excitement of archival research. An inquisitive student in this setting might gain useful research experience by identifying individual petitioners and digging out the facts necessary to supply context for selected documents. Near the end of volume two Professor Schweninger describes a recently funded NEH project to gather and provide electronic access to "information about every slave and free person of color mentioned by name in every document in the [microfilm] collection." (II, 359) When completed this data base will substantially enhance the research value of the collection as a whole. Perhaps the white petitioners deserve similar attention?

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