Calling Out Liberty:
Human Rights Discourse and Early American Literature

by

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Abstract

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by

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On September 9, 1739, a group of slaves armed themselves by breaking into a storehouse near the Stono River south of Charles Town, South Carolina. They burned houses, killed colonists, recruited other slaves to join them, and marched toward Spanish Florida where they expected to find freedom. One report of the incident claims the rebels were overheard shouting, "Liberty!" By mid-afternoon the rebellion had been crushed and many rebels executed. Shortly thereafter, South Carolina enacted a comprehensive legal code that placed strict controls over the ability of slaves to communicate with one another. The Stono Rebellion and its aftermath serve as a touchstone for this exploration of human rights discourse in early American literature. Building upon the many historical analyses of this rebellion, I suggest a relationship between the rebels shouts of "Liberty!" and the discourse of natural or human rights in the literary acts of African Americans. More often than not, human rights scholars and policy makers cite figures of the European Enlightenment as default sources for contemporary human rights. Certainly the Enlightenment fostered a human rights agenda, but its shortcomings—the abuse of the rights of women, children, and indigenous peoples, as well as the Atlantic slave trade—sullied this agenda. Therefore, this project suggests ways of altering and enriching our understanding of the origins of contemporary human rights discourse. John Locke's

philosophy of natural rights and his ambiguous political and economic ties to the colony of South Carolina, serve as a starting point for an analysis of manifestations of eighteenth century human rights discourse in the work of Benjamin Lay, Thomas Jefferson, Thomas Paine, and others. I offer a close reading of the rebellion and its legal repercussions followed by an examination of representations of human rights discourse in early African American prose (Olaudah Equiano, Prince Hall, Omar ibn Said) and fiction (Frederick Douglass and Martin Delany). Finally, I assess the intertextual challenge to this discourse offered by the Charleston School and the competing plantation traditions of Thomas Nelson Page and Edmund Quincy.

Dedication

To all the Sandlappers whose stories have yet to be told

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Introduction

On Sunday, September 9, 1739, a group of Kongolese-born slaves armed themselves by breaking into a storehouse near the Stono River only fifteen miles south of Charles Town, South Carolina. These rebels, led by a man named either Jemmy or Cato, killed twenty-three whites, recruited other slaves to join them, and marched toward Spanish Florida where they expected to find freedom. Before the day ended, the slaves encountered, of all people, South Carolina's Lieutenant Governor William Bull who hastened away to alert the local militia. In the meantime, the rebels were spotted in an open field dancing and playing drums—a call to arms. But the militia soon surrounded them, and in the battle that ensued, militia members noted that many of the rebels fought like well-trained soldiers using flags and fighting in formation. And yet they were outnumbered. The rebellion was vigorously put down and many slaves were executed. Some of the rebels escaped into the woods—one was not captured for several years. Soon after the Stono Rebellion, the South Carolina government passed a comprehensive legal code called the Negro Act to help re-enforce white power in the Low Country. This act placed strict controls over the ability of slaves to communicate with one another: the pass system was codified; literacy and drums were outlawed; and blacks could no longer congregate publicly. The only positive provisions for slaves were limits on slave workloads and a ban on severe punishments. The institution of slavery was not abandoned by any means. This legal code that was a result of the Stono Rebellion would, in some ways, become a pattern for slave codes in the American Colonies and in the United States for years to come.

Some initial questions emerge. How did the rebels communicate among themselves to make this happen? What was their intent? Where does this event fit it into this century of revolutions and into the broader Atlantic world? There exists a paucity of primary sources on the Stono Rebellion, but extant sources reveal that this was an event of some significance for South Carolina and for the slave trade—a moment of uncertainty and of choices made that caused widespread reverberations in the Atlantic world. Indeed, this rebellion had international political implications: it was believed that the Spanish were offering slaves their freedom in Florida if they rebelled. Displacing the blame for rebellion may also have been a way for South Carolina's colonial government to assuage fears of future rebellion and negate perceived risk factors of trading with the colony. Disease was taking a toll on South Carolina's population and the colony desperately needed to attract new residents; frequent slave rebellions would not serve as an enticing selling point. After the rebellion was put down, the Benjamin Franklin-supported newspaper *The South Carolina Gazette* chose to ignore the event—despite the fact that it was one of the largest slave rebellions in North American history. But word of the rebellion leaked. Correspondence from colonists before and after the rebellion depict the shaky social and political climate of South Carolina and, in essence, of the European colonial design in general. Letters by Robert Pringle and Andrew Leslie, a minister for the Society for Propagation of the Gospel in Foreign Parts, cross the ocean and depict heightened colonial anxieties and desires for swift retribution. Reports of the event from the South Carolina Commons House of Assembly are dramatic, taking a step beyond simple reportage:

> On this occasion every Breast was filled with Concern. Evil brought Home to us within our very Doors awakened the Attention of the most Unthinking…With

> Regret we bewailed our peculiar Case, that we could not enjoy the Benefits of Peace like the rest of Mankind and that our own Industry should be the Means of taking from us all the Sweets of Life and of rendering us liable to the Loss of our Lives and Fortune. (Report 84)

The writer implies that "Mankind" is white. Such biases pose a problem for any analysis of this rebellion because in most reports the white author and white human are privileged as both subject and actor.

Contemporary scholarship on Stono by Peter Wood, John K. Thornton, Edward Pearson, Donald Wax, and Mark M. Smith is rooted in the discipline of history and focuses on the possible connections of language, religion, Spanish Florida, colonial newspapers, and gender to the rebellion and its aftermath. This project, however, is not that of an historian. My goal is to enter the discussion through literary studies by exploring the Stono Rebellion's relationship to the discourse of natural or human rights in the eighteenth and early nineteenth century. Throughout this project I will make us of this term "discourse" as I interrogate the intersections of theory and intellectual history. I filter Michel Foucault's notion of discourse through the ideas of Edward Said. For my purposes discourse is a method or "style for domination, restructuring, and having authority over" another (Said 3). As Said demonstrates in *Orientalism*, discourse can shape material realities by connecting institutions of power to language. He describes the relationship between Orientalism as textual practice and political reality, writing that Orientalism is a way for dominating and structuring the Orient practiced with "enormously systematic discipline" (3). John Storey claims that, "Said demonstrates Foucault's claim that the 'truth' of a discourse depends less on what is said and more on who is saying it and when and where it is said" (98). This version of discourse studies

questions the idea that language or knowledge is neutral. Language has the ability to define as well as to exclude (Storey 96 – 7).

Orientalism is one example of a discourse which controls the ways in which something is described, distinguished, and discussed. "Control" in this sense,

> means, rather, control by the power of positive production: that is, a kind of power that generates certain kinds of questions, placed within systems that legitimate, support, and answer those questions; a kind of power that, in the process, includes within its systems all those it produces as agents capable of acting within them. (Bove 54)

This is a significant point: discourse does not have to be negative. Foucault speaks to this problem acknowledging that too often we describe power in negative terms—it is more ambiguous than that (*Discipline and Punish* 194). On the surface the idea of human rights appears a positive and progressive one, but as we shall see it has always been a site of contest. Discourse will often disguise reality as Foucault notes in "The Discourse on Language,"

> I am supposing that in every society the production of discourse is at once controlled, selected, organised and redistributed according to a certain number of procedures, whose role is to avert its powers and its dangers, to cope with chance events, and to evade its ponderous, awesome materiality. (216)

The "powers" and "dangers" of human rights discourse are that it might get "out of hand" or "out of the hands" of those controlling the discourse. All discourses are open to transformation, resistance, or actualization. As "enlightened" intellectuals theorized concepts of human rights in the seventeenth and eighteenth centuries, could they have imagined that African slaves had similar ideas? And did they even imagine these slaves to be human?

What then are human rights? In short, human rights are those rights one has simply by virtue of being a human being. Human rights are prior and above civil rights

which are contingent on one being a citizen of a country. Human rights are moral claims, ultimate protections of human dignity, what Jack Donnelly refers to as "the final resort in the realm of rights" (13). Discussions of contemporary human rights issues often begin with the Universal Declaration of Human Rights adopted by the United Nations on December 10, 1948. These human rights, as well as claims made prior to the Universal Declaration, can be divided into negative and positive rights: those that protect humans from abuse and those that provide humans with the necessities of life. By focusing on human rights discourse, I wish to analyze the ways in which this discourse develops in the eighteenth century, the patterns and ways in which individuals talk about and describe human rights. Of particular interest are the sources for and narratives of human rights claims. Human rights scholars and policy makers more often than not offer the writings of figures of the European Enlightenment as default sources for contemporary human rights discourse. In a transcript from the Second International Conference on the European Convention on Human Rights in Vienna (October 18 – 20, 1965), Ulrich Scheuner notes that human rights did not emerge first from international law but "within constitutional law of individual States" (Scheuner 214). The emergence of these laws—which were first of all protections of property and self and later protections of religious practices—is directly linked to the natural rights traditions of the seventeenth and eighteenth centuries. Scheuner adds that these protections were enhanced by the work of Locke and Rousseau and through the constitutions of the United States and the French national assembly. Certainly the Enlightenment fostered a certain kind of liberal democracy, but the abuse of the rights of women, children, indigenous peoples, not to mention the Atlantic slave trade, were still painfully apparent during and after the

Enlightenment's heyday. During this age many, to paraphrase Kant, had the courage to use their own reason, but to what end? Micheline Ishay notes that, "the Enlightenment legacy represents little more than an imperialist masquerade aimed at subduing the rest of the world under the pretense of promoting universality" (8). I hope to suggest ways we can expand our approach to understanding these sources of contemporary human rights discourse. The belief that all humans have rights and an inherent dignity that must be respected in not a concept that originated only in the writings of Locke and Rousseau. Human rights discourse has many and varied roots. The diversity of cultures and nations that have signed on to contemporary human rights laws is just one indication of this.

For a variety of reasons, though, the history of human rights in the eighteenth century is too often limited to the Enlightenment. This brings us back to discourse studies. Discourses delineate what is to be said regarding an issue. In one sense, a discourse is the conversation and the conventions that govern that conversation. It is also who is allowed to participate in that conversation. In the eighteenth century people of African origins were not even considered participants in the developing human rights conversation. Laurence Moredekai Thomas acknowledges the difficulty that eighteenth century whites may have had imagining blacks as speaking subjects because, "at the time of American Slavery, Africa was not thought to have had a central role in the history of moral and intellectual Western thought—not even, in fact, the role of a substantial footnote" (122). In one sense, he is correct, but this does not excuse the virtual erasure of the role African slaves played in shaping human rights discourse. It is not that they could not speak; it is that popular history has written them out of the public sphere of the rights discussion. Yet discursive events often take place that are jarring and cause formations to

shift and momentarily transform. Is such a moment when a group of enslaved Africans kill their masters and fight for their freedom? Are these rebels asserting their right to shape discursive practices in the public sphere? In other words, human rights discourse is also shaped by the actions of human beings, actions that seep into the collective cultural conscious, raising questions and asking the public to seek redress, to seek solutions. Why would a young man, in front of God and everybody else, stand in the way of a tank at Tiananmen Square? Why would he do that if he knew the ramifications of such actions? Why would thousands of African Americans risk clubs, water hoses, and German shepherds? Human rights have been articulated in numerous ways throughout history, but it will require some creativity to tease out these moments of articulation from the bins of history and place them within the context of the cultural and literary canon.

Despite the lack of a central "text," the Stono Rebellion offers an entry-point for the exploration of eighteenth-century human rights discourse and communication rights. One report of the incident alleges that the rebels were overheard shouting "Liberty," a word intimately connected to the rights discourse of the European and American Enlightenment and often used by the patriots of the American Revolution. Another report claims the rebels were fighting for their "Liberty" and the colonists for "every Thing that was dear to them." The rebels may have had some understanding of their rights as human beings, but with limited access to the sophisticated communication technologies of the day, they were prevented from any effective organization or avenues of protest or redress. This raises questions about the human right to communicate as defined today by Article 19 of the Universal Declaration of Human Rights. This article, while limited, has opened a larger discussion regarding the necessity for the establishment of a human right to

communicate. My view of this potential right follows the more comprehensive, and perhaps controversial, approach of Jean d'Arcy. From a comprehensive standpoint the right to communicate is a civil and political right encapsulating many human rights including the right to assembly, to movement, to send and receive information, to associate, to express, to practice cultures, and to receive an education. Through Stono I hope to explore one early manifestation of the struggle to achieve this right.

I also invite the reader to view the Stono Rebellion as a "literary act." By this I mean an event or action that seeks to be a shaper of a particular discourse or narrative and that has a relationship with a variety of texts, printed or otherwise. Clearly the Stono Rebellion falls into this category. The event may have been precipitated by a variety of texts and it resulted in a variety of texts—laws, letters, reports, and oral histories. In such a manner this literary act participated, I believe, in a kind of human rights discourse.

A final note: throughout I use the terms "natural rights" and "human rights" interchangeably. This may be perceived as contentious and, perhaps, anachronous. The term "natural rights" was in vogue in the eighteenth century and was the term used to describe those rights one has because one is a human being. However, some writers were using the term "human rights" at the tail end of the American Enlightenment. Maurice Cranston believes that, "Human rights is a twentieth-century name for what has been traditionally known as natural rights or, in a more exhilarating phrase, the rights of man" (Cranston 1). This controversy over terminology often erupts because most critics of human rights are exploring the development of international human rights laws, which begins in earnest with the Universal Declaration of Human Rights. The development of international human rights laws, however, is not the focus of this project. Again, I am

interested in the step that often occurs precisely before political actions and the creation of laws—the development of a discourse that becomes pervasive in the public sphere.

N.B. – I do not use [sic] for every spelling error found in primary texts.

Chapter 1: Rights Discourse in 17th and 18th Century Western Europe

"Absolute liberty, just and true liberty,
equal and impartial liberty, is the thing we stand in need of."

John Locke, "To the Reader: Letter Concerning Toleration"

An account of the Stono Rebellion that may or may not have been written by James Oglethorpe describes the scene, early on the morning of September 9, 1739, as a group of slaves makes its way down the Pon Pon road in the direction of Florida. The writer claims, "Several Negroes joined them, they calling out Liberty, marched on with Colours displayed, and two Drums beating, pursuing all white people they met with, and killing Man Woman and Child when they could come up to them."[1] That these African slaves were shouting "Liberty" may simply have been in the author's imagination. But if it did happen, if the Stono rebels did shout "Liberty," could that frame or re-frame how we view the eighteenth century—the age of revolutions? What does it say about the slaves' ideals? What does it say about the ethicality of harsh responses to slave revolts? One interpretation is that the slaves were repeating something overheard, perhaps from a master, a preacher, or on board a ship. Another interpretation is that these slaves knew exactly what they were saying. Either way, they were in some way participating in a powerful discourse that was sweeping through Europe and North America during this time, a discourse rooted in the belief of natural or human rights, human freedom, and human liberty.

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[1] Oglethorpe, James. "An Account of the Negroe Insurrection in South Carolina." *Colonial Records of the State of Georgia,* Eds. Allen D. Candler and William J. Northern. New York: 1970, Vol. 22, pt. 2: 232 – 36.

That these ideas could travel from Europe to South Carolina—or to wherever the Stono revolutionaries picked up the term, "liberty,"—their call of freedom should come as little surprise. Colonial America was a node in a growing network of communication and commerce that crisscrossed the Atlantic and supported economies in both the "new" and old worlds. Innovations in governance, navigation, and communication technologies enhanced this network and heightened the interconnectedness of previously disparate cultures and economies. A similar language of globalization is en vogue today. Part and parcel to this language is the recognition that new media are changing our lives, our culture, our ideas. "New media" and the virtual world of cyberspace and its attendant information and communication technologies have increased our ability to share ideas and information with ease and often with people we may have never have connected with in RL or real life. We talk on phones that we carry in our pockets; check our "electronic mail" on machines the size of small books; browse through information in a virtual agora; instant message online. We are, for better or worse, connected.

This current new media bonanza with its dizzying transformation of both human communication and human culture is not the first. Beginning with Johann Gutenberg's printing innovations in the 1440s to 1450s and, in 1517, Martin Luther's "95 Theses" tacked to the chapel doors in Wittenberg, a perfect storm of technology and capitalism had developed in Western Europe. By the late seventeenth and eighteenth century, this "storm" propelled the printing industry beyond its function as a new method for copying and sharing information into a mechanism for promoting ideas (Starr 26). "Publishing," or making something known, connected human beings in ways that before had only been possible through the Church or royal court. Most importantly, the publishing industry

fomented public conversations about what had been printed. Such "public conversations," according to Jürgen Habermas in his famous critique of this period, not only brought political debate to a larger audience but transformed systems of governance. Habermas argues that in eighteenth century Europe, a literal and figurative space began to develop in which people—specifically the growing bourgeoisie—could discuss the pressing issues of the day in an open and public manner apart from the government. This bourgeois public sphere was "the sphere of private people coming together as a public" and a place for "debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor" (27). It manifested on the streets and through the growing number of coffee shops, salons, voluntary associations, newspapers, and journals, as a growing reading public began to consider and realize new concepts for political formations. The "representative publicness" of the king or priest was being replaced by public debate and public decisions leading eventually to legislative governments (Habermas 9, 52). Michael Warner writes that at this time Western Europe transformed, "from a world in which power embodied in special persons is represented before the people to one in which power is constituted by a discourse in which the people are represented" (Warner 39). Women, servants, and other property-less people, however, were, in effect, non-participants in this decision-making process. Habermas notes that in *theory* there was "universal access" to the public sphere (85). Practice was another matter.

Natalie Zemon Davis suggests that even though subaltern groups, for her purposes peasants in sixteenth century France, lacked the privilege of participating in this public sphere on the same level as propertied literate men, they did participate in print culture

(66). Rural peasants often experienced the new media by hearing books read aloud, for example, during a winter evening gathering called the *veillee* or through the public pontifications of itinerant preachers (71). However, print culture had a greater influence among *urban* merchants, craftsmen, and even semiskilled workers like gardeners and fishermen and those in their circles—domestic servants and wives. Books were, of course, cheaper than manuscripts, though still too expensive for many; book sharing, lending, trading, and group reading were popular practices. The group reading was an important holdover from a completely oral culture and was directly connected to the spread of Protestantism and its adherence to close Biblical study.

In describing these phenomena, Davis writes that we should "consider a book not merely as a source for ideas but as a *carrier of relationships*" (66). Indeed, from its inception, printing transformed communications and carried relationships/cultures throughout Western Europe. As this print culture developed, economies transformed from those based on feudal monopolies to those based on free market principles. This would have serious political implications. Benedict Anderson acknowledges this symbiotic relationship when describing the period's new political formations. He argues that publishing, the rise of the daily newspaper in particular, began to shape political formations around national identities. The advent of newspapers in England (1621), France (1631), and Holland (1632), for example, gave anyone with access to them, access to ideas about business and government that pertained, more or less, directly to their lived experiences. The ability to buy a newspaper was not always a prerequisite as papers, as they often do today, passed through many hands on the streets and in bars and coffee shops. Newspapers offered readers a sense of community in part because of their use of

vernaculars and because mastheads displayed the paper's point of origin and current date. In addition, newspapers often reported the news about a particular place and was read and shared by those in that place. Anderson writes that like taking communion, the newspaper created a daily and "extraordinary mass ceremony" (34). Publishing was a transformative technology "which made it possible for rapidly growing numbers of people to think about themselves, and to relate themselves to others, in profoundly new ways" (36).

The rise of the printing press coincided with the development of another significant technology—governments appointed by "the people." In Western Europe, the right to rule became not the "divine right" of kings but of human beings. This right, though, was mostly limited to property-owning human beings. Still, this was a major step in human governance and it led to much tension and revolution—most notably the English, American, French, and Haitian. Human beings, now citizens of nation-states, began to express in the public sphere their natural or human right to property, to liberty, and to life itself; rights were not solely the domain of royalty but of the public. Micheline Ishay notes that it was "an amalgamation of simultaneously favorable circumstances" like printing and booming economies that "stimulated the rise of the West and its capacity to develop and diffuse a modern discourse of human rights" (69). It was at this time that "a secularized version of Judeo-Christian ethics lent itself to the development of a broad liberal discourse on human rights, a discourse that has shaped contemporary thinking" (64). Human rights were by no means universally practiced in the late seventeenth century or throughout the eighteenth century, but these rights and their practical applications became an important part of a revolutionary discourse.

One could argue that human rights are based not only on legal precedent but that the Zeitgeist, the spirit of the age, also plays a role in establishing who has rights and what those rights are. In the following two chapters, I will discuss some of the written and cultural underpinnings for human rights discourse in the seventeenth and eighteenth centuries with an eye towards what might have been in the air, other than yellow fever, in the Americas and in South Carolina before and after the Stono Rebellion. Had discussions of human rights crossed the Atlantic? What did the public sphere look like in colonial South Carolina? The colony was not isolated from the currents of contemporary political thought; it was becoming quite a cosmopolitan outpost. Whites and blacks commingled with peers from all parts of the Atlantic world. In fact, John K. Thornton suggests that the slaves that rebelled at Stono were, at the very least bilingual, and, perhaps, even Catholic (1113). They, too, had been touched by the wider world. And chattel slavery, as a system, did not exist in a vacuum either before or after Stono. Slavery persisted, despite calls for human rights, despite the Zeitgeist, despite what was in the air. What was in the air was spurred on by what was on the page and that, of course, was connected to and supported by an economy built on the backs of African slaves. So much so that even some of the era's most ardent supporters of the rights of human beings, indeed writers whose work helped lay the theoretical foundations for the eighteenth century's revolutions, played significant roles in the slave trade. Writers, for example, like John Locke.

Before Stono: A Philosopher of Human Rights, An Investor in the Slave Trade

John Locke's late seventeenth century writings are significant to any discussion of the development of a discourse of human rights. His commentaries about the nature of human liberties with a particular focus on the right to private property, the right to religious worship, and the right to legislative governance, were significant to the development of political thought among the growing bourgeoisie. Though these *specific* rights are crucial, I am most interested in the ways in which Locke's work shapes a discourse for framing human rights and, ultimately, how each specific right becomes interconnected. When initially produced, this framework was meant to have practical implications: Locke's interpretation of natural rights was a challenge to absolute monarchies because it rested on the idea that rights belong to each individual human. Central to this concept of individual rights is the idea that governments are created via a "contract" among individuals to which each individual may or may not give consent. Any other regime is contrary to natural or human rights and is, therefore, oppressive. In the opening line of his *First Treatise*, Locke reacts to Sir Robert Filmer's support of absolute monarchs writing, "Slavery is so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation; that 'tis hardly to be conceived, that an *Englishman*, much less a *Gentleman*, should plead for't." Locke refers here to the English government though one could imagine the connection to the flourishing African slave trade. Human beings, according to Locke, should be allowed to exist—free from absolute control and with the ability to make decisions regarding how they are to be governed. This argument against the tyranny of absolute monarchies would

surface again in the eighteenth century and form, to a great extent, the bedrock of American revolutionary thought, and to a lesser extent, that of the French.[2]

The traditional primary source for Locke's argument for a system of governance determined by the people as opposed to tradition (or the divine right of kings) is his *Second Treatise on Civil Government* published in 1690. In the *Second Treatise* Locke asserts that authority can only be constituted in the people through a government founded on legislative rule. If power is created by the people and if they have the right to create legal authority, then they also have the right to discern what that authority should constitute. In other words, human beings have the right to communicate among themselves, to deliberate, to pass into and out of the public sphere—to establish a government as they see fit. The development of governments begins in nature where, Locke claims, humans initially existed in a "state of equality," with no one having authority over another (2.4). During this dawning age humans were governed by the law of nature. This law, predicated on reason, claims "that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions…" (2.6). If one lives contrary to this law, then one "declares himself to live by another rule than that of reason and common equity" (2.8). Locke means that we all have ultimate possession of our bodies—this being *the* fundamental human rights protection. But because we need to be protected, because living in the state of nature is made difficult by those who live by rules other than "reason and common equity," Locke claims that "God hath certainly appointed government to restrain the partiality and violence of men" (2.13). To be clear

[2] Locke's connection to 20th and 21st century liberal ideology (in the European sense) has been much discussed. Harold Nicolson writes that Locke as compared to Hobbes, was the first "lucid and comprehensible" writer "to expound the basis of liberalism." He adds, "…Locke is the true originator of our modern conceptions of liberty"—religious, political, and intellectual (274).

though, he does not say that absolute monarchs are a part of this equation. Again, Locke was specifically arguing against Filmer's "Natural Power of Kings" or the idea that the right to rule had been given to Adam by God and thus to the monarch. For Locke, the only legitimate government is one established when people consent to come together to protect themselves and their property.

The roots of this property are clearly defined. Locke writes that God made the earth to be used by humans for their comfort and subsistence (5.26). "Though the earth and all inferior creatures be common to all men, yet every man has a *property* in his own *person.* This nobody has any right to but himself. The *labour* of his body and the *work* of his hands, we may say, are properly his" (5.27). Again, each person's body belongs to his or herself, and this is the ultimate right to property—the right to safety. Property outside of one's self comes from one's labor and work with nature: "As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property" (5.32). Donald Greene believes this can lead to "laissez-fare thinking" that claims, "God's in his heaven, all's right with the world, and if other people remain poor, it is the result of their own willful folly and laziness" (117). Indeed, this is the argument some on the Right-wing of liberalism find quite appealing.

But later Locke writes that because man is born free, he or she "hath by nature a power not only to preserve his property, that is, his life, liberty, and estate, against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself" (7.87). Estates, what we normally think of when we discuss property, are included in this list, but only alongside "life" and "liberty." Defending these rights that are so crucial to a dignified

existence are often difficult to do alone. And so, humans decide to come together to form governments, to form a "body politic" (8.95). This is all a part of a divine plan because God thought "man" should live in community and not alone and "fitted him with understanding and language" (7.77). These communities, then, agree upon the right to protect personal property together by giving their collective authority to a government.

This act of forming a government is an act of trust. Humans may "give up the equality, liberty, and executive power they had in the state of nature into the hands of the society," but they do this trusting that the government will do all things with the "public good" in mind (9.132). Locke clarifies this noting that when the legislative or "supreme executor" goes against the public good or goes beyond their limits of authority, the people have "a right to resume their original liberty" (12.222). So this act of trust has an escape clause—a right to revolution. The people reserve this right to re-establish a government because, again, "The end of government is the good of mankind" and not tyranny (12.229). Those who argue against rebellions in opposition of governments that invade, destroy, or thieve the property of those who have placed their trust in them, "may as well say, upon, the same ground, that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed" (12.228).

But who holds this right to revolt? Who participates in the social contract? Who is privileged in Locke's equation? And, by extension, who is human? In his *Second Treatise* Locke raises a number of questions about the general equality of human beings and states, "Though I have said above (Chap. 2) *That all men by nature are equal*, I cannot be supposed to understand all sorts of *equality*: Age or virtue may give men a just precedency" (6.54). In other words, the equality that Locke describes is somewhat

limited.[3] In order to partake in this equality, one must have "reason, which is able to instruct him in that law he is to govern himself by, and make him known how far he is left to the freedom of his own will" (6.63). This rule limits children, "lunatics and idiots" from having complete freedom.

While Locke is no egalitarian in the strictest sense, at times he exhibits a belief in equality that, although inherently limited, could foster the tolerance of others and promote the ideas that all humans deserve the right to exist and believe as they wish. Such a case is made in *A Letter Concerning Toleration*, Locke's argument against the persecution of religious sects, in particular those being persecuted in France. As with his *Second Treatise*, this is a response to real-world events as Locke must have been privy to the stories told by persecuted French Huguenots while he was living in Holland. The treatment they received must have disturbed him for he writes that a true Christian must "make war upon his own lusts and vices" and not torment others for the sake of religious belief (6). The Gospel of Jesus Christ teaches love and tolerance, not the right to physically torture those who do not believe as you do (8). He writes, "that the Church of Christ should persecute others, and force others by fire and sword to embrace her faith and doctrine, I could never yet find in any of the books of the New Testament" (16). Such intolerant behavior would qualify as a "civil injury," an infringement on one's personal liberty or property because these actions would, inevitably, require the consent of governments. The Church must be concerned only with "the salvation of souls" and

[3] Locke provides another vision of equality from the point of charity in "Philanthropy or The Christian Philosopher's" (1675): "No man can say he loves God that loves not his neighbour; no man can love his neighbour that loves not his country. 'Tis the greatest charity to preserve the laws, and rights of the nation, wherof we are. A good man, and a charitable man, is to give to every man his due. From the king upon the throne, to the beggar on the street" (Locke 226).

should have nothing to do with influencing governance (30). We should be wary, Locke writes, of Church leaders who use their power to make "use of the immoderate ambition of magistrates, and the credulous superstition of the giddy multitude" to attack dissenters (58). Faith can be a useful tool for those seeking political and economic gain.

A Letter Concerning Toleration exposes Locke's understanding of the separation of Church and state and is, thus, an important source for understanding the relationship of his theory of government to human rights (9). He believes that Church and state should have little to do with one another. Civil magistrates must be mindful of this separation when executing and enforcing laws. Their power is limited to "outward force" and, therefore, they can debate the issue but cannot force someone to believe in one thing or another (11). Locke makes it clear that government toleration of religious beliefs is a matter of rights:

> Nobody, therefore, in fine, neither single persons nor churches, nay, nor even commonwealths, have any just title to invade the civil rights and worldly goods of each other upon pretence of religion. Those that are of another opinion would do well to consider with themselves how pernicious a seed of discord and war, how powerful a provocation to endless hatreds, rapines, and slaughters they thereby furnish unto mankind. No peace and security, no, not so much as common friendship, can ever be established or preserved amongst men so long as this opinion prevails, that dominion is founded in grace and that religion is to be propagated by force of arms. (20)

True religious belief comes from an internal transformation, not from having it imposed upon you by the Church or by the magistrate.

Magistrates do have the authority to intervene with religious assemblies in order to prevent actions that are typically unlawful though they cannot use their power "to the oppression of any Church, under pretence of public good" (35). They may also be *intolerant* on behalf of the public good and with those who do not believe in God at all.

Until Locke makes this claim, *A Letter* appears to be a recipe for the establishment of a quite tolerant society, as he explains that, "neither pagan nor mahometan, nor jew, ought to be excluded from the civil rights of the common-wealth because of his religion" (52). But atheists, or those "who deny the being of a God" should be excluded because "Promise, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist" (47). Locke further disqualifies those sects that "attribute unto the faithful, religious, and orthodox…any peculiar privilege or power above other mortals, in civil concernments; or who upon pretence of religion do challenge any manner of authority" (46). Such groups may disrupt the commonwealth and since, "The public good is the rule and measure of all law-making," the magistrate can suppress sects that seek to disrupt it (30). Alex Tuckness notes that, "Locke would claim that there are some beliefs that we can clearly foresee would have devastating effects if widely held and that if we wait until they are widely held before moving against them our actions may be futile" (297). In other words, he adds, "If the danger is really clear, we need not wait until it is present."

However, it is in the interest of governments to be tolerant of religious differences: "Just and moderate governments are every-where quiet, everywhere safe; but oppression raises ferments and makes men struggle to cast off an uneasy and tyrannical yoke" (49). Oppression will breed rebellion and toleration, peace:

> Some enter into company for trade and profit, others for want of business have their clubs for claret. Neighborhood joins some and religion others. But there is only one thing which gathers people into seditious commotions, and this is oppression…The sum of all we drive at is that every man may enjoy the same rights that are granted to others. (50)

Whatever his reasons for writing this, be they religious or political, such a pronouncement is a decidedly pragmatic and somewhat secular-leaning argument for human rights.[4] It is a warning to governments regarding the perils of oppression. But Locke's toleration, while pioneering in some ways, does not, necessarily include a positive social justice agenda. He simply wishes to end arbitrary and discriminatory practices in a narrowly defined set of issues asking for "negative" rights not "positive" ones. But limited interpretations often create evolutionary discourses that foment change in language and social views. Locke's limited interpretation of toleration here, speaks to the strict, calculating motives of contemporary human rights law. Such protections are not always positive measures that breed happiness and good will to all; they often only seek to end immediate and ongoing discrimination, abuse, or violence, arbitrary or otherwise.

Despite Locke's writings which seek to protect property (life, liberty, estates), his life and his body of work is full of contradictions that still raise concern given his supposed influence on the development of political thought in the United States and on contemporary human rights discourse. The most glaring problem with any analysis of Locke and his relationship to human rights discourse is that Locke invested 600 pounds in the Royal Africa Company, which, among other things, traded in African slaves. In addition, he gave of his time serving as Secretary to the Council of Trade and Foreign Plantations from 1673 – 1674 and as Commissioner on the Board of Trade, from 1696 –

[4] Writing about Locke's 1667 *Essay on Toleration* not *A Letter*, John Dunn argues that Locke was most interested in the pursuit of freedom of thought "because it was necessary for the pursuit of religious truth…The human mind was to be made free in order that men might grasp the more clearly their ineluctable confinement in the harness in which, ever since the delinquencies of their first ancestor, God has set human beings in the world…through dutiful acceptance of the yoke in their lives, they could earn the possible, though happily the surpassing, ease of the world to com" (264). Dunn believes that Locke's reasons for toleration and the social contract rest on religious convictions—these are duties one owes to God.

1700. Slavery is the white elephant in the room of Locke. His relationship to slavery in theory and in practice has always been up for debate because of the issue's implications on his overall theory of rights—both material and immaterial.

Dated July 21, 1669, and thus written prior to *Second Treatise* and *A Letter Concerning Toleration*, the Fundamental Constitutions of Carolina provides some insight into Locke's connections to slavery, and perhaps, to the development of plantation culture and legal codes in the future colony and state of South Carolina. Despite numerous revisions, the Fundamental Constitutions were never actually approved by the colonists though the document served several important functions. Locke's connection to this text and to the Carolina colony began in 1668 when he saved the life of Lord Ashley, soon to become Earl of Shaftesbury, by the successful performance of a dangerous medical procedure. Ashley was the leading figure in the project to settle Carolina and Locke was his secretary when the future earl initiated an effort to write the Fundamental Constitutions. There is much debate as to whether or not Locke actually crafted the document by himself. We know that Locke was the official secretary to the Lord's Proprietors, the group funding the colonization of Carolina, but was he more than a copyist? In a compendium of foundational texts for North Carolina, Mattie Erma Edwards Parker writes in an introduction to "The Fundamental Constitutions" that, at the very least, the document crossed his path and he did write some of it down (128). One scholar is more specific and notes that of the first of the four versions of the document, "…the main text is in an unknown hand, but the first two paragraphs and first sentence of the third, and most of the large number of amendments, are in Locke's hand (Goldie 160). Peter Laslett believes that the Fundamental Constitutions may have been "the result

of literary co-operation" between Ashley and Locke (29). Walter Edgar, citing others including M. Eugene Sirmans, Robert M. Weir, and Barbara Arneil, agrees that, "The final document…was as much Locke's work as Lord Ashley's" (42). Sirmans also believes there must have been collaboration, "but the weight of the argument indicates that the ideas were mainly Ashley's" (9). Certainly John Locke was deeply connected to this document and to this particular colonial project throughout his life. Arneil argues that Locke had more than a passing interest in colonialism and trade and that, at the very least, "colonial policy dominated Locke's life from 1668 to 1675" (592). Besides his connections to colonial policy, Locke carried on a personal correspondence with Sir Peter Colleton, a wealthy Carolina planter, and had an island off the coast of South Carolina named for him.[5]

Maurice Cranston writes that Lord Ashley also convinced Locke to apply his writing talents in helping him with the Carolina project by drafting other legal documents as well as advertisements to promote this business venture (119). Like these advertisements, the Fundamental Constitutions was a document meant to lure settlers and establish legitimacy for the project through its plan for governance "because the King had entrusted the Lords Proprietors with full responsibility for its government." It should also be noted that because the document was used to attract customers, a.k.a. colonists, it provided a legal framework for a society in which they might be interested in living. In this sense, it can be viewed as foundational. Some of the Fundamental Constitutions articles, for example those protecting religious freedom, are more palatable than others. Perhaps because of his Presbyterian roots, Lord Ashley supported religious toleration and made certain that such tolerance would be written into the document. Article 93 claims,

[5] Locke Island, now known as Edisto Island.

"No man of any other Church or profession shall disturb or molest any Religious Assembly (Parker 150). Similarly, Article 100 states, "No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in Religion or his way of worship." Article 87 advises that "heathens, Jews, and other dissenters" will be allowed to live in this colony, at the very least, so they may experience "the purity of Christian Religion may not be Scared and kept at a distance from it, but, by having an opportunity of acquainting them selves with the truth and reasonableness of its Doctrines" (148 – 9). This, according to the Fundamental Constitutions, will hopefully lead to their conversion. Cranston believes Ashley's tolerant beliefs and his influence on this document were motivated by his economic interests. He writes, "Ashley opposed religious persecution because religious persecution divided a nation, drove many of its most industrious citizens to emigrate, and generally impeded commercial development" (107). In essence, Ashley "was the complete progressive capitalist in politics." [6] But as with Locke's *Letter Concerning Toleration*, there are limits to the toleration espoused by the Fundamental Constitutions. Article 86 states that there is no place in this colony for Atheists: "No man shall be permitted to be a Freeman of Carolina, or to have any Estate or habitation within it, that does not acknowledge a God, and that God is publicly and Solemnly to be worshipped" (Parker 146). There is also a clause in Article 94 which prohibits the use of religious meetings to defy authority (150). However, a limited freedom of religion is established in the Fundamental Constitutions for slaves:

> Since Charity obliges us to wish well to the Souls of all men, and Religion ought to alter nothing in any man's civil Estate or Right, It shall be lawful for Slaves, as all others, to enter them selves and be of what church any of them shall think best,

[6] The relationship between capitalism and the advancement of some human rights is, or course, an argument with many supporters and critics both contemporary and otherwise. For some of this discussion see Ishay, Donnelly, and Amartya Sen.

> and thereof be as fully members as any freeman. But yet, no Slave shall hereby be exempted from that civil dominion his Master has over him, but be in all other things in the same State and condition he was in before. (150)

That "civil dominion" is clearly established in Article 101 as, "Every Freeman of Carolina shall have absolute Authority over his Negro Slaves, of what opinion or Religion soever" (150). A later revision clarifies the first version of this article, stating that "Freeman" have "absolute power" in addition to the aforementioned "absolute Authority" over slaves (164).

In addition to limited religious toleration and slavery, the Fundamental Constitutions of Carolina provides room for a "landed gentry" complete with a servant class, here called "slaves." Sirmans writes that the "Grand Model," as it was often referred to, was akin to "the manorial system… the Constitutions provided for manors, manorial courts, and the equivalent of serfs" (9). The people that would buy into this model were people who were interested in holding human beings in bondage, which, we shall see, is contrary to Locke's own view of human rights. The question, then, of whether or not Locke had a hand in writing the Fundamental Constitutions is quite important. Locke's labor, time, and money went into this document which, by hook or by crook, assisted in the development of two colonies (South and North Carolina) that supported and were supported by slavery. South Carolina was particularly at the forefront of establishing chattel slavery, a system that created divisions among groups of human beings to such a degree that one group was considered more human than the other. Did the Fundamental Constitutions establish this precedent? There is no definitive answer, but the belief that Locke had a hand in its creation was and is a part of American popular culture. In 1847, a short story by Edmund Quincy appeared in the abolitionist journal

Liberty Bell describing the colony of South Carolina decades after the Stono Rebellion. The narrator summarizes the role of Locke and the Lord's Proprietor's in the development of the colony:

> The noble proprietaries were endeavoring to revive on those distant shores the decaying feudality of the Old World. They had called philosophy to their aid, and in making John Locke the Lycurgus of their infant realm, the fantastic spirit of Shaftesbury thought they had imitated the wisdom of the ancients who made their philosophers their law-givers. But the experiment redounded as little to the Credit of philosophy, as the incorporations of negro slavery with the institutions he ordained, did the honor of the philosopher. But at the first establishment of the Constitutions of Carolina, their defects were not developed, and their fanciful structure attracted more general attention, doubtless, than a more rational plan would have done. (43 – 4)[7]

Even if Locke did not write the Fundamental Constitutions of Carolina, many believed and still believe that he did.[8] Such a fiction may have had more influence on popular discourse than the actual ambiguous truth. Ultimately, what we do know is that the Fundamental Constitutions opened the door for slavery (Sirmans 14). This is what matters most. Locke himself seems to have been aware of that fact. Peter Wood cites

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[7] Quincy, Edmund. "Mount Verney: Or, an Incident of Insurrection." *Stono: Documenting and Interpreting a Southern Slave Revolt*, Ed. Mark M. Smith. Columbia, South Carolina: University of South Carolina Press, 2005.

[8] Several recent and, I believe, important examples of this phenomenon (given the popularity of the publications) include authors who, for the most part, completely erase Lord Ashley's role in writing "The Fundamental Constitutions." Howard Zinn in 1980 writes: "the Fundamental Constitutions were written in the 1660s by John Locke, who is often considered the philosophical father of the Founding Fathers and the American system" (47). In his 1998 National Book Award-winning *Slaves in the Family* Edward Ball claims that, "When the English arrived, they carried with them a social contract, the Fundamental Constitutions, written in London by the philosopher John Locke" (30). And in 2000, David Robertson in *Denmark Vesey* acknowledges that Locke, "The philosopher, secretary to one of the proprietors, devised an elaborate constitution for the new colonists, a copy of which one of the Barbadian Adventurers carried with them" (14). Robertson places much emphasis on Locke's view of religious tolerance: "And in delayed fulfillment of John Locke's insistence that the Barbadian founders practice religious tolerance, Charles Town became a sanctuary from the late 1600s for Sephardim and other Jewish refugees from Europe" (16). Again, later on, he gives Locke credit for breeding religious tolerance in South Carolina for generations to come (20, 46). But the Locke "contribution" was recognized in historical analyses of South Carolina beginning in the eighteenth century. Alexander Hewatt's 1779 book *An Historical Account of the Rise and Progress of South Carolina and Georgia* includes an appendix with "The First Set of the Fundamental Constitutions of South Carolina as Compiled by Mr. John Locke." Kenneth M. Stampp's *The Peculiar Institution* claims that "in 1669, Carolina's Lords Proprietors promulgated John Locke's 'Fundamental Constitutions' which gave every freeman 'absolute power and authority over his negro slaves'" (18).

Locke writing of Carolina in 1671: "Sir Jo Yeamans intends to stay all the winter…[he] brought negroes and expects more" (23). Locke knew that the practice was flourishing. In his well-read history *From Slavery to Freedom*, John Hope Franklin attributes the writing of the Fundamental Constitutions to John Locke. Because of this document, he writes:

> Not only was slavery sanctioned, but its existence was protected against any presumed jeopardy to which conversion might expose it. In no other colony did slavery begin more auspiciously, nor was there anywhere any greater prospect for its success. (78)

Peter Laslett rescues Locke from complete implication with the Lord's Proprietors writing that as Locke matured as a philosopher his "his views on people, who they were and how they related to government" as well as his relationship to the practice of slavery, changed over time (30). While escaping potential persecution for his association with the Earl of Shaftesbury, Locke lived for a time with a Quaker named Benjamin Furly who was adamantly opposed to the slave trade (Farr 268). By 1677 Locke had sold off his interests in the Royal African Company (Glausser 201). Most critics agree that Locke's most mature theoretical view of slavery is clearly established in the *Second Treatise*. This theory is closely linked to his theory of just wars and follows a strict line of reasoning. First of all, humans cannot be governed by any other authority except that which is "established by consent in the commonwealth" (4.22). Humans must be free "from absolute, arbitrary power" because that freedom is tied to their right to live (4.23). Therefore, no one can be a slave except in the case of a just war: "This is the perfect condition of slavery, which is nothing else but the state of war continued between a lawful conqueror and a captive" (4.24). A just war occurs when one group is not allowed the right to live—when they are subject to "absolute, arbitrary power." Those who cause such wars to take place exclude themselves from civil society and, thus, from their right

to liberty, their right to life (7.85). Only under such conditions is slavery to be permitted. James Farr agrees, "that Locke's just-war theory of slavery *is* consistent with his account of natural rights" (264). Farr argues that Locke was silent on the issue of African slavery but was not, necessarily, "a racist in the strong sense to justify slavery." The slave captured in a just war had made a choice—and was indeed rational enough before the war—to violate the property and rights of another (271). "So in America, as in Africa," Farr writes, "slavery and the slave trade had nothing to do with a just war. Locke's theory and seventeenth-century practice remained as far apart as night and day, black and white" (276). Locke's pronouncements on slavery are merely an attempt to undermine the tyranny of absolutist regimes (281).

So all we really know about Locke's view on slavery is that at one point he actively supported the trade. Perhaps there are flaws in Locke's character, but we must respect the fact that he was astutely legal and that his focus was on a strict interpretation of natural law in order to protect the fundamental rights of, at least some, human beings. Such strict interpretations create a precedent in which language works in favor of groups that would otherwise be denied their natural rights—Christian dissidents and prisoners of unjust wars, for example. The problem, though, is that we cannot always be sure of whom or for whom Locke writes. And in the case of the Fundamental Constitutions, this writing helped open the door for slavery in the colony of South Carolina.

Other Architects of Rights Discourse

The work of Jean-Jacques Rousseau provides a contrast to Locke's conception of individual rights, his focus on the protection of private property, and what one could

argue is essentially a roadmap for inequality and justifications for chattel slavery. In the *Discourse upon the Origin and Foundation of the Inequality among Mankind* (1755) or simply *Discourse on Inequality*, he argues that humans are essentially good in their natural state, but property creates social struggles, limits human freedoms, and degrades morals. These political inequalities have the potential to disrupt society. Like Locke does in his *Second Treatise*, Rousseau examines the very beginnings of social relations in order to make his argument. He begins with humans in the state of nature who are characterized by an innate desire for self-preservation. But this self-preservation is moderated by "compassion" or "an innate repugnance toward seeing his fellow man suffer" (28). This sentiment is so natural, he writes, one also finds it in animals: "Such is the pure movement of nature, prior to all reflection; such is the force of natural compassion, which the most depraved moral habits can destroy only with difficulty" (28). This compassionate relationship with others is what "contributes to the mutual preservation of the whole species" (29). The state of nature Rousseau presents is idyllic and free from inequality and, yet, all of this changes when property enters the equation. Rousseau writes, "The first man who, having fenced off a plot of land, thought of saying 'This is mine' and found people simple enough to believe him was the real founder of society" (34). The advent of "metallurgy and agriculture" are primary causes of this transformation in human culture that leads, inevitably, to divisions of labor and land—the first steps toward inequality (40 – 41).

Rousseau attaches moral consequences to this supposed birth of property claiming, "In this way, the usurpations of the rich, the brigandage of the poor, the unbridled passions of all, stifling natural compassion and the still feeble voice of justice,

made men avaricious, ambitious, and wicked" (43). As disputes over land and property grew, the rich devised a plan to protect and empower themselves by uniting those around them:

> Such was the, or must have been, the origin of society and laws, which gave new fetters to the weak and new powers to the rich, irretrievably destroyed natural liberty, established forever the law of property, and inequality, made clever usurpation into an irrevocable right, and, for the benefit of a few ambitious individuals, henceforth subjected the whole human race to labor, servitude, and misery. (44 – 45)

This arbitrary leadership, which is characterized by brutal wars, constant struggles for property, and gross inequality, must be done away with. The body politic should be "a real contract between the people and the leaders it chooses for itself" (50). Rousseau observes that revolutions are, therefore, necessary in order to "dissolve the government entirely or bring it closer to legitimacy" (52). He concludes that "only by the means of just political institutions that the rights of a citizen could blossom and war disappear" (Ishay 103). But how can a "just political institution" come into being?

In 1762, Rousseau developed a more complete political framework for such a revolution and in the process a plea for fundamental human rights in *Du Contrat Social* or *The Social Contract*—a work very much in the tradition of Locke's *Second Treatise.* Unlike Locke, though, Rousseau saw power as ultimately resting within the collective, not the individual. Importantly, his argument emerged as disputes between the American colonies and the British crown were increasing and his ideas influenced many writers of the American Revolution—and perhaps the leader of another important revolution, Toussaint L'Overture.

With feigned humility Rousseau asks in an introductory "Note" to the text, "Am I, it will be asked, either prince or legislator that I take it upon me to write of politics?"

(169). He concludes that he must; all citizens must interpret political actions and political formations. The French authorities were not keen on this particular concept, nor did they appreciate the first line of the text proper: “Man is born free, and everywhere he is in chains” (169). Often interpreted in more radical ways, he essentially means that all humans were born in a state of nature but now exist within the confines of a society. Society, though, is not a bad thing: “The social order is a sacred right which serves as a foundation for all other rights” (170). For Rousseau, then, authority does not come through physical dominance, the ability to inflict pain or violence: “Might does not create Right” (173). Authority rests in “the legitimate powers of the State” (173). And these “legitimate powers” only come about through collective social agreement, through a social contract. Through the social contract, the individual recognizes the rights of the whole community. This contract requires that individuals lose “natural liberty” but gain a more collective “civil liberty” and are bound by a mutual “identity of interests” (185, 190).

In some senses utopian and in some senses rational, Rousseau imagines these changes as steps towards the creation of a more civilized and just world:

> The passage from the state of nature to the civil state produces a truly remarkable change in the individual. It substitutes justice for instinct in his behavior, and gives to his actions a moral basis which formerly was lacking. Only when the voice of duty replaces physical impulse and the cravings of appetite does the man who, till then, was concerned solely with himself, realize that he is under compulsion to obey quite different principles, and that he must now consult his reason and not merely respond to the promptings of desire. (185)

Collective duty guides actions and, ultimately, how laws are established and observed. When forming society, humans give up some personal freedoms but gain equality before the law. Again, humans are created unequally but are made equal by law and by contract

(189). In order to maintain this equality before the law, Rousseau opposes the use of legislative governments. States should be kept small so that everyone can have an equal voice and participate (259). In this way, a government can be directed by what he calls the *volanté general* or the general will. Habermas claims that Rousseau "saw the spirit of the constitution neither engraved on marble nor cast in bronze, but anchored in the hearts of citizens" (Habermas 97). This is the crucial difference between Rousseau's vision of governance and Locke's. "The essence of Lockean democracy is an impulse toward liberty…The essence of Rousseauean democracy is an impulse toward equality" (May, et. al., 2). Perhaps in the most radical view, Rousseau is a communist and Locke is a libertarian. These two philosophers start from different places when discussing human rights as well—and this is an important and fundamental difference. A Lockean theory of rights begins with the individual and negative rights and a Rousseauean begins with the group, and perhaps, positive rights. Locke says, "You can't do these things to me!" Rousseau says, "I have a right to these things!" In this way, equality is guaranteed collectively because if *I* do not have rights, then *you* do not have rights. This is an argument that has been integral to many human rights struggles. An "impulse toward equality" is what should protect everyone from slavery to a state or to a person. But Rousseau might argue that a society that is property-focused—as he warns against in the *Discourse on Inequality*—would be capable of legitimizing chattel slavery. If a society consists of people who can own things, then it would not be a stretch for that society to have individuals lay claim to those humans considered "things" and thus deny them of their liberty.

This theoretical leap was clearly happening in the first half of the eighteenth century. But the egregious wrong of the African slave trade was not passing unnoticed; it was beginning to shape rights discourse, especially among some English circles. Samuel Johnson famously toasted a group of "very grave men at Oxford" by saying, "Here's to the next insurrection of the Negroes in the West Indies" (Boswell 876).[9] In reality, though, slavery was still not *central* to the rights debate. Adam Hochschild notes that even in this era when there was an "upwelling of ideas about human rights…surprisingly few people saw a contradiction between freedom for whites and bondage for slaves" (87). Rights discourse emerged in other ways and in a variety of literary genres. Writers making "enlightened" and rational arguments for human liberty were confronted with serious empirical evidence that the world was far from being equal, that deep poverty and inequality persisted.

In his satirical pamphlet of 1729, "A Modest Proposal,"[10] Jonathan Swift offers a mirror for his contemporaries through his use of satire and persona. The speaker describes a plan for easing the burdens of the Irish poor by announcing a plan to use their babies as food. He writes, "I have been assured by a very knowing American of my acquaintance in London, that a young healthy child well nursed is at a year old a most delicious, nourishing and wholesome food" (259). This new industry will provide the poor with property which they can leverage; boost the economy at-large; "bring great custom to taverns" providing work for the best chefs; and, finally, it will encourage

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[9] Peter Gay paints Johnson as a sort of abolitionist (421 – 3). In "Taxation No Tyranny," for example, he writes," how is it that we hear the loudest *yelps* for liberty among the drivers of negroes?" (Johnson 454). This, perhaps, is more an attack on the colonists than a call for abolition. Adam Hochschild says that other than this public statement, "he never went much further in devoting his formidable literary energy to slavery" (86).

[10] Originally published as "A Modest Proposal for Preventing the Children of Poor People in Ireland from Being a Burden to their Parents of the Country, and for Making them Beneficial to the Public."

peaceful marriages and protect wives from abusive husbands (263). John Bullitt writes that the speaker is "An economist to the end" and "remains oblivious to what is evidently the cause of his disinterestedness: the total absence of any personal involvement in the realities of misery" (62).[11] The speaker offers a highly rational plan for solving a vexing dilemma of the state in the same way that a mathematician might solve an equation. Despite the irony of this essay, the underlying message is an argument for the right of human beings to live without poverty and degradation. Swift desires to expose the horrors inflicted on certain communities during the eighteenth century's press for free markets. However, he does not call for a revolution to dismantle the economy that has created this situation. Instead he asks for moral reform of the individual and of the state (Williams 114). Swift's morality was rooted in his Christian beliefs and, perhaps, a desire to shame and blame the reader and the public at-large. There is no doubt, though, that literary fiction allowed Swift to present a more ambiguous picture of human rights in the eighteenth century; persona allows for certain liberties that law will not.

Voltaire's *Candide* (1759) relies on similar techniques to critique the faith in rationalism pervasive among Enlightenment philosophes. He takes such rationalism to the extreme showing that humanity will often rationalize certain practices as natural and right despite daily evidence of the contrary. In particular he satirizes Optimism a philosophy that protagonist Candide's "wise" teacher Pangloss (the name means "all tongue" or "all talk") summarizes in the phrase "all is for the best in the best of all worlds." This view is an absurdity in a world of warfare, intolerance, and slavery. Acknowledging connections between new economic patterns and the intellectual

[11] Could one argue that this was, in some ways, the position of Locke as an investor in the slave trade? Would he have been intolerant of the fantastical government-building of his colleagues, the Lord's Proprietors, had he sailed on a slave ship?

flowering of the Enlightenment, Voltaire exposes the source of the coffee in the coffee shop and the sugar used to sweeten it:

> As they drew near the town they came upon a Negro lying on the ground wearing only half his clothes, that is to say, a pair of blue cotton drawers; this poor man had no left leg and no right hand. "Good heavens!" said Candide to him in Dutch, "what are you doing there my friend, in that horrible state?" "I am waiting for my master, the famous merchant Monsieur Vanderdendur." "Was it Monsieur Vanderdendur," said Candide, "who treated you in that way?" "Yes, sir," said the Negro, "it is the custom. We are given a pair of cotton drawers twice a year as clothing. When we work in the sugar mills and the grindstone catches our fingers, they cut off the hand; when we try to run away, they cut off a leg. Both these things happened to me. This is the price paid for the sugar you eat in Europe. (Voltaire 282)

This "Negro" presents "the connection between human conduct and the presence of evil in the world"—a connection that cannot be rationalized as somehow positive and good for humankind (Topazio 39). This statement of fact by an unnamed African slave is clearly aimed at "caffeinated" Europeans. What this man says is the literal and bloody truth; he has the wounds to prove it. He says, in effect, "You can't have cheap sugar without cheap labor." Through Voltaire's pen, this slave enters the public sphere; he is given access to the debate and is allowed to acknowledge his human dignity if only for this brief, yet horrifyingly wonderful, moment.[12] Such violent juxtapositions—a quiet road and a tortured slave; an Englishman at dinnertime munching on the roasted leg of an Irish baby—are the bread and butter of these satirists. Both Swift and Voltaire effectively scorn humankind through their literary productions, yet the Negro is still on the side of

[12] An echo of this idea of self-representation can be found in the following quote (cited by Peter Gay) by Horace Walpole directed toward Sir Horace Mann: "Caribs, black Caribs have no representatives in Parliament; they have no agent but God, and he is seldom called to the bar of the House to defend their cause…Alas! dare I complain of gout or rheumatism, when so much a bitterer cup is brewed for men as good as myself in every quarter of the globe! Can one be a man and not shudder at all our nature is capable of!" (Gay 409).

the road half-naked "with no left leg and no right hand," as Candide goes merrily on his way to cultivate his garden.

Those Not Receiving Invitations to the Salon

The scientific and philosophic flourishing that took place during the age we call the Enlightenment did foster a new or renewed toleration. Peter Gay calls this a sense of "humanity" though at the same time—as I note above—points out the fact that not everyone was the recipient of humanity; not everyone could afford it:

> Progress itself called for new victims, and the very improvements that lightened the burdens of many intensified the sufferings of others: for the majority…the eighteenth century remained a time in which there was little to be enjoyed and much to be endured. The new style of thought was in the main reserved to the well-born, the articulate, and the lucky: the rural and the urban masses had little share in the new dispensation. (4)

Philosophic and scientific explorations were not a part of the day-to-day routines of the poor in Western Europe, nor did they have time to participate in the rational-critical debate of the coffee houses and salons. And despite their calls for human liberty, Locke and Rousseau did not launch campaigns to end slavery.[13] In *Bury the Chains* Adam Hochschild provides a summary of some of the sins of leading Enlightenment intellectuals, though he reveals nothing that is terribly shocking (85 – 7). Adam Smith and Sir Thomas More both made claims that slavery was natural and there was no hope of abolishing the practice. John Locke, as noted above, invested in the Royal African Company "whose RAC brand was seared onto the breasts of thousands of slaves." And even Voltaire was involved—a slave ship with his name roamed the seas. Many of the great theorists of the day, it seems, had trouble putting theory into practice. And so many

[13] But their ideas may have had some influence on that movement.

human beings were on the outside of this developing public sphere and, by default, of "humanity."

If Enlightenment-era rights discourse is built on shaky ground, this may not bode well for the humanist tradition in general. Rights discourse as expressed by Locke, Rousseau, and their peers comes into question. Locke adequately describes the rights of "man" on one hand while supporting slavery through both action and inaction, on the other. We can decipher, therefore, what he meant by "man," what he considered "human." And the laws and constitutions of this period reflect these implied distinctions by restricting participation in the public sphere. Indeed, one cannot communicate effectively if one is not a human being—does not own property, including one's self.

Alternative opinions, emanating from the poor and from women, *were* expressed in seventeenth and eighteenth century Western Europe, though they are not as often discussed. These "voices" comprise what Nancy Fraser calls "subaltern counterpublic spheres"— "parallel discursive arenas where members of subordinated social groups invent and circulate counter-discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs" (81). The "counterpublics" of the seventeenth and eighteenth centuries acknowledged the contradictions within the burgeoning capitalist economy and the public ideas that developed alongside it. Significant changes had taken place and, in some ways, more human freedoms were protected. Indeed, the representative public sphere, as Habermas describes it, can best be exemplified by Louis XIV's declaration, "L'etat c'est moi." He embodied state power and acted on it accordingly. He was power in a body. But this absolutist form of governance was transformed through the rise of a public sphere whose

motto could have been: “L’etat c’est nous.” But who was this “we”? It is this question that arises when, as Gay describes it, “new victims” suffer on behalf of progress. Counterpublics are “by definition, formed by their conflict with the norms and contexts of their cultural environment” (Warner 63). Counterpublics are made up of these “new victims” who recognize their rights and wish to realize them.

I would like to closely examine one counterpublic leader—a religious dissident named Gerrard Winstanley—who, in many ways, exemplifies the counterpublic’s potential to offer the subaltern a space in the public sphere, especially in moments of cultural and social conflict. To say that there were conflicts within English society during this period, is to put it mildly—the events that took place on St. George’s Hill on April 1, 1649, were the tip of a rather large iceberg. On that day, Winstanley and other hungry, destitute, and property-less people dug up the commons at St. George’s Hill—outside of London—in order to plant crops. In a very public way, the Diggers, as they were called, put theories of natural rights into practice long before Locke or Rousseau wrote about them. Fittingly, Winstanley writes in “The True Levellers Standard Advanced” that, “The common People are filled with good words from Pulpits and Councel Tables, but no good Deeds” (263). Winstanley identifies himself as part of an actual revolutionary alternative seeking change through action. His goal was clear: to give all people the capability to feed themselves, a fundamental positive human right.

Winstanley’s view of a just society, and most importantly of property, was quite different than that of John Locke. Sounding more like Rousseau, Winstanley wrote that the idea that property should be protected above all is the primary motivator for violence

and the root of all inequality.[14] He argued that if England placed private property rights above the right of humans to feed themselves, many would suffer and discussions of human rights would be a waste of time. Indeed, the lives of most people within such an economy would never change. Winstanley was aware of this conundrum from his own firsthand experience of the poverty and hunger that were becoming acute problems in seventeenth century England as land formally deemed "common" and free for all to use, was enclosed or fenced in. The situation was made even more dire by several years of poor harvests coupled with the repercussions of the civil war and widespread unemployment (Hill 86 – 87).

James Holstun notes that rich people rarely want to experience the agony of those who are starving: "when literate people record their voices, they usually want to hear their legal testimony, their religious confessions, and their deferential greetings—not stark embarrassing cries like 'We want to eat!'" (368). Winstanley's manifestoes are quite direct and, indeed, intended to embarrass the rich; hunger can be a rather sharp and precise literary device. On June 1, 1649, he wrote on behalf of all of all those starving in England in "A Declaration from the Poor Oppressed People of England." This document, a poor people's Bill of Rights, addresses the positive right to have food, heat, and shelter. Winstanley declares:

> Lords of Manors, Lords of the Land…the earth was not made purposely for you, to be lords of it, and we to be your Slaves, Servants, and Beggars; but it was made to be a common Livelihood to all, without respect of persons: And that your buying and selling of Land, and the Fruits of it, one to another, is *The cursed thing*, and was brought in by War. (269)

[14] In "A Declaration from the Poor Oppressed People of England" he writes that the Diggers intend "to observe the Law of righteous action, endeavouring to shut out of the creation the cursed thing, called *Particular Propriety*, which is the cause of all wars, bloud-shed, theft, and enslaving Laws, that hold the people under miserie" (276).

Anyone in power, he argues, established that power and their ownership of land through violence and theft and is thus undeserving of it. God's law, he writes, "hath made us sensible of our burthens"—we are aware of the injustices inflicted upon us; we are aware that current conditions are immoral and wrong (269). He alerts the "Lords of the Land" that he and his comrades will be digging up the commons in England and laws cannot prevent their actions.[15] The poor, he notes, are guided by "the inward law of Love" and "have an equal right to the Land…For the Earth, with all her Fruits of Corn, Cattle, and such like, was made to be a common Storehouse of Livelihood to all Mankinde, friend and foe, without exception" (269 - 270).

What is needed is "a Reformation, to preserve all peoples liberties…if the Reformation must be according to the word of God, then everyone is to have the benefit and freedom of his creation, without respect of persons" (274). This "reformation" Winstanley refers to is The Solemn League and Covenant of Parliament of September 25, 1643. He reminds the wealthy members of Parliament that this particular covenant requires them to protect the liberties of all, including the poor: "*England*, the land of our Nativity, is to be a common Treasury of livelihood to all, without respect of persons" (273). Yet, Winstanley takes his plea a step further noting that his demands are not only made on behalf of the poor of England, but "of all the Nations of the world, it being the righteous freedom of the Creation" (274). The right to eat is here established as a *universal* human right.

[15] Perhaps it is a coincidence, but Richard Wright uses a similar coinage in his 1941 photographic/textual analysis of Southern sharecropping, *12 Million Black Voices*. Assuming the voice of all oppressed sharecroppers, he writes, "Trapped by the plantation system, we beg bread of the Lords of the Land and they give it to us; they need us to work for them" (49).

Winstanley's human rights vision is decidedly rooted in the tradition of the Old Testament prophets. His authority does not come from earthly courts, but from God. In "Fire in the Bush," from February or March, 1649, a letter "To all the severall societies called churches," Winstanley provides a re-interpretation of the Garden of Eden story. In it, he tells the reader that the "following declaration of the word of Life was a free gift to me from the Father himselfe" (445). Further on he proclaims, "I have obeyed the voice" (446). In other words, like Amos and Isaiah, his message comes directly from God. His message in this particular text is that English churches are like the "Lords of the Land"—obsessed with property and ownership. The churches must support the poor and not act "like the Rats and Mice, that drawes the treasures of the Earth into your holes to looke upon, whil'st your fellow-members…doe starve for want" (448). Winstanley writes that in his battle with Satan, "Jesus Christ rejected the temptation of objects" (493). True believers must do the same.

In "The True Levellers Standard Advanced" (April 26, 1649) Winstanley writes that private property was the first sin and cause of the Fall of Man: "the great Creator Reason made the Earth to be a Common Treasury" (251). He rests this interpretation on what he calls the "Law of Righteousness," a law more powerful than those laws of England which support private property and serve to oppress the poor (256 – 7). He calls the English government "Cain" and asks, "when wilt though cease to kill thy yonger brother?" Winstanley wishes to reverse this downward spiral by reestablishing Paradise on earth. To make this happen, the Diggers intend "to dig up *Georges-Hill* and the waste Ground thereabouts, and to Sow Corn, and to eat our bread together by the sweat of our brows" (257). England, indeed the Earth, will never be free again until such a thing can

happen. He issues an ultimatum calling on landlords to "*Let Israel go Free*" (264). If they do not listen, they will, like Pharaoh, face dire consequences. God, according to Winstanley, has told him that he will "Multiply my Plagues upon thee, till I make thee weary, and miserably ashamed: And *I will bring out my People with a strong hand, and stretched out arme.*" (266). Despite the implicit religious implications of calling on "God's wrath," and the real threat of mobs of angry poor people, Winstanley's exhortations are imbued with the moral imperatives of universal human rights claims. He sees human rights as residing within "the people" in a greater sense because he believes that all are created by the same god and that all are the same in the eyes of that god. The Earth belongs to everyone, and everyone , no matter what their station in life, should share in its wealth.

The Law of Freedom (1651) outlines Wintanley's vision for a state based on this premise of shared property.[16] Such a state, or commonwealth as he writes, is the only kind of state that would be respectful of human dignity and create laws to protect it. Laws, in general, exist so as to preserve "the common peace" and protect against "the unreasonable self-will" (587 – 8)). He is acutely interested in community and how it can provide protection, peace, and freedom, but the current written English law does not do this. Instead, and here he sounds like Rousseau, it has been used to protect the freedom of those in power and the wealthy. Because this law is rooted in violence and the protection of the property of the rich it can only lead to more of the same (589). Winstanley's imagined commonwealth will be based on another law—"the true ancient law of God…a Covenant of peace to whole mankinde." It does not seem that he desires a Christian state,

[16] Christopher Hill accurately notes, "It is impossible to summarize *The Law of Freedom*: the reader must look at it himself" (134).

as such; Winstanley is more interested in a "Covenant of peace" which would lead all to use as a guide "the inward power of right understanding," the golden rule, "to do as they would be done unto" (589). This "right understanding" is, in fact, reason.

Respect for others is essential to this "commonwealth"—read shared wealth—of Winstanley's imagination. All members must work when necessary; all must respect their overseers; overseers must respect their position; and no one may buy or sell property (593 – 5). If someone is found guilty of claiming the Earth to belong to him or herself, he or she "shall be set upon a stool, with those words written in his forehead" (595). This is, perhaps, an unusual punishment, but one that cuts to the core of Winstanley's argument that freedom and respect cannot exist with private ownership. Indeed, the freedom to cultivate the earth is the ultimate human freedom (597). Besides these labor and property-focused laws, he writes that all will have "free liberty to marry whom they love," granted that the feelings are mutual (599). He adds that if a man is guilty of rape, "he shall be put to death, and that Woman let go free; it is robbery of a woman's bodily freedom" (599). Winstanley establishes such a harsh punishment because anyone who would act in such a manner could not, perhaps, function in his commonwealth and would have very little understanding of or respect for others. Here he sounds like Locke (or vice versa) who writes that when one is guided by anything other than reason, one "declares himself to live by another rule than that of…common equity" (2.8). Only in states that respect the common dignity of all human beings can common dignity exist. If, as we see in Locke, the ultimate right that one has is the right to own one's self, when that right of ownership is broached, freedom is negated, one has had one's self stolen.

Winstanley is also significant, for purposes of this discussion of human rights discourse, simply because he wrote. His essays are some of the few remnants of a period of significant outbursts in pamphleteering among poor people. Winstanley directly and indirectly argued for the right to be treated fairly before the law, to free speech, to assemble, to organize, and to communicate. These rights were tested by the Diggers and by the author himself in an England whose nobility was growing increasingly tired of religious radicals. Locke was essentially asking for toleration of those like Winstanley in his *Letter Concerning Toleration*. By virtue of his writing, Winstanley practiced the right to communicate freely. He used the printing press to his advantage during a brief window of time when that was possible. Christopher Hill writes:

> During the brief years of extensive liberty of the press in England it may have been easier for eccentrics to get into print than ever before or since. Before 1641, and after 1660, there was a strict censorship. In the intervening years of freedom, a printing press was a relatively cheap and portable piece of equipment. (Hill 17)

Thus, Winstanley and other religious radicals of the period like Ebiezer Coppe and Lawrence Clarkson pushed the envelope by modeling what free thought and free transmission of ideas, what greater democracy might look like if it could take hold of England. Perhaps the great hero of this period was Winstanley's printer, George Calvert, who through his London print shop, fostered a network of religious radicals (Hill 373).[17] Or, as Hill suggests, he was simply interested in printing works that gave him a unique niche in a literary market bursting at the seams (17). Whatever the case, the wealthy clearly had no desire for such literature or for this kind of democracy and made an effort

[17] George Calvert "printed translations of Henry Niclaes and Jacob Boehme, the works of Saltmarsh, Dell, some Levellers, most of Winstanley, the Wellingborough broadsheet, many Ranters and very many Quakers, as well as the last speeches of the regicides in 1660" (Hill 373).

to regulate printing, and, thus, the transmission of ideas. In 1662, Parliament enacted laws that limited the number of printers and required strict licensing.[18]

The work of this English radical Winstanley is a significant source for developing a broader view of the sources of human rights discourse in Western culture. His narrative is a history of using language to gain access to the public sphere, to the debate. Like the slaves at Stono, he belonged to a group that was, for all intents and purposes, outside of public discussion. Winstanley's argument for human rights on behalf of the Diggers, was rooted in a legitimate quest for human dignity. However, we should not completely throw out Locke and the popular European roots of rights discourse. We should read Winstanley or Mary Wollstonecraft, for example, alongside Locke, Rousseau, and others to find, perhaps, a richer, more critical history of rights discourse. But because Locke's conception of liberty is so important to the revolutionary projects of the eighteenth century and because of his ties to the birth of slavery in South Carolina, he must be dealt with closely and cautiously. As Jack Donnelly warns, we should not be misled by the tendency of some to focus solely on Locke's interest in the protection of property and, ultimately, self-preservation in his *Second Treatise*. This interpretation leads critics to contend that Locke is simply the founder of a conservative form of liberalism and that his theory does not speak to social justice. So how do we interpret his theories of property and of governance in such a way that would support and promote positive social change? And where do we put his connections to slavery?

[18] Parliament was pretty serious about these new laws. In 1663, John Twynn, a printer, was drawn and quartered for printing a text that supposedly called for an overthrow of the government.

Donnelly contends that in Locke, "*self*-preservation typically appears not alone but in conjunction with the right and duty to preserve *all mankind*" (91). Self-preservation and the protection of one's self as property means that one has the right to safety and security. In order to maintain everyone's right to self-preservation, we are obliged to protect one another because we have entered into a social contract. In turn, we are obliged to support practices that foster social justice and human dignity for all. This would include the obligation to allow others to communicate their needs and desires, for example, to seek redress of grievances. We have a duty to let others speak for themselves when their right to self-preservation is violated.

Following this argument, rights are interdependent; you cannot have one without the other. You cannot own yourself if you cannot cry foul. You cannot cry foul if you cannot own yourself. Such a reading could lead to openings in the public sphere for the subaltern. In *Letter Concerning Toleration* Locke is interested in protecting (mostly) everyone's right to religious freedom—he is at the very least concerned with protecting everyone from physical harm. In his own life, though, his interests were less than positive. But so it goes that in fits and starts, rights discourse progresses towards claims of greater rights for all human beings, including the right to communicate freely. When *La Déclaration des droits de l'Homme et du citoyen* or the Declaration of the Rights of Man and of the Citizen was published in 1789 it, more than any document produced in Western Europe up until that time, synthesized the most egalitarian and democrat arguments for human rights in the eighteenth century. Most importantly, for this discussion, it declares in Article 11: "La libre communication des pensées et des opinions est un des droits les plus précieux de l'homme; tout citoyen peut donc parler, écrire,

imprimer librement…" or "Free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write, and print freely…" This is, perhaps, the first clear articulation of the human right to communicate freely in a broad sense. The Declaration of the Rights of Man and of the Citizen places this right within the pantheon of other rights claiming the general importance and significance of human communication—sharing information, ideas, and needs. Though the authors discussed above did not necessarily establish the "right to communicate freely" specifically, they lay the groundwork for this right by establishing or seeking to establish other rights: to movement, assembly (especially for religious purposes), the press, to representation, and to speaking freely.

These communication rights are especially significant because, ultimately, human rights in the seventeenth and eighteenth centuries are limited to those who can define themselves. To be able to define one's self and to have access to mechanisms for doing this, not just to print technology, but to literacy, education, culture, and community, is absolutely important. Humans, of all shapes, sizes, abilities, classes, colors, and sexes, must have the ability to communicate freely within the public sphere and, in doing so, represent themselves, their ideas, and their human rights. If they do not, that space must be re-defined. In the seventeenth and eighteenth century, it is the exception not the rule that we hear the voices of the subaltern. But the African slave, the bearer of the economic burdens propelling Western Europe at a blinding pace into the nineteenth century, on the cusp of the modern age, the slave is still without a voice in the public sphere. The slave is still spoken of and for by those with means, by those sipping on coffee sweetened by a dollop of sugar and sweat.

Chapter 2: The Struggle for Human Rights in the American Colonies and the New Nation

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation hither."

Thomas Jefferson, from the first draft of "The Declaration of Independence

Discourse of Consensus

In the fall of 1774 Englishman Thomas Paine arrived in Philadelphia. In his possession was an introductory note from one of the first American media moguls—Benjamin Franklin. At that time, Philadelphia was the center of colonial communications, displacing Boston, in no small part due to Franklin's press. Having achieved much since his humble beginnings working for his abusive brother in Boston, Franklin was connected to printing presses throughout the Americas. This network included partnerships in Philadelphia, New York, Lancaster, New Haven, and Antigua. In 1731, after the South Carolina government offered a reward of 175 pounds sterling to any printer willing to set up shop in the colony, Franklin sent one of his printers, Thomas Whitemarsh, who passed away shortly after arriving. His replacement, and the first successful printer in South Carolina (meaning that he did not die shortly upon arrival in the difficult climate of South Carolina), was Lewis Timothy. Timothy, of French Huguenot origins, lived in Philadelphia after first arriving in the colonies and was "one of Franklin's journeymen" (Wroth 46). But apparently Timothy was a better printer than accountant. Franklin writes in his *Autobiography*, "He was a Man of Learning and honest, but ignorant in Matters of Account" (166).[19]

[19] Lewis Timothy was also the first librarian of the Philadelphia Book Company.

Despite his mathematical ineptness, Lewis Timothy's publications were widely disseminated. One of his greatest successes was the *South Carolina Gazette.* In its heyday it was one of the most popular publications in the Southern Colonies. It was so widely read that information contained in the *Gazette* could have crossed the paths of literate or attentive slaves. Some historians speculate that a notice printed in the newspaper may have set plans for the Stono Rebellion into motion. Peter Wood writes that their plan may have "been influenced by the newspaper publication, in mid-August, of the Security Act which required all white men to carry firearms to church on Sunday or submit to a stiff fine, beginning on September 29" (313). With the knowledge that whites would soon be armed on Sundays, a day when they usually went unarmed, the plotters may have felt the need to act quickly.

The hypothesis that Timothy and Franklin's *South Carolina Gazette* stood in some causal relationship to the Stono Rebellion underscores the growing importance of print technology in the colonies. In eighteenth century America, and in the greater Atlantic world, print communications connected disparate ports and nations, and, most importantly, fostered a substantial trade in ideas. While publications were closely censored in the early years of the colonies, censorship slowly relaxed allowing colonial writers to speak more freely, in some cases, than their European counterparts. The Massachusetts Assembly took a major step in the direction of free and open debate by starting to publish its minutes in 1715. By 1730 "colonial governors' instructions no longer included even nominal authority to license the press" (Starr 56). The 1765 Stamp Act, though, was the tipping point as it fomented "active, partisan engagement of newspapers in political conflict" (57). Printers were hit hard by this act and seized the

opportunity to organize the public via their newspapers and pamphlets. Opposition to the Stamp Act dramatically increased communications among the colonies, spreading ideas through newspapers, broadsides, and pamphlets and promoting a unified front against the British. Paul Starr believes the critical role of publishing in this revolutionary moment established free and open communication as a fundamental principle of the new nation:

> The pre-Revolutionary crisis in America established the press as the central venue of public discussion independent of government, and the conflict and its immediate aftermath consolidated the status and rights of the press and the priority of open debate as a means of conducting politics in the new republic. (70)

Important to this debate was the existence of a large reading public. "No revolutionary culture has ever had a higher literacy rate than [did] some of the politically volatile areas of the thirteen colonies" (Ferguson 86).[20] Of all the rights Revolutionary writers were for, the most significant were those that supported free communication—free press, speech, and assembly. They knew that without access to these rights, they could not represent themselves and their ideas in the public sphere. The framers of the Constitution remembered the importance of these communication rights because the practice of free speech, press, and assembly allowed the colonies to unify so rapidly and enshrined them as civil rights in the first amendment to the Constitution:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition their government for a redress of grievances.

This amendment to the United States Constitution was included in order to protect the communication rights of citizens. While Starr agrees that such protections in the Bill of Rights and in the courts helped establish the right to communicate, "The traditional basis

[20] Robert Ferguson writes, "Although accurate figures for the period are not available, approximations suggest that 85 percent of all adult males in New England are able to read compared to 60 percent in England" (86).

of a free press lay not in courts, but in politics and in the fragmented and decentralized structure of American institutions" (81). In other words, communication rights are defined by and because of rational, critical debate in the public sphere. During the Revolutionary period, rights discourse with its European Enlightenment roots fanned the flames of political and social agitation and helped define these specific rights. It was the theory behind the practice. Without the ability to publish, the argument would go nowhere. In fact, because so many exercised their right to communicate**,** the argument was everywhere. Larzer Ziff adds that, "print culture and American political culture were twins born from the same conditions and dependent upon each other for their well-being" (x).

Colonial printers were capable of publishing materials that could respond quickly to the latest crisis and be quickly placed into the hands of an eager and consuming public. Pamphlets were produced frequently and were excellent vehicles for the spread of ideas, both popular and unpopular. Importantly, they were inexpensive and could be published anonymously. Beginning as a trickle and transforming into a waterfall, pamphlets were an incessant part of the colonist's rights campaign:

> Over and over, the pamphlets of the period rehearse[d] the essential connections between legal philosophy, social contract theory, and the American situation in a step-by-step presentation of the truth and its sources from the beginning of history down to the present moment. (Ferguson 87)

This repetition of "evidence" produced a uniquely American rights discourse that, while based on the secular Enlightenment's idealization of reason, did not deny the religious roots of most colonists. This brand of rights discourse wed reason and religion in pamphlet after pamphlet in an effort to create a unified public.

John Locke was one important influence on writers of this period. The force of his political theories, in particular his description of the social contract and natural rights in his *Second Treatise*, compelled many to seek independence from England on the basis of the right to just governance and the right to revolution. John Hope Franklin underscores Locke's importance noting, "Long before 1776 most Americans viewed John Locke's treatises on government as political gospel" (127). Samuel Adams was one such American, championing Lockean political theory in his pamphlet *The Rights of the Colonists* (1772). Adams' argument comes directly from Locke:

> Among the natural rights of the Colonists are these: First, a right to life; Secondly, to liberty; Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature. (417)

He summarizes the Lockean description of the evolution of the social contract and the necessity of human rights. For Adams, governments exist to protect life, liberty, and property. If governments are based on protecting these human rights, then the American colonists, because they have consented to this government through the social contract, should have them too. Adams writes that colonists must assert these rights through this revolutionary struggle. He cites Locke directly: "'Just and true liberty, equal and impartial liberty,' in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature" (417). Like many writers before and after him, Adams rests his argument on human rights claims as a last resort because no civil redress, in his view, has been afforded the colonists. Living within the British Empire, they are technically protected under English common law as well as "laws of God and nature." But, Adams argues, without protection from common law,

representation, and equal treatment, they must adhere to the ultimate claims of the "laws of God and nature."

Four years later Thomas Paine produced a pamphlet that in some ways echoes Adams yet had a wider and longer-lasting impact. *Common Sense* (January 9, 1776) was the most widely read pamphlet of the Revolution. In it Paine argues in favor of American independence from Great Britain and for the creation of a republican form of government over a hereditary monarchy. He calls for an end to any reconciliation and bases this on the right of human beings to decide how they wish to be governed. Paine implies that the controversies over taxes and other specific abuses are indicators of this greater issue. He paints with broad strokes:

> Europe, and not England, is the parent country of America. This new World hath been the asylum for the persecuted lovers of civil and religious liberty from *every part* of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendents still. (81 – 2)

The colonies were the obvious, almost predestined, location for this experiment in human rights to occur. "The cause of America is in a great measure the cause of all mankind," and this should not be taken lightly (66). Paine writes that the colonists have a singular opportunity to create a government based on "common interest" as opposed to the tyranny of the few (67). Governments, like that of the English, are fundamentally flawed because they afford a place for a monarchy and aristocracy which limit the "common interest" and the possibility of democratic governance (69). Paine notes that those Englishmen who defend such a government must do so out of national pride and not out of rational arguments (71). American Loyalists might also fear the kind of revolutionary and democratic government Paine desires—one rooted in the "common" people. He calls

for equal representation, a unicameral legislature, and protection of basic human rights including "freedom and property to all men, and above all things the free exercise of religion, according to the dictates of conscience" (91).

Throughout, Paine employs sensationalist rhetoric to engage his audience, reminding them of the violent experiences of some colonists: "The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART'"; the colonies must unite and move from "argument to arms" (83, 80). He reminds readers of the events of Boston and speaks to those who still seek reconciliation, "Hath your house been burnt? Hath your property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on?"(85). For Paine, maintaining ties with the British would only lead to more civil wars and continuous violence—"Thousands are already ruined by British barbarity" (89). Yet these violations should not simply lead the colonists to seek mere retribution. Throughout *Common Sense*, Paine reminds the reader of the opportunity the colonists have to set an example for the world by asserting their rights:

> 'Tis not the affair of a city, a country, a province, or a kingdom, but of a continent—of at least one eighth part of the habitable globe. 'Tis not the concern of a day, a year, or an age; posterity…will be more or less affected, even to the end of time, by the proceedings now. (80)

Paine recognizes that the colonists' actions could have universal implications and, in fact, change the course of history. "O ye that love mankind! Ye that dare oppose, not only tyranny, but the tyrant, stand forth! Every spot of the old world is over-run with oppression" (93). There is no place for freedom anywhere on earth, he claims, the colonies must be "an asylum for mankind." In a later edition of *Common Sense* Paine invokes the story of Noah and writes: "We have it in our power to begin the world over again...The birth-day of a new world is at hand, and a race of men perhaps as numerous

as all Europe contains, are to receive their portion of freedom from the event of a few months." (109). Harvey J. Kaye writes that *Common Sense* united the colonists in such a way that they were no longer Britons, "but Americans, fighting not for British rights but for human rights. Thus, separation would not be a desperate, criminal, or treasousness act but an inspired, moral, and patriotic one" (43).

Fifteen years after *Common Sense* Paine furthered his human rights argument[21] in *The Rights of Man* (1791 – 2), a rebuttal to Edmund Burke's attacks on the French Revolutionaries to whom Paine had allied himself. In this text, Paine argues that even though laws and traditions exist, only the "consent of the living" give them any force (12). The "living" must decide whether or not their government rules justly. But there exists, "A vast mass of mankind…degradedly thrown into the background of the human picture" (25). This "vast mass of mankind" has been under the heels of "representative publicness" for too long. Paine notes that, according to God, it is the duty of human beings to treat others as they wish to be treated; this is, essentially, the root of his theory of human or natural rights (33). And "Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind." These "rights of the mind" are significant because in Paine's view, critical reflection on the governments of the world leads to realizations that provoke rebellion: "Ignorance is of a peculiar nature: and once dispelled, it is impossible to re-establish it" (80). As writers like Paine spread this message of human rights ever more widely, "the veil begins to rend." Having the right to communicate such a message was crucial to pushing the

[21] Paine's *The Age of Reason* (1794) and *Agrarian Justice* (1795) should not go without mention. *The Age of Reason* argues for freedom of religion and thought. In *Agrarian Justice,* a short pamphlet, Paine outlines mechanisms for social security and ultimately social justice. He claims a positive human right to welfare through a more equitable distribution of wealth. See Seaman, John W. "Thomas Paine: Ransom, Civil Peace, and the Natural Right to Welfare*." Political Theory*, 16:1. (February 1988): 120 – 42.

democratic agenda. And Paine knew this from experience. His work caused quite a stir in Great Britain and led to sedition charges and an eventual conviction. After this, he never returned to his homeland.

Because of its vast readership (over 150,000 copies were sold in a few months after the first printing), *Common Sense* exemplifies the important place literary communications had in fomenting the American Revolution.[22] The pamphlet was read aloud, shared, and distributed throughout the colonies. Many pamphlets were published during this period, but Paine's had a particularly significant influence because it relied on an argument based on, as he writes, "simple facts, plain arguments, and common sense" (79). Most importantly, "Paine end[ed] the impasse that loyal resistance impose[d] on colonial argumentation" (Ferguson 110). Paine not only asked "the people" to join together to create a government, he did so in a simple manner that spoke to them, using rhetorical tools they could connect with, in particular, the Bible. At the same time, Paine could be quite irreverent as when he describes the far from noble English line of hereditary succession: "A French bastard landing with an armed banditti, and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original" (76).

Thomas Paine presented the cause of human rights in a way that spoke to and for a broader audience causing the colonial public sphere to open, if only slightly. This was due, in part, to Paine's unimpressive background; because Paine was "an immigrant workingman" and not an aristocrat, he made an excellent revolutionary scribe (Kaye 39).

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[22] "The equivalent sales today would be fifteen million, making it, proportionally, the nation's greatest best-seller ever...copies were shared, and those who could not read it hear it read aloud in homes, taverns, workshops, and fields" (Kaye 43).

Until he entered the fray, most pamphleteers were "lawyers, merchants, planters, and ministers" (Foner 85). Paine's social origins and his keen eye for inequality intermingled in a simple, but powerful rights argument that spoke to the colonial working classes—a group not often represented in European governments of the eighteenth century. In Philadelphia, Paine (the son of a stay-maker) developed close ties to the artisan classes of the city. They were literate and politically engaged and in significant ways sparked the revolution. On top of his working class roots, Paine was well informed and attuned to the Zeitgeist. His pamphlets were influenced by the ideas of his day, in particular, the philosophy of John Locke and Methodism with its focus on maintaining "the welfare of others" (25). Not all the political leaders of the Revolution found Paine's rhetoric appealing. John Adams believed his argument for republican government unoriginal—except for what he perceived as his working class language, not that he saw that as a positive (Foner 82). His writings, the conservative Adams believed, were far too democratic in tone. Yet Paine made it clear to all of his readers that for the Revolution to occur, a broadly defined public must push it forward. He empowered his readership saying that they were intelligent enough and had the "common sense" to do so.

Common Sense is fueled with a mob-like passion; Paine does not seek restraint (Ferguson 113). Such unfettered passion can also be found in poet Philip Freneau's "A Political Litany" which draws distinctions between "the lords on the council" and colonists who are like prisoners bound "in chains" (20, 21). The British are the clear enemy: "a junto," "scoundrels and rascals," "pirates," "slaves, that would die for a smile from the throne," and "a kingdom that bullies" (20, 21). According to Freneau, they have no interest in treating others with dignity or respecting their rights. His song-like rhyming

couplets—most of them full rhymes—enhanced the angry tone of this poem which garnered popular attention. Like Paine's pamphlets, this is a poem written with an audience in mind, and should be read aloud, should engage, and build up to a feverish excitement culminating with the lines, "That we, disunited, may freeman be still,/ And Britain go on—to be damned if she will" (21).

Holding the British in low esteem is a theme of American Revolutionary literature as it helped prepare the way for an eventual break and for the written declaration of that break. Thus, the colonial public was not offended by the bold claims of the Declaration of Independence. Indeed, they were ready for it. When he penned the first draft, Thomas Jefferson employed Paine's democratic brand of rights discourse to a magnificent climax giving the colonial public the opportunity, "to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them." Human rights are central, in particular the right to be treated fairly and with dignity:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...

Just as Locke concludes in the *Second Treatise*, when governments infringe upon the human rights of people, the people have the right to begin anew. Violating natural rights is no "light and transient cause[s]," such violations are reason enough for the colonists to separate from the English. The list of "abuses" that follows serves as evidence to a "candid world" that theirs is a just cause and not a move based on the whims of a few self-appointed spokespersons. The whole colony speaks as one for they have suffered the abuse of the British together. And here Jefferson creates an adversary that all readers

could imagine, one of the first great villains of American literature, King George. He is accused of “repeated injuries”—port blockades, justice obstruction, dissolution of legitimate legislative bodies, the imposition of military order, and so on—that had limited the freedom of those living in the colonies. A marvel of rhetoric, “Every aspect of the Declaration was designed to create a favorable image of Congress and its actions” (Lucas 73). They had “Petitioned for Redress” but to no avail. For this reason, it was their right, their human right, to leave the government of the British and start their own. Stephen Lucas writes that, “The Declaration was designed to signal the end of debate over independence” (119). It was meant to unify and establish the consent of the colonists to this project—it was not intended to foster debate. Jefferson creates this literary consensus by molding his sources, the ideas of a number of European philosophers, into “something specifically American” (Ferguson 35). Jefferson addresses this in a letter to Henry Lee in 1825 writing that the Declaration's “authority rests then on the harmonizing sentiments of the day” (1501).

When the Declaration of Independence was published, it had a very public introduction to the American people and was read aloud to large groups in towns throughout the united colonies including New Brunswick, Philadelphia, and Halifax. When readers finished, attentive audiences cheered. The Declaration served as a signal of political and cultural independence for these cheering colonists; now this diverse assortment of human beings thrown together in the “new world” was exercising its right to speak freely and on its own behalf. Yet, the Declaration of Independence was part of a larger pattern through which the public sphere widened in eighteenth century America. Ziff notes that during the latter half of the century, print publications became more

egalitarian in general. He offers the example of James Hector St. Jean de Crevecoeur's *Letters from an American Farmer*. The narrator, Farmer James, is urged by his minister to write his "letters" just as he speaks and to describe that which he knows, that which is around him. It does not matter that the author is not much of a farmer; what matters is the appearance that someone as lowly as a farmer *could* write and publish. While groups like farmers and artisans that previously had little political voice were now participants in the American public sphere, significant populations were still excluded and their voices edited out of the first public document of the United States. Jefferson's first draft of the Declaration was closely scrutinized by the Continental Congress; his denunciations of slavery were famously expunged in an effort to appease slave states like South Carolina[23] that did not appreciate his musings on this topic.[24] This draft accused King George of waging "cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery" (22). Such language had to be removed; mentioning human rights and African slaves in the same sentence was beyond the limits of what Judith Butler calls "the domain of the speakable" (141). The exclusion of slavery from the Declaration of Independence is a trademark of what Robert Ferguson calls the "consensual literature" of the Revolutionary period. The consensus was that slaves were not a part of the public.

Consensual literary practices were again necessary when the leaders of the new nation turned "the people themselves into the authors of the Constitution" (Ferguson

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[23] Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., and Arthur Middleton signed the Declaration of Independence for South Carolina.

[24] Some recognized that Jefferson's language was "at considerable variance with the truth," as John Hope Franklin puts it (130). Slavery was not only the fault of the British but also of quite a few colonists.

131). Divisions had to be settled and political and cultural unity had to be established. James Madison, Edmund Randolph, James Wilson, and Gouverneur Morris wrote drafts of the Constitution but the document's concision and its "litany of pronominal possessives" signified the people of the United States as its singular author (141). It begins,

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The text assumes the voice of the people and in so doing assumes the right to create their government. In turn, "By constituting the government, the people's text literally constitutes the people" (Warner 102). Yet, in the name of consensus, women, Native Americans, and slaves were not considered "people"; they were not allowed the security of "liberty" or, for that matter, "justice." John Hope Franklin adds that exclusions were also made to prevent revolutionary sentiment from getting out of hand among poor whites: "As the plain people began to demand liberal and democratic land laws, moratoriums on their debts, and greater guarantees of human rights, they challenged the authority by which the select few ruled the American state" (141). The democratic potential of the new republic was momentarily laid to rest as private interests were met in the name of unity. Most noticeably, the Constitution met the peculiar needs of wealthy Southern planters in Articles 1 and 4 by offering a "shocking adaptation of the mathematical penchants of the Enlightenment" (Ferguson 150).[25] Like the Declaration of

[25] Howard Zinn describes it this way: "The point of noting those outside the arc of human rights in the Declaration is not, centuries late and pointlessly, to lay impossible moral burdens on that time. It is to try to understand the way in which the Declaration functioned to mobilize certain groups of Americans, ignoring others. Surely, inspirational language to create a secure consensus is still used, in our time, to cover up

Independence, the Constitution was supposed to represent the zenith of rights discourse during the Revolutionary period. This was a document that practiced power by establishing a discourse "situated at the level of 'it is said'" (Foucault 122). It was meant to embody ultimate meaning. And yet the Constitution serves as textual representation of a public rupture in human rights, a rupture that always existed and has created permanent friction between the ideals of human rights and the awful realities of human behavior.

Discourse of Dissent

The debate among whites before and after these public documents were produced reveals widespread confusion and ambiguity around the issue of human rights for enslaved or free blacks. The written record indicates persistent dissent as opposed to the apparent consent of the Declaration of Independence and the Constitution. Though the abolition movement—traditionally considered the *first* international human rights movement—reached its peak in the nineteenth century, rights discourse appeared in concert with calls for an end to slavery throughout the eighteenth century. During the American Revolution many writers were unafraid to highlight the hypocrisy of those who owned slaves while simultaneously advocating liberty from England. In England there were many who delightfully seized upon this glaring contradiction. For example, Horace Walpole exclaimed,

> If all the black slaves were in rebellion I should have no doubt in choosing my side, but I scarce wish perfect freedom to merchants who are the bloodiest of all tyrants. I should think the souls of Africans would sit heavy on the swords of Americans. (Gay 409)

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serious conflicts of interest in that consensus, and to cover up, also, the omission of large parts of the human race (Zinn 73).

And fellow Brit Samuel Johnson wondered aloud, "how is it that we hear the loudest yelps for liberty among the drivers of negroes?" (454).

Similar questions were asked by writers in the colonies and in the early United States. In the December 1779 issue of *United States Magazine*, American Hugh Henry Brackenridge expressed his disgust with the institution of slavery in an essay entitled, "Thoughts on the Enfranchisement of the Negroes." He writes, "It casts a shade upon the face of this country that some of those who cultivate her soil are slaves; slaves not to Britain, but to men who are themselves free" (104). Brackenridge reclaims the term "slaves," bandied about by many patriots, and reminds the reader of its actual meaning. He pleads that it is not the destiny of some to suffer on earth—the world can be otherwise. Others argue, he notes, that materially, slaves are better off: "Yes, but they are in a worse situation as to liberty, which is (a phrase common in our ears every day) a most valuable blessing."[26] Brackenridge's was part of an ever-growing din of publicly expressed condemnations of chattel slavery—writers arguing from various perspectives of slavery's immoral nature and erasure of human rights. The narrative of rights discourse in early American literature covers broad territories and is much richer than the often-edited arguments for independence from Britain. This narrative analyzes restrictions to human freedom—and in this case, human does not mean only white and male—employing a rights discourse with religious and secular Enlightenment roots.[27] James Otis's 1764 "Rights of the British Colonies Asserted and Proved," for example, cites Locke's premise that "The natural liberty of man is to be free" as reason enough for

[26] Despite his rhetoric, Brackenridge advocated that slaves should colonize the western edges of the colonies, rather than be liberated among currently settled areas.

[27] Ferguson writes, "The American Enlightenment does not quarrel with religious orthodoxies as its French counterpart does; it rests, instead, in the common or shared rhythms and patterns that the Enlightenment has taken from Christianity" (42 –3).

abolishing slavery as well as for allowing the colonies to be independent. But then acknowledges contribution of this human liberty by writing that, "this gift of God cannot be annihilated" (104). This gift he writes of is, of course, human freedom. To many contemporaries of the American Revolution it was clear that not all humans were privy to that gift. In an effort to explain this contradiction, anti-slavery human rights advocates of the eighteenth century employed a variety of forms including essays and poems[28] in a range of tones from moderate to sentimental to damning.

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[28] Two poets of note are Sarah Wentworth Apthorp Morton and Timothy Dwight. Morton—who often wrote under the name Philenia Constantia—came from the upper-echelons of Boston society. Despite the fact that she seems to have had no direct experience with slavery, Morton was virulently opposed to it. Her first anti-slavery poem was "Tears of Humanity" describing the defeat of a bill that would have abolished slavery in the British Empire. The poem was first published in July 1791 edition of *Massachusetts Magazine* (Pendleton and Ellis 56). But her poem "The African Chief," first published in *Columbia Centinel* June 9, 1792, garnered the most attention: "This was very widely reprinted, was included frequently in school readers, and was often quoted effectively by those interested in freeing the slaves," including John Greenleaf Whittier (Pendleton Ellis 56). Morton's poem invokes the trope of the slave-prince in bondage, famously depicted in Aphra Behn's *Oroonoko.* Whites play the part of evil "tyrants" opposite the "African Chief"—a brave warrior and philanthropic leader "By whom the foodless poor were fed" (Morton 201). The poem speaks in the vein of rights discourse when she writes: "Does not the voice of reason cry,/ *Claim the first right nature gave,/ From the red scourge of bondage fly,/ Nor deign to live a burdened slave.*" (201). The chief has witnessed the horrors of slavery—rape, murder, blood. He resolves to fight for his freedom, risking death in battle. "First of his race, he led the band" and with "his red avenging hand,/ Full many a despot stained the ground" (202). If the reader can feel compassion for other heroes who have fought against their oppressors, then she must feel the same for this "African Chief" who is ultimately defeated and tortured on the "quivering wheel."

In the poem *Greenfield Hill*, 1794, Timothy Dwight describes a slave resting from his work song and notes that in the North, slaves are well taken care of: laws protect them from cruel punishments and each receives "his portion of the common good" (37). But this is of little importance given that slaves lack "liberty" and must submit "to another's will." This lack of freedom stifles growth, transforming the world into "one wide, frigid zone." A child born into slavery, he writes, is like any other child but soon will encounter "the voice of power, the eye of scorn." Thus the child is indoctrinated, broken, and brutalized and "sees no good" in the world (38). The slave lacks "independence" and "equality." This system supports insanity and inhumanity: "slavery's blast bids sense and virtue die;/ Thus lower'd to dust the sons of Africa lie." Sages will ask whether or not God could have made people to do such things. Perhaps there is another source. The poet exclaims, "O slavery! laurel of the Infernal mind,/ Proud Satan's triumph over lost mankind!" He imagines slavery as practiced elsewhere and depicts the particularly brutal nature of the West Indian slave trade:

> Those screams announce; that cowskin's shrilling sound.
> See, that poor victim hanging from the crane,
> While loaded weights his limbs to torture strain;
> At each keen stroke, far spouts the bursting gore (40).

Such practices can only lead to damnation and horror. Dwight offers salvation through "yon church" as perhaps the best solution. The problem of slavery is one of human liberty but is treated here more as sin that will require the repentance of the perpetrator. Faith, not laws, are the solution. Dwight agrees that there

Perhaps more revolutionary than "Common Sense," Thomas Paine's 1775 essay "On African Slavery" marries religious and secular arguments against slavery.[29] Paine understood well how to appeal to a wide audience and in this particular essay religion is his bait. He chastises "Americans" directly writing "that many civilized, nay, Christianized people should approve, and be concerned in the savage practice, is surprising…though it has been so often proved contrary to the light of nature, to every principle of justice and humanity" (52). And "most shocking of all" are those pro-slavery advocates who use the Bible in order to support the practice (53). Rational and religious arguments have not convinced such advocates that the practice is evil. Perhaps they would respond if they themselves were enslaved? Paine writes, if slaves "could carry off and enslave some thousands of us, would we think it just?" (54). He thus appeals to the inter-relatedness of all people: "All distinctions of nations, and privileges of one above others, are ceased; Christians are taught to *account all men their neighbours; and love their neighbours as themselves; and do to all men as they would be done by*." Paine appeals to the value of respecting the dignity of all humans.

In order to protect himself from potential criticisms, Paine establishes that he is not alone in this analysis of slavery and cites John Locke among others in a "succession of eminent men" condemning slavery (52). Following Locke's cue, it seems, he argues that the slave trade opposes the laws of nature—that man is "an unnatural commodity." Slavery is a violation of a human right to freedom: "As these people are not convicted of forfeiting freedom, they have still a natural, perfect right to it; and the governments

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is some sort of universal need or right to liberty and, furthermore, that all human beings equally deserve it—because all humans were created by God.

[29] "On African Slavery" is composed in the same year Paine joins the first anti-slavery society established in America.

whenever they come should, in justice set them free, and punish those who hold them in slavery" (54). Paine follows another element of Locke's argument on slavery by noting that there is no way of knowing if slaves are prisoners of war. Therefore, "the slave, who is proper owner of his freedom, has a right to reclaim it."

Paine writes that his purpose is not to simply argue against the practice—he wishes to ask Americans to consider the contradictions between this practice and the reality they wish to create. Sounding much like Johnson, he notes,

> With that consistency, or decency they complain so loudly of attempts to enslave them, while they hold so many hundred thousands in slavery; and annually enslave many thousands more, without any pretence of authority, or claim upon them? (55)

Amidst the rhetoric of revolution, Paine places this contradiction front and center— the colonists call for justice because of England's wrongs, while perpetuating a gross injustice of their own. He wonders if all those involved in the slave trade will suffer God's wrath? Remember, this essay's target audience is *all* Americans, thus everyone living in the colonies is indicted and will potentially suffer divine retribution. Paine writes, "How just, how suitable to our crime is the punishment with which providence threatens us?" (55).

With retribution looming, Paine takes up the possibility of resolving this injustice. He wonders, then, how slaves could possibly be freed—the ever-present "what next" question. Paine favors a process involving a Winstanley-esque system of land re-distribution to the slaves, an argument for the positive right to property so that, "all may have some property, and fruits of their labors at their own disposal, and be encouraged to industry" (55). Resolution will require further steps, including providing Africans and slaves with an education in Christianity. Like the first Christians, Americans should

spread the gospel, though Paine seems to feel that this time around it should be done as an act of repentance: "what singular obligations are we under to these injured people!" It is as though he advocates for a public relations campaign, a "truth commission" of sorts, as a first step for repairing the damage wrought by slavery.

Less well known than Paine's essay is David Cooper's pamphlet "A Mite cast into the Treasury: or, Observations on Slave-Keeping" published in Philadelphia in 1772. Cooper was a Quaker abolitionist but was hesitant to attach his name to this document and so it was published anonymously.[30] In an introduction to the piece Cooper reminds the reader that the human mind is capable of rationalizing anything it favors, that there is no "absurdit[y] too glaring for it to unite or reconcile" (38). Even children are capable of such rationalizations as they see, from an early age, how poorly white people treat black people and thus from the beginning assume those with black skin are not the same as themselves in the eyes of God. Cooper follows many of the same conventions of anti-slavery writing that Paine follows and calls upon Christians to adhere to Jesus' "golden rule" (40). He raises objections that the pro-slavery camp might raise, and then discredits them. Many of these objections, he notes, are like "bag[s] of deceitful weights" and lead one to believe that one has the truth and can demonstrate that truth. Most important to Cooper's argument is his premise that one cannot justify slavery because it is a violation of natural law—in particular as it has been defined by John Locke. In this manner he calls attention to his own connection to the trans-Atlantic trade in Enlightenment discourse. Cooper asserts the equality of human beings: "for every individual of the human species

[30] When this pamphlet was first published there was some controversy as to its authorship. This is evidenced on the title page of the copy currently housed in the New York Public Library's Rare Books collection. The first author penciled in is "Ben Rush, a Physician of Philadelphia." Below that someone has written Anthony Benezet. Cooper's name is nowhere to be found except in the library's catalogue.

by the law of nature comes into the world equally entitled to freedom at a proper age" (42). Anyone denying someone who is an adult of their freedom, "commits acts of violence against the strongest laws of nature,—robs that individual of his inherent property, his freedom, a right which was never given by the universal Father to any one creature over one another" (42). Here Cooper makes powerful connections between Locke's natural law and divine law.

Cooper closes the pamphlet with a postscript that presents his own sources for this concept of natural law. He writes,

> Civilians define it thus--'The law of nature is that which God at man's creation infused into him, for his preservation and direction; is an eternal law and may not be changed; is the law of all places, persons and times without alteration, and has the same forces all the world over; its object is the good and happiness of mankind.' (48)

With decidedly religious overtones Cooper defines natural law as universal and requiring that all humans be treated with dignity; this would preclude the enslavement of others. To buttress the layman's definition of natural law, he notes that Locke, "that celebrated master of reason, in his treatise on government, speaks much to the present purpose" (48). Cooper then cites a number of his favorite passages from Locke's *Second Treatise*, and concludes with the argument regarding ultimate possession, allowin Locke to speak for himself: "Every man is born with a right of freedom to his person, which no other man has a power over; but the free disposal of it lies in himself."

In another pamphlet published in 1783[31] Cooper follows a similar tack noting that in Africa slaves "enjoyed freedom, which was their birthright" before being enslaved by "the more savage Christians" (64). Because of this, slaves have the human right to their

[31] This pamphlet is entitled, "A Serious Address to the Rulers of America on the Inconsistency of their Conduct respecting Slavery: Forming a Contrast Between the Encroachments of England on American Liberty, and American Injustice in tolerating Slavery."

freedom: "With equal justice may negroes say, By the *immutable laws of nature*, we are equally entitled to life, liberty and property with our lordly masters, and have never *ceded* to any power whatever, a *right* to deprive us thereof" (64). This line of reasoning is based on Locke's premise that one can choose to give up these rights or not. Notably, this text appears in a column aligned side by side with the arguments white colonists are making concerning their treatment by the British. Cooper makes a poignant and timely visual connection regarding the dissonance created by white colonists who argue for liberty when they, in fact, are depriving others of it. He notes the language of the Declaration of Independence is "the language of the supreme council of America, in vindication of their rights as men, against imposition and unjust control" (69). But it is, he claims, a flawed language and Americans, those seeking to defend the "*rights* of *humanity*" must reconcile this issue.

In many cases in eighteenth century America, the loudest and most resounding cries for abolition came from Christian ministers and radicals.[32] In fact, Christian colonists began declaring their opposition to slavery publicly in the seventeenth century. In 1688 the Germantown Meeting signed a petition condemning the practice and in 1693 Quaker George Keith condemned slavery and asserted that skin color does not preclude membership in the human family. These Christians recognized the practice of slavery as an affront to God's creation and based their arguments, like Paine and Cooper, on the Golden Rule: "Therefore all things whatsoever ye would that men should do to you, do

[32] For an introduction to religious anti-slavery arguments in Early America, see Lorenzo Dow Turner's "The Anti-Slavery Movement Prior to the Abolition of the African Slave-Trade (1641 – 1808)." *The Journal of Negro History* 14:4 (Oct. 1929): 373 – 402. Another useful source is Rosalie Murphy Baum's "Early-American Literature: Reassessing the Black Contribution." *Eighteenth-Century Studies* 27:4 (Summer 1994): 533 – 549.

you even so to them" (Matthew 7:12, King James).[33] This "rule"—a statement about equality and human dignity—was one that rights advocates, both secular and religious, could claim. The Golden Rule was, in general, an important part of eighteenth century rights discourse—though some took it more literally than others. Such Christian writers, though, rarely displayed *Christian* forgiveness. They produced magnificent Jeremiads that condemned the sinner and called forth God's wrath like the Old Testament prophets predicting the possibilities of justice on earth or in death. From the more moderate like Samuel Sewall and John Woolman, to the most radical like Ralph Sandiford and Benjamin Lay, Christian writers valued human life and human rights and promoted immediate manumission. These were the renegades, the vanguard of human rights discourse in the eighteenth century.

In Samuel Sewall's "The Selling of Joseph" (1700) the Puritan minister from Boston asserts his belief that, "It is most certain that all Men, as they are the Sons of Adam, are; and have equal Right unto Liberty, and all other outward Comforts of Life" (11). Yet, only eight years earlier, Sewall was one of the nine judges presiding over the Salem "witchcraft" trials—a rather significant blight of intolerance in colonial America. Despite this stain on his record, Sewall's treatise on abolition is rooted in the idea that all human beings are created by God and therefore should be treated equally and justly. Sewall takes as his primary text Genesis, Chapter 37, the story of Joseph being sold by his brothers. According to Sewall, human dignity and equality in the eyes of God are central to this particular narrative:

> the outward Estate of all and every of the children, remains the same, as to one another. So that Originally, and Naturally, there is no such thing as Slavery.

[33] This is expressed in other books of the Bible: Leviticus 19:18; Matthew 19:19; Mk 12:31; Lk 10:27; Romans 13:9; Galatians 5:14; and James 2:8.

> Joseph was rightfully no more a Slave to his brethren, then they were to him: and they had no more Authority to Sell him, than they had to Slay him. (11)

Sewall then raises the various objections pro-slavery advocates have to abolition and discounts them in succession. One objection used by fellow Christians is that slaves benefit from being in the colonies because they "are brought out of a pagan country, into places where the Gospel is Preached" (13). Sewall replies, "Evil must not be done, that good may come of it," a response that echoes Locke's assertion in "Essay Concerning Toleration" that one cannot force another to believe as they do—the end does not justify the means. He also disapproves of the belief that African slaves are merely prisoners of war noting that this not a known fact, that one must be careful when accepting such an argument for slavery. Ultimately, Sewall notes that all such behavior is contrary to God's law which requires equal treatment. Here he cites Matthew 7:12 verbatim and concludes, "These Ethiopians, as black as they are; seeing they are the Sons and Daughters of the First Adam, the Brethren and Sister of the Last ADAM, and the Offspring of GOD; they ought to be treated with Respect agreeable" (13). A generous dose of Sewall's prejudices figure into his argument for abolition, but he is clear in his assertion that all humans are equal and are to be treated thus.

Like Sewall, John Woolman's anti-slavery advocacy is well known. This advocacy, rooted in his Quaker faith, led him to visit many Quakers throughout the colonies and persuade many to end their roles in the slave trade. Woolman repeatedly argued that participating in slavery is not limited to buying and selling slaves, but includes purchasing slave-produced items like sugar and dyes or, in his words, "trad[ing] freely with oppressors" (*Journal* 180). Because slavery was such an integral part of the colonial economy, this was not an easy topic for discussion in 1754 when he first

published his essay, "Some Consideration on the Keeping of Negroes." As he begins this text, Woolman acknowledges his reluctance at broaching the subject, but that it is his duty to remind others "that all nations are of one blood (Gen. iii. 20)"; we are the offspring of Adam and Eve (70 – 1).[34] He claims that despite this Biblical evidence, whites "enjoy greater Favours than" slaves and take advantage of them. Humans must be treated equally and any practice that deviates from this rests on ignorance, or as he expresses more politely, "a Darkness in the Understanding" (72). Later in his *Journal* (1774), Woolman describes the events that originally led him to these conclusions about slavery. His growing disgust for slavery came to a head when the man he was apprenticed to asked him to write a bill of sale for a slave being sold to an older Quaker: "I felt uneasy at the thoughts of writing an instrument of slavery for one of my fellow-creatures" (14). Woolman wrote the bill but criticized his boss and the Friend for their participation in slavery

But Woolman was not the only Quaker advocating for the abolition of slavery. Indeed, his "testimony" was a part of a chorus of members of the Society of Friends demanding change in the practices of their fellow Quakers, Pennsylvania residents, and humankind. Two of the loudest voices in that chorus were those of Ralph Sandiford[35] and Benjamin Lay.[36] Slave owning among Philadelphia Quakers was at its height when they began their campaigns for human rights and abolition (Sunderland 163). Repulsed by Quakers who owned slaves, both authors produced Jeremiads denouncing slave-owners in the Society of Friends and insisting they respect human dignity. Jean Sunderland

[34] Genesis 3:20—"And Adam called his wife's name Eve; because she was the mother of all living." King James edition.
[35] Sandiford was born in 1693 in Liverpool to Episcopal parents.
[36] Lay was born in Colchester, Essex in 1677.

writes that later advocates like Woolman were "gentler, and more persuasive leaders than Benjamin Lay and Ralph Sandiford," perhaps, but bold writers like Sandiford and Lay established a framework for advocates like Woolman or Anthony Benezet to seek change through more "official" channels (47). Sandiford and Lay were "prophets crying in a wilderness" but were courageous and planted a seed of dissent among the Quakers insisting upon an end to the practice (Drake 34). And yet, because they demanded an end to a practice that supported the economic livelihoods of many, they were hardly appreciated in their day.

In 1729 Ralph Sandiford published *A Brief Examination of the Practice of Our Times*[37] with assistance from Benjamin Franklin and without the permission of the Philadelphia Society of Friends. Eventually, the book got into the hands of "the chief justice of the province, who threatened him with severe penalties, if he permitted it to be circulated" (Vaux 64). Sandiford ignored those orders and distributed his book widely. For several years afterwards, Sandiford, a man described by Roberts Vaux as being rather "small in stature," endured constant public attacks (67). The subsequent reaction of the Society of Friends, in hindsight, seems predictable: he was banished from the Society and forced to retire to a farm outside of Philadelphia where he died in 1733 when he was only forty years old. As advocate and author, Sandiford "shames and blames" through breathless, never-ending sentences that are reminiscent of English religious radicals Abiezer Coppe and Winstanley.[38] This comparison is not a stretch; as a Quaker, Sandiford is literally a descendent of the English radical religious tradition. Through his writing he signals that he is no liberal nor is he an adherent of prayerful forgiveness like

[37] In 1730 he published a second edition entitled *The Mystery of Iniquity*.
[38] See Coppe's *Fiery Flying Roll* and Winstanley's "Fire in the Bush." Both are quite fiery!

Woolman. Such views did not win allies within the Quaker leadership—many of whom were actively involved in slavery. Ralph Sandiford may have been correct, but he was not good for business.

Sandiford's book opens with a dedication to Matthew Hughes, "One of the Representatives for the County of Bucks."[39] In this dedication, Sandiford establishes himself as an authority on slavery having experienced the practice first-hand through his involvement in Atlantic commerce. Once, after a series of disasters at sea including an encounter with pirates and a leaking ship, he spent a short while in South Carolina. When he first arrived in the colony he was destitute due to the trials encountered during his travels and hoped to get by through charity. However, he soon met a wealthy man who asked him to join him in a business venture. Sandiford acknowledges in the dedication that when he discovered the source of the man's wealth, he lost interest in the partnership: "his Riches being the Product of *Negro* and *Indian* Slaves, which would have made me a Debtor and an Oppressor in the Creation."[40] Sandiford's experiences with slavery in South Carolina and throughout the Atlantic world must have made deep impressions, as *A Brief Examination*, divided into nineteen sections of varying lengths, is simply one denunciation of slavery after another. Roberts Vaux notes that, "The style of his work was plain, but energetic; it exhibited a mind at once fortified by manly firmness, and influenced by Christian solicitude and benevolence" (65). Sandiford's "plain" or straightforward style does exhibit a great deal of "manly firmness," if by this Vaux means a boldness bordering on foolhardiness. Sandiford asks his intended audience, the Society of Friends, the members of his community, if they believe it proper to enslave human

[39] Sandiford's "Dedication" and "Preface" do not have page numbers. Pagination begins with the main text.
[40] Dedication, page 2.

beings. Those involved in the slave trade must "consider that Principle and Foundation on which this Practice stands" (1). All "Wrath and Violence" proceed from Satan, he writes, thus must be the root of slavery (2). Do Friends desire to act in the name of Satan? If not, something strange is afoot because "both Elders and Ministers" are "cloathed with" the practice of slavery (9). Sandiford notes that it is incongruous for Quakers, a religious group that was once oppressed, to repay God by supporting slavery (36). Quakers should be setting an example and furthering the rights of all people.

Like Sewall, Sandiford uses the story of Joseph as one source of support for this argument. He writes that enslaving others is a cruel theft of liberty:

> And what greater Unjustice can be Acted, than to Rob a Man of his Liberty, which is more Valuable than Life; and especially after such a manner as this, to take a Man from his Native Country, his Parents and Brethren, and other natural Enjoyments, and that by Stealth, or by way of Purchase from them that have no Rights to sell them. (6)

Here Sandiford mentions several terms important to more secular eighteenth century secular rights discourse. Humans have a right to "liberty" and do not have a right to sell others. Therefore, there is no just reason for taking these people from their homes and making them slaves. Indeed, we are not at war with, "Negroes neither can we say their Country is given unto us, or that we have a Common or a Dispensation for the Trade" (13). Later he makes this same argument and asks how can we take people who owe us nothing from a country we are not at war with? "How then have they forfeited their Country and Liberty, to entitle me to them?" (38 – 9). By setting a poor example, Quakers have lost an opportunity to convert these people to Christianity (23 – 4). Sandiford adds, importantly, that God is not concerned what color they are. This is key as Sandiford's understanding of rights is rooted in the belief that God loves and judges all

humans equally. All can be saved by the "Prince of the Law of Liberty—not only to the *Jews* but to all nations" (47).[41]

But Sandiford is most interested in pointing out the consequences of supporting slavery and, thus, places himself within the prophetic tradition.[42] He notes that long ago when leaders veered from God's path, "the Lord often raised his Prophets and Ministers to testify against their practices" (56). The ministers are doing very little "testifying" as he indicates. Therefore Sandiford channels, so to speak, the Old Testament prophets who were, "Sons of Thunder against all Persecution and Oppression, whether in Liberty, or Estate, or Person, that all might enjoy Freedom, both inwardly and outwardly" (59).[43] Such boldness is necessary in order to scare people away from the practice, Sandiford notes, because continued involvement with slavery will produce horrible repercussions in life and death. He writes, "And if I should kill or torment any of God's Creatures, only to satisfie my Will, I act unjustly, and shew forth the Tormentor my Master, and same Measure will be mete to me again" (20 – 1). He implies here that the master of the slave owner is God. Slavery, indeed, can only lead to sorrow:

> every Sin brings its own Suffering; as we may observe by our neighbouring Province of *South Carolina,* when the Inhabitants in the Commerce with *Indians*, would force their Wives or Captives from them, tho for Debt, for which they sold them for Slaves; which when the *Indians* beheld, it soon raised the same Property in them, to the Loss of many Lives, and the demolishing of the Situations. (22 – 3)

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[41] Sandiford, though, has his prejudices and reveals certain intolerances. Slavery he notes is more apropos the "Religion of Mahomet" (28). He also writes, "let us come beyond Custom or Tradition, or we shall not differ from a *Jew*, a *Turk*, or a *Pagan*...let us center to the Spirit of Christ in our own Hearts, that we may know the Truth for ourselves" (34).

[42] Sandiford's vociferous condemnations are somewhat curious. Roberts Vaux notes that in his will Sandiford gives a life estate to his female servant (70). In addition, Philadelphia Book Company librarian Phillip Lapsansky and I discovered an advertisement from *The Pennsylvania Gazette* (September 26, 1732) in which a "Ralph Sandiford" is looking for a runaway servant by the name of "John King." Servitude, of course, is not the same as chattel slavery. However, it still implies serious restrictions on human liberty.

[43] "Sons of Thunder" refers to brothers James and John, apostles in the New Testament. See Mark 3:17.

Violence begets violence and slavery begets slavery. Pennsylvania's Quakers are on thin ice as long as they participate in the trade. Sandiford notes that one of the reasons the Quakers came into being was the Church's overt interest in its own wealth (56). The Quaker alternative was a focus on simplicity and the belief that all human beings possess an "inner light." Slavery, he writes, "is far wide of Friends Principles" (62). Exhausted, he exclaims, "Ah! my Friends! the Consideration of these Things had been Sorrow of Heart (beyond what may be mentioned) to those that have considered the Worth of Souls" (68). Prophesying justice is no easy task.

Sandiford received little praise during his lifetime for this polemic and was reprimanded and ostracized by the Friends for not receiving proper publication permissions. Benjamin Lay, a confidant of Ralph Sandiford, believed whole-heartedly in the justness of Sandiford's argument and was convinced that Sandiford's early demise was the result of "ill treatment by slaveholding Friends" (Drake 43). Of Sandiford Lay writes, "Many worthy Men have borne Testimony against this foul Sin, Slave-keeping, by Word and Writing…but especially *Ralph Sandiford*…has writ excellently well, against that filthy Sin" (18). Some accused Sandiford of writing in a "Spirit of Bitterness," but Lay notes that he exposed the truth and to do that, a rough tone was required (19). As if fueled by his friend's mistreatment, Lay gained a reputation among Pennsylvania Quakers as a radical in his own right. "If Ralph Sandiford lashed Quaker slaveowners with whips, Benjamin Lay chastised them with scorpions" (Drake 43). Lay was famous for mid-meeting eruptions that led to frequent forceful removals from

Friends meeting houses.[44] Thomas Drake cites minutes from one such meeting in which Lay is described as being a "disorderly person." Drake notes that, "The word 'disorderly' here had a double meaning, the one in general usage, and the special Quaker meaning of being out of the good order of discipline in the Society of Friends" (45). Lay's disorder attracted attention, which was exactly what he hoped for. Because of his prophetic passion, Lay could not have viewed his actions as anything out of the ordinary—no more so than the act of purchasing a human being. He "could not wait for the Friends to achieve a sense of the meeting (or general agreement that their judgment reflected God's will) to oppose slavery" (Sunderland 17). Lay's general presence in the world must have also attracted attention. He stood no more than four feet seven inches tall, was hunchbacked, had a long beard, and wore clothing of his own making. In the latter part of his life, Lay lived in a cave outside of Philadelphia and would not eat meat or anything produced by slaves.

Lay's writing resembles his theatrics in its immediacy and urgency unlike the more edited texts produced by other anti-slavery advocates. *All Slave-Keepers that Keep*

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[44] In their biographical descriptions of Lay, Bejamin Rush and Roberts Vaux recount several stories that demonstrate the passion of this anti-slavery advocate. On a number of occasions Lay was literally tossed out of Meeting—in Gandhi-like fashion he never resisted. One time he remained sprawled across the meeting house threshold forcing attendees to walk over him as they left. In another story Lay took his boot off in the midst of winter and buried his bare foot in a snow bank. When told to by some Friends stop he asked why they were showing concern for him when they are willing to have their slaves work in the winter barely clothed. In everything, Lay asked, "What would Jesus do?" so to speak. (Arranging a faux kidnapping of slave-owning neighbor's child to demonstrate what slaves' parents must feel like, might not have been something Jesus would have done.) For example, Lay attempted to mimic Jesus' forty-day fast, but was forced to eat by some friends when his health declined after three weeks of surviving on only water. Perhaps his most notorious performance (or as Robin Kadison Berson calls it, "guerilla theater") occurred at a Yearly Meeting in Burlington, New Jersey. He entered the meeting dressed in an overcoat covering the military uniform and sword he wore beneath and carrying "a wineskin of berry juice hidden in a large hollowed-out book" (Berson 199). When the spirit moved him, Lay stood and expressed his hatred of slavery. Taking off his coat he said that Friends should be honest about their true desires. And here he stabbed the sword into the book and blood-like berry juice (the blood of slaves) splattered the astonished audience. For an accessible short biography of Lay's life see Robin Kadison Berson's *Marching to a Different Drummer: Unrecognized Heroes of American History*. Westport, Connecticut: Greenwood Press, 1994.

the Innocent in Bondage, Apostates[45] (1737) is an epic diatribe cobbled together from Lay's notes and journals. The book, like Sandiford's also published by Benjamin Franklin, is a somewhat formless denunciation of slavery and all those even loosely connected to it. Benjamin Rush comments, "This book contained many pious sentiments and strong expressions against negro-slavery; but even the address and skill of Dr. Franklin were not sufficient to connect its different parts together so as to render it an agreeable and useful work" (Rush 308). According to some accounts, Lay gave Franklin a disorganized (or disorderly) manuscript and told him to print it in whatever order he wished. The result is a rambling document with dated entries appearing in no particular order and for no particular reason—except to get his message out to the reading public. As a writer, Lay's concern is less with form than with content, yet the chaotic layout of this text may be the most proper form for a tempestuous account of Quaker complicity with slavery.

In most instances Lay begins his thoughts *en medias res*. Like a street-preacher his pace is quick and line of reasoning "disorderly" with endless references to scripture and citations from the writings of John Milton, George Fox, William Penn, Samuel Sewall,[46] and many others. Despite his impoverished upbringing, and likely minimal education, Lay is adept at engaging with texts and using them to support rational arguments. But often, he begins passages with phrases like, "Something came into my Mind this Day" as if the spirit has moved him to write. God, he claims, is the source for

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[45] The complete title of this book is *All Slave-Keepers that Keep the Innocent in Bondage, Apostates Pretending to lay Claim to the Pure & Holy Christian Religion; of what Congregation so ever; but especially in their Ministers, by whole example the filthy Leprosy and Apostacy is spread far and near; it is a notorious Sin, which many of the true Friends of Christ, and his pure Truth called Quakers, has been for many Years, and still are concern'd to write and bear Testimony against; as a Practice so gross and hurtful to Religion, and destructive to Government, beyond what Words can set forth, or can be declared of by Men or Angels, and yet lived in by Ministers and Magistrates in America.*.

[46] He reproduces Sewall's "The Selling of Joseph" completely (199 – 207).

his writing because, for Lay, truth cannot found in literature but "in him, not out of him, no, no, no, not a great way of, but in Christ" (253). He is decidedly uninterested in secular universalism. "Divine Wisdom exceeds all Literature and Humane Wisdom," he writes (191). Rational thinking or "Humane Wisdom" has led some to believe slavery is not wrong. Lay claims it his "duty to inform them what I can by Word and Writing, and then leave it to the Lord" (94). In other words, he can write of the truth, but until individuals discover it through some spiritual awakening, they will still be lost.

And the truth, he writes, is that some Quakers are hypocrites. Friends, he notes, "pretend not to love fighting with carnal Weapons, nor to carry Swords by our sides, but carry a worse thing in the Heart" (10). Slavery degrades the Quaker faith: "How do these Things become your plain Dress, Demure Appearance, feigned Humility, all but Hypocrisy, which according to Truth's Testimony, must have the hottest Place in Hell" (92). Slavery "is of the very Nature of Hell itself, and is the Belly of Hell" (27). Lay says that the truth has been revealed to him,

> Early this Morning it was given me to see, that all Slave-keepers and Traders with them for Gain, were Apostates which pretended to be Christians; especially in Ministers which is a double Crime…for all such have the Mark of the Beast, Whore, and False Prophet on them. (136)

Lay acknowledges his first-hand experience with slavery in Barbados as well as the stories he heard when employed as a sailor on the Atlantic, stories that are "much more too foul for me to mention" (77). He confesses his own sins and his complicity with the slave trade when he describes the short time he spent in Barbados with his wife Sarah.[47] The couple was friendly to all the slaves on the island and provided what aid they could.

[47] Sarah Lay was a minister in the Society of Friends. She was also hunchbacked and the couple was very close. Apparently when she passed away, Lay was convinced Friends had something to do with it: "The d of the 9th Mo. 1736" --"some of the Friends have been the instruments of the Death of my Dear Wife I believe" because of accusations and not letting him speak in Meeting.

But Lay describes a time when he caught one stealing from his store and beat him. He writes, "I have been sorry for it many times" and admits that the mistreatment of slaves by everyone around him may have led him to respond in such a manner (40). He adds that slavery breeds such cruelty as well as a general laziness. For Lay, a champion of self-sufficiency, laziness is a notorious evil. Slaves bring horses to the children of slave-owners "for young Madam and Sir to ride on, impudently and proudly gossiping from House to House, stuffing their lazy ungodly Bellies" (31). Slavery is a horrid practice, Lay writes, and he is at no loss for words in making this point: "Mamon, Mamon, Mamon, as though Satan ruled in them…Riding, Drinking and Galloping about from House to House, Smoking, Snufing, Chawing Tobacco" (197). Such opulent and carnal delights are in Lay's mind symptoms of a sick and, perhaps, unredeemable people.

Of all people engaged in slavery, Lay is most concerned with ministers who "Preach and exhort others to Equity, and to do Justice and love Mercy, and to walk humbly before the Lord and his People, and you yourselves live and act quite contrary" (91). These are the people who must stand for fairness, equal treatment, and love of all humankind. There is, "No greater nor no better Law, say I, than to love God above all, and all our Fellow-Creatures as ourselves" (10).[48] Those who do not adhere to the Golden Rule, then, are open for judgment. Indeed, "he that assumes in arbitrary Manner, unjustly, Dominion over his Fellow-Creature's Liberty and Property, contrary to Law, Reason, or Equity, He is a wicked sinful Tyrant, guilty of Oppression and great Iniquity" (43). Fairness and a desire to preserve the lives of all humans is a primary concern of Lay's; he writes for "all Colours and Countries in the whole World" (74).[49] Lay notes that he is

[48] See also pages 84 and 96.
[49] See also page 125.

lucky to enjoy "Liberty" in "this good land" but that so many are kept from it by people who claim to be holy (140 – 141).

But slave-keepers will be judged soon, "the Lord hasten the time, faith my Soul" (53). There is still hope of redemption, though, for those who begin to walk in the light:

> this is *New-Jerusalem*, the Church of the first or true Born with God, the Light in Heaven, whose Gates are always open to Saints in Light, no Night, no Darkness there, not need of Sun, Moon, Stars, Candles or Lamps, for the Lord God, the Lamb, the Truth, the Light, is or are the Light thereof, for evermore. (71)

Here Lay describes "light," a significant term to Quakerism and to the Enlightenment. Both usages have similar connotations—having a clear knowledge or understanding of the truth—though for Quakers the "light" comes from spiritual as opposed to rational intervention. But there is little light at present as Lay sees "Death and Darkness over our Meetings" (128, 134). There is little hope unless people are willing to put an end to slavery:

> And my dear, my very dear Friends, I must say, I must say, and it is Experience and certain Knowledge of my own Soul, that except People will be willing to come to a Separation, a Separation, a Separation
>
> from this Thing,
> to wit, Negro Practice
>
> they never can nor will see the Evil of it, as it really is in itself. (32)

The dangers of not quitting slavery are clear and Lay sees grave trouble ahead. He leans heavily on the Book of Revelation, in particular chapters 12 and 13 of which he offers his own thorough interpretations. Like the end of days described in Revelation, slavery could "bring sudden Destruction upon us" (178). To bring his own argument to a "sudden" and resounding conclusion, Lay concludes his book with a reproduction of a passage from

Milton's *Paradise Lost* (Book XII, lines 505 – 551).[50] "Wolves shall succeed for teachers, grievous wolves,/" writes Milton, "Who all the sacred mysteries of Heav'n/ To their own vile advantages shall turn…" (402). Lay implies that the "wolves" have arrived in the guise of the Quaker leadership.

Such accusations caught the attention of many in Philadelphia. Benjamin Rush notes that Lay was the "pioneer" of the abolition movement, "Perhaps the turbulence and severity were necessary to rouse the torpor of the human mind, at the period in which he lived" (Rush 310).[51] Roberts Vaux describes him as a lone voice and a "champion of justice, of human rights, and reformation" (Vaux 22). Such portrayals lead one to believe that he was a completely obscure figure, and yet he was not unknown while he was living. Lay made sure his book was distributed widely, visited many influential people in his community, and shared his message in churches throughout the Philadelphia area and beyond. In one instance, according to Vaux, "curiosity, associated with respect for him, induced Governor Penn, Dr. Franklin, and some other gentlemen to make a visit to Lay" (32). He was, as noted, friends with Sandiford and Franklin but also with Quaker abolitionist Anthony Benezet, on whom he made a deep impression. Lay, himself, includes the work of and references to many writers throughout his book in order that it not be seen as a lonely argument—it is a part of a growing consensus, a developing discourse of human rights. As Foucault notes of books in general, "The frontiers of a book are never clear-cut…it is caught up in a system of references to other books, other

[50] Lay appears to have had a particular interest in John Milton. He refers to Milon's treatise "Considerations touching the likliest means to remove hirelings out of the Church" concerning hypocrisy in the Church. Lay claims to have sent this text to George I and II—apparently he met with the latter at least onece (Lay 129). See Vaux 15.

[51] The Society of Friends condemned slavery and disowned those Friends who had slaves, shortly before his death.

texts, other sentences: it is a node within a network" (Foucault 23). Lay wishes to be seen as a node within an ever-widening and ever-influential network.

For that network of abolitionists to develop, Lay used whatever methods he could to get attention "some of which were so extravagant as to induce the belief that his intellect was partially diseased" (Vaux 24). He was in appearance, action, and ideology, an outsider. "His temper was violent, but it was always excited for mercy's sake, and in behalf of those who dared not assert their own rights" (54). His version of human rights discourse goes beyond the "the domain of the speakable" because he is unafraid to condemn. Lay writes,

> These rich grown, ever poor, over wealthy, ever needy, ever grasping, never satisfied, brim-full yet always empty, ever Labouring, yet always Idle, ever diligent, yet always negligent, ever waking, yet eternally asleep, ever living, panting and breathing after more, more, more, a little more, I say ever living yet eternally Dead, and there let 'em lie and stink still, if they will not be awakened. But I had much rather they should. (229)

He is convinced of the truth and, thus, disregards his own public presentation in his actions and in his writing. Like James Hector St. Jean de Crevecouer's "Farmer James," Lay apologizes for his style. He writes that, "There is some passages in my Book, that are not well placed…thou art loving intreated to excuse, amend, or censure it as thee please. But remember that it was written by one that was a poor common Sailor, an illiterate Man" (271). Lay, a cave-dwelling religious zealot, spoke decades before Crevecouer's farmer and in a manner deemed unacceptable by many in his own community.

The experiences of ostracized figures like Lay and Sandiford demonstrate the regulatory powers of a discourse, literally and figuratively. The Society of Friends could seek personal and religious liberty in North America, while denying freedom to others whom they did not consider completely human. "Disorderly" figures who pressed this

issue, then, were unwelcome. Later, when more mainstream writers and politicians like Patrick Henry and Thomas Jefferson also recognize the potential for widening human rights discourse some, like many slaveholders in South Carolina, were less comfortable with the repercussions: a more thorough democracy and a loss of power and privilege.

Discourse of Discontent

From the Revolutionary Period until the end of the century, many prominent writers recorded their uncertainties regarding slavery. Patrick Henry, the man who shouted "Give me liberty!" sums up this confusion best in a letter to Robert Pleasants dated January 18, 1773. Henry writes the letter shortly after reading an anti-slavery tract composed by Anthony Benezet:

> in a country, above all others, fond of liberty…Would anyone believe I am the owner of slaves of my own purchase! I am drawn along by the general inconvenience of living here without them. I will not, I cannot justify it…I know not when to stop. (402)

There were lines some Revolutionary leaders did not want to cross, indignities they did not wish to present to their constituents, steps they were unwilling to take. But beneath this pragmatic front was the recognition that they were advancing a terrible trade. For Sandiford and Lay, as self-proclaimed prophets, the path was clear, but for key political players in the Revolution and in the founding of the new nation, the path was less certain. Their political, social, and economic lives were tied up in the slave trade in one way or another. Many remained hopelessly discontent, vexed, and unsettled over the issue.[52]

[52] The OED defines "discontent" as a verb meaning "to make unquiet in mind by failing of refusing to satisfy desire." One good representation of "discontent" is Benjamin Rush's prose when he imagines the punishments slaves endure: "See here one without a limb, whose only crime was an attempt to regain his Liberty.—another led to a Gallows for stealing a morsel of Bread, to which his labor gave him a better title

Thomas Jefferson is a prime example of public and private discontent over slavery, discontent that did not end when his commentaries on the subject were edited from the Declaration of Independence and would surface again in *Notes on the State of Virginia* (1781). Here he presents a rational and proper discussion of his home state, based on his own empirical observations—as any product of the Enlightenment would. One discovers Jefferson's interest in cataloging, his meticulousness, penchant for exploration, and, ultimately, his utter commitment to enquiry. In the process he comments on the slave trade. With exquisite precision Jefferson provides a detailed picture of the state of Virginia as he sees it as well as his own vision for the political future of that state and of the United States of America. Jefferson's vision does not include industrialized cities like those developing in Europe. His would be a nation of farmers because, he writes, "Those who labour in the earth are the chosen people of God" (170). For Jefferson, farms are a means to preserve what Leo Marx calls "rural virtue" and are not necessarily dynamic financial catalysts for the new nation (126). Rapid economic growth is less important for Jefferson than social and political stability. Yet, there is one significant problem that the new nation will have to contend with as it seeks social and political stability: slavery.

The new nation, and Jefferson himself, must confront the issue head on—in particular what to do with thousands of slaves who have endured years of servitude and indignation. In "Query 14: Laws," Jefferson calls for the re-settlement of freed slaves because he believes it will be difficult to integrate them into society for myriad reasons:

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than his master- - - a third famishing on a gibbet—a fourths, in a flame of Fire! His shrieks pierce the very heavens.--------O! God! where is thy Vengeance!------O! Humanity---Justice—Liberty---Religion!—Where,---where are ye fled" (23- 4).

> Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one of the other race. (145)

He believes there are physical and moral differences between whites and blacks that will prevent true integration, a concern that reveals his racism and his ignorance of the living conditions of slaves. He writes that blacks smell worse compared to whites; require less sleep; are "at least as brave and more adventuresome. But this may perhaps proceed from a want of forethought" (146). Jefferson claims that blacks are incapable of deep consideration and emotion. They do not know how to truly love—it's "more an eager desire"—and "their griefs are transient." He concludes, "In general, their existence appears to participate more of sensation than reflection" (146). When the reader thinks that this litany could not get any worse, Jefferson notes that blacks, "in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid" (146).[53] He adds that even Native Americans are capable of producing rich stories and art, but that he has never heard such from blacks (147). He discounts the work of black writers Phyllis Wheatley and Ignatius Sancho and adds that, "Epictetus, Terence, and Phaedrus, were slaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the distinction" (149). Jefferson concludes that blacks are incapable of cultural production, a significant assertion from the author of the Declaration of Independence. Frank Shuffleton notes the fact that these claims are posited in "Query 14," amidst a discussion of legal codes: "In all European colonies the discourse of the law had focused specifically on black bodies and addressed

[53] African American scientist Benjamin Bannaker had written to Jefferson a number of times before he penned these lines.

the possibility of blacks as producers of culture only insofar as to prevent them from creating it" (xxvii). Blacks may not have been capable of producing what Jefferson would have considered "culture" because they were prevented from doing so—they were, more often than not, prevented from acquiring the literacy skills Jefferson would respect. Nor did they have the right to freely communicate with one another.

But something happens to Jefferson in "Query 18: Manners," and this man of reason becomes slightly unhinged. The task of the query is to describe "the particular customs and manners that may happen to be received" in his state. His response to this is illuminating. Jefferson writes that slavery has clearly had "an unhappy influence on the manners of our people" (168). The master/slave relationship is an ugly power play of "despotism" and "submissions." Jefferson is concerned by such relationships because children inevitably learn from their elders. The children of slave owners who are "nursed, educated, and daily exercised in tyranny, cannot but be stamped by its odious peculiarities." He wonders what effect this will have on the future of this state, of this new nation? One group is allowed to willy-nilly abuse the rights of another group, and this abused group becomes resentful. The abusers believe they have a God-given right to treat their slaves as they wish. Jefferson's prose rushes to a difficult conclusion. He writes,

> Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.—But it is impossible to be temperate and to pursue this subject through the various consideration of policy, of morals, of history natural and civil. (169)

A man who several chapters earlier presents his own rational analysis of the complete inferiority of blacks and the best solution for dealing with the "Negro problem," loses himself in a flurry of exclamation points and cries to heaven. For this champion of reason, "it is impossible to be temperate" and to clearly analyze the pertinent issues. Like Kurtz, he cries out in horror, recognizing that in fact the "Negro problem," indeed, the "Negro" hand, is everywhere and necessary to the production of his text and even—"I tremble for my country"—the developing nation. Given Jefferson's private affairs, he would recognize this awful fact.

What will become of this nation if God truly is just? Jefferson's exclamations reveal a keen awareness of possible resolutions, including full-scale insurrection, that could occur. Robert Ferguson reminds us that, "Because the early Republic is still a Bible culture, God appears therein as the best available symbol of order and purpose against chaos and confusion" (78). And for Jefferson, who appears incapable of articulating his discontent, he sees no other recourse than to bring God into the equation. He concludes this brief chapter expressing his hope that a peaceful resolution will come soon, though he offers none. However, a limited resolution did occur when the United States Congress voted to end the importation of slaves. In an address to Congress on December 2, 1806 he offered praise for this first step to halt the importation of slaves: "those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which morality, the reputation, and the best interests of our country, have long been eager to proscribe"(528).

The problem of slavery apparently "unhinged" quite a few writers at this time. Farmer/author Crevecoeur's *Letters from an American Farmer* (1782) describes the twin

abuses of the slave trade—the excesses of its practitioners and the tortures inflicted on the slaves themselves—in what many view as the turning point in this book. Though not actually an epistolary novel, Crevecoeur's letters are addressed to the American people even though he, at times, speaks harshly of some of them. In Letter 9 the author depicts the lavish lifestyles of residents of Charles Town, South Carolina.[54] The port city is "the center of our beau monde" and has a wealth that is surprising given the youth of the city (163 – 4). Yet despite all the "joy, festivity, and happiness in Charles Town, would you imagine that scenes of misery overspread in the country?" (165). The residents of Charles Town think little of the lives of slaves who live in a world completely controlled by their masters, "nothing but terrors and punishments are presented to them; death is denounced if they run away; horrid dilacerations if they speak with their native freedom; perpetually awed by the terrible cracks of whips, or by the fear of capital punishments..." (170). Crevecoeur, a sometimes farmer, is appalled with the practice of slavery in the South which he views as inhumane and unnatural. Slavery in the North is more humane and harmonious with the work of the farm. Here "the owners of the soil have consigned to slaves the labor that would integrate them with their land" (Ziff 24). Such alienation from the soil leads to alienation from humanity, from proper care and treatment of others. Crevecoeur condemns humanity for the practice of slavery and writes "if we attentatively view this globe, will it not appear rather a place of punishment, than of delight?" (173). The pleasures that do exist are not enjoyed by the innocent. "Almost every where, liberty so natural to mankind is refused, or rather enjoyed but by their tyrants" (175). Joseph

[54] Some critics read Letter 9 as an indictment of English society and its abuse of the Colonies—this being the slavery of the colonists. I am more interested in a literal reading of this letter. See Saar, Doreen Alvarez. "Crevecoeur's 'Thoughts on Slavery.'" *Early American Literature* (22:2) Fall 1987: 192 – 203.

Brown Ladd, a sometimes doctor and occasional poet from Charleston would concur.[55] In a letter from the last decades of the eighteenth century, he confides that Charlestonians are obsessed with "the pleasures of the table" (224). "Bacchus," he adds, "is a deity much respected in this country" (225).

Crevecouer delivers his most bitter denunciations of slavery in South Carolina when he describes a horrifying scene encountered one day when traveling to have dinner with a planter. Somewhere in the woods outside of Charleston—he does not indicate the exact location—the author heard "a sound resembling a deep rough voice" and then noticed "something resembling a cage, suspended to the limbs of a tree; all the branches of which appeared covered with large birds of prey, fluttering all about, and anxiously endeavoring to perch on the cage" (176-7). He shot at the buzzards out of habit and quickly discovered,

> a negro, suspended in the cage, and left there to expire! I shudder when I recollect that the birds had already picked out his eyes, his cheek bones were bare; his arms had been attacked in several places, and his body seemed covered with a multitude of wounds. From the edges of the hollow sockets and from the lacerations with which he was disfigured, the blood slowly dropped, and tinged the ground beneath. No sooner were the birds flown, than swarms of insects covered the whole body of this unfortunate wretch, eager to feed on his mangled flesh and to drink his blood. (177)

The author was shocked by this "living spectre" that asked him for water and wished he had a "ball" in his gun because if he did he would kill him. He gave him water and the slave thanked him and asked if he could put some poison in the water. Not sure how to

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[55] Ladd's perspective is unique for a poet writing in Charleston, South Carolina. In "The Prospect of America" he writes of the flowering of American culture, "Here the fair volume shews the far spread name/ Of wondrous WHEATLEY, Africs heir to fame./ Well is it know what glowing genius shines,/ What force of numbers, in her polish'd lines:/ With magic power the grand descriptions roll/ Thick on the mind, and agitate the soul." Ladd includes the following note on the same page as the above text: "Phillis Wheatly, a negro, and the authoress of some ingenious poems, which seem to be entitled to a remembrance here, although not written by a native of America."

respond, the author left the scene of the crime and continued his journey. When he arrived at his destination, he learned from his hosts that the slave in the cage had killed his overseer. They claimed that "self-preservation" requires such cruel punishments and defended "slavery with the arguments generally made use of to justify the practice; with the repetition of which I shall not trouble you at present" (178). Christopher Iannini believes this "rhetoric of 'self-preservation'" indicates that planters "viewed the slave's resistance, not as a random and isolated act, but as symptomatic of the genuine threat that revolt posed to the plantation order" (230). Despite his apparent disgust, Crevecouer broke bread with the planter, a man whose wealth was dependant on cruelty.

Earlier in the chapter, this kernel of truth is not lost on the author as he makes astute connections among the various and persistent trading evils in the greater Atlantic world. In this way, his argument takes on universal dimensions, and is more than an indictment of the South Carolina planting class. Like the mutilated Negro on the side of the road in *Candide,* Crevecouer denounces an economy that uses "gold, dug from Peruvian mountains" to purchase slave ships and ultimately to disrupt families in "some harmless, peaceable African neighbourhood" (165-6). Both Voltaire and Crevecoeur are clearly critiquing the inhumanity of the free market, the alienation of person from product, through the figure of the abused "Negro." In both instances Europeans encounter slaves almost in total isolation—in transit and on the outskirts of a colonial city. Both, one would imagine, are faced with a troubling dilemma, what to do with or to this suffering human? In both instances the protagonists seem impotent when confronted with such obvious violations of human rights. "Good heavens!" cries Candide. "Oh, Nature, where art thou?" asks Crevecouer (166). All these white commentators do is cry to God

and nature for mercy. On the contrary, the slave Crevecoeur encounters is no passive observer. He, like the American colonists, is in a state of rebellion or as Locke acknowledges a constant "state of war" (4.24). This slave was punished in the above manner because he tried to kill his owner, because he sought his freedom.

A discourse of human rights closely intertwined with slavery and South Carolina also emerges in popular poetry during this period. One poet known more for being relevant than for his style and creativity, Philip Freneau, wrote a number of poems that argue, in essence, for abolition. In "The Beauties of Santa Cruz" (1776) and "To Sir Toby" (1792) his displeasure with the practice is fueled by personal experience with it. Freneau's pastoral impulses are famously expressed in "The Beauties of Santa Cruz"—both an homage to the delights of the island of Santa Cruz (St. Croix) and a recognition that the island is not all that delightful. The presence of slavery on the island becomes a serious hindrance for the poet's attempt to escape. The first half of the poem depicts this escape "To isles that flourish in perpetual green" far from "the northern breezes" (298). He describes all that his eyes behold including the flora and fauna, the water and shore, and the sugar cane—"Hence comes the planter's wealth" (305). Not surprisingly, shortly thereafter he spies, "yonder slave that slowly bends this way,/ With years, and pain, and ceaseless toil oppress,/ Though no complaining words his woes betray,/ The eye dejected proves the heart distrest" (306). The poem turns precisely on this moment and Freneau works himself into a rage of sorts as he imagines the emotional scars of the slave:

> Perhaps in chains he left his native shore,
> Perhaps he left a helpless offspring there,
> Perhaps a wife, that he must see no more,
> Perhaps a father, who his love did share (307).

Jacob Axelrad writes that, "The condition of the slave was a vast obscene blot on the lovely landscape" (82). That is a significant understatement, especially on Santa Cruz, where, "In a population of perhaps twenty-six thousand, all but two thousand were slaves." Controlling these slaves required incredible punishments including torture and maiming. The sheer immensity and intensity of the practice on the island shocks Freneau and causes an intense transformation in vision, lifting the veil. Targeting the slave trade directly, he asks for retribution:

> Cursed be the ship that brought him o'er the main,
> And curs'd the men who from his country tore;
> May she be stranded, ne'er to float again,
> May they be shipwrecked on some hostile shore…

As if speaking to the planter's themselves, he imagines that if "free-born" hands worked the fields, the crops would likely be better—perhaps because they would not be cursed? He then notes his desire to go to some place "where cruel slavery never sought to reign—/ But shun the theme, sad muse…" But he cannot, really, and begins to note the other problems the island faces—the storms and rough shores. He must return to his home because he has escaped to a place that is not as fanciful as he had imagined (309).

In "To Sir Toby" (a.k.a. "The Island Field Hand" or "The Island Field Negro"), Freneau addresses a sugar planter from Jamaica in, perhaps, his strongest critique of an economic system he describes as fostering a literal hell on earth. The poem begins, "If there exists a hell—the case is clear—/Sir Toby's slaves enjoy that portion here" (1182). These slaves, marked with their owner's brand on their chests, must endure the indignities of West Indian sugar-production—the "whips on whips" and "perpetual fears. The poet, for his part, must endure the shock of witnessing this scene and of hearing the "mingled howlings" of abused human beings. He exclaims: "Ye powers! Who formed

these wretched tribes, relate,/ What had they done, to merit such a fate!" The abusers are a "monster," "tyrant," "a devil, whom men call overseer." Freneau, as witness, depicts a horrid, inhuman scene:

> One, with a gibbet wakes his Negro's fears;
> One to the windmill nails him by the ears;
> One keeps his slave in darkened dens, unfed,
> One puts the wretch in pickle ere he's dead:
> This, from a tree suspends him by the thumbs,
> That, from his table grudges even the crumbs!

For the poet, humans cannot be the ones meting out these punishments; these are not humans, they are "monsters." Speaking to the man benefiting from these indignities he asks, "Is wealth, thus got, Sir Toby, worth your pains!/...Talk not of blossoms, and your endless spring;/ What joy, what smile, can scenes of misery bring?" (1182 – 3). The beauty of the island and this man's great wealth are both offset by the misery and suffering of the slaves.

But Freneau's encounters with slavery in the West Indies were not his first. He grew up with slavery in New Jersey. His family, including his father, mother, and stepfather, owned slaves; he inherited slaves but immediately freed them (Axelrad 81). As an adult, he was an ardent opponent of slavery, reportedly owned a copy of Rush's anti-slavery polemic, and later joined an anti-slavery society. Yet, despite his opposition to the practice of slavery, Freneau found a place in his heart for South Carolina, a key participant in the trade. Mary Weatherspoon Bowden notes that, "Although Freneau admits the presence of man has destroyed Eden, he never quite abandoned his dream of finding peace and contentment on some quiet, uninhabited island" (52). South Carolina was not island, but for Freneau it would suffice. In "On Arriving in South Carolina, 1798" he describes the state as a paradise, a place of respite and beauty: "The gray and

ever verdant shore,/ Which every pleasure will restore" (401). This paradise calls some to seek happiness on its shores. Freneau writes that in "your fragrant woods,/ Your magic isles" he saw so much that amazed him. The people of the state are "heroes, who redeem'd the land" (402). The poem is little more than a romantic exaltation or, perhaps, ejaculation. Freneau coos, "Long, long may every good be thine/ Sweet country, named from Caroline." And later, "In groves the tall Palmetto grows,/ In shades inviting to repose" (403). One wonders, why all is sensual, why all is beauty in South Carolina but not in Santa Cruz? Both places are cursed by slavery. Perhaps it is easier to criticize that which is far away.[56]

Proud Carolina Rise

While Freneau did pirouettes around the issue, other writers were unwilling to let South Carolina off so easily. During the eighteenth century South Carolina emerges for some as a literary type—an over-indulgent, cruel, and tainted land, an extension of the West Indies. The colony and state's relationship with the slave trade drew scathing denunciations from those living in the state and experiencing chattel slavery directly as well as from those who had never been to South Carolina. In letters, poems, and addresses, South Carolina, as spirit and as public, was excoriated directly. At times it is simply invoked so as to produce a nod of understanding from the reader. When Ralph Sandiford describes his life experiences he highlights a brief stay in South Carolina and,

[56] One reason for his deferential treatment of South Carolina might have been that his brother, Peter Freneau, was a prominent figure in the Charleston Huguenot community and someone who was often on the wrong side of the issue as far as the planting class was concerned (Axelrad 154). Freneau visited his brother on several occasions and spent time at Pacolet Springs in the Upstate, whose waters were considered curative.

thus, establishes his credentials as someone who truly knows slavery and the diseased landscape in which it thrives, the hot and humid summers, the torpid planters, and the anguished cries of tortured slaves—a deadly and sinful mixture, indeed. This is the picture, produced out of reality that these writers wished to paint. Cruelty and opulence—tortured bodies versus pampered ones—were central themes for this peculiar genre of literature.

Not willing to risk publicly outing themselves, many revealed their distaste of slavery in private letters. An epistilary record of egregious human rights violations emerges throughout the eighteenth century. The letters of Francis Le Jau of the Society for Propagation of the Gospel in Foreign Parts are particularly enlightening. Le Jau writes in the early days of the colony when many of South Carolina's planters were recent émigrés of Barbados, a place known for enforcing a strict code on slaves—codes South Carolinians also found useful. In a letter dated February 20, 1712, Le Jau describes his dismay with a law establishing cruel and unusual punishments for runaway slaves—castration for men and cutting off the ears of women (108). He writes, "I must Informe you of a most Cruel Contrivance a man has Invented to punish small faults in slaves. He puts them in a Coffin where they are crushed almost to death, and he keeps them in that hellish Machine for 24 hours." A year later Le Jau explains that such cruelties continue in the colony unabated. He knows he has been called to teach the gospel to slaves, but the planters in his flock are not interested in saving the souls of mere "Negroes." "They hamstring main & unlimb those poor Creatures for Small faults" and further "I am at a loss when I see them in a praying posture knowing that at the same time they do not love their Neighbour" (129 – 30). Le Jau, like many in the Society is not openly opposed to

slavery; he simply dislikes such punishments. His solution for resolving this problem comes from Exodus 21, "which setts a slave at liberty if he should loose an Eye or a Tooth when he is Corrected" (108). This passage from Exodus includes the famous pronouncement in the King James Version, "Eye for eye, tooth for tooth." In effect, he sets a precedent—the black body is worth less than the white body. If a slave loses an ear, the owner would lose his slave—not his own ear. La Jau concludes that not all slave owners are cruel writing that "some good Planters are of my opinion" concerning the horrors of slavery (108). [57]

Some "good Planters" are, in fact, of Le Jau's opinion. On August 14, 1776, Henry Laurens writes to his son John of his hatred for slavery—despite the fact that he owned many. He blames the British for establishing slavery in South Carolina and for exacerbating conditions by continuing to sell slaves to American planters. The elder Laurens exclaims, "You know, my dear son, I abhor slavery!" (405). He explains that he was born in a country where laws supported the slave trade—including the Fundamental Constitutions of Carolina. He hopes change is in the making "when, from principles of gratitude as well as justice, every man will strive to be foremost in showing his readiness to comply with the golden rule." Sounding much in the vein of his colleagues Henry and Jefferson, Laurens knows not where to turn as "Great powers" within the state oppose his unpopular opinions.

This was not so outside of South Carolina. In Sarah Wentworth Apthorp Morton's unfinished poem "Beacon Hill: A Local Poem, Historic and Descriptive" (1797), the poet

[57] Another Christian minister Charles Wesley wrote from South Carolina in July 1736 that he, "saw myself that the giving a slave to a child of its own age to tyrannize over, to abuse and beat out of sport, was a common practice; nor is it strange that, being thus trained up in cruelty, they should afterwards arrive at such a perfection in it" (Wesley 100).

celebrates each state's participation in the Revolutionary War. When she addresses South Carolina she writes:

> CHILD OF THE SUN, proud *Carolina* rise!
> And say what chief thy haughty hand supplies!
> Canst thou contend for freedom, while yon vale
> Pours its deep sorrows on the sultry gale!
> Thus rise with patriot heart supremely brave,
> Nor heed the scourge, that breaks thy shackled slave!--
> What boots the fleecy field, and ricey mead,
> If mid their bloom the culturing captive bleed! (194)

Morton exploits the contradictions. She praises their struggle during the war, but chastises them for allowing slavery to continue. Like Crevecoeur, she notes that South Carolinians treat their guests kindly and share in their abundance even though "the rich banquet, and the costly cheer,/ Are fan'd by sighs, and moisten'd with a tear!" (195) In addition to the divisiveness of plantation slavery, she points out that there are also bitter class divides in the state. In a note to the reader at the bottom of the page, Morton reminds that, "THE original construction of *Carolina* was framed by the celebrated Mr. *Locke*, of an aristocratical form..." (195). Even though the state is now based on more democratic principles, "there is no State in the Union, in which the distinction of rank and situation is so tenaciously observed." This class divide, and the figure of the hospitable Southerner, will later become an integral part of plantation myth literature and be described by writers like Thomas Nelson Page as a positive aspect of plantation society. Here it is a negative indicator of an opulent culture completely and utterly full of itself.[58]

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[58] South Carolina poet Joseph Brown Ladd is most ambivalent on this issue. In a passage from a letter full of contradictions, Ladd allows that Carolinians have gained a reputation for,

> …haughtiness and insolent carriage. Nothing is more apparently the truth than this charge; nothing is really more false. Surrounded by slaves, and accustomed to command, they acquire a forward dictatorial habit, which can never be laid aside. In order to judge of their dispositions, we must study them with attention. Courtesy, affability, and politeness form their distinguishing characteristics. For these, for the exercise of hospitality, and all the social virtues, I venture to assert that no other country on earth has equaled Carolina. (228)

Quaker minister Ann Tuke Alexander has these issues in mind when in 1805 she pens, "An Address to the Inhabitants of Charleston, South Carolina." This address, she writes, is written "by no other motives than the influence of that gospel love" (213).[59] Yet the "gospel love" that has moved her to write after experiencing chattel slavery in person, is an angry, tough love. She writes to them of things "awfully important, as they regard your real interest, both in time and in eternity" (213). Alexander is upset by the sight of her "fellow-creatures, of the African race, deprived of their natural liberty, and of almost every means of improvement of those faculties bestowed upon *them* as well as ourselves" (213). Citing Paul's assertion in Acts that God made all humans "of one blood," she argues that slavery is "repugnant to every principle of humanity and justice" (213). South Carolina faces the possibility of retribution from God "for the blood of thousands," for the sins of the state (214). There is still hope and they may avoid judgment, but this appears unlikely as God wishes to "undo the heavy burdens" and "let the oppressed go free" (214). There is evidence that South Carolinians did not read her letter; the state banned the slave trade in 1787, but re-opened it in 1803. Because the slave trade continued despite the ban, it was deemed unenforceable. Dissenting voices from outside South Carolina had little, if any, influence on the legal practices supporting chattel slavery within the state, and there were few voices within the confines of the state's public sphere willing to raise significant opposition. Of course, there were also few mechanisms for the slaves themselves to speak publicly—yet they did anyway. There was no column in Timothy's paper for them, but in many ways, slaves asserted their

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His assertion, then, that "no other country on earth has equaled Carolina" must be deemed a negative. Earlier he expresses his concern for the souls of people who live in slave-supported societies where, "The soul becomes dark, narrow, and assumes a tone of savage brutality" (227).

[59] Alexander, a British Quaker who traveled throughout the United States for two years, may or may not have visited Charleston, but did visit South Carolina.

rights and sought to undermine the plantation system throughout the eighteenth century in South Carolina and the other colonies. Those entrenched in that system were well-aware of the constant possibility of rebellions of all sorts. Again, Thomas Jefferson writes,

> Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! (169)

It may have not been "supernatural interference," but the consistent "revolutions" of slaves, radical Christians, and others advocates that led to the end of chattel slavery. These revolutions were not peripheral events but were central to the early American experience and to the development of human rights discourse.

Chapter 3: The Stono Rebellion and the Roots of American Human Rights Discourse

"At this time there were above forty thousand negroes in the province, a fierce, hardy and strong race, whose constitutions were adapted to the strong climate, whose nerves were braced with constant labour, and who could scarcely be supposed to be contented with that oppressive yolk under which they groaned."

Alexander Hewatt, *An Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia* (1779)

Not to be Eaten, but to Work

From its initial development as a commercial enterprise, slavery was essential to the economic viability and social underpinnings of the colony of South Carolina. The Fundamental Constitutions of Carolina, Locke and Shaftsbury's utopian roadmap, established a society comprised of enslaved human beings and pseudo-aristocratic overlords. In 1670, when Sir John Yeamans became South Carolina's first English slave importer, the colony was imbued with high hopes and visions of neo-feudal grandeur. But the late seventeenth century reality was that the colony, an outpost really, was struggling to survive. The primary occupants were former Barbadians who had been pushed out because of that small island's spatial limitations. The brutal work of clearing land in South Carolina so these pioneers could farm was often disrupted by outbreaks of disease (malaria, smallpox, yellow fever), and the unforgiving humidity of mid-summer hampered the process further. The colonists struggled to find a cash crop, one that could help them replicate the success of West Indian plantations. However, they soon took notice of a plant their African slaves were cultivating in their small gardens. This plant, rice, was then introduced into the colony on a much greater scale. African slave labor became absolutely essential because these planters knew little of this crop. They needed

individuals adept with the arduous process of rice production and would buy them if necessary (Wood 56).[60]

For slaves, the journey to South Carolina must have been demoralizing from the moment they were captured. Rumors often circulated that they had been sold to cannibals who were going to eat them. Some, perhaps, believed this literally, but John K. Thornton notes that this was also a way of saying that they, the slaves, were "victims of a plot involving greedy and selfish people" (Africa 316). Traffickers of human beings were cannibalizing Africa, destroying families, and disrupting social networks. The trauma of surviving the machinations of such greed and selfishness must have tested the strongest wills and bodies. Slaves suffered without fresh air, water, and sufficient food for weeks. Sickness and death were commonplace. Chained bodies, both living and dead, rested in excrement with little light as ships lurched about on their journeys to the Americas. About one-sixth of African slaves died during this passage, their bodies dumped in the ocean along the way. Some corpses were not discovered until the ships had reached their destinations. This prompted a 1769 proclamation in Charles Town prohibiting slaver captains from throwing bodies into the harbor because so many were washing ashore creating an unbearable smell and health hazard.

In his narrative, Olaudah Equiano describes the conditions on slave ships: "The shrieks of the women, and the groans of the dying, rendered it a scene of horror almost inconceivable" (35). The predicament of capture, the loss of control, the theft of

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[60] Peter Wood's *Black Majority* provides a thorough account of South Carolina's slave population prior to the Stono Rebellion as well as one of the most important discussions of the rebellion itself. I am personally indebted to Professor Wood; his research opened up a page in my home state's history that had been hidden from me. Gratitude is also due to Mark M. Smith who has, as of late, re-covered several "forgotten" sources of the Stono Rebellion.

humanity that was chattel slavery, led many to commit ultimate acts of free will, asserting their human-ness through suicide. "One day," Equiano writes, "when we had a smooth sea and moderate wind, two of my wearied countrymen, who were chained together…preferring death to such a life of misery, somehow made through the nettings and jumped into the sea" (36). Others would refuse to eat and were beaten harshly for such protests (77). When Equiano's ship finally arrived in Barbados, he learned that the rumors that they were to be sold as food were unfounded: "They told us we were not to be eaten, but to work" (37).

After a period of "seasoning" or quarantine on Sullivan's Islands, slaves were sold and transported to their new homes where they immediately began working. In eighteenth century South Carolina, this work was based on the "task system" which required slaves to complete a certain amount of labor before the end of each day. Some historians claim this management system provided slaves with a reasonable amount of leisure, but it did not necessarily make their lives carefree. Slaves were still required to finish their tasks—not a simple proposition. A former slave from the Upstate of South Carolina, Milton Marshall reminds, "All of us had to go to work at daylight and work till dark. They whipped us a little and they was strict about some things" (Hurmence 43). Sam Polite, a former slave from St. Helena provides specific details about the task system:

> When horn blow and morning star rise, slave have for get up and cook. When day clean, they gone to field…Every slave have task to do, sometime one task, sometime two task, and sometime three. You have for work till task through. When cotton done make, you have other task. Have to cut cord of marsh grass maybe. Task of marsh been eight feet long and four feet high. Then, sometime you have to roll a cord of mud in cowpen. (77)

Even though these experiences were from the nineteenth century, we can imagine similar situations in the eighteenth. Slaves worked. Constantly. It was not until the Negro Act of 1740 that planters were required by law to let slaves rest on Sundays—but even that law was overlooked during harvesting times.

The daily lives of slaves were controlled in other ways as well. The first slaves in South Carolina spent most of their time clearing land on the frontier and led fairly autonomous existences. This changed in the 1690s, however, when planters focused their attentions on cultivating rice, the export for which they had longed. With increased agricultural production came increased control. Peter Wood notes that the "…machinery for their containment multiplied: tickets were required, patrols were strengthened, punishments were enforced…rewards were offered to buy the loyalty of slaves" (268). This was especially apparent in the 1730s, as South Carolina saw a major influx of African slaves imported by men like Joseph Wragg, Richard Hill, Benjamin Savage, John Guerard, Benjamin Godin, and others (Donnan 278 – 9). So many slaves were imported, in fact, that the colony earned a pretty penny on import duties. Charleston's St. Philip's church, a prominent tourist attraction today was paid for, in part, by these duties as well as those on rum and brandy which were also quite popular with South Carolinans (Rogers 56).

On September 29, 1729 the Lord's Proprietors relinquished their control and South Carolina became a royal colony. As the colony developed from an outpost to a center of agriculture in the Atlantic world, disease, heat and humidity, and storms were common themes. The focus on rice production did not improve the colony's health as the actual process for cultivating rice, which involved significant amounts of standing water,

provided excellent breeding grounds for malaria. But for planters enjoying the rice boom of the 1730's, the financial benefits of Lowcountry farming outweighed these potential pitfalls. Besides, they spent much of the year in Charleston while slaves worked their lands.[61] From roughly May to November, during the harshest months, slaves worked under the supervision of drivers.

By 1739 South Carolina's lieutenant governor William Bull had a difficult situation on his hands.[62] Sickness had become a way of life in the preceding years. On September 26, 1739, Robert Pringle writes, "We have been Afflicted in this Town for these Two Months past with a great Sickness & Mortality by a Malignant Fever, which has carried off a great many People" (135). A letter from the colony in *The Boston Weekly News-Letter* from late September 1739 explains: "A terrible Sickness has rag'd here, which the Doctors call a yellow bilious Fever, of which we bury 8 or 10 in a Day; the like never known among us" (2). In addition, relations between Spain and Britain were dissolving rapidly especially since Spain had published a royal edict in 1738 promising freedom to any slave that could escape to Florida. Rumors abounded that Spanish priests were coming on shore to spread word of this edict in hopes of fostering escapes, or worse, outright insurrection. This was a problem for the white population of South Carolina as African slaves outnumbered free whites almost two to one.[63]

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[61] The slave culture developing in South Carolina was quite different from that which was developing in the Chesapeake region of Virginia where slaves were less dispersed and plantations more developed. See Gerald Mullin.

[62] William Bull became lieutenant-governor, in effect "acting governor," in 1737. The appointed governor was James Glen who did not come to the colony until 1743.

[63] Approximately 39,000 blacks and 20,000 whites.

Negroes Rising in Carolina

South Carolina was a disaster waiting to happen—but which "disaster" would strike the greatest blow? An astute observer from the nearby colony of Georgia, William Stephens, writes of his neighbors: "in the Midst of these Hostilities from abroad, it was now their great Unhappiness to have a more dangerous Enemy in the Heart of their Country to deal with" (412). This "more dangerous Enemy," twenty some odd Kongolese-born slaves led by a man named Jemmy or Cato,[64] gathered before dawn on Sunday, September 9, 1739, and marched to Stono Bridge" (Ranger 222).[65] Their destination was Hutchenson's storehouse located about fifteen miles outside of Charles Town next to a road that followed the coastline from Charles Town to Port Royal.[66] The men were likely former members of a public road construction crew that, apparently, had had sufficient autonomy while working and used that space to plan a rebellion.[67] They broke into the storehouse, a breach that pushed these former slaves into new territories of freedom. The men, now rebels, attacked and killed the two storekeepers, Mr. Gibbs and Robert Bathurst. As a sign of their intentions, they cut off their heads and placed them on pikes, following the precedent set by white colonists who, with increased frequency in the 1730s, placed the heads of unruly slaves on public display.[68] Now armed with guns and powder taken from the storehouse, they broke into the home of Mr. Godfrey whom

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[64] Some historical accounts refer to the slave leader as Cato. See Ramsay, David. *History of South Carolina*.

[65] Robert Olwell places the slaves' rendezvous on Saturday night, September 8, 1739 (51 – 52).

[66] Today, this is off of Highway 17, the Savannah Highway about twenty miles outside of Charleston, near the bridge at Wallace Creek. An historical marker, recently erected by the Sea Island Farmer's Cooperative, marks the spot.

[67] In a description of the colony in 1770, William Bull cites what he believes to be the cause of the Stono Rebellion, "…that indeed took rise from the wantonness, and not oppression of our slaves, for too great a number had been very indiscreetly assembled and encamped together for several nights, to do a large work on the public road; with a slack inspection; but such indiscretion is now provided against the law" (Bull 260).

[68] See Wood pgs. 282 – 284.

they killed along with his son and daughter (Account 234). As they left Godfrey's house, they set it on fire—again, signaling their intentions to all those who could see that they were in open rebellion. Next the rebels "passed Mr. Wallace's Tavern about Day-break, and said they would not hurt him for he was a good Man and kind to his Slaves" (234). They then burned and/or plundered the houses of Mr. Lemy, Colonel Hext, Mr. Sprye, Mr. Sacheverell, Mr. Nash, and Mr. Bullock (234). Some whites were able to escape, and others, like Thomas Rose, were protected by their slaves.

But those were the lucky ones. The rebels moved quickly, pillaging and burning every house they came to and killing all slave-owners and their families—twenty-three or more in total. An account in the *Boston Weekly News-Letter* claims the rebels, "sacrificed every Thing in their Way." Indeed, the rebellion was bloody; the actions of the slaves, total. According to a Ranger under Oglethorpe they "went on killing what Men, Women, and Children they met, Burning of Houses and Committing other Outrages" (222 – 3). They recruited others as they marched southward approximately ten to fifteen miles from where they had started. The rebels were apparently heading toward Spanish Florida where they expected to find freedom: "Several Negroes joined them, they calling out Liberty, marched on with Colours displayed, and two Drums beating, pursuing all the white people they met with" (Account 234). By mid-morning there were between sixty and one hundred rebels on the move. One can imagine they were excited by their bold display, yet fearful of potential retribution.

Before noon, however, by mere coincidence, the slaves encountered South Carolina's lieutenant governor William Bull returning from Granville County. Bull hastened away to call the local militia. Eighteenth century historian Alexander Hewatt

claims that Bull stopped at the Presbyterian Church at Wiltown where Archibald Stobo held forth (73). [69] According to Hewatt, the men left the women behind, "trembling with fear," as they rushed to engage the rebels led by a militia leader named Captain Bee. In the meantime, the rebels assembled in an open field, somewhere near the Edisto River, and began dancing, playing drums, and calling others to join them. When the militia arrived, an intense battle ensued during which eyewitnesses claim the rebels fought like well-trained soldiers using flags and fighting in military formation. But they were outnumbered and the rebellion was vigorously put down. "The Negroes were soon routed though they behaved boldly" (Account 235). According to one version of the Stono narrative, this boldness was often dramatic. One rebel "came up to his Master his Master asked if he wanted to kill him the Negroe answered he did at the same time Snapping a Pistoll at him but it mist fire and his Master shot him thro' the Head" (Ranger 223). Some rebels escaped—one was not captured for several years.

A messenger from South Carolina reached William Stephens in Georgia and explained that, "the Country thereabout was full of Flames: Our Letters also informed us, that they were fearful lest it prove general" (412). These letters noted that South Carolina was offering rewards for slaves, dead or alive. A letter from minister Andrew Leslie to the Society for the Propagation of the Gospel (SPG) reveals the general uncertainties and anxieties many felt after the rebels had killed members of his parish in "in a most barbarous manner" (Leslie). He continues, "several of my principal Parishioners, being apprehensive of Danger from ye Rebels Still outstanding carried their Families to Town

[69] David Ramsay writes that Bull, "crossed over to Johns island thence came to Charlestown with the first intelligence" (111). According to Ramsay, a Mr. Golightly informed the church at Wiltown. This version of events appears only in Ramsay's account which incorrectly dates the event as having occurred in 1740 rather than 1739. Edward McCrady provides a similar account though his dates are correct (185).

for Safety, & if y Humour of moving continues a little longer, I shall have but a Small Congregation at Church" (Leslie). Leslie's letter was reported on during a meeting of the SPG on April 18, 1740. According to this report there was a "Second Engagement on the Saturday following" involving groups of rebels still roaming the countryside (American Papers).

Those rebels that did not escape were rounded up and immediately executed. On that Sunday white colonists killed over forty people, placing their cut-off heads on "every Mile Post they came to" (Ranger 223). Or as Pringle puts it, "most of the Gang are already taken or Cut to Pieces" (135). Some slaves were hanged. The author of "An Account of Negroe Insurrection in South Carolina" applauds the "honour of the Carolina Planters, that notwithstanding the Provocation they had received from so many Murders, they did not torture one Negroe, but only put them to an easy death" (235). Given white planters and their overseers' predilection for torture, this is, indeed surprising.[70] The South Carolina colonists were fond of meting out horrific punishments; many were from the West Indies and believed that harsh reprisals were the only mechanisms for maintaining order. But perhaps they were tired of all they had seen on that day and wished to expedite the process. Notes from a London meeting of the SPG on July 18, 1740, indicate that Andrew Leslie was definitely tired of all *he* had seen. On that day he officially resigned his post in the Stono area, "his health not permitting him live in Carolina" (American Papers).

[70] See Le Jau, pgs., 55, 108, 121, 130.

Rebellious Communications

When describing the ways in which slaves in South Carolina communicated with one another, Walter Edgar writes, "The African American grapevine in South Carolina was quite effective. It is possible that because blacks were able to communicate with one another so quickly, they were able to launch the Stono Rebellion to coincide with whites' apprehension about the war with Spain" (166). While correct in describing the rapidity of communications among slaves and their possible comprehension of political events, Edgar's use of the term "grapevine" seems somewhat belittling. A close read of this brief rebellion reveals that the rebels demonstrated a propensity for multiple layers of communication and organization that must have frightened whites. These African slaves used "uncanny networks" of communication to foment the most successful rebellion in the colonial South.[71] In this sense, an uncanny network refers to multi-layered communications techniques used over a variety of physical and social geographies in ways unimagined by the dominant political power. The Stono rebels used such networks to not only organize their own escape, but to launch a wider insurrection—despite being embedded within a nervous and vigilant community. Their rebellion, then, can been viewed as a chain of communicative acts that reveal a cultural sophistication beyond that of a simple grapevine.

The events of the Stono Rebellion itself have been pieced together by many historians, most taking Peter Wood's interpretation in *Black Majority* as a jumping-off point. These analyses explore the various actions of the rebels and describe the meanings of these acts, though often in isolation from one another. Taken as a whole, though, these

[71] I borrow this term from Geert Lovink's analysis of contemporary media studies entitled *Uncanny Networks: Dialogues with the Virtual Intelligentsia*, though, perhaps because of my anachronistic usage I corrupt the term to some extent.

communication acts depict a shocking complexity. Indeed, an uncanny network is also a *social* network or what Mario Diani calls a, "a network of meanings" that relies on a shared discourse and fosters interdependence (5).[72] He writes that simple exposure to certain media forms can foster a communication network (8). Natalie Zemon Davis echoes this sentiment when she writes that print functions as a "carrier of relationships" (66). The "media" used by the rebels included drums, flags, weapons, military formations, shouts, and, perhaps, print—and each of these media communicated not only relationships, but a message. Building on the rich historical interpretations of Stono, I will show that the totality of these acts demonstrates a specific desire on the part of the Stono rebels and reveals larger connections to the continuous acts of rebellion among slaves and other subaltern peoples in the Americas in the eighteenth century. In this sense, we may view Stono within a larger Atlantic—or global—and early American cultural context. As Herbert Aptheker and others have demonstrated, slaves in the Atlantic world were not docile, taking slavery as their burden in this temporal world. In the 1730's there were insurrection conspiracies in the Bahamas (1734) and Antigua (1735), a war was fought between colonists and maroons in Jamaica (1730), and rebellions took place in St. John (1733) and Guadeloupe (1737). [73] There were rumors, conspiracies, or actual occurrences of slave rebellion in South Carolina in 1720, 1730, 1732, 1733, 1734, 1737, 1738, 1739, and 1740 (Linebaugh and Rediker 194).[74] To begin to understand the circumstances and meaning behind one of these rebellions, that of

[72] Networks are sets of nodes linked by some particular relationship. "Nodes may consist of individuals, organizations, and eventually—if more rarely—other entities such as neighborhoods or states. They may also consist of events linked by persons, or as in some recent application, even of elements of speech" (Diani 6 – 7).
[73] Aptheker provides perhaps the best summary of slave revolts in the Americas.
[74] Le Jau mentions a plot in Goose Creek during Christmastime, 1713.

1739, we must first ask where did these bold rebels come from? What were their origins, culturally and historically? Understanding their roots will allow us to imagine how this rebellious moment was organized and communicated among Lowcountry slaves.

These questions inevitably lead one to the ever-present debate over the depth of African cultural carryovers among American Americans.[75] On one hand Philip D. Morgan argues that "slaves did not arrive in the New World as communities of people; they had to *create* communities" (442). This seems to echo Sterling Stuckey's assertions about the development of a Black Nationalist culture among African Americans through shared traditions such as the ring-shout. On the other hand is the idea—represented by Melville J. Herskovits and others—that slaves transmitted their particular African cultures wholesale, despite the agonies of the Middle Passage. But culture is more fluid than either of these two camps allow for. Humans exist in the "borderlands," to borrow Gloria Anzaldua's term, liminal spaces where culture survives and transforms. And if one argues that African slaves transmitted their uniquely African cultures intact to the Americas or that they created a completely new culture, one denies the realities of the historical record. Nowhere is this more evident, than in the observations Mark M. Smith and John K. Thornton have made in relation to the Stono Rebellion.[76] Their work acknowledges that the particular cultures of the Stono rebels had been in flux for some time prior to their arrival in South Carolina. Much of Africa had undergone dramatic cultural changes beginning with the advent of the Portuguese slave trade. The stress of this trade significantly transformed the social dynamics of much of the Atlantic half of

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[75] Frazier, Herskovits, Mintz and Price, Stuckey, etc.

[76] Smith, Mark M. "Remembering Mary, Shaping Revolt: Reconsidering the Stono Rebellion." *The Journal of Southern History*, Volume LXVIIII, No. 3 (August 2001) : 513 – 534. Also, Thornton, John K. "African Dimensions of the Stono Rebellion." *The American Historical Review*, Vol. 96, No. 4 (Oct 1991): 1101 – 1113.

the continent and increased opportunities for sharing cultural practices among unlikely peoples. Any examination of the Stono Rebellion, then, reveals a variety of cultural influences on the rebels. The author of "An Account of the Negroe Insurrection in South Carolina" recorded these influences for posterity:

> Amongst the Negroe Slaves are a people from the Kingdom of Angola in Africa, many of these speak Portugueze [which language is as near Spanish as Scotch is to English] by reason that the Portugueze have considerable Settlement, and the Jesuits have a Mission and School in that Kingdom and many Thousands of Negroes there profess the Roman Catholic Religion. (233)

Any notion of a "purely" African culture persisting on either side of the Atlantic at this moment is, perhaps, false. This account reveals that the Stono rebels had been participating in a dynamic cultural climate, precipitated by Atlantic capitalism, both in Africa and in South Carolina. Thornton reminds us that the Middle Passage did not erase this cultural heritage—especially in eighteenth century South Carolina when large-scale plantations were emerging:

> …in the eighteenth century African culture was not surviving: It was arriving. Whatever the brutalities of the Middle Passage or slave life, it was not going to cause the African-born to forget their mother language or change their ideas about beauty in design or music; nor would it cause them to abandon the ideological underpinnings of religion or ethics—not on arrival to America, not ever in their lives. (Thornton, Africa and Africans 320)

The plantation system prompted the arrival of thousands of new African slaves in the decade prior to the Stono Rebellion. This is important for two reasons. First of all, there is evidence demonstrating that African born, or "outlandish," slaves were more likely to escape in groups and were also more likely to escape shortly after their arrival (G. Mullin 34). More important than the fact that South Carolina had a significant influx of new slaves in the 1730s, is the specific origin of those slaves. The records from ships in Charles Town during that period reveal that the majority of imported slaves were from

the Kingdom of Kongo or, as this area along the central African coast was often called at the time, Angola.[77] Today this would include parts of Gabon, Congo, Cabinda, the Democratic Republic of Congo, and Angola. Ships docking in Charles Town harbor were making many trips to this part of the world.

Reports of the rebellion indicate that South Carolinians were aware of the origins of the rebels. In fact, one writer blames the insurrection on "Some Angola Negroes" (Account 233). A report in the October 29 - November 5, 1739 issue of *The Boston Gazette* claims South Carolina residents thought the rebellion was the tip of the iceberg, indicative of a "a general Plot thro' the whole Province, but it does not yet appear that it was ever laid deeper than for the Nation of Angolas." As one can imagine, the rebellion led to a strong aversion to the importation of central Africans that lasted well into the 1790s. Thornton clarifies the origin of the Stono rebels writing that they were likely "from the kingdom of Kongo (in modern Angola)" (1103). The Royal African Company's trade there focused on "the town of Kabinda, just north of the Zaire River" (1104). Kabinda was the center of a popular trading network that extended across the continent. Therefore, one cannot rule out the possibility of slaves arriving in this port from places far beyond the boundaries of the Kingdom of Kongo.

Thornton notes that the knowledge of the specific origins of many of these slaves is central to any understanding of how the Stono Rebellion was executed (African 1102). Accounts of the events demonstrate that the Kongolese "background of the slaves contributed to the nature of the revolt" (1103). The first action of the rebels—breaking into a storehouse in order to arm themselves—gives one a clue as to their backgrounds.

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[77] Thornton claims, "At that time, Brazil was the only region that had a greater percentage of Kongolese among its people" (Kongolese 211).

Clearly they had experience with weapons and knew what to do with them once they obtained them. There was frequent fighting in the Kongo during the first half of the eighteenth century, and these wars often "…resulted in the capture and sale of many people, no small number of whom would have been soldiers with the military." Thus, former soldiers may have instigated the rebellion. Reports of the rebellion add to this hypothesis as they indicate that the rebels acted like well-trained soldiers. And like a military regiment they chose a leader: "One who was called Jemmy was their Captain" (Account 233). Hewatt notes the militaristic qualities of the rebels: "they elected one of their number captain, and agreed to follow him, marching towards the south-west with colours flying and drums beating, like a disciplined company" (72). But this military experience could not have been gained in the colony because by this time there were "restrictions against slaves possessing firearms, and slaves no longer served in the militia, although many probably still had access to guns for hunting" (Thornton, African 1108). Thornton notes that, "Some, perhaps most, had probably served in the wars in Mbamba five years earlier and knew well how to use such weapons" (Kongolese 212). Thus, there is a greater likelihood that the rebellion instigators gained their military experience in Africa.

But several accounts claim that the rebels, unlike a "disciplined company," seemed to scatter when the real fighting with the militia began in an open field by the Edisto River. On the contrary, Thornton argues that the slaves were likely scattering in order to better position themselves for battle in keeping with skirmish warfare tactics they were accustomed to (African 1113). Another tactic that contemporary writers apparently misunderstood was the rebels' use of hand-to-hand combat, a style of fighting akin to

dancing. This may explain why they appeared to have "set to dancing" (Account 234). According to another account, the planters "found them in an open Field where they were Dancing being most of them drunk with the Liquors found in the Stores" (Ranger 223). Historians of the eighteenth and twentieth centuries have echoed these interpretations. Indeed, both Alexander Hewatt and Edward Pearson attribute this dancing to a premature celebration (73, 22). Rather than celebrating, the rebels were likely dancing a "war dance" or *sangemento* (Thornton, African 1112). Such dances were an important part of military training and war preparations. Richard Cullen Rath notes the importance of hand-to-hand combat in Angolan and Kongolese cultures, a dance-like practice from which Brazilian capoiera gets its roots (Drums 109). Rath asks an important question in his analysis of Stono: how did the rebels overcome the two men at the storehouse to get their guns and ammunition? Perhaps, he writes, they used the hand-to-hand combat skills that they learned while soldiers in Africa.

Flags and drums were also part and parcel to warfare in the Kongo. These communication technologies added sights and sounds to the rebellion and helped organize and signal the troops, so to speak. Mark Smith argue that the flags, if white, may have been "associated closely with Mary in Kongolese iconography" and thus served as a source of unity and strength for the rebels (530). Thornton argues these "Colours displayed" had more to do with military unit flags than with religious power (African 1111). Nevertheless, a flag, hoisted in the air, leading a large group of African slaves marching across their master's land, in the direction of freedom, served as a visual aid for witnesses throughout the countryside, a message of the rebels' intentions. They wanted to be noticed. The use of drums, perhaps more than one, sounded their intentions to those

not in their sightlines. For slaves, the message delivered by the rebel drums that Sunday morning would have been quite clear. Rath notes that slaves often used "instrumental soundways…to craft autonomous agendas in colonial America" (How Early 77). The rebels' agenda was rebellion. For whites within hearing, the sound of the drums must have been disconcerting. Drums had been a source of unease among Europeans for some time who, from their earliest contact with Africa, feared the use of drums by native peoples (Rath, Drums106). In the minds of most Europeans, drums were linked with rebellion or warfare. In fact, there is evidence that some South Carolina colonists used the drum-playing abilities of African slaves for their own military purposes (Wood 125). But, because of the violent associations many whites had with drums, their use was subject to regulation. Laws banning the use of drums by slaves were established in 1688 and again in 1717 in Jamaica, in 1699 in Barbados, and in 1711 and again in 1722 in St. Kitts. A similar law would go into effect in South Carolina in the aftermath of the Stono Rebellion.

Perhaps their military training, beyond teaching them tactics and use of weapons, emboldened some of the rebels to stay focused even in moments of high intensity. Peter Charles Hoffer notes the importance of the dramatic incident cited above from "A Ranger's Report" when a rebel was asked by his former master if he wanted to kill him, and the rebel replied in the affirmative (223). The rebels' gun miss-fired and his former master shot him dead. Hoffer believes something revolutionary is revealed in this slave's actions that, "before he cocked and aimed the pistol—he looked straight at his master. Eye-to-eye contact of this sort was relatively rare; ordinarily the slave did not look directly at the master, but down to the side" (155). The author of "An Account of the

Negroe Insurrection in South Carolina" writes that the slaves "behaved boldly" (Account 235). But one wonders what connotation "boldly" holds in the mind of this author. On one hand, it could signal a breach of one's social standing, a presumption. On the other, it could also signal courage, stout-heartedness in the face of danger.

Such courage was, perhaps, supported by the knowledge that in nearby Florida lived political and religious allies. The problem of slaves escaping to Florida had infuriated South Carolina's planters for some time. This exodus began when the Spanish promised freedom to any slave who escaped to their colony. The Spanish hoped to lure slaves to St. Augustine to annoy the English, to get more soldiers, and to populate a buffer town established for escape slaves called Gracia Real de Santa de Mose.[78] Fort Mose, as it is sometimes called, was the destination of choice for South Carolina's slaves. On November 21, 1738, twenty-three slaves fled to the town from Port Royal. Many slaves must have gained knowledge of Florida and the Spanish offer of freedom through word of mouth. But where did this message originate? William Stephens's journal offers one clue as he describes the capture of a Spaniard in July 1739. This man, it was believed, "had been employed a pretty while, in corrupting the Negroes of Carolina; and was certainly with Don Pedro at Charles-Town, at the time when he lately came thither in his Launch" (413). In other words, the Spanish sent spies, some who were priests, into the English colonies to spread the good news.

The slaves who encountered and who could communicate with Spanish priests were likely those with Roman Catholic roots in the Kingdom of Kongo and who had a working knowledge of the Portuguese language. Language apprehension and religious conversion went hand in hand in the Kingdom of Kongo (Thornton, African 1107).

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[78] See Landers, Jane. *Black Society in Spanish Florida.* Urbana, Illinois: University of Illinois Press, 1999.

Literacy, in this sense, was mostly the realm of the upper classes, though in the eighteenth century Portuguese was a state language and an important language of trade. Therefore, it would have been possible for a person in the lower class of this society to have some general understanding of the language. Facility with Portuguese would have allowed South Carolina's Kongolese-born slaves to communicate with priests fluent in a similar Romance language. Such a scenario is not far-fetched. Francis Le Jau of the SPG writes in letters from 1710 and 1711 of slaves who had been baptized by Catholic priests in Africa, indicating that such slaves had been thriving in South Carolina for some time before the rebellion (69, 102). This eager minister claims that two such slaves in his parish "are very desirous to Abjure the popish heresy's" (Le Jau 102). But converting these Catholics may have been easier said than done as the faith had played a central role in Kongolese culture since King Nzinga Nkuwu was baptized as João I in 1491 (Thornton, African 1106). The rebels' connections to Catholicism, then, may have played a significant role in their nascent culture as well as in their organizing efforts. Mark M. Smith asserts that the slaves rebelled "when they did because of their specific veneration of the Virgin Mary" and their understanding of the church calendar (518). They believed the date on which they rebelled to be a holiday in honor of the birth of Mary.

It is important to note, however, that Kongolese Catholics held beliefs rooted in the Kongo not Rome. Most experts claim that "the Kongolese simply added Christian labels to their indigenous beliefs" (Thornton, African 1106). One notorious example of this uniquely Kongolese theology is the Antonian movement of Dona Beatriz Kimpa Vita at the beginning of the eighteenth century. Dona Beatriz claimed to receive prophetic visions from St. Anthony of Padua who had taken over her body while she was struggling

with an illness. She was given, she believed, a direct connection to God who ordered her to develop a Konglese-based Catholicism. Dona Beatriz opposed European missionaries and proclaimed that Jesus, Mary, and Saint Francis had actually been born in Kongo. She was eventually burned by loyalists of King Pedro IV in 1706, though her followers continued to spread her ideas throughout the first decades of the eighteenth century—ideas that may have reached the ears of some of the Stono rebels. If these Kongolese Catholic rebels did, in fact, adhere to such a belief system, their approach to death and dying—their belief in an afterlife—may have strengthened their will to rebel. Margaret Creel, in her examination of religious ritual among Lowcountry Gullah communities acknowledges that, "Belief that one's spirit consciously existed after death was also common" among numerous African cultures (53). The Gola people, she writes, believed, "Death destroyed the body but did not affect the soul, or 'heart.' The dead would awake, arise, and join their departed relations and friends at a common place of abode" (Creel 53). To such believers, death by gun, rope, or fire, would not have been frightening.

While there is much evidence pointing to the particular African origins of the Stono rebels, there is also the possibility that the rebellion was a collaboration between acculturated, South Carolina-born, and outlandish, African-born, slaves, if only to a small extent.[79] Peter Wood notes, that "…in the first half of the eighteenth century Negroes in South Carolina were more unified by the common ground of Old World ancestry and recent migration than they were set apart by contrasting routines" or belief systems (104). This unity could have sparked a collective effort to foment insurrection and would have encouraged slaves to share useful information with one another. As noted in Chapter 2,

[79] Michael Mullin writes, "New Negroes readily formed contacts with Africans who had been slaves for a time, and then organized a resistance that included cross-cultural enterprises" (74).

Wood suggests that, "calculations might also have been influenced by the newspaper publication, in mid-August, of the Security Act which required all white men to carry firearms to church on Sunday or submit to a stiff fine, beginning on September 29" (313).[80] This act was published on the front page of the August 11 – 18 edition of the *South Carolina Gazette*:

> …after the twenty ninth Day of *September*, which will be in the Year of our Lord, One thousand, Seven Hundred and Thirty-nine, every white Male Inhabitant of this Province…who by the Laws of this Province, are or shall be liable to bear Arms in the Militia of this Province, either in times of Alarms or at common Musters, who is possessed of Ten Slaves in this Province, and who shall on any Sunday or Christmas Day in the Year, go and resort to any Church, or an other Publick Place of Divine Worship within this Province, and shall not carry with him a Gun or a pain of Pistols in good Order and fit for Service, with at least six Charges of Gun Powder and Ball, and shall not carry the same into the Pew or other seat where such Person shall sit, remain or be in such Church or other Place of Worship as aforesaid, every such person shall forfeit and pay the Sum of twenty shillings current Money for every Neglect of the same.

The law was unequivocal. It was established to protect the colony from slave rebellions. Through this order, "the Inhabitants of this Province may be better secured and provided against the Insurrections or other wicked Attempts of Negroes and other Slaves." It is possible that slaves could have overheard discussion of the new law or, perhaps, they came across a copy of the newspaper. If this was the case, it would imply at least some communication between acculturated and outlandish slaves—and some level of literacy in the English language.

In the earliest days of the colony, many slaves were introduced to European forms of literacy when they had the letters "RAC" branded on their bodies. The letters stood for

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[80] Alexander Hewatt writes as though the law was in place at the time of the rebellion and, thus, the white men at Stobo's church in Wiltown had their guns on them when Bull and company arrived to warn them of the rebellion. However, this assertion cannot be corroborated though other sources (73). One could assume that some men were in the habit of carrying their guns to church, but the record shows that the *requirement* to carry arms to church became went into effect on September 29.

the Royal African Company and signified ownership, property, and force. The term "brand" has taken an innocuous turn in the twenty-first century meaning to name and claim a company or product. Its roots, though, are in livestock and human bondage. In medieval Europe, criminals were branded for committing a variety of acts. Later, slave trading companies and slave owners would brand newly acquired human property so as not to confuse their "property" with that of another. Literacy, in this sense, was a mark of total power. But there is evidence that slaves were able to gain literacy in unique ways and use that knowledge to undermine slavery. Above I discussed the relationship of Catholicism to the possibility that some Kongolese slaves were able to understand, read, or speak Portuguese and, in turn, comprehend Spanish. But what of the English language? Could it be that some slaves understood English and were able to read the proclamation in the *South Carolina Gazette*?

At the beginning of the eighteenth century, Le Jau indicates that there were some slaves who knew the English language quite well. Le Jau's February 1, 1710 letter describes an encounter with several slaves who "speak very good English" (69). These Africans' dexterity with languages may have been cultivated, in part, by pastors like Le Jau, who were interested in teaching slaves English to facilitate religious conversion. Or, perhaps, they learned English from schoolteachers. One such teacher arrived in Le Jau's Goose Creek community and was encouraged by the minister to teach black children as well as white children (95). But non-religious education efforts were few and far between. Protestant missionaries were, indeed, the most vociferous supporters of slave

literacy.[81] Michael Mullin writes that in the eighteenth century, "…Christianization everywhere shared one basic feature: the promise—and increasingly for many the actuality—of literacy, of learning to read the Bible, which evangelicals insisted was the word of God and the vehicle for conversion and salvation" (211). Le Jau was not the last of the SPG to support educating slaves. In 1742, South Carolina minister Alexander Garden asked the SPG to help him buy two slaves who could be taught to read and write. These slaves would then teach other slaves, and, in this manner, Garden hoped more slaves would learn to read the Bible. He established a school in Charles Town with two African American teachers named Harry and Andrew. By 1750 Andrew, deemed unfit for the project, had been sold with "the proceeds applied to the purchase of books" (Olwell 121). By 1768 Harry also fell by the wayside and was sent to an asylum. Robert Olwell wonders if the effects of Harry's double-consciousness, straddling the liminal regions of literate and oral cultures, pushed him to insanity (130). Forced to choose between the English-based Christian culture they were supposed to be teaching and that of their families, these two slaves appear to have unraveled. They may have felt disconnected from their communities, communities that in the South Carolina Lowcountry were in the process of developing their own customs and languages. In fact, pidgins that used a substantial amount of English were in development prior to the Stono Rebellion. Wood explains that because there was such a high concentration of African Americans in the Lowcountry, many were able to retain their African languages, or parts of them, while acquiring English. Within this context a unique dialect, today called Gullah, developed.

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[81] For more on this phenomenon see, Richards, Jeffery H. "Samuel Davies and the Trans-Atlantic Campaign for Slave Literacy in Virginia." *The Virginia Magazine of History and Biography*, 3:4 (2003): 333 – 378.

Besides these few instances, it is difficult to measure the extent of literacy in the English language among slaves. Janet Cornelius's research of Federal Writers Project slave narratives reveals the various difficulties of measuring slave literacy in the *nineteenth* century. Those who taught slaves to read and write could not do so openly; "Patrols, mobs, and social ostracism faced owners who taught their slaves" (173). Similar mechanisms of social control were in place in the eighteenth century, much to the chagrin of the SPG.[82] There were exceptions. In letters from 1741 and 1742, Eliza Lucas Pinckney reveals that when not researching the best ways to cultivate indigo, she was teaching some slaves how to read and write and wanted to train some to be schoolteachers (12, 34).

But most planters believed that if slaves could read and write in English, they would try to use that skill to their own advantage—manipulated language can foster "autonomous agendas" in the same ways that drums can. SPG meeting minutes from April 15th, 1737, include a report on a letter from Rev. Mr. William Johnson of Barbados describing his trouble with "the Instruction of Negroes" (American Papers).[83] The minutes note Johnson's claim that planters believed that teaching slaves to read and write, "…enables them to carry on Plots against their Common Safety" and references a recent "Diabolical Design" in Antigua organized by literate slaves. Johnson adds that on Barbados those slaves that can read and write often use their skills to forge passes, aid runaways, and steal. Gerald Mullin cites a runaway slave advertisement placed by William Macon, Jr. in the *Virginia Gazette*, February 9, 1769: "[Peter] by some means

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[82] See Le Jau 50 – 51, 55, 60. In most cases Le Jau cites instances where masters opposed having their slaves baptized. Becoming literate, though, often went along with being baptized.

[83] A letter from Andrew Leslie of St. Paul's Parish, site of the Stono Rebellion, dated December 29, 1736, was also read at this same meeting. Leslie mentions the rural nature of the parish as many of his flock live quite far apart and have trouble attending services.

has learned to write a little, and has frequently wrote passes for himself and other Negroes to go a little distance, and I am apprehensive he has done the like again" (93). Cornelius acknowledges the ultimate effects of slaves learning to read for religious purposes: "Reading the Bible for oneself enabled a slave to undercut a master's attempts to restrict Christian teaching to carefully selected Biblical passages" (171 – 172).

The creative use of the English language in order to plan and execute the Stono Rebellion is one more example of the unique ways slaves manipulated new and old communication technologies in order to assert their own agenda. In this embryonic moment of the modern world, African American slaves—both acculturated and outlandish—took advantage of all available tools in an effort to circumvent the boundaries of their defined lives. In his analysis of antebellum slavery from 1830 to 1860, Cal M. Logue calls such communication "creative resistance" noting that, "Even when one person is enslaved by another, she or he is able to find feasible and effective strategies of rhetorical retaliation" (32). Slaves learned how to use language and a variety of cultural literacies to resist. Amidst the stress and struggle of plantation slavery, Logue notes that, "blacks learned to remain in a state of rhetorical readiness, constantly alert for signs of harm and opportunities to be pursued" (37). They learned to perceive changes in the social climate of whites so that they might act to gain some advantage over their own lives or simply to avoid punishment or harm. At a moment of extreme social anxiety the Stono rebels created uncanny networks that fostered a counter-narrative to that of those in power in South Carolina. In this narrative, African slaves were intelligent human beings claiming their natural or human rights despite an oppressive environment.

This rebellion, then, is another example of what can happen in moments of cultural and technological transformation—in this case the transformations brought on by a growing Atlantic capitalist economy and its development of international communications networks. At Stono, a counter-public emerged promoting a revolutionary alternative to the offered discourses of the South Carolina white colonial public. And this counter-public effectively piggybacked, although unwillingly, on the infrastructures of capitalism—most notably the slave ship. The Stono rebels, then, rose up on September 9 and delivered their rebellious communication to the people of St. Paul's parish, South Carolina, and to the world.

George Cato and Human Rights

One official government account of the Stono Rebellion can be found in the record of the South Carolina Commons House of Assembly. This account, dated July 1, 1741, describes the methods the rebels used to kill whites as "the most cruel and barbarous Manner to be conceived" (Report 83). It paints the rebels as foolhardy and marching "so slow, in full Confidence of their own Strength" that the militia had time to track them down, not imagining that their plan could have been deliberate, that they were moving slowly in order to recruit others to join them. When the militia finally met the rebels in battle, "The Number was in a Manner equal on both Sides and an Engagement ensued as may be supposed in such a Case wherein one fought for Liberty and Life, the other for their Country and every Thing that was dear to them" (83). The words slip so easily from the author of this passage—a moment of rupture that is, perhaps, unintentional. The passage reads: the rebels sought the romantic goal of human liberty

whereas the whites sought to maintain their way of life, a system of forced enslavement, monoculture, and dislocation from which they were benefiting handsomely. But this passage from the Common's record includes other equally pertinent revelations of the mental state of whites in South Carolina—after the rebellion, they were scared. Slave rebellion or retribution was a constant danger:

> On this Occasion every Breast was filled with Concern. Evil brought Home to us within our very Doors awakened the Attention of the most Unthinking. Every one that had any Relation, any tie of Nature; every one that had a Life to lose were in the most sensible Manner shocked at such Danger daily hanging over their Heads. With Regret we bewailed our peculiar Case, that we could not enjoy the Benefits of Pease like the rest of Mankind and that our own Industry should be the Means of taking from us all the Sweets of Life and of rendering us liable to the Loss our Lives and Fortunes. (Report 84)

It is worth quoting this passage in full. Each sentence uncovers the planters' delusions, perhaps brought on by the intense heat or abundant rum. "Evil is brought Home" to South Carolina, comes to reside in a place that, until this bold manifestation, was simply a business venture. But now they are shocked that "Nature" could be so cruel, so turned upside down, that their "own Industry" could cause their downfall. Their "shock" is quite shocking given the plethora of rebellions prior to Stono. Of the Haitian revolutionaries C.L.R. James writes, "The slaves had revolted because they wanted to be free. But no ruling class ever admits such things" (95). The ruling class in South Carolina was not about to admit that fact. The emphasis was eventually placed on the role of the Spanish as the primary instigators of the chaos caused by the Stono Rebellion, thus negating the true subjects of this narrative—the slaves themselves.

In 1779 Alexander Hewatt claims most whites' greatest concern was that the Stono Rebellion, "had it become general, the whole colony must have fallen a sacrifice to their great power and indiscriminate fury" (74). But amidst his discussion of South

Carolina's status post-Stono, Hewatt offers a hint of a solution to the colony's woes that was unusual at the time: "Slavery, in general, like several other enormities, ought to be ascribed to the corruption and avarice of men, rather than to any principle of nature and humanity, which evidently testify against it" (92). Slavery is an unnatural state of oppression—a sign of human depravity. Forty years after Stono, during the heady moments of the American Revolution, Hewatt seems to suggest a different kind of response to slave insurrection. But no white person made this kind of suggestion in the wake of Stono even though South Carolina's black population was clearly pointing out the need for radical change.

The actions of the Stono rebels during the insurrection give rise to speculations as to their ambitions, and perhaps, their ideals. Eugene Sirmans downgrades the events' importance saying, "…it was less an insurrection than an attempt by the slaves to fight their way to St. Augustine" (Sirmans 208). Escapes to Florida were, indeed, common at this time. "Between 1732 and 1739 the *South Carolina Gazette* reported that 253 slaves had escaped slavery" (Pearson 36). If so many slaves were escaping, though, why did the Stono rebels not seize the opportunity to simply flee? Why did they attack the colony's infrastructure so violently? Robert Olwell asserts that viewed as a whole, "Their actions…suggest that striking a blow against slave society rather than seeking refuge with the Spanish was their primary objective" (22). The written evidence indicates that these rebels had ambitions other than organizing a large-scale jailbreak. First of all, the rebels stopped at each house they passed killing the inhabitants, destroying property, and setting the houses on fire. Whites who had been kind to slaves were spared. This process consumed time and raised alarm—deliberate destruction is not conducive to a quick and

clandestine escape. Again, James's comments on the Haitian struggle seem apropos. He reminds that, "The slaves worked on the land, and, like revolutionary peasants everywhere, they aimed at the extermination of their oppressors" (85). And this would include, one can imagine, the destruction of their property. Secondly, the rebels gathered in a field in plain view, beating drums and dancing—drawing evermore attention to themselves. These Kongolese rebels may have performed, as Thornton notes, a *sangemento*, a dance that is also considered a declaration of war (1112). One does not declare war if one seeks a quick escape. Finally, this was not a small insurrection, nor did the rebels try to limit its size in order to escape detection. Gerald Mullin acknowledges that it was more likely that in most situations less acculturated slaves, the apparent instigators of this rebellion, viewed "slavery as a collective problem" (36). Such slaves were also more likely to runaway or rebel in groups. This is important. The Stono rebels were clearly calling others to join them as they marched and waited out in the open because they saw their struggle as one shared equally by all slaves.

Finally, there is evidence that these rebels asserted their intentions and their rights in a rather unique way. An account of the rebellion Peter Wood has attributed to General James Oglethorpe places the rebels firmly within the developing rights discourse of the eighteenth century. As the rebels marched, "Several Negroes joined them, they calling out Liberty, marched on with Colours displayed, and two Drums beating, pursuing all white people they met with."[84] Oglethorpe's account was also published in March 1740 in Gentleman's Magazine. As I note in Chapter 1, the Stono rebels' shouts of "Liberty" may be a creative rendering of the events by this account's author. On the other hand, is it

[84] Oglethorpe, James. "An Account of the Negroe Insurrection in South Carolina." *Colonial Records of the State of Georgia,* Eds. Allen D. Candler and William J. Northern. New York: 1970, Vol. 22.2: 232 – 36.

possible that these former slaves were aware of what they were shouting?[85] Is it possible they chose this word because of its connection to their intrinsic belief in human freedom, to a belief in natural or human rights? Indeed, later that century a former slave named Toussaint L' Overture would write, "Do they think that men who have been able to enjoy the blessing of liberty will calmly see it snatched away?" (James 196). Amidst those tumultuous years in Haiti, the priest Boukman gave a prayer before the beginning of the rebellion in which he asks the Haitian rebels to, in an English translation, "…listen to the voice of liberty, which speaks in the hearts of us all" (87).

We may never know the exact words the Stono rebels chanted that day or what white South Carolinians believed they heard. In English the word would have signaled a desire for a condition of freedom or release from bondage.[86] Or it could have been used in a Lockean sense, for example when he writes that when a government acts in a manner that does not support the public good, the people have "a right to resume their original liberty" (12.222). Here "liberty" signifies a will to start anew, to begin again as a free human being. Thornton wonders if the word held a particular religious connotation to the Stono rebels. If they were still thinking in Kikongo, the word would have been "*lukangu*, whose root, *kanga*, also meant 'salvation' to a Christian" (Kongolese 13). He points out that the word was used in prayers central to Dona Beatriz's Antonian movement. If any of the rebels took part in this, they may have remembered Beatriz's zealous efforts to

[85] Pearson writes, "Alternatively, it is possible that this incident of the rebellion was fabricated by an official who, wishing to vindicate the militia's violent response, imbued the insurgents' actions with an ideological design. By placing an emphasis on the revolts' political content, the Assembly would believe itself to be fully justified by their aggressive suppression of the rebellions, the rough justice administered to the rebels and the draconian laws that they passed some months later" (Pearson 40). Perhaps, though most historians attribute this account to General Oglethorpe. If this is the case, then, it seems odd that Oglethorpe would on the one hand claim that the rebellion was caused by planters who overworked their slaves, and on the other support such a harsh response. See "Diary entry, Friday, Sept 28, 1739."

[86] In Portuguese this would be, "Liberdade!"

restore the kingdom to its past greatness—and the social conditions out of which those efforts grew. While not attacking the slave trade directly, Dona Beatriz "…blamed the elite of the country for its problems, which she ascribed to their greed and desire to rule" (Thornton, Africa 316). Such a position is related, interestingly enough, to the rumors mentioned above that slaves, once on shore in the Americas, would be the victims of cannibalism. The African interpretation that to be cannibalized was to fall prey to human greed is in line with Dona Beatriz's message (316).

In a land such as the Kongo, fraught by war and tragedy, the development of a ground-up religious movement that veered away from the doctrines of the elite is not surprising. During the centuries of American slavery, there was always a danger, slave-owners believed, that slaves would use religion to support their freedom struggle. "Given their very different perspectives, it is perhaps not surprising that slave converts saw their world in a light unlike that of their masters and ministers" (Olwell 135). But there was also the possibility that white colonists would read their Bibles closely and, in so doing, espouse their own radical theologies that might undermine the status quo. In 1741 an apparently unstable white preacher named Hugh Bryan emerged in the backwoods of South Carolina in the wake of George Whitefield's evangelizing tour through the colony.[87] Bryan is said to have preached prophetic sermons to large groups of slaves using Exodus—a narrative depicting a struggle for freedom from bondage—as his principle text. Bryan claimed the great fire of 1740 in Charles Town was an indication of God's displeasure with the colony's economic practices. Due to the large numbers of slaves and his particularly damning message, rumors spread that he was organizing

[87] The most thorough account of Hugh Bryan is Harvey H. Jackson's, "Hugh Bryan and the Evangelical Movement in Colonial SC." *William and Mary Quarterly* 34 (Oct. 1986).

slaves, for what white colonists were unsure. When Bryan's evangelizing caught the attention of colonial officials, he was forced to recant all he had preached.

Francis Le Jau speaks of an incident involving the advent of a similar apocalyptic vision for South Carolina, though this time it came from the mind of a slave (70). The slave, whom Le Jau describes as "The best Scholar of all the Negroes in my Parish," was apparently literate enough to read on his own. Upon reading in a book "some descriptions of the several judgmts. that Chastise Men because of their Sins in these latter days, that description made an Impression upon his Spirit, and he told his Master abruptly there wou'd be a dismal time and the Moon be turned into Blood…" One wonders if he had somehow come across an anti-slavery tract—Samuel Sewall's famous tract had been produced ten years earlier—though this is speculative. It would seem more likely that this slave had discovered a passage in the New Testament like Acts, Chapter 2: 19 – 21 (King James):

> And I will shew wonders in heaven above, and signs in the earth beneath; blood, and fire, and vapour of smoke; The sun shall be turned into darkness, and the moon into blood, before that great and notable day of the Lord come: And it shall come to pass, *that* whosoever shall call on the name of the Lord shall be saved.

Le Jau continues that several other slaves heard of this man's vision and rumors spread that he had been given said book by an angel. The reverend quickly dispelled these rumors among the slaves. He writes that African slaves, "have not judgment enough to make good use of their Learning…" After such a scare—one that put the colony and his job at risk—Le Jau offers that he would prefer that "those that run in the Search after Curious matter had never seen a Book…" Religion played a significant role in many slave rebellions including that of Haiti and Nat Turner as well as in Denmark Vesey's plot. In these revolts connections were made between faith and practice, between

understanding religious doctrines and transforming one's lived experience.[88] William Suttles believes this is so because for most Africans, "Religious ideas have lived: they have been purposeful rather than mechanical, and eminent rather than transcendent" (Suttles 97). Religious beliefs were a part of one's daily life and, therefore, could also play a role in transforming it.

But religion was only one mechanism through which slave's communicated their desire for freedom. As noted above, indigenous cultural practices manifested throughout the Stono Rebellion as models of human creativity and human dignity. Rath claims drumming, for example:

> …was an act of self-determination based on an autonomous agenda. It consisted of creolized western and central African ways of transforming a deep, perhaps universal, human belief in the pursuit of freedom (in the sense of autonomy for one's self or group) into a unique expression suited to the exigencies of American slavery. (Drums 112 –3)

Enslaved Africans consistently displayed a real and human desire for freedom. This desire was played out again and again in the many rebellions that took place in South Carolina from the very beginnings of Atlantic slavery until the end of the Civil War. One of the first slave rebellions on American soil took place in 1526 when Africans brought by Spanish pioneers to South Carolina rebelled and, perhaps, went to live in nearby Native American villages. The Spanish, led by Lucas Vasquez de Ayllón, had established a colony called San Miguel de Guadalupe which was populated by five hundred Spaniards and one hundred African slaves and was located somewhere near the Pee Dee River. Aptheker writes that months after settlement there was a small slave rebellion and the colony spun out of control. At this point, a number of Africans apparently went to live

[88] Think Gerrard Winstanley, Ralph Sandiford, and Benjamin Lay, among others discussed above.

with the Native Americans (163). The remaining colonists soon left—leaving the former slaves behind.

Commercial developments in the Atlantic world were the apparent cause of many such rebellions as lower class workers suffered tremendous exploitation by the developing economy. Peter Linebaugh and Marcus Rediker employ the term "the many-headed hydra" to describe this developing network of cooperative protest. They write:

> …the heads, though originally brought into productive combination by their Herculean rulers, soon developed among themselves new forms of cooperation against those rulers, from mutinies and strikes to riots and insurrections and revolution. Like the commodities they produced, their experience circulated with the planetary currents around the Atlantic, often eastward, from American plantations, Irish commons, and deep-sea vessels back from the metropoles of Europe. (4)

Rebellions, it seems, were par for the course in eighteenth century European colonies. In the thirties and forties there were rebellions in British, French, Spanish, Dutch, and Danish colonies (191). During this span of twenty years, "The magnitude of the upheaval was, in comparative terms, extraordinary, encompassing more than eighty separate cases of conspiracy, revolt, mutiny, and arson" (192). Most involved enslaved Africans, but some—like the Irish-led Red String Conspiracy of Savannah in March 1736—involved other subaltern groups. There is reason to believe that slaves from different parts of the Atlantic world were communicating and learning about these disturbances from one another. For example, Le Jau writes that in 1713, slaves in South Carolina plotted an insurrection similar to one that took place in New York in 1712 (136 – 7). In 1793, there were reports that slaves in South Carolina became unruly after learning of the events in Haiti (Aptheker 96). The famous multi-racial conspiracy that was uncovered in New

York in 1741was, coincidentally, proceeded by arsons in New Jersey and followed by an attempted arson in Charles Town.[89]

South Carolina was never immune to such movements from below. Vincent Harding writes, "In South Carolina there was never a time when organized attempts at black uprisings did not seem a part of the landscape…" (33). The slave rebellion, in this sense, becomes a form of natural justice or pathetic fallacy as the natural world of South Carolina responds violently to the practice. Or perhaps, as one Salzberger emigrant in Georgia offers, rebellions were retribution from God. In an account of the incident from September 28, 1739, Johann Martin Boltzius writes that James Oglethorpe had told them that, "the Negro rebellion had begun on the day of the Lord, which these slaves must desecrate with work and in other ways at the desire, command, and compulsion of their masters and that we could recognize a *jus talionis* in it" (Diary 226). The members of this Lutheran community were staunch opponents of slavery and must have been receptive to the idea that white slave owners had been subject to a God-ordained *jus talionis* or "right to retaliation" for overworking their slaves. But theories of divine retribution imply an outside force at play. The rebels, in this case, are not the subjects of their own destiny. Perhaps, then, we could imagine the actions of the rebels as *jus bellum* or "just war."[90] One could argue via Locke that the slaves, because they were not legitimate prisoners of war and because they lacked rights within the context of the social contract—from which they were excluded—would have every right to rebel against those who "governed"

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[89] See, Davis, Thomas J. A Rumor of Revolt: The "Great Negro Plot" in Colonial New York. New York: Free Press, 1985.

[90] C.L.R. James writes, "The cruelties of property and privilege are always more ferocious than the revenges of poverty and oppression. For the one aims at perpetuating resented injustices, the other is merely a momentary passion soon appeased" (89).

them, to wage a just war. Can we justify the Stono rebels' declaration of war, then, as a truly legitimate, rational, and appropriate response to the Middle Passage, enslavement, and gross violations of human rights?

Harding refers to Stono and all other American slave rebellions as being part of "The Other American Revolution." He believes, "Every serious challenge to the system of white domination and exploitation, each act of resistance and rebellion, each attempt to fashion an independent black vision of new humans and a new society has been an element of the continuing revolutionary tradition" (Other American xv). The vision of this "Other American Revolution" is rooted in what is, in the bourgeois capitalist tradition, a radical notion of human dignity and equality—a notion that was furthered by the constant attempts by African American slaves to overturn the violent status quo of human bondage.

We will never know precisely what these rebels understood of natural or human rights philosophy, the human right to freedom and liberty, but can imagine that after the putrid smells of the Middle Passage, the hunger, the sickness, the disease, after the weeks of seasoning on Sullivan's Island, after the back-breaking work of rice cultivation—they were formulating their own ideas, their own human rights discourse. Sterling Stuckey believes this discourse is rooted in an African nationalism that was born on slave ships, "…the first real incubators of slave unity across cultural lines…fostering resistance thousands of miles before the shores of the land appeared on the horizon—before there was mention of natural rights in North America" (3). Stuckey is right to acknowledge the African roots of American human rights discourse. Large-scale disruptions of the developing plantation system often began in Africa. An incident in 1729 involving the

slave ship *Clare* comes to mind. At this juncture in history, Africans must have been keenly aware of the purpose of the large ships steered by white men that were constantly roaming their shores. The *Clare*:

> …having completed her number of Negroes had taken her Departure from the Coast of Guinea for South Carolina; but was not 10 Leagues on her Way, before the Negroes rose and making themselves Masters of the Gunpowder and Fire Arms, the Captain and Ships Crew took to their Long Boat, and got shore near Cape Coast Castle. The Negroes run the Ship on Shore within a few Leagues of the said Castle, and made their Escape. (Donnan 274)[91]

But many ships did make their way across the Atlantic, depositing their human cargo in places like Charles Town. In South Carolina and throughout the American colonies, the "universal, human belief in the pursuit of freedom" did not die, but, in fact, developed and transformed. Rebellions were truly human reactions to capture and enslavement, but such actions take on added significance in America because they were the first steps in the development of the abolition movement—the first international human rights campaign.[92] In this sense, ships served as incubators for new visions of reality and were essentially bridges to modernity (Gilroy 17). But, this modern vision of "liberty" was one wholly different than that of Europeans. Kenneth Stampp makes a similar theoretical leap when analyzing the oral histories of former slaves:

> Untutored slaves seldom speculated about freedom as an abstraction…An ex-slave explained simply what freedom meant to her: 'I am now my own mistress, and need not work when I am sick. I can do my own thinkings, without having any to think for me,--to tell me when to come, what to do, and to sell me when they get ready.' Though she may never have heard of the doctrine of natural

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[91] Published in *Boston News Letter,* Sept. 25, 1729. Elizabeth Donnan notes, "There is nothing unusual about this disaster to the *Clare* save the wide publicity which it seems to have received" (274). She adds the news of the event was published in the *Country Journal*, *Weekly Journal or British Gazette*, *Fog's Weekly Journal*, and the *Gloucester Journal*.

[92] Some historians have placed greater emphasis in the relationship of work to rebellion than I do here. For example, Eugene D. Genovese's argument in *Roll, Jordan, Roll* that slave rebellions were "ultimate manifestation of class war" (588) or Edward Pearson's that Stono was the result of changing work relations for men and women.

> rights, her concept of freedom surely embraced more than its incidental aspects (88 – 89).[93]

There are, however, more appropriate narratives—at least for this particular study—detailing the history of slave resistance and quest for human rights. The best evidence, perhaps, is the oral narrative of George Cato who claimed to be the great-great grandson of Cato, the rebellion leader. This account, "The Stono Insurrection Described by a Descendant of the Leader," was recorded and transcribed by Stiles M. Scruggs as part of the Federal Writers' Project in 1937. Cato's account demonstrates that the Stono narrative had such force and power that it persisted over time, passed on by several generations of African Americans. It is notably similar to white-produced written accounts of the rebellion. The details are familiar: about one-hundred slaves rebelling on September 9, 1739; the initial slaying of two men in a storehouse by the Stono River; the arson and killings; the run-in with Bull; and the final showdown in the field.

Cato places much emphasis on the heroism and selflessness of his ancestor who "was plum willin' to lay down his life for de right" (98). What he did was not "for his own benefit as it was to help others." The rebellion leader was willing to put his life and freedom at risk, in the service of his community. He was bold and stood firm when the white militia arrived. He struggled to maintain order among the rebels, despite the fact that they were outnumbered and that, according to the speaker, they were busy dancing and drinking.[94] George Cato claims, "Commander Cato speak for de crowd. He say: 'We don't lak slavery…we not whipped yet and we is not converted'…He die but he die doin' de right, as he see it" (100). He died "doin' de right," fighting for what he intrinsically

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[93] The passage Stampp cites is from Drew, Benjamin. *The Refugee: or the Narratives of Fugitive Slaves in Canada*. Boston, 1856: 27.

[94] George Cato claims, "From dat day to dis, no Cato has tasted whiskey" (99).

believed to be correct. Cato also notes that, "Long befo' dis uprisin', de Cato slave wrote passes for slaves and do all he can to send them to freedom," highlighting the importance of having a literate rebellion organizer—a key factor in the Prosser and Vesey conspiracies and in Nat Turner's rebellion in the 19th Century (100). But it was an oral culture that allowed the Stono narrative to survive, stored, as it was, in the Cato family's intellectual and bodily archive and protected for over 198 years (98). One imagines the narrative instilled in family members a sense of pride in their past—direct lineage to a powerful leader with the necessary skills to take such a bold step. Pearson points out that, besides Cato/Jemmy, no other rebels are identified in direct accounts of the rebellion—a sign, perhaps, that he held a position of prominence on a plantation or among local slaves (37). The Stono leader possessed the same qualities that David Robertson ascribes to Denmark Vesey: organizational and ideological leadership, both necessary for rebellion in a slave society (20). Robertson calls Vesey, "a prophet of the Enlightenment of the eighteenth century, during which he gained his physical majority and his literacy" (Robertson 135). One could say the same of the leader of Jemmy.

Stono decidedly follows Aptheker's "conclusion that discontent and rebelliousness were not only exceedingly common, but, indeed characteristic of American Negro slaves" (374). But Stono shares the philosophical basis of myriad other subaltern rebellions—the intrinsic belief in the dignity of the human being. The rebels' declaration of "liberty" and George Cato's narrative can be read as principle "literary acts" that participate and shape this discourse of human rights. Indeed, Stono provides unique insights into the United States' ambiguous relationship with human rights and struggles to achieve them. At once Stono is an act of violent rebellion and an act of

political and historical significance, a narrative of one group's attempt to assert its freedom, its dignity, and, I believe, its right to communicate that message. When the rebels shout "Liberty," they are not murderers but are freedom fighters.[95] They are participants in the Atlantic World, projects of modernity, and the development of human rights discourse.

Jon - Christian Suggs writes that, "The law's ability to shape—its historical force as the sole yet ever elusive determinant of African American social identity—presets the narrative base for all African American fiction" (9). One might also read George Cato's narrative—the narrative of the African American as an actor within the Stono Rebellion—as a response to legal status. The lives of the Stono rebels had been circumvented by laws which deemed them less than human. The rebels were confronting this legal status head-on, manifesting their full humanity through the unique cultural practices that one discovers in the written record.[96] The rebels asserted their right to communicate, their right to be human, in a variety of ways—through their own cultural practices (flag, religion, language) and by subverting the communication technologies of whites (reading the laws, cutting off heads, and destroying homes and property). These actions provide a counter-narrative to the laws governing African Americans in South Carolina.

The Stono Rebellion and the many other American slave rebellions, recorded and not, were important contributions to the struggle for international human rights in the

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[95] Peter Wood on the PBS documentary *Africans in America.*

[96] There are many examples of humans using cultural practices and artistic expression in order to assert their humanity. One that comes to mind is Rafael Schachter's interpretation of Verdi's *Requiem* at Terezin concentration camp. During this particular historical moment, the performance was an act of defiance and an expression of human dignity amidst traumatic circumstances. His project was disrupted more than once when members of the chorus were shipped off to be murdered.

eighteenth century. It has been well documented that slaves rebelled in less spectacular ways—poisoning, work slow-downs, took-breaking, petty larceny, poisonings—but the public nature of bold acts of violent resistance like Stono helped shape a discourse of rights championed by black and white abolitionists. Slave rebellions like Stono are equally as important to an understanding of contemporary human rights discourse as the events of the American and French revolutions, though they are too often excluded due to a common perception that they lack texts that can transmit their essential narratives. But African American slaves left a variety of cultural impressions, texts if you will, that demonstrate a sophisticated understanding of their predicament and an innate desire to transform it. In addition to this record that has been lifted from beneath the words of white writers, is the transmission of a discourse of human rights into early African American literature in essays, narratives, poems, and fiction.

Chapter 4
The White Response to the Stono Rebellion and the Resonance of Freedom in African American Literature

"Prospero: How now? Moody? What is 't thou canst demand?
Ariel: My liberty."
William Shakespeare, *The Tempest*

"But above all, are there no dangers attending this mode of treatment? Are you not hourly in dread of an insurrection?"
Olaudah Equiano, *The Interesting Life of Olaudah Equiano…*

White Responses to Black Shouts of Liberty

After the Stono Rebellion the fear of disease in South Carolina's Lowcountry was replaced by the fear of a general slave insurrection and the total disruption of the economic and social order. For a colony trying to establish its presence among the growing community of British colonies on the east coast of North America, a slave rebellion of such magnitude would be horrible press, to say the least. American colonists were generally aware that slave rebellions were common in the West Indies but wished to ignore the potential and actual rebellions in their own backyard. After Stono, *The South Carolina Gazette* exerted a media blackout, but word of the rebellion leaked, and letters and reports written by white South Carolinians depicted heightened anxieties and desires for swift retribution. Stories of the rebellion turned up in Boston newspapers and in at least one English magazine. These stories and letters reveal the usual post-disaster finger pointing with most fingers pointing directly at the Spanish in Florida. In a letter to John Richards of London, Robert Pringle writes, "I hope our Government will order Effectual methods for the taking of St. Augustine from the Spaniards which is now a great Detriment to this province by the Encouragement & Protection given by them to our Negroes that Run away there" (135). The rebellion, he claims, was provoked by the

Spanish and had nothing to do with the social order of the colony. The decidedly dramatic official report of the event published by the South Carolina Commons House of Assembly in 1741 exhibits a general fear of a disrupted society and an intense hatred of the Spanish:

> On this occasion every Breast was filled with Concern…With Regret we bewailed our peculiar Case, that we could not enjoy the Benefits of Peace like the rest of Mankind and that our own Industry should be the Means of taking from us all the Sweets of Life and of rendering us liable to the Loss of our Lives and Fortune. (84)

The "peculiar case" the report refers to is the existence of slave rebels in their midst and the hostile Spanish in nearby Florida. The Commons House report concludes that the Spanish are the greater evil and, "With Indignation we looked at St. Augustine (like another Sallee) that Den of Thieves and Ruffians! Receptacle of Debtors, Servants, and Slaves! Bane of Industry and Society!" (84). The Spanish are hangers-on, Catholics, and worst of all, disrupters of the project of Atlantic capitalism who had the audacity to offer freedom to escaped slaves. At the time, rumors were rampant that Spanish priests had come on shore and told slaves this good news. In his journal, William Stephens of Georgia describes an encounter with a suspicious character captured in Savannah and believed to be a Spanish spy (378 – 379). Knowledge that the Kongolese slaves involved in the Stono Rebellion may have had some exposure to the Portuguese language and to the Catholic faith in Africa made these speculations more promising. The fact of the rebellion, then, heightened the colonists' sense of urgency and emboldened them to join forces with Oglethorpe of Georgia to attack Spanish Florida. The campaign, which lasted from the following May to July, was a fiasco. Despite the failure of the Georgia-Carolina expedition, the Stono Rebellion did provide South Carolina with extra support from Great

Britain in their efforts to disrupt the Spanish colony. Indeed, it focused British attention on the problem of having colonial territories within close range of their enemy. But this episode represents more than "scapegoating" on the part of South Carolina's leading citizens; it marks, in some ways, the culmination of a series of choices regarding human rights made by white colonists that would have disastrous effects on the lives of countless human beings for generations to follow.

In his analysis of the diaries of several perpetrators of the late-nineteenth and early twentieth century atrocities in the Belgian Congo, Adam Hochschild notes that, "we can sometimes catch the act of forgetting at the very moment it happens. It is not a moment of erasure, but of turning things upside down, the strange reversal of the victimizer mentally converting himself to victim" (295). A similar moment occurs after the Stono Rebellion. Recall the words of the official report cited above, "On this occasion every Breast was filled with Concern…With Regret we bewailed our peculiar Case, that we could not enjoy the Benefits of Peace like the rest of Mankind…" A "peculiar" narrative turn occurs. South Carolina has been victimized by the slaves, by the Spanish, but not by the actions of slave traders, slave owners, or the colonial government that permitted the practice. In the Common's House Journal from November 8, 1739, William Bull blames the Spanish in St. Augustine writing, "As the Protection our deserted Slaves have met with at that Castle has doubtless encouraged others to make the like Attempts and even rise in Rebellion, so the Demolition of that Place, would free us from the like Danger for the Future" (Easterby Vol.2, 16). Bull claims that the real problem is Spain, a problem that can be remedied. But more was going on the colony here than sour relations with Spain, and the colonists knew it; choices had to be made about the human slaves in

their midst. They had to decide whether to entrench their blossoming society within the context of slavery—or not.

The apparent response was to entrench. The colonial government's first move was to strengthen the Patrol Act of 1737, and then it began a process of consolidating all slave-related regulations. Robert Olwell notes that, "South Carolina's legislators deliberated carefully about the place of slavery in their society and their society's place within the Anglo-American world" (65). These careful deliberations led to "An Act for the Better Ordering and Governing of Negroes and Other Slaves in this Province," or the "Negro Act," which was signed into law on May 10, 1740. The Negro Act "looked toward a fundamental alteration in the character of Carolina society, with a less open and compromising slave system" (Wax 138). South Carolina's Negro Act was modeled, in part, on the thorough slave codes of Barbados and was later mimicked in Georgia and the Gulf states (Stampp 206). It remained largely in effect until the Civil War and included a few provisions meant to better the lives of slaves—preventing certain cruel punishments and limiting workdays—but ultimately it served to legally separate black people from white people as much as possible. This was a concrete step in the direction of creating a solid, legal foundation for a slave society. Eugene Sirmans notes, "The assembly had not changed the colony's basic slave laws since 1696, although it had re-enacted the slave code of 1696 three times and amended it twice. The old law was becoming obsolete and needed drastic revision" (Sirmans "Colonial" 207). The revisions were, indeed, drastic.

The South Carolina government sought ways to stem the tide of the growing black population and imposed a temporary ban (from 1741–43) on importing slaves and stiff duties for when the ban was lifted. In addition to limiting the number of black people

entering the colony, it was thought prudent to increase the number of whites—or at least people who shared, or could be made to share, common-cause with the white leadership's agenda. There had been various attempts to support the immigration of more Europeans into the colony, though these attempts were largely unsuccessful. The South Carolina government, therefore, decided to work with what was at hand. Rewards were established for slaves that informed on other slaves. Those slaves that helped their masters escape from the Stono rebels were publicly acknowledged in Charles Town so as to provide potential collaborators with positive role models.[97] The hope was that policies such as these would disrupt unity among slaves and prevent further insurrection.

Equally as important, the government wished to collaborate with Native Americans. And so, the Negro Act offered rewards to Native Americans who captured runaways. As long as the Cherokee remained on the borders of the colony, slave owners sought to exploit native tracking skills in their efforts to capture runaways. This helped prevent escapes as well as the development of colonies of maroons like those that existed in Jamaica. More importantly, it fostered animosity between blacks and Native Americans. Gary Nash writes,

> Indian uprisings that punctuated the colonial period and a succession of slave uprisings and insurrectionary plots that were nipped in the bud kept South Carolinians sickeningly aware that only through the greatest vigilance and through policies designed to keep their enemies divided could they hope to remain in control of the situation. (292)

A unified force of excluded groups was a real possibility in colonial South Carolina. Though complicated by the dynamics of power and culture, there was some contact

[97] In the months following the rebellion over thirty slaves were rewarded for their actions on that day and in the days and weeks afterward, including July who was freed for protecting the family of Thomas Elliott. It is unclear, however, to what extent—and when—slaves assisted whites and to what extent coercion was involved. See Easterby, November 29, 1739.

between Native Americans and African slaves including instances of escaped slaves living among the Tuscaroras, Yamasee, and Cherokee. But there were few major acts of public resistance involving Native Americans and African slaves working in concert. Nonetheless, in 1740, South Carolina officials wished to prevent these two potentially volatile groups from joining forces. They knew it was a possibility; they had heard stories of a Black-Native American alliance in New York City in 1712 and did not wish to take chances.

But the colonial government believed the best way to stabilize the dynamics of the colony was to enhance the social position of poor whites, thus racism became a "realistic device for control" (Zinn 56). To that end, the Negro Act transformed the legal status of South Carolina's slaves from freehold property to chattel—"absolute slaves, and the subjects of property in the hands of particular persons" (An Act 397).[98] Sirmans notes that after 1740 "slavery no longer rested upon custom" but in the corpus jurus (Colonial 209). The first slave act that went into effect in South Carolina was drawn up in 1696 but its definition of the legal status of African slaves was vague (Sirmans, Legal 466). This changed when the Negro Act was drawn up: any black person within the colony would be assumed a slave unless they could prove otherwise (An Act 398). Any white person, planter or pauper, could stop any black person and demand proof of their status. This pass system codified difference circumscribing lives, movements, and freedoms.

The relationship of slaves to property changed in other ways as well. The neuroses of the authors of these laws are revealed in crimes meted out to those who destroy property. For example, a slave who destroyed white property—a barn, a farm

[98] Sirmans writes, "Freehold property was attached to a landed estate and could not be moved; its holder had a right only to its use and not absolute ownership" (Legal 465).

tool, a bag of rice—would be put to death. But a white person who destroyed a slave, also white property, would be fined. Essentially, black human beings, slave or free, were singled out from other kinds of human beings. Colonial leaders believed their safety depended on making others, poor whites and even Native Americans, feel socially significant in comparison to African slaves. This *was* the age of enlightened cataloging. And so, the Negro Act enhanced the legal position of poor whites. That whites were empowered by this legal structure is revealed in reports of violent searches of slave quarters, which Robert M. Weir notes "was a recognized form of amusement for young men" (195). Weir continues, "Perhaps here—in the perversion or the laws making every white man a guardian of law and order—lay one of the tangled roots of vigilantism and nineteenth century lynching." A system was created, Weir notes, that was rooted in terror. Colonists "terrified at what the large number of slaves might be able to do, attempted to terrorize the slaves into not doing it" (196). In his *Discourse on Colonialism* Aimé Césaire speaks of the dehumanizing effects of such structures of terror. He notes that, "colonization works to *decivilize* the colonizer, to *brutalize* him in the true sense of the word, to degrade him, to awaken him to buried instincts, to covetousness, violence, race hatred, and moral relativism" (35). South Carolina's slave system, and the structures that disciplined its practice, worked in a similar fashion. The Negro Act established parameters that denied the human-ness of black people and, one could argue, called into question that of whites.

But legal status is certainly not the only measure of human dignity—and the authors of the Negro Act were aware of this important fact. Human dignity also manifests in one's capability to communicate one's concerns and one's ideals. Therefore, the

ultimate goal of the Negro Act was to prohibit any narrative emanating from the African American community that posited alternatives to the slave regime, to racism, to violations of human rights. Besides the pass system, strict regulations were placed on slaves' ability to communicate with one another: literacy and drums were outlawed and blacks could no longer congregate publicly. South Carolina was one of the first colonies to target communication technologies in its efforts to reduce human beings to chattel. Article 36 "restrain[ed] the wanderings and meetings of Negroes and other slaves, at all times" and prohibited the use of "drums, horns, or other loud instruments, which may call together or give sign or notice to one another of [the] wicked designs and purposes…of strange Negroes" (410). Article 45 claimed that, "the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences" (413). Until Stono, access to these technologies by slaves was not deemed a serious enough threat to order to warrant legal prohibitions, that is, until such technologies helped foster rebellion. Some South Carolinians, perhaps, believed that the rebels may have read the notice in *The South Carolina Gazette* on August 18, 1739, about the new law requiring all white men to carry their arms to church on Sundays. The rebellion broke out on a Sunday, weeks before this law went into effect. Others thought that the rebels motivated themselves and communicated their intentions by playing drums and having raucous gatherings. In an essay that was later re-printed as the introduction to the *Norton Anthology of African American Literature*, Henry Louis Gates, Jr. and Nellie McKay acknowledge the importance of communications to the Stono Rebellion and the prohibitions set forth by the Negro Act,

> a draconian body of public laws, making two forms of literacy punishable by law: the mastery of letters, and the mastery of the drum…In the Stono Rebellion, both

> forms of literacy—of English letters and of the black vernacular—had been pivotal to the slave's capacity to rebel. (96)

If these modes of communication were used to launch the most successful slave rebellion in the colonial South, they would have to be closely controlled. In the process, these controls denied African Americans access to certain mechanisms for expressing their humanity in the public sphere.

These legal restrictions are not surprising given the growth of print and other communication technologies in the Western world at this time. During the eighteenth century, many Europeans and many American colonists began to recognize the importance of communication rights to their own political and/or revolutionary efforts citing free speech, press, and assembly as necessary for bourgeois democracy. The first clear articulation of the human right to communicate freely in a broad sense came fifty years after the Stono Rebellion in Article 11 of the French Declaration of the Rights of Man and of the Citizen: "Free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write, and print freely…"[99] Contemporary discussions of communication rights begin with Article 19 of the Universal Declaration of Human Rights:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19 declares that human beings must be allowed the positive right to communicate freely with one another, to create their own narratives, to speak in first-person. Humans

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[99] Article 11 of the French Declaration of the Rights of Man and of the Citizen: "La libre communication des pensées et des opinions est un des droits les plus précieux de l'homme ; tout citoyen peut donc parler, écrire, imprimer librement…" or "Free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write, and print freely…" This is, perhaps, the first clear articulation of the human right to communicate freely in a broad sense.

have the right to share "information and ideas" by using all kinds of media, across all boundaries, both geographic and national. Article 19, enhanced in part by the UN International Covenant on Civil and Political Rights (1964) and, perhaps, the Covenant on Economic, Social, and Cultural Rights (1966), has driven a larger discussion regarding a potential human right to communicate.[100] My view of this right is based on the more comprehensive approach of Jean d'Arcy. From a comprehensive standpoint the right to communicate could encapsulate many human rights including the right to assembly, to movement, to send and receive information, to associate, to express, to practice cultures, and to receive an education.[101] Speaking of the right to communicate as a comprehensive right highlights the significance of communication technologies in a networked and globalized society—like the eighteenth century Atlantic—as well as the interdependence of many of these human rights.

d'Arcy claims that, "those in power…have always known that he who effectively controls communications controls society" (15). The creation of the Negro Act after the Stono Rebellion was an attempt to "effectively" control society by controlling communications. South Carolina's leaders knew they had a significant problem on their hands—human beings, the source of their income, asserting their humanity. There is, as demonstrated in Chapter 3, significant evidence that the Stono rebels took issue with their

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[100] It is a "potential" right because it, in fact, does not exist as a legal right, though it has manifested in a variety of policy papers and international covenants. D'Arcy calls it a "concept of the future, still in the making" ("The Right to Communicate" 118). Most recently in 2005, Article 2-1 of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression, stated, "Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information, and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed." Here communication is identified within a litany of human rights and freedoms though it does not signify a singular comprehensive view of that right.

[101] Some of these rights are defined by articles 18 (belief/religion), 20 (assembly), and even 26 (education) and 27 (participate in cultural life). Education is particularly important in an age where access to and the ability to exchange information is supremely significant if one desires economic stability. In this sense, education and the RTC are interconnected.

situations and were seeking to destroy what they knew of South Carolina plantation society. In this light, the immediate and total legal response of the South Carolina government to their insurrection becomes clear. One of the final provisions of the Negro Act, Article 56, absolves whites of any wrongdoing on that day and in the wake of the rebellion:

> as the exigence and danger the inhabitants at that time were in and exposed to, would not admit of the formality of a legal trial of such rebellious negroes, but for their own security, the said inhabitants were obliged to put such negroes to immediate death; to prevent, therefore, any person or persons being questioned for any matter or thing done in the suppression or execution of the said rebellious negroes, as also any litigious suit, action or prosecution that may be brought, sued or prosecuted or commenced against such person or persons for or concerning the same…all and every act, matter and thing, had, done, committed and executed, in and about suppressing and putting all and every said negro and negroes to death is and are hereby declared lawful, to all intents and purposes whatsoever, as fully and amply as if such rebellious negroes had undergone a formal trial. (416)

This article permits a legal rupture in South Carolina encoded in government policy and revealed in cultural practice. This rupture did not happen overnight—it was deliberate and calculated.

Some historians have argued that the Negro Act's influence was temporary. For example, Donald Wax believes these laws did not lead to "long-lasting or permanent change…Once the immediate danger had passed and memories were blunted, masters and slaves returned to their former ways" (143). And there is evidence that some slaves did flaunt their ability to communicate with other slaves. There were reports of slave gatherings and of slaves trading goods in the Charles Town market in 1742. With such evidence, Wax notes that in some ways, "Slaves became a class of law-breakers…Whites were forced by their bondsmen into fashioning their own compromises with the system. Private interests, often economic in nature, took precedence over the demands of the law"

(145). In other words, there was a degree of compromise, fluidity, between blacks and whites. And yet, despite such assertions, the Negro Act existed and was present in ways that not all could see. It was never completely forgotten. Shortly after uncovering Denmark Vesey's plot in 1820, officials in Charleston reminded city residents (white and black) of the Negro Act's existence. Appended to a pamphlet published in 1822 entitled *An Account of the Late Intended Insurrection Among a Portion of the Blacks of this City* is article 17 from the Negro Act acknowledging that the punishment for those instigating an insurrection is death (31).

There were instances of slave rebellions and of blatant disregard for the Negro Act throughout colonial and antebellum South Carolina history. This does not, however, change the fact that in the letter of the law blacks were always subject to the force and power of whites. A black person was automatically suspect, and social and political order rested on the presence of this ethos of divide and conquer. The effects of this legal order are telling. As noted above, the Negro Act included a few provisions to limit the cruelty of slave owners. But Alexander Hewatt writes in 1779 that the rights of slaves, "as human creatures are entirely disregarded, and punishments are commonly inflicted according to the will of their master, however cruel and barbarous his disposition may be" (Hewatt 94). He says that that they are punished "for the most trifling offences, and sometimes, O horrid! when entirely innocent" (96). Like Crevecouer he is reduced to the poetics of the exclamation mark in order to convey his repulsion.

Law was one mechanism for entrenching difference, for creating separate spheres rather than addressing the source of the problem.[102] In the short run it created unity for some, but in the long run it helped breed resentment and enabled trauma to endure by

[102] Recent events in Paris, New Orleans, and Iraq come to mind.

setting patterns of social and cultural segregation that in some ways linger.[103] There is some evidence that slaves in South Carolina had a difficult time gaining access to reading and writing—the most privileged tools of communication in the American public sphere. Oral histories of former South Carolina slaves in the 1930s reveal this problem. One former slave, Nellie Boyd, claims, "De slaves never learned to read and write" (Rawick 64). Fairy Elkins points out one obvious reason for this: "We didn't have time to learn to read and write" (115). One interviewer asks Charlie Grant, "Did you all have books?" Grant replies, "No. Ketch Nigger wid book it wuz, 'What dat you got dere? Bring it here. Where did you git it frum?' Carry you to whipping post" (170). Nevertheless, some slaves, like the Stono Rebels, figured out how to infiltrate white communication networks and used this knowledge to their advantage. Former slave George Fleming claims, "Twan't no seats in school fer de slaves, though. Some of de slick ones slipped around and lairn't de letters" (135).[104] Hector Godbold adds to this claiming that most slaves,

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[103] Brent Staples makes the connection between access to literacy in the 19th Century relates to the success of present-day African Americans. He notes, "the advantages that accrued to the early literate classes would be clearly evident in the 20th Century. In the 1940's, for example, the sociologist E. Horace Fitchett surveyed students at Howard University, then the seat of the black elite. Half of his respondents claim to be descended from that small part of the black population that was free before Emancipation, which typically had greater access to education." He continues, "the ability to read and write gave them a vantage point on their circumstances and protected them from swindlers who regularly stripped illiterate people of land and other assets. For these families, literacy was a form of social capital that could be passed from one generation to the next. By contrast, nonliterate families were disproportionately vulnerable to the Jim Crow policies and social exploitation that often locked them out of the American mainstream for generations on end." See Staples, Brent. "Why Slave-Era Barriers to Black Literacy Still Matter." *The New York Times*. January 1, 2006, Sunday.

[104] James Albert Ukawsaw Gronniosaw (1774) reveals how this process may have occurred. Of his master he writes, "…when I first saw him read, I was never so surprised in my whole life as when I saw the book talk to my master; for I thought it did, as I observed him to look at upon it and move his lips.—I wished it would do so to me.—As soon as my master had done reading I follow'd him to the place where he put the book, being mightily delighted with it, and when nobody saw me, I open'd it and put my ear down close upon it, in great hope that it would say something to me; but was very sorry and greatly disappointed when I found it would not speak, this thought immediately presented itself to me, that every body and every thing despised me because I was black" (16 –17).

"Ne'er know nuthin tall 'bout gwinne to school…Jes pick up wha' l'arnin' we ge' heah, dere en eve'ywhey" (145).

Richard Cullen Rath notes that the Negro Act's prohibition of drums was, "analogous to taking pens, paper, and books from the literate. Such an action could have definite effects, but it would not render the literate population illiterate" (Drums and Power 112). Despite their best efforts, white South Carolinians continued to have trouble with slaves who "slipped around." Even though African Americans lacked legal human rights, they kept their hopes of achieving those rights alive. The Negro Act limited access to the public sphere for blacks and to certain mechanism of communication, but they did not prevent communication entirely. This is most dramatically revealed in the slave plots and rebellions that punctuate the history of American slavery. Though there were others, the Denmark Vesey plot of 1820 was the most public act of slave rebellion in South Carolina post-Stono and involved both free blacks as well as slaves. Coincidently, this conspiracy was linked to literacy. After the conspiracy was uncovered Thomas Pinckney, writing under the pseudonym "Achates," acknowledges the danger of having blacks learn to read and write. The leading cause for the conspiracy, he believes, was the,

> improper indulgencies permitted among all classes of the Negroes in Charleston, and particularly among the domestics: and, as the most dangerous of those indulgencies, their being taught to read and write: the first bringing the powerful operation of the Press to act on their uninformed and easily deluded minds; and the latter furnishing them with an instrument to carry into execution the mischievous suggestions of the former. (7)

In Pinkney's mind, literacy or access to such privileged communications must have come only through the aid of whites. He cannot imagine that blacks might have their own communications networks or their own definition of human rights. As one co-conspirator noted during the "trials" attempting to uncover the Vesey plot notes, "Vesey said, we

were deprived of our rights and privileges by the white people…and that it was high time for us to seek our rights, and that we were fully able to conquer the whites, if we were only unanimous and courageous, as the St. Domingo people were" (An Account 39). Rolla Bennett's testimony, quite remarkable on its own accord, elucidates the conspirators' relationship to rights discourse: "I know Denmark Vesey, on one occasion he asked me, what news? I told him, none. He replied, we are free, but the white people here won't let us be so; and the only way is, to raise up and fight the whites" (34). At one meeting, Bennett explains, "Vesey said, we were…to get arms; that we ought to rise up against the whites to get our liberties. He was the first to rise up and speak, and he read to us from the Bible, how the *children of Israel were delivered out of Egypt from bondage*" (An Account 34). Again, Vesey couches his plan within a familiar discourse of rights. Like the Stono rebels, these black South Carolinians are signifying, speaking back to the rights discourse of the Christian church, of Locke, of the "founding fathers" with shouts of liberty. The white regime had intended to quiet black South Carolinians for good. Clearly, they failed.[105]

The Persistence of an African American Human Rights Discourse

If we cannot be completely certain what the Stono Rebels meant when they shouted, "Liberty," we may find some answers in early African American literature. In this literature we see a discourse of human rights, of individuals asserting their right to

[105] Benjamin Quarles writes about the effect of another American Revolution on blacks in the United States: "Black Americans, not unexpectedly, gave an entirely different reading to these war-spawned concepts. To them freedom was everyone's birthright; everyone had certain inalienable rights…To black Americans the theory of natural rights did not lose its relevance with the departure of the British troops. Blacks were left no choice other than to oppose all efforts to de-revolutionize the Revolution" (Quarles 293).

human freedom and their right to communicate that message. From the first moments that African Americans put pen on paper, there were echoes of the Stono rebels' cry. Indeed, this constant working out of rights discourse—of re-writing, signifying—demonstrates and participates in a significant intertextuality among various African American works.[106] African American writers from the twentieth century speak back to those of the eighteenth and nineteenth century and on back to enslaved blacks themselves. William Paulson calls such specific intertextuality a network of discourse and writes that,

> The making, reception, and recycling of works…is a complex, indirect, and often subtle way of sending feedback signals within the ongoing life processes in which history is made. It is also a form of participation in networks of human communication and transmission that mobilize the past and the present, the dead and the living, the far and the familiar. (21)

Networks of discourse can present, represent, and rehearse a conceptual conversation across borders and through time (123). Most importantly, such a network is "a hybrid space, subject and object, social and technical" (125). I place great emphasis on this notion of a network of discourse as "hybrid space;" such a network does not privilege any form of communication but instead elicits input from all corners. The discourse merges, blends, combines, connects, revolves, and evolves as it shapes a meaning unique unto itself. This concept inevitably asks us to extend our notion of texts, though I intend to demonstrate how this works through an examination of African American literary creations. I hope to show how African American literature contends with both oral and written communication networks as it seeks to respond to white concepts of human rights with its own. This literary record of rights discourse exposes the fact that African

[106] An appropriate and relevant analysis is Gates' assertion of intertextuality among "Signifying Monkey" poems. Gates, Henry Louis, Jr. *The Signifying Monkey*. New York: Oxford University Press, 1988. 60 – 61.

Americans were not completely shackled by the various legal regimes meant to suppress their freedoms, and that a rich culture, a counter-public persisted.

When W.E.B. DuBois writes that, "there are to-day no truer exponents of the pure human spirit of the Declaration of Independence than the American Negroes," he is speaking of the ways in which African Americans past and present seek to achieve the rights set forth in that declaration (16). From the first moments of slavery, African Americans embodied broken promises, and yet "few men ever worshipped Freedom with half such unquestioning faith as did the American Negro for two centuries" (12). DuBois believes that this longing for freedom is expressed in the folk tradition, specifically African American folk songs, calling these songs "the sole American music" and "the most beautiful expression of human experience born this side of the seas" (155). It is the singular American music because it is the only American music that clearly expresses the hope represented by the Declaration of Independence—these songs are the sole musical manifestations of humanity, of human rights. All else is dross.

Coincidentally, DuBois acknowledges that during the Civil War Northerners first encountered slave songs while stationed in South Carolina and were moved by what they heard: "The Sea Islands of the Carolinas…were filled with a black folk of primitive type, touched and moulded less by the world about them than any others outside the Black Belt. Their appearance was uncouth, their language funny, but their hearts were human and their singing stirred men with a mighty power" (155). Listeners were stirred by such songs as "Lay Dis Body Down,"

> I know moon-rise, I know star-rise
> I lay dis body down.
> I walk in de moonlight, I walk in de starlight,
> To lay dis body down.

I walk in de graveyard, I walk troo de graveyard,
To lay dis body down.
I lie in de grave an' stretch out my arms,
I lay dis body down.
I go to jedgment in de evenin' of de day
When I lay dis body down,
An' my soul an' your soul will meet in de day
When I lay dis body down. (2793 – 4)

DuBois writes, "I know little of music and can say nothing in technical phrase, but I know something of men, and knowing them, I know that these songs are the articulate message of the slave to the world" (156). In such songs, such "Sorrow Songs," exists an acute understanding of "the ultimate justice of things" (162). In "Lay Dis Body Down," the speaker claims she will have redemption in death, that she will "lay down" at a time of her choosing. This has more to do with life-choices than with word-choices. In such songs, slaves make commitments to freedom in this life or in the next. "Would America have been America without her Negro people?" Dubois asks (163). And would human rights discourse be human rights discourse without the many examples of "declarations of independence"—in both thought and deed—in early African American letters?

Shortly after Thomas Jefferson's Declaration of Independence came another, this one[107] was signed by a number of African Americans in Boston, including Prince Hall, an important community organizer among free blacks of that city.[108] With Jefferson's text fresh on people's minds, these African Americans claim that like whites, "they have in common with all other Men, a natural & unalienable right to that freedom, which the

[107] This declaration was entitled, "To the Honorable Council and House of Representatives of the State of Massachusetts-Bay in General Court assembled January 13th 1777: The Petition of a great number of Negroes who are detained in a state of Slavery in the Bowels of a free and Christian Country Humbly Shewing."
[108] Prince Hall, 1735? – 1807, was either a slave or indentured servant for a Boston leather-dresser named William Hall from 1749 until 1770 when he was freed. He organized a society that later became a Masonic lodge ("African Lodge No. 459") on May 6, 1787.

great Parent of the Universe hath bestowed equally on all Mankind" (1108). The writers make the obvious correlation "that every principle from which America has acted in the course of her unhappy difficulties with Great Britain, pleads stronger than a thousand arguments in favor of your Petitioners" (1109). In the midst of the revolutionary moment, they are calling on the white revolutionary leaders to recognize their particular American-ness. Twenty years later, Prince Hall would make similar assertions in his "A Charge Delivered to the African Lodge, June 24, 1797, at Menotomy" in which he asks all listeners to promote, "a fellow feeling for our distres'd brethren of the human race, in their troubles, both spiritual and temporal" (1114). Hall prescribes patience, for now, "for were we not possess'd of a great measure of it you could not bear up under the daily insults you meet with in the streets of Boston…how are you shamefully abus'd" (1112). Yet patience, like prayer, will take one only so far and he offers the example of Haiti where only years before slaves suffered horribly, "but blessed be God, the scene is changed…Thus doth Ethiopia begin to stretch forth her hand, from a sink of slavery to freedom and equality" (1113). Hall leans in a radical direction while seeking solidarity and reforms. His efforts for social justice were not limited to orations. He spent most of his life organizing the black community, creating mechanisms for socializing and sharing resources since the white community offered little meaningful assistance or entrée into their social circles or support networks.

African American preacher Lemuel Haynes shared Prince Hall's quest for a realization of the Declaration of Independence's promises in his "Liberty Further Extended: Or Free Thoughts on the Illegality of Slave-keeping." Written a few years after the Declaration, Haynes turns the screws on white Americans who ignore the

contradiction of shouting for liberty while maintaining plantation slavery. Thus, he chooses the following line from the Declaration of Independence as his epigraph: "all men are created Equal, that they are Endowed By their Creator with Certain unalienable rights." Like Hall's African American community in Boston, Haynes speaks directly to Jefferson's text. Yes, he says, "Liberty, & freedom, is an innate principle…Liberty is a Jewel which was handed Down to man from the cabinet of heaven, and is Coaeval with his existence" (1224). It would follow, then, that because "liberty" is natural, God-given, any human including, "a Negro may Justly Chalenge, and has an undeniable right to his Liberty: Consequently, the practices of Slave-keeping, which so abounds in this Land is illicit" (1225). Color or nation should not be determining factors for one's freedom; human rights are "aspiring principles placed in all nations" (1225). Haynes's use of numerous Biblical citations—indeed, the Calvinist thread throughout—is reminiscent of Olaudah Equiano's narrative from this period. Equiano notes that slavery increases the depravity of human beings—"it is the fatality of this mistaken avarice, that it corrupts the milk of human kindness and turns it into gall" (80). Slavery "violates that first natural right of mankind, equality, and independency; and gives one man a dominion over his fellows which God could never intend!" Despite his own ambiguous relationship to the practice, Equiano believes slave traders are "invaders of human rights" (89). Haynes makes similar arguments as he addresses slave traders directly at the conclusion of his essay. He castigates them and blames them for the potential failure of the revolutionary project: "If you have any Love to yourselves, or any Love to this Land, if you have any Love to your fellow-men, Break these intolerable yoaks…for god will not hold you guiltless" (1233). He asks, essentially, who is the real, authentic patriot now?

Clearly Christianity exerted a significant influence on human rights discourse in early American and on the ever-developing abolition movement. Yet, there were other religious influences. Omar Ibn Said's short narrative, originally written in Arabic, describes his life experiences and his trials as a slave in South Carolina and his escape to North Carolina and is one of the first texts written by a Moslem-American.[109] In the interstices of this relatively straightforward account are veiled messages, what James C. Scott calls "hidden transcripts."[110] Said describes his journey to the United States after his capture:

> we sailed upon the great sea a month and a half, when we came to a place called Charleston in the Christian language. There they sold me to a small, weak, and wicked man called Johnson, a complete infidel, who had no fear of God at all. Now I am a small man, and unable to do hard work so I fled from the hand of Johnson and after a month came to a place called Fayd-il. (793)

"Fayd-il" is Fayetteville, North Carolina where Said was discovered praying alone in a church. After being imprisoned while the authorities tried to figure out what to do with this strange man who used coal to write in Arabic on the walls of his cell, someone tried to buy him and send him back to Charleston. He shouts, "*No, no, no, no, no, no, no,* I not willing to go to Charleston" (793). Said apparently grew contented with life in North Carolina, perhaps out of fear of the alternative:

> I reside in this our country by reason of great necessity. Wicked men took me by violence and sold me to Christians. We sailed a month and a half on the great sea to the place called Charleston in the Christian land. I fell into the hands of a small, weak and wicked man, who feared not God at all nor did he read (the gospel) at all or pray. I was afraid to remain with a man so depraved and who committed so many crimes and I ran away. After a month our Lord God brought me forward to

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[109] Omar Ibn Said, also called Uncle Moreau or Moro, was Fullah and was born near the Senegal and Bounon River, captured, and brought to Charleston in 1807. During his life in Africa he made the hajj to Mecca. Said died in North Carolina in 1859.

[110] Scott, James C. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press, 1990.

> the hand of a good man, who fears God, and loves to do good, and whose name is Jim Owen… (794 – 5)

In its original form, Said's narrative began with a series of passages from the Koran. He recalls from memory, "Do you not know from the creation that God is full of skill? That He has made for the way of error, and you have walked therein" (791 – 2). He also remembers, "Say, 'Have you not seen that your water has become impure? Who will bring you fresh water from the fountain?'" (792). Said is essentially transcribing a section from The Koran, Surah 67: Al-Mulk. In English "Al-Mulk" translates to sovereignty or dominion. This passage depicts the omniscience and omnipotence of Allah: "It is He who has made the earth subservient to you. Walk about his regions and eat of His provisions. To Him all shall return at the Resurrection" (400). It includes this passage, "Say: 'He is the Lord of Mercy: in Him we believe, and in Him we put our trust. You shall soon know who is in evident error" (401). Why did he write this particular passage before his autobiography? Was this a critique of his enslavement among Christians? Sylviane Diouf points out that Omar ibn Said was still a slave when he wrote this, and "he still had to be very much on guard" (143). Much of the autobiography expresses how happy he is to be the slave of the Owen family, and yet a few lines, safely written in Arabic, got away.

Said apparently converted to Christianity at some point, though he continued to use faith as a mechanism for critiquing his social status. In an article from *North Carolina University Magazine* dated September 1854, the writer recalls hearing Said read and translate Psalm 23 which begins, "The Lord is my shepherd; I shall not want." This Psalm underlines God's protection, "goodness and mercy." Yet in an article published in *The Wilmington Chronicle* in January 1847, the author writes of an Arabic translation that Said did of Psalm 22, a Psalm that carries a rather different tone from Psalm 23: "My

God, my God, why hast thou forsaken me? *Why art thou so* far from helping me, *and from* the words of my roaring? O my God, I cry in the daytime, but thou hearest not; and in the night season, and am not silent." The psalmist calls on God to protect him for, "trouble *is* near." The speaker of this Psalm is abused, laughed at, and scorned, yet he still calls on God, finding strength in the thought of his redemption. The world, he knows, belongs to God: "he *is* the governor among the nations." And in the end, "The meek shall eat and be satisfied"; they will be redeemed. Which Psalm did Said feel the greatest connection to—the one that depicts the peace of God's presence or the one that depicts God's almighty power and justice? Was this small, admittedly meek man, speaking to slaveholders, to the people of North Carolina and the United States of America? As Moslem and Christian, as African and American, perhaps Said is demonstrating through the veil of these texts, a universal human desire to live freely with dignity despite the shackles of "Negro Acts."

Shouts of Liberty in Nineteenth Century African American Fiction

In *Imagined Communities* Benedict Anderson claims that a nation is "an imagined political community" (6). Such a nation "is always conceived as a deep, horizontal comradeship. Ultimately it is this alliance that makes it possible, over the past two centuries for so many millions of people, not so much to kill, as willingly to die for such limited imaginings" (7). Nations promote "fellow-feeling"; they create bonds of identity. As I note in Chapter 1, Anderson also acknowledges that in early America, "…print-capitalism… made it possible for rapidly growing numbers of people to think about themselves, and to relate themselves to others, in profoundly new ways" (36). He posits

that these national identities are produced when people participate in the shared practice of reading—most notably when they read newspapers. Newspapers foster a particular community identity because they are locally produced for daily consumption, thus, reading a newspaper can become a ritualized and unifying cultural activity (34 – 5).

Elizabeth McHenry writes that in the nineteenth century some African Americans also traveled this "printed" path to racial/ethnic or national identity—to the formation of an "imagined community." She examines the efforts of free blacks in the North to gain access to the press, to printed texts, and to establish networks of print distribution and communication. The goal of these free blacks was to counter the popular argument that they were ignorant and incapable of useful literacy and to create black literary communities. The press was "a strategy that leaders in the black community believed would open the doors of American society to black people" (86). Indeed, African Americans used the press on behalf of the black middle and working classes to help establish an identity and presence in the United States. Certainly the press was an important mechanism for *whites* to share information, to trade, and to take part in the ongoing narrative of nationhood, but the developing black press also served these purposes, allowing some freedmen to participate in that narrative or, perhaps, to create their own. Samuel Cornish and John Russworm's *Freedom's Journal* (1827), the short-lived first African American newspaper, was one such attempt to establish a literary culture within the African American community and in so doing establish that community's legitimacy and its claims for equal treatment. The editors intentionally wrote copy that focused less on slavery, the most obvious and pressing concern in the African American community, and more on establishing readers. They believed that

freedmen would be treated better if their day-to-day behavior improved—if they could participate in the "literary community" broadly defined. *Freedom's Journal* published a significant amount of "fluff" and was inexpensive, thus giving blacks ready material for reading and conversation. McHenry writes that Cornish and Russworm's goal was for African Americans "to understand the public uses to which literature could be put" (102). African Americans, they concluded, should be able to participate effectively in the larger public sphere—this would give them the clout to press other claims, perhaps concerning their rights as human beings.

And they did. Human rights discourse manifests in much of nineteenth century African American prose written by David Walker, Frederick Douglass, Harriet Jacobs, T. Thomas Fortune, and many others. For such writers, African American identity rests on this discourse because through the assertion of one's human rights, one could hope to be treated as a human and, ultimately, as an American. These writers pushed the ideals of the Declaration of Independence into the public sphere in hopes that America would truly become America, as Langston Hughes would write in the twentieth century. But this human rights discourse, as it transformed and asserted itself, was not rooted in print culture alone; important to this discourse were the human rights claims expressed by the Stono rebels and other slave insurrectionists. It is a discourse rooted in African and African American folk and religious traditions as well as in print culture. One finds evidence of this vision of human rights in the folk culture of the handful of African Americans in South Carolina, how many we may never know, who shared the narrative of the leader of the Stono Rebellion. George Cato's account, passed on through the eighteenth, nineteenth, and into the twentieth century, is an indication of the power and

strength of this discourse within African American communities. The obstructive laws that limited communications among black South Carolinians were apparently surmountable. Such stories of slave rebellions became fodder for the first efforts of African Americans to create fictions of their American experiences. In Cato's oral history, his ancestor takes a Moses-like stand against his oppressors and assumes a central role in the cultural tradition of some Lowcountry African Americans. He is a hero, a fiction of sorts, a protagonist in a counter-narrative. Heroic slave rebels cut in Jemmy's mold are key figures in two key early African American works of fiction—Frederick Douglass's novella *The Heroic Slave* (1853) and Martin R. Delany's *Blake; or the Huts of America* (1860 –1). Both are rooted in hidden and not-so-hidden transcripts and place open slave revolts at the center of their narratives. These first fruits of African American fiction are inextricably linked to slave narratives, folk stories, and other communication technologies of slave culture that doggedly promote "shouts of liberty" and human dignity. At the same time, though, they assert an intertextual relationship with eighteenth century human rights theorists. Through fiction Delany and Douglass seek to "manipulate sentiments" and transform human rights discourse in ways that they were perhaps incapable of doing in prose.[111] In the process, they hope to create new histories for newly imagined communities to share.

In his 1852 address, "What to the Slave is the Fourth of July?," Frederick Douglass notes that, "We have to do with the past only as we can make it useful to the present and to the future" (1886). He recognizes the possibilities that past ideals—the ideals of the American Revolution—present to the present-day listener. This search for a

[111] I borrow this concept of "manipulating sentiments…sentimental education" from Richard Rorty, "Human Rights, Rationality, and Sentimentality." *The Human Rights Reader*. Ed. Micheline Ishay. New York: Routledge, 1997.

"usable past" does not end with his diatribe on that July 4th in 1852; he was quite serious about finding a form that would help his quest for re-imagining national identity. A year later he published a novella entitled, "The Heroic Slave," considered the first work of African American fiction. This novella describes the events surrounding a slave rebellion and the repercussions of the rebellion itself—in particular the influence of the hero's leadership and spirit on white observers. To Douglass, a conscious story-teller, he is creating a narrative of human rights to be told and passed on. His story is based on the slave mutiny on board the *Creole* in November 1841. The ship left Hampton, Virginia with 134 slaves who were to be sold in New Orleans when a slave, appropriately named Madison Washington, led an insurrection and directed the ship to Nassau where the slaves were freed. Despite its heroic implications, this was a tricky narrative to reproduce. Maggie Montesinos Sale notes that "at the historical moment at which Douglass's novella was written, published, and received, slave rebellion was virtually unrepresentable in national forums, and further, the righteousness of such an act was unimaginable for most U.S. Americans" (175). But accounts from the period claim that Washington was a strong leader, organized, intelligent, and capable of maintaining order throughout the mutiny, even sparing the captain's life. Such a story would prove an excellent source for Douglass's fiction—here was a group of slaves who rebelled without causing a bloodbath unlike, for example, Nat Turner or the Stono rebels. Washington was an insurrectionist any abolitionist could love.

Douglass's version of the story begins with Madison Washington speaking to himself in a Virginia pine forest in the spring of 1835. A "Northern traveler," Mr. Listwell, bears witness to the scene, to this young slave's "soliloquy," this "sable

preacher" in his "solitary temple" (29). Washington describes the trials of his life as a slave and his desire to run away with recognizable eloquence: "If I get clear, (as something tells me I shall,) liberty, the inalienable birth-right of every man, precious and priceless, will be mine" (28). The narrator places the struggle for human rights front and center and links Washington to the American Revolution and its Virginian leaders: "Let those account for it who can, but there stands the fact, that a man who loved liberty as well as did Patrick Henry, —who deserved it as much as Thomas Jefferson…lives now only in the chattels records of his native State" (25). Krista Walter notes that rather than complicate the narrative, Douglass does not question the motives of these "founding fathers" (3). She writes, "for Douglass the philosophical basis for the republic was unquestionably sound; its ideals simply had to be fully realized." Thus, as we witness Madison Washington's dramatic soliloquy, Douglass wants the reader to believe that she is witness to the private deliberations of an important man, a forgotten revolutionary cut from the same cloth as Henry, Jefferson, or the hero's namesakes. The only difference is that Washington is a strong, handsome black man who, as Douglass writes, "had the head to conceive, and the hand to execute" (28). By the end of Part I of the novella both Washington and Listwell are determined to make changes—Washington will run away and Listwell will become an abolitionist. Both make "declarations" of their independence in Virginia and, in so doing, Douglass is claiming that slaves have shared ideals and a virtual equality with the American patriots.

In Part II, Mr. and Mrs. Listwell are at home in Ohio five years later when Madison Washington shows up at their house as he flees to freedom. Listwell transports Washington to a ship that will carry him on to Canada. In so doing, this resolute

Northerner risks his own freedom, a sign that his transformation is complete, that he has become an abolitionist. Before he concludes his journey to Canada, Washington describes the long process of his escape from slavery. He tells Listwell, "The fact is, sir, during my flight, I felt myself robbed by society of all my just rights; that I was in an enemy's land, who sought both my life and liberty" (39). Washington is not alone in his sentiments as he describes a scene in which he bears witness to the tormented musings of an old slave, alone in a forest like Listwell so many years before. Washington hears this old man pray, "O deliver me! O deliver me! In mercy, O God, deliver me from the chains and manifold hardships of slavery!" (41).

The system that oppresses this slave is on scandalous view in Part III when Listwell, back in Virginia on business, arrives at a broken-down tavern on the outskirts of Richmond. The tavern has been taken over by ill-mannered men, the dregs of society, and, coincidentally, a bevy of slave-traders on their way to an auction in Richmond. The narrator explains that the tavern was once a grand establishment. Today, it is a resting place for gamblers and drunks. The double-ness of Virginia—birthplace of revolutionaries and home to slavery—is made concrete through the description of this ramshackle locale (Stepto 111). What was once moral is now despicable. This becomes most apparent when Listwell learns about the impending slave auction and is later awoken from his sleep by the sounds of an arriving slave-gang. Among this horrid lot is none other than Madison Washington. Listwell learns from his friend that he could not live in Canada without his wife—that he returned to Virginia for her and in the process she was killed and he was captured. The resolutions Washington and Listwell made in the first part—to be free and to help free others—are re-affirmed. Listwell follows

Washington's crew into Richmond in hopes of helping him escape again. Eventually, he slips some files into Washington's pocket and in so doing helps pave his path to mutiny. Bringing a runaway to the border is one thing, but being an accessory to an insurrection is another. Through Listwell, Douglass demonstrates the extent to which whites—in the era of the Fugitive Slave Law—can help slaves gain access to freedom. Listwell has come a long way intellectually since witnessing Washington's dramatic pastoral monologue at the beginning of the novella.

In the novella's concluding section, the reader is introduced to another character who has been transformed by the words and actions of Madison Washington. The setting is a sailor's coffeehouse in Richmond. Washington and Listwell are only present in spirit as a conversation ensues among a group of sailors. One sailor named Jack Williams claims that he is ashamed by the recent slave-mutiny on the *Creole*: "For my own part, I would not honor a dozen niggers by pointing a gun at one on 'em,—a good stout whip, or a stiff rope's end is better than all the guns at Old Point to quell a *nigger* insurrection" (61). Tom Grant, first mate on the *Creole*, responds, "It is one thing to manage a company of slaves on a Virginia plantation, and quite another thing to quell an insurrection on the lonely billows of the Atlantic, where every breeze speaks of courage and liberty" (62). Coming from the pen of Frederick Douglass, this image of the sea as communication network, carrying a discourse of freedom, is appropriate given the author's own "naval" escape to freedom. At the story's conclusion, this idea of the sea as path to freedom is re-emphasized. Madison Washington speaks to Grant saying, "Mr. Mate, you cannot write the bloody laws of slavery on those restless billows. The ocean, if not the land, is free" (68). Grant admits to his fellow sailors that he will never work on a

slaver again—never participate in a trade that destroys the liberty of another human being (63). His declaration mimics Listwell's more radical assertion in the first part of the novella. Grant transforms, perhaps, because for the first time he has encountered a slave whom he believes to be, at the very least, a cultural equal. He was impressed with Madison Washington, especially his skill with language:

> His words were well chosen, and his pronunciation equal to that of any schoolmaster. It was a mystery to us *where* he got his knowledge of language; but as little was said to him, none of us knew the extent of his intelligence and ability till it was too late. (65)

"Too late" was when the slaves attacked amidst a raging storm at sea. Grant describes Washington as a merciful leader. At one point Grant tries to overpower Washington but is warned that he could have killed him before but that that was not his intention. Washington's goals are clear, to take the boat to a place where he and the other slaves can be free, and to rehearse and re-claim the "founding fathers'" discourse of human rights. He says,

> God is my witness that LIBERTY, not *malice*, is the motive for this night's work. I have done no more to those dead men yonder, than they would have to me in like circumstances. We have struck for our freedom, and if a true man's heart be in you, you will honor us for the deed. We have done that which you applaud your fathers for doing, and if we are murderers, *so were they*. (66)

Again, Washington could have easily killed Grant but chooses not to. He acts on behalf of human rights: "Acknowledging the natural rights of his male opponents, regardless of their race, tempers his bravery, physical prowess, and ability to fight for his freedom" (Sale 194). In the eyes of his oppressors, Washington, a black slave, becomes a moral human being. Grant tells his fellow sailors that he began to overlook Washington's "blackness" and contemplate the claims he was making (66). "It seemed," he says, "as if the souls of both the great dead (whose names he bore) had entered him." But

Washington's claims, though acknowledging their theoretical roots in the American Revolution, are of a different nature; those men were not interested in promoting the rights of all humans only those who were white and male. Grant—prophetically bearing the name of the Union army general who would defeat the Confederacy—admits he is in the process of transforming his understanding of slavery. He will not claim to be an abolitionist, but he has much to consider after witnessing "the principles of 1776" in action and their ultimate success (68).

Madison, the hero, is a vehicle for Douglass's ideals, and the novella serves to "symbolically liberate rebel slaves whose story would otherwise remain trapped in the chattel records" (Walter 4). In so doing, he re-imagines the patriotic narrative of American history, though interestingly enough he concludes with the slaves' liberation in British territory as if to show readers how far off course the United States has gone. And yet this idealization of, "Eurocentric historical and cultural perspectives, the belief in America's glorious origins, the projection of a kind of manifest destiny based on origins, and the necessary adherence to patriarchal values" is problematic (4). Douglass's focus on re-claiming this patriarchal identity clouds the production of any identity rooted in slave or African culture. Douglass makes it clear that his hero is black, but he also makes it clear that his ideals and his eloquent speech are befitting the "founding fathers." This prevents Douglass from developing a human rights discourse unique to African Americans in "The Heroic Slave," something which is central to Martin Delany's one and only novel, *Blake: Or the Huts of America*.

Blake (1861 – 1862) describes Henry Blake's escape from a Mississippi plantation and his organizing efforts among slaves in the United States and Cuba. The

novel is explicitly concerned with issues of human rights, coming as it does in the wake of the 1857 Dred Scott decision which stipulated that African Americans were not "citizens," that they had no civil rights that should be recognized by the United States government. The only recourse for African Americans was to assert their rights as human beings, but such assertions were without a legal framework at the time, and there were few international organizations that could speak, let alone act, on their behalf. Thus, Delany emphasizes the need for solidarity among all people of African descent despite their geographic location and pushes a Pan-African notion of Blackness. Delany's novel navigates the nations involved in and benefiting from the slave trade and the slave economy: the novel begins with a conversation among capitalists in Baltimore and concludes with one among Black revolutionaries seeking to overthrow the plantation-friendly regime in Cuba.

The leader of this human rights struggle is Henry Blake, a heroic figure much like Madison Washington. Blake, we are told, is "black—a pure Negro—handsome, manly and intelligent, in size comparing with his master, but neither so fleshy or heavy built in person. A man of good literary attainments…having been educated in the West Indies" (17). Blake was born free, but was kidnapped when young and sold into slavery in Mississippi. When his master, Colonel Stephen Franks sells his wife Maggie, Blake strikes for freedom and begins plotting a general insurrection, an effort which takes up most of the novel. Delany never clarifies Blake's actual plan, but he provides a few clues. Blake's "scheme, a matured a plan for general insurrection of the slaves in every state" will require the development of a network of like-minded slaves (39). The reader follows the hero as he seeks out "true and trustworthy" slaves on plantations and shares his plan

with them (41). In the process, the reader travels throughout the American plantation slave systems with Blake as witness providing a running commentary on the plight of African Americans in Alabama, Arkansas, Louisiana, Texas, Washington, DC, Canada, and Cuba among other places. In "haughty South Carolina" he discovers that:

> the most relentless hatred appears to exist against the Negro, who seems to be regarded but as an animated thing of convenience or a domesticated animal, reared for the service of his master…To impress the Negro with a sense of his own inferiority is a leading precept of their social system; to be white is the only evidence necessary to establish a claim to superiority. (109)

Delany notes that South Carolina's ruling class's ethos of divide and conquer is exhibited in the "Brown Society," a prominent social club in Charleston used to play mulattoes and blacks against each other. Remnants of post-Stono legislation abound and Negro codes are especially strict; Blake must be extremely cautious while in the state (110). Other memories persist in South Carolina, however, and we are reminded of this when Blake meets with a family that includes a man who is "one of the remaining confidentials and adherents of the memorable South Carolina insurrection" (112). He tells Blake, "I been prayin' dat de Laud sen' a nudder Denmark 'mong us! De Laud now anseh my prar in dis young man!" (112). Shortly thereafter, Blake makes his way north to the Dismal Swamp where a conjurer named Gamby Gholar greets him saying, "I been lookin' fay yeh dis many years" (112). Gholar lives with a group of "some of Virginia and North Carolina's boldest black rebels" who revere the names of Nat Turner, Vesey, and Gabriel. Gabriel's name, according to the narrator, functions as a "talisman" within this clandestine culture (113). Some of these slave rebels, they claim, were also soldiers in the American Revolution, Gabriel in particular. The historical narrative crafted by these Dismal Swamp conjurers links these famous slave rebels to the ideals of that first revolution—a

revolution they continued—or tried to—through their separate insurrections and plots. But Blake is not ready to become another Denmark Vesey just yet. He has much work and traveling to do. Part of this work is a re-education, a course in the horrors of slavery. And Blake is witness and proxy-witness to numerous atrocities. In Cuba he encounters Lotty, a tired and apparently abused slave who turns out to be his wife. Lotty says her mistress, "beats me like a dog" (167). This abuse has a tremendous influence on the behavior of her mistress's child who has taken to beating his young servant, Pomp. As Jefferson acknowledges in *Notes on the State of Virginia*, Delany identifies the pedagogical nature of slavery which creates brutal children who learn from adults to treat black humans differently than white humans. "To all this," we are told, "Henry was a serious spectator" (170).

Despite bearing witness to numerous atrocities, the reader is repeatedly reminded of the persistence of human dignity among slaves. In fact, in the most painful, the most brutal, moments of the narrative, oppressed human beings assert their humanity, their tremendous "soul-beauty" (DuBois 12). In Chapter 16 several Southern gentlemen make a show of beating a young slave for a Northern visitor. The slave has been trained to make a variety of noises or songs with each slash of the whip, "the whole person being prepared for the purpose, the boy commenced to whistle almost like a thrush; another cut changed it to a song, another to a hymn, then a pitiful prayer" and so on (Delany 67). The Southerners watch with stoic amusement while their Northern guest shutters. Yet, in the midst of this horrific scene, Robert Reid-Pharr claims that something unusual occurs. Despite the whip's lash, "the boy's humanity is never absolutely squelched. Indeed, the crime for which he is punished is the fact of the indestructibility of some core self" (82).

Reid-Pharr writes that the whipping itself, "reveal[s] the boy's essential humanity, his genius." Through his wide-ranging performance in the midst of this whipping, the boy "creates an index of black humanity that finds its efficacy precisely in the fact that it refuses rationalist modes of thought and expression" (83). This child "hits upon a counter-discourse, aesthetic and mystical, that propels him into new ranges of meaning against which the protestations of his tormentors become altogether meaningless" (84). This counter-discourse exists beyond the range of the oppressors, beyond their understanding.

Delany shares a similar moment with the reader, though less dramatic, when Blake is in New Orleans. The songs of slave boatmen, he writes, are ever-present in that city. These boatmen are truly "men of sorrow" for they are able to witness so much freedom as they travel up and down the Mississippi and yet experience so little freedom themselves (100). The narrator tells us they are, "Fastened by the unyielding links of the iron cable of despotism…they are seemingly contented by soothing their sorrows with songs and sentiments of apparently cheerful but in reality wailing lamentations" (100). And yet they sing, "as if in unison with the restless current of the great river," in sync with the natural world which is forever exhibiting its own freedom. No greater communion exists, perhaps, than these slaves and the quintessential American river. The river floods the Delta, and these slave songs flood the air of New Orleans. They are an ever-present exclamation of and for humanity. Blake is described in this passage "as a messenger of light and destruction," a fitting description in this context. While these songs are imbued with bitter sorrow, they are also representative of the boatmen's creativity—like the spirituals they depict a tension between mourning and celebration.

Blake, too, carries a somewhat ambiguous message: he seeks violent upheaval, "to scatter red ruin throughout the region of the South," in order to establish a society rooted in human rights (128). Despite the potential for brutality, the plan and the goal itself are intrinsic, in agreement with the natural world.

Throughout the novel, images of the natural world correspond to Blake's plan and to the goal of human liberty. Blake says that his plan is so natural,

> So simple is it that the trees of the forest or an orchard illustrate it; flocks of birds or domestic cattle, fields of corn, hemp, or sugar cane; tobacco, rice, or cotton, the whistling of the wind, rustling of the leaves, flashing of lightning, roaring of thunder, and running of streams all keep it constantly before their eyes and in their memory, so they can't forget it if they would. (39)

Blake reminds later, "Equality of rights in Nature's plan,/ To follow nature is the march of man" (293). No matter what happens, the slaves will retain their humanity, they must simply recognize this fact. Human rights are, as Gofer Gondolier thinks to himself, "heaven bequeathed, and endowed by God, our common father, as essential to our being, which alone distinguish us from the brute. The authority of the slaveholder ceases the moment that the impulse of the slave demands his freedom" (273). Yet, this is a challenge for a people, "Sorely oppressed, mocked and ridiculed, refused and denied a common humanity" (284). After Maggie is free Blake exclaims, "As God lives, I will avenge your wrongs," as long as life exists, it will be natural for him to seek freedom for all slaves (192). He continues, "Whatever liberty is worth to the whites, it is worth to the blacks; therefore, whatever it cost the whites to obtain it, the blacks would be willing and ready to pay, if they desire it." Delany links this struggle to white revolutions. As he alludes to Gabriel's participation in the American Revolution, he seems to say that it is natural for black people to take part in revolutions. So innate is this struggle, then, that as

people begin to recognize their common cause, their goal of equality and human rights spreads naturally. On one occasion we learn that Blake leaves a plantation, "after sowing seeds from which in due season, he anticipated an abundant harvest" (73).

Communications between Blake and other slaves, and among the slaves themselves, are dazzling, seamless, discrete, and organic. Like the Stono rebels, they use sophisticated communication technologies in ways that whites could not imagine. Slaves signify, in a sense, on more privileged communication technologies. Blake and his comrades use a variety of technologies—songs, ships, and vernacular culture—to foment solidarity in anticipation of the coming revolt. They are ever-attentive to the demeanor of whites in their communities. The narrator notes the hyper-sensitivity that slaves have to plantation events, to information and lack thereof:

> The slaves, from their condition, are suspicious; any evasion or seeming design at suppressing the information sought by them frequently arouses their greatest apprehension. Not unfrequently the mere countenance, a look, a word, or laugh of the master, is an unerring foreboding of misfortune to the slave. Ever on the watch for these things, they learn to read them with astonishing precision. (11)

Information also travels quickly from one plantation to another. In Arkansas, a slave woman knows Blake is coming before he gets there and Blake is surprised (89). The woman says she received the message from slaves who had seen him on another plantation at his last "seclusion." She adds, "da all'as gwine back and for'ard and da lahn heap from dem up dah; an' da make 'ase an' tell us" (89). Delighted by this Blake notes that the slaves in Arkansas must have "a good general secret understanding" among themselves. The woman replies, "Ah, chile! dat da is." In Cuba, "so completely were they organized, and systematic their plans, that whatever might be going on among them in Matanzas those in Havana were conversant with it" and so on across the island (282).

Blake, himself, relies on his knowledge of the rivers and of steamboat routes to move about freely. His familiarity with horse racing provides him with another cover as he travels about the countryside. When he encounters others he claims he is tracking down his master's runaway racehorse. On other occasions, Blake relies on cash, and claims, "Money alone will carry you through the White mountains or across the White river to liberty" (84). When he tries taking a group of runaways on a ferry and is asked to show his "free papers" Blake replies, "Here are our free papers" and hands a wad of cash to the ferryman (140).

The ability of these slaves to move within a vast communications network reveals greater linkages among a disparate people. Blake is planning an insurrection that will go from the Rappahannock in the United States to the Cuato in Cuba relying on "rhizomorphic, routed, diaspora cultures," cultures that somehow "speak" to one another (Gilroy 28). This insurrection cannot happen without the assistance of Black people throughout North America and in the Caribbean—African American slaves, Afro-Cuban slaves, freed men and woman, and middle-class mulattoes. They all face the difficulty of living within legal confines re-enforced by white power and white racism that are seemingly omnipresent. When Blake leads the fugitives to Canada, the narrator makes it clear that despite their having reached a place of ostensible freedom, they will still face the injustice of racism and be "excluded from the enjoyment and practical exercise of every right" (153). The only resolution is to pursue *Black* unity everywhere. Paul Gilroy recognizes that, "The version of black solidarity *Blake* advances is explicitly anti-ethnic and opposes narrow African-American exceptionalism in the name of a truly pan-African, diaspora sensibility" (Gilroy 27). This proposed unity is based less on a common

past and more on a common fight to end slavery, situating "the black Atlantic world in a webbed network…[that] challenges the coherence of all narrow nationalist perspectives" (28 – 9). This Black nationalism anticipates Pan-Africanism, and later, global justice movements, human rights campaigns, the general "global turn" in human rights discourse, to borrow Wendy S. Hesford's use of the term (787).

The weight of the world, then, rests upon the protagonist's shoulders:

> A mighty undertaking, such as had never before been ventured upon, and the duty devolving upon him, was too much for a slave with no other aid that the aspirations of his soul panting for liberty…contemplating his mission, a feeling of humbleness and a sensibility of unworthiness impressed hum, and that religious sentiment which once gave comfort to his soul now inspiring anew his breast. (69)

Blake's contact with diverse cultures is a learning experience that leads him to a personal transformation—especially in regards to his own relationship with organized religion. As part of the establishment of a unified front against slavery, Blake transforms religion for his purposes and denies white faith practices. When he learns that Maggie has been sold, he denies his faith completely, and replies to Daddy Joe's protestations: "Tell me nothing about religion when the very man who hands you the bread at communion has sold your daughter away from you!" (20). He seeks salvation on Earth rather than spend his time preparing for death (16). In New Orleans when a man at a gathering asks him to lead the group in prayer, he claims, "I am not fit, brother, for a spiritual leader; my warfare is not Heavenly, but earthly; I have not to do with angels, but with men; not with righteousness, but wickedness" (103). But there is evidence that Blake has begun a transformation early in the novel when he claims, "we must now begin to understand the Bible so as to make it of interest to us" (41). His faith is one of personal connection to God, yet based in the determined purpose of promoting a communal response to oppression. As he travels

alone on a riverboat through hostile territory, he seeks solace in faith, and "[throws] himself in tribulation upon the humble pallet assigned to him, there to pour out his spirit in communion with the Comforter of souls on high" (124). Henry Blake is determined to find a new form for religious expression.

He eventually recognizes that the fact that the Dismal Swamp conjurers believe that he is one of their own is important for his organizing efforts; "It makes more ignorant slaves have greater confidence in, and more respect for, their headmen and leaders" (126). His interest in folk religion, then, appears only a desire to bring more people into his plan. It is not until he is in Cuba, though, that he sees the full potential faith can offer his movement, though not the kind of faith embodied traditional white churches. To Placido he says: "let us at once drop the religion of our oppressors, and take the Scriptures for our guide and Christ as our example" (197). By submitting to the master's religion they are submitting to his/her will also. In a meeting of the Grand Council Blake offers an egalitarian and ecumenical vision of religion that suits their purposes. He points out the diverse religious backgrounds of those involved in the struggle—Baptist, Catholic, pagan, Methodist, Presbyterian, Episcopalian, Swedenborgian (258). But now, "We have all agreed to know no sects, no denomination, and but one religion for the sake of our redemption from bondage…No religion but that which brings us liberty will we know; no God but He who owns us as his children will we serve." They will create their own ceremonies, creeds, and practices. To re-iterate their unity, each member of the council replies, "Amen," including Abyssa the Methodist and former pagan and Madame Cordora the Catholic.[112]

[112] A similar ecumenicalism was necessary for creating a unified public during the American Revolution. See above, beginning of Chapter 2.

Unification in struggle—despite diverse religious backgrounds—is required and now, according to Blake, "we have learned and know what He requires at our hands, and stand ready in obedience to his divine command to do it" (284). Blake's dynamism is central to Delany's Pan-African ideal. Like the desire for human rights, the protagonist's journey into a new modern identity is natural. Throughout the novel, Blake blends in with many cultures, sees relationships, draws conclusions, and understands the bigger picture of the human rights struggle. Though much has been made of Delany's Black Nationalist leanings, I would suggest that the character Blake hints at a kind of cosmopolitanism. A cosmopolitanism, to quote Kwame Anthony Appiah, which recognizes our "obligations to others" as well as the value of our differences (xv). Blake is capable of seeing the value of involving both the Dismal Swamp conjurers and Native Americans in this struggle. In the United Nation of Chickasaw and Choctaw in Arkansas, he seeks common-cause with Native Americans and asks them to join him in revolt (87). He recognizes the need for many individuals and many communities to contribute their talents. He needs Gondolier's fury, the intelligence of Mendi and Abyssa, the wealth of Cuban mulattoes, the words of Placido, and the deep history of the Chickasaw and Choctaw First Nations. This man of many names (Henry Blake, Henry Holland, Gilbert, Carolus Henrico Blacus) responds earnestly to the conditions of his time by becoming a broadly defined subject capable of seeing and supporting solidarity among many individuals, an identity able to hold many pieces of "humanness" together. Central to his identity is the recognition of the necessity of a collective and global network because national identities for people of color are problematic. Even in Washington, D.C., Blake sees a slave prison among the other national monuments of the United States of America

(117). This is, perhaps, where Douglass and Delany diverge. While Delany values the ideals of the "founding fathers" and links General Gabriel to the Revolutionary War, he does not necessarily see any hope in re-asserting the values of a national document like the Constitution. Justice Taney had already had his say on that subject. The only promising identity is one that contrasts white identity and white ideals. Blake concludes, "I am for war—war upon the whites. 'I come to bring deliverance to the captive and freedom to the bond.' Your destiny is my destiny; the end of one will be the end of all" (290).

This modern identity, I would argue, rests ultimately on a platform of universal human rights, on the equality of all humans, ideas brought to the forefront of human consciousness by the inhumane or *anti-human* conditions of chattel slavery. Slavery's horror, Delany writes, is a cancer, but not only for blacks:

> Few people in the world lead such a life as the white inhabitants of Cuba, and those of the South now comprising the 'Southern Confederacy of America.' A dreamy existence of the most fearful apprehensions, of dread, horror and dismay; suspicion and distrust, jealousy and envy continually pervade the community; and Havana, New Orleans, Charleston or Richmond may be thrown into consternation by an idle expression of the most trifling or ordinary ignorant black. A sleeping wake or waking sleep, a living death or tormented life is that of the Cuban and American slaveholder. For them there is no safety. A criminal in the midst of a powder bin with a red-hot pigot of iron in his hand, which he is compelled to hold and char the living flesh to save his life, or let it fall to relieve him from torture, and thereby incur instantaneous destruction, nor the inhabitants of a house on the brow of a volcano could not exist in greater torment than these most unhappy people…Of the two classes of these communities, the master and slave, the blacks have everything to hope for and nothing to fear, since let what may take place their redemption from bondage is inevitable. They must and will be free; whilst the whites have everything to fear and nothing to hope for, 'God is just, and his justice will not sleep forever.' (305)

Delany offers a radical counter-narrative, a correspondence with Jefferson and Taney. Things will fall apart for all parties and what will be left, what will be built upon the

ashes of the burned plantation houses? Delany invites the reader to imagine a global identity based on universal human rights. Indeed, the second half of the novel's title, "The Huts of America," implies an alternative universe or community within the Americas—huts having an African connotation that is lost within the discourse of Harriet Beecher Stowe's quaint "cabins." *Blake* highlights this "hidden transcript," the narrative of many slaves who seek human rights scattered about and waiting for the moment to rebel. "*Blake* is meant to suggest…that every slave family concealed a Nat Turner—perhaps even a Toussaint—and that alienation would lead to violent resistance before it led to escape" (Sundquist, Slavery 23).

Looking Forward, Glancing Back

Arna Bontemps committed a dangerous act by writing *Black Thunder* (1936). Writing a novel about a slave rebellion amidst the charged atmosphere of Alabama at the time of the Scottsboro boys' trial was, at once, foolhardy and courageous. The administration of the school where he taught was none too pleased with the company he kept or with his research and work and demanded he burn some of his books—one of these books was Frederick Douglass's narrative. At roughly the same time, men and women working on behalf of the Federal Writer's Project had fanned out across the southern United States to record the oral histories of former slaves—including that of George Cato. In a similar fashion Arna Bontemps's novel is part of a singular effort to recover a suppressed history, and, like Stono, the story of Gabriel Prosser's 1800 insurrection conspiracy exists in spite of itself. Bontemps simply gives voice to the

motivations, intelligence, and desires of those involved in Gabriel's plot and shares with readers a long-dormant collective memory.

When *Black Thunder* was re-published in 1968 Bontemps wrote in an introduction that, "Time is not a river. Time is a pendulum" and, in a sense, this justifies his novel based on the actual events of Gabriel's rebellion in 1800 (xxi). The narrative of *Black Thunder*—a tale of slaves determined to organize an insurrection and of the indignities they must endure, the decisions they must make in order to survive, their quest to be treated as humans—was as prescient in 1936 when the novel was first published as it was in 1968. The issues were similar. The pendulum was still swinging. The murder of Martin Luther King, Jr. was a "shattered dream" akin to that of Gabriel's—a dream of equality gained through struggle. In Bontemps's version Gabriel is an illiterate[113] slave who helps organize a sophisticated rebellion that was supposed to begin on the outskirts of Richmond, Virginia. The slaves would attack a weapon's storehouse that was poorly guarded, overpower the guards, and then attack the city—these tactics seem quite familiar. A strong rainstorm on the date they were going to rebel disrupts their plans, and slaves farther out in the countryside could not join those closer to the city. Shortly after this disruption, the conspiracy was revealed by two slaves named Ben and Pharaoh.

Throughout *Black Thunder* African Americans are active subjects not passive minstrels. They are aware of the irony of their status as slaves in a nation built on the ideals of human freedom and equality. Early in the novel, Gabriel overhears a conversation about the inherent "equality of man" between Alexander Biddenhurst and M. Creuzot and thinks to himself, "Here were words for things that had been in his mind, things that he didn't know had names. Liberty, equality, frater—it was a strange music, a

[113] The real Gabriel was literate.

strange music" (21). But it was a music that he understood. When Ben is unsure about whether to join the rebellion, Gabriel asks, "What's the matter, nigger, don't you want to be free?" (56). Eric Sundquist claims that through these situations Bontemps counters the popular idea that Blacks could not think in sophisticated terms nor could they imagine freedom and liberty in the ways that whites could (Hammers 96). Even the French residents of Richmond cannot imagine that slaves understand they have human rights. When Mingo borrows M. Creuzot's musket to hunt, the Frenchman wonders, "Actually, *could* it be? Could these tamed things imagine, liberty, equality?…The blacks were not discontented: they couldn't be. They were without the necessary faculties" (63). And yet, Bontemps shows that a desire for freedom is natural to even Criddle, the youngest rebel, who imagines that, "Everything what's equal to a groundhog want to be free" (77). Later, Ben Woodfolk, repeats this exact phrase (93). When Gabriel is put on trial, his white accusers cannot imagine that he could have come to such ideas on his own and insist he reveal which "foreign agitators" were involved in the plot. He replies,

> I tell you. I been studying about freedom a heap, me. I heard plenty of folks talk and I listened a heap. And everything I heard made me feel like I wanted to be free. It was on my mind hard, and it's right there the same way yet. On'erstand? That's all. Something keep telling me that anything what's equal to a gray squirrel wants to be free. That's how it all come about. (210)

Gabriel's desire to be free, while inspired by another slave's reading of the Bible on at least one occasion, does not come about because of literacy. Gabriel, we learn, is "innocent of letters" and is only attracted to the "oral" tradition (20). James Sidbury writes, "Nature's language, not man's, compels the struggle for freedom" (271). He writes that Bontemps presents,

> a revision of natural rights that works both to radicalize the concept by separating the struggle for freedom from philosophical traditions open only to people

> educated in Western traditions and to point to alternate sources for movements like Gabriel's in the 'organic' development of local communities.(271)

Human rights, as John Locke notes, begin with the individual. Through his own searching and through the exchanges of stories and ideas within his oral culture, Gabriel has developed a passion for freedom and a sense of justice. This slave leader exists within the context of the Age of Revolution; indeed, Bontemps depicts the French-American community in Richmond that was rumored to have been involved in the actual plot and to have colluded with abolitionists. The slaves have similar ideals as the Jacobins in France, but the paths of the slaves and the Richmond "Jacobins" never cross in any significant way. The slaves have their own idea of equality, of human rights—a "vernacular" interpretation of the Rights of Man (Sundquist, Hammers 100). Bontemps also connects the rights discourse of these slaves to that of the Haitian rebels directly. In one scene, a letter from Toussaint L'Overture is read to the conspirators, and when Gabriel is captured in Norfolk, a Haitian sailor outside of the jailhouse wonders if this slave rebel is, "as tall as Christophe, as broad as Dessalines? Was he as stern-faced as Toussaint, the tiger? (196). Gabriel's execution itself serves as his final commentary on this vision of rights discourse. When asked if he wants to make a final statement, he says, "Let the rope talk, suh" (223). The rope that hangs this daring slave, speaks of human rights in a way that the Richmond Jacobins or the abolitionists could not.

Despite these connections to eighteenth century rights discourse and eighteenth century revolutions, Gabriel is no Henry Blake. Gabriel has no grandiose desire to lead a global rebellion. His goals are local, immediate, and community-bound. Gabriel wants to be free in his homeland of Virginia, and that, he tells the authorities, is why he did not simply run away from the Prosser plantation: "I ain't got no head for flying away. A man

is got a right to have his freedom in the place where he's born. He is got cause to want all his kinfolks free like hisself" (210). The theme of connection and community, the desire to be free but only if everyone else is free too, is Bontemps's most significant contribution to developing a fictional narrative of slave rebellion. Blake recognizes the necessity of the efforts of others to the success of his rebellion, and yet, he remains the central focus of the novel. Bontemps relies on free indirect discourse to *demonstrate* rather than discuss the absolute necessity of a collective effort for success, a formal choice that asserts the collective and an almost Rousseauian rights discourse. This narrative technique allows for frequent shifts in narrative voice from an indirect narrator to what an individual character is thinking and gives the reader a "cinematic" view into the interior monologues of many (Rampersad xix). The revolt is, perhaps, fueled by Gabriel's initial passions, but it will require countless individuals to pull it off successfully. Arnold Rampersad notes, "Gabriel's revolt was not, finally, a one-man show, an example of the 'great man' theory of history in which a single individual, by imposing his will on others, alters the course of events" (xx). Only through collective effort can anyone be free. Mingo underlines this concept saying, "it ain't good 'thout all the rest goes free too…You ain't free for ture till all yo' kin peoples is free with you. You ain't sure 'nough free till you gets treated like any other mens" (115). The slaves begin to coalesce after Old Bundy is severely beaten by "Marse Prosser," and they gather around the slave's deathbed. Old Bundy says, "I don't mind dying, but I hates to die not free. I wanted to see y'-all do something like Toussaint done. I always wanted to be free powerful bad" (34). To which Gabriel replies, "That you did, and we going to do something too." Just then a nameless mourner cries out,

> "When Marse beat you with a stick, how you feel, old man?"
> "Feel like I wants to be free, chile."
> …"When the jug get low and you can't go to town, how you feel?"
> "Bound to be free, chillun, bound to be free."
> …"When the preacher preach about Moses and the chillun, about David and the Philistines, how you feel, old man?
> "Amen, boy. Bound to be free. You hear me? Bound to be free."

The questions or "calls" in this passage come from a nameless mourner, and the answers or "responses" come from Old Bundy, who could be speaking for all of the slaves. It seems that the voices become one; they chant together and as individuals.

If there was such unity, why does Bontemps' fictional insurrection fail? And why did he choose to write about an insurrection that failed in the first place? Perhaps he wished to show the possibility of imagining liberty and also the possibilities of failure if one does not have a unified and connected community. The slaves who reveal the plot, Pharaoh and Ben, are roadblocks for any idealistic reading of this fictional slave struggle. Of the two, Pharaoh is the least complicated: his motives are clear. He feels jilted when not allowed to lead a group of slaves into Richmond. Where Pharaoh is flat, Ben is round. Ben suffers from a kind of double-consciousness that prevents him from buying into the plan "wholesale." He is much respected by others and, to an extent, by his owner, Moseley Sheppard—even though he refers to Ben condescendingly as "a good boy." But Ben is jolted by Bundy's brutal death: "Marse Prosser thunk it was cheaper to kill a old wo'-out mule than to feed him. But they's plenty of things Marse Prosser don't know. He don't even know a tree got a soul same as a man, and he don't know you aint in that there hole, Bundy" (53). For the first time, he considers the possibility of fighting for his freedom. Later Ben considers what might have been, "For some reason it *did* tickle him to see a might powerful black fellow acting right sassy, scampering and cutting up like a

devilish pant'er or a lion. It did more good than a pint of rum" (135). But ultimately Ben saw the project as a "burden" pressed upon him. When it was all over, "it was like a new day for Ben." After they have revealed the plot, Ben and Pharaoh are pursued, or think they are being pursued, by other slaves. Pharaoh goes insane and vomits what he thinks is a snake or a lizard (216 – 217). The last we hear about him, he is up a tree, barking like a dog. Such revenge comes from the spiritual world, from conjure, from the collective conscious of the community itself.

Coincidentally, it appears that Gabriel's pompous denial of his African, conjure roots, causes the collapse of the conspiracy in the first place. The most egregious mistake occurs on the day of the rebellion. An intense storm sweeps across the land, but Gabriel wants to proceed. The rain storm is taken as a sign that the slaves should not rebel, that they had not taken the proper folk religious steps, consulted conjure, etc. (103). Later an old conjure woman says, "Gabriel done forgot to take something to protect hisself. The stars wasn't right. See? All that rain. Too much listening to Mingo read a white man's book. They ain't paid attention to the signs" (166). On the other hand, the Haitian rebels, like Delany's Blake, paid homage to both conjure and contemporary thought. Bontemps seems to say that Gabriel separated himself from the world of folk traditions, "a world that Gabriel could understand but from which he had detached himself from intellectually" (Sundquist, Hammers 106). Gabriel was well aware that this world existed. When the slaves are "burying old Bundy in the low field by the swamp. They were throwing themselves on the ground and wailing savagely" (52). Bontemps offers this aside during that scene: "The Negroes remembered Africa in 1800," reminding the reader that African carry-overs were still common practice and could have been part of

Gabriel's organizing efforts. Gabriel, though, denies these roots, and before the rebellion puts on his coachman's uniform, a symbol of authority, he thinks, in the white community. The other slaves believe, then, that "he has an individualist rather than a communal perspective" (Lane 9).

Ultimately, this is a novel about the radicalization of a community, about how a community can inspire itself through its own traditions, its own cultures, and by translating traditions from other cultures to meet its own needs. Even though Bontemps is clearly not preferential to the *written* text, Sundquist writes that the novel is "permeated by a circulation of texts" political and natural voices of freedom, spoken and unspoken from humans and animals (Hammers 114). Bontemps makes his own argument for human rights and for "nine young men, equally betrayed by the ideals of the nation, and on behalf of all African Americans who had had little voice in claiming their natural rights and writing their own public history" (129). Like Douglass and Delany, he writes fiction while also writing and re-writing American history. The long dormant records of chattel slavery stored in the Fisk University library were simply the written texts of an on-going narrative. The power of this narrative of human rights will not sleep, nor will it allow those who oppress others to sleep. Bontemps writes, after,

> Mr. Moseley Sheppard produced his astonishing testimony in a Richmond court. How could any Virginian sleep? How could he be sure from now on the black slave who trimmed his lamps was not waiting to put a knife in his heart while he slept?…This sickness called the desire for liberty, equality, was plainly among the pack. (134)

And so it was in the wake of the Stono Rebellion,

> On this occasion every Breast was filled with Concern…With Regret we bewailed our peculiar Case, that we could not enjoy the Benefits of Peace like the rest of Mankind and that our own Industry should be the Means of taking from us all the

> Sweets of Life and of rendering us liable to the Loss of our Lives and Fortune. (84)

As long as the "Sweets of Life" come at the expense of the lives of others, masters like Mr. Mosely Sheppard will not sleep well, so to speak. The persistence of heroic narratives of rebellions is enough to give such men and women nightmares. As Bontemps and Delany suggest, it is not the success of the rebellion, it is the freedom demonstrated by the plan itself that is the most important indication of human dignity. The willingness to communicate freely, to construct narratives of liberty, these are the most crucial steps. White masters were well aware of this narrative for it existed, however flawed, within their own historical narratives. And yet, this white narrative was all too limited for the world that it helped create. Slaves, as early as those that rebelled on September 9, 1739, recognized their own obligation to correct the European rights discourse. In the process, these slaves pursued a discourse of human rights roots in a global, cosmopolitan, communications network. This African American human rights discourse is a model for universal human rights discourse. Whether explicit or not, this discourse recognizes the complications of a fragmented modern identity and the necessity for an international rights regime. It constantly asks, can identity be multiple? Can one belong to a nation as well as to the union of humanity? These questions were equally as challenging for eighteenth and nineteenth century abolitionists as they are for contemporary politicians, scholars, and citizens of the world.

Chapter 5
Plantation Traditions:
Competing Narratives of Rights, the South, and the Contented Slave in 19th Century American Literature

"Dum spiro spero" or "While I breathe, I hope."
South Carolina state motto

The Charleston School

Antebellum Charleston, South Carolina was a hotbed for "men of letters." The city began to break away from years of London-worship with many residents becoming "creators, not just consumers" of culture (Edgar 302). A few such creators, including novelist William Gilmore Simms and poets Henry Timrod, Paul Hamilton Hayne, and William Grayson, convened regularly in the back room of John Russell's bookstore on King Street to discuss literature and politics. Joining them were other gentleman scholars, members of the city's elite including James L. Petigru, Henry L. Pinckney, and Hugh Swinton Legare.[114] These "back-room" conversations were the catalyst for the publication of *Russell's Magazine* from 1857 to 1860 with Hayne serving as editor. In general, work published by these members of the Charleston School, as this group was called, and in *Russell's* leaned heavily toward the lyrical and sentimental and showed a strong interest in contrasting the South and its culture with the industrial North. These writers "turned their backs on what they viewed as an increasingly hostile contemporary world. Like the society from which they sprang, they looked to the glories of the state's colonial past for inspiration" (Edgar 303). Harriet Beecher Stowe's *Uncle Tom's Cabin* typified this "hostile contemporary world." When Stowe's novel emerged in March 1852, several Charleston School writers responded. The first volley came shortly thereafter from

[114] These three men were lawyers—some practiced more than others.

Simms. His novel, *The Sword and the Distaff*, is often referred to as one of the first "anti-Tom" novels.[115] The novel's subject is the Revolutionary War and the glories of South Carolina's past, its society and culture. This novel presents a blessed South—a paternalist society whose gentleman and gentlewomen protect their slaves. And these slaves honor their masters as they are grateful for having been rescued from the horrors of the African jungle, from ignorance, from paganism. Of his fiction, rooted as it was in the history of the state, Simms commented that it was his desire to re-write South Carolina history (Edgar 303). Such re-writing was inevitably done with a political project in mind. This political project—revising history—is also found in the work of Henry Timrod, "poet laureate of the Confederacy." When Timrod writes in his poem "Carolina" that South Carolinians must "Hold up the glories of the dead," he is referring to soldiers who died during the Revolutionary War battle at Eutaw Springs (Parks 107). And yet the poem served, in the heady days leading up to the Civil War, as a Confederate battle-cry and would, in 1911, become South Carolina's state song.[116]

A poetic response to Stowe was offered by William J. Grayson[117] in his "The Hireling and the Slave" (1856). Grayson, a trained lawyer and former congressman and state legislator, was, in theory, opposed to secession, and yet he wrote a lengthy poem praising the virtues of slavery over the labor practices of the North and of England. The poem could have been more aptly titled "The Hireling vs. the Slave," as if to suggest to

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[115] Caroline Lee Hentz's *The Planter's Northern Bride* could also be classified in this genre. There are earlier examples of fictional slavery defense, for example, John Pendleton Kennedy's *Swallow Barn* (1832).

[116] Timrod's supposed mixed-race ancestry is rather interesting, given the company he kept. His mother was supposedly a quadroon, and court records indicate that his great-grandmother was once prohibited from testifying in a court cause because she was a free black. For another perspective see Taylor, Rupert. "Henry Timrod's Ancestress, Hannah Caeser. *American Literature* 9:4(1938): 419 – 430.

[117] Grayson was born in Beaufort, South Carolina on November 10, 1788 and died in Newberry, October 4, 1863.

the reader a choice between two economic systems. Grayson prefaces his poem with a brief explanation of his intent, chiding abolitionists for complaining about an economic system which they do not understand while "wage slavery" exists in their own backyards:

> Slavery is that system of labor which exchanges subsistence for work, which secures a life-maintenance from the master to the slave, and gives a life-labor from the slave to the master. The slave is an apprentice for life, and owes his labor to his master; the master owes support, during life, to the slave. Slavery is the Negro system of labor. He is lazy and improvident. Slavery makes all work, and it ensures homes, food and clothing for all. It permits no idleness, and it provides for sickness, infancy and old age. It allows no tramping or skulking, and it knows no pauperism. (vii)

Unlike the economic system supporting the hireling, slavery is humane and paternalistic. Masters serve as "Commissioner[s] of the poor" and as the police; they protect and serve their workers and are loyal to them in youth and old age (ix). What's more, slavery brought savage Africans to a Christian land and transformed them. Perhaps they endured "a rude mode of emigration" but one no worse than that of other immigrants (xi). Grayson suggests that abolitionists concerned about slaves, should buy as many as they want and give them jobs elsewhere. He admits slavery has its imperfections but believes it is significantly better than the systems of labor provided by industrial capital. It would be difficult to argue against Grayson's claims that during the Industrial Revolution in England and in the United States, labor conditions were deplorable. But this is not the argument I attend to here. Grayson adds to the trope of the happy slave and doting, paternalist master, problematic at its core because it rests on a dehumanizing discourse that privileges whites over blacks. Grayson, like Simms and George Fitzhugh, introduces these arguments to the public sphere in an effort to counter those presented by Stowe and the many authors of slave narratives. Grayson writes that before contact with their master, via voice and whip, African slaves knew very little. But in the benevolent

Southern slave society they learn, "…in the only school/ Barbarians ever know—a master's rule,/ The Negro learns each civilizing art/ That softens and subdues the savage heart/…And slowly learns, but surely, while a slave,/ The lessons that his country never gave" (Grayson 34). Abolitionists do not respect these transformations, "Not such with Stowe, the wish or power to please,/ She finds no joys in gentle deeds like these" (42).

The idea that slavery engendered a more peaceful and civilized society did not disappear when the smoke cleared from Fort Sumter. When the war and Reconstruction were over, and much blood had been spilled on both sides of the Mason-Dixon, narratives of reconciliation began to enter the public sphere. These narratives were less polemical—to some extent—than the work of Simms and Grayson. And yet, Northern editors began publishing literature that was, in some ways, descended from their work. Plantation tradition literature, as it was called, became immensely popular in the North at the end of the nineteenth century. Like Simms and Grayson, the leading figures of this genre—Thomas Nelson Page, Joel Chandler Harris, James Lane Allen—told stories of a glorious and paternalist South, though this time that South had fallen, it was not about to fall. These writers depicted a South that wished to regain connections with the rest of the nation, as well as re-consolidate power within the hands of white elites, the patriarchy of yesteryear, in an effort to stabilize (read "segregate") the New South. In essence, the plantation tradition presents a literary opposition to human rights and is a close cousin to antebellum Anti-Tom literature. It is an attempt to contradict and silence African American narratives—for these writers, human rights are a non-issue. Their narratives about the South gain a following in the North and win out, over the voices of African Americans. The damage done by the image of the lazy "darky" can be traced through this

literature and its live entertainment corollary—black face minstrelsy—to *Birth of a Nation*, *Gone with the Wind*, and U. B. Phillips's *American Negro Slavery*. This "darky" is not Madison Washington, Henry Blake, Gabriel, or Jemmy. This pliant "Negro" is ignorant and non-communicative—dependent on the praise and progress of his white keepers. He is most of all, content with his place, with his world, and remains, for the most part, unquestioning.

Palatable Minstrelsy: Thomas Nelson Page's "Marse Chan"

Though mostly ignored by critics today, Thomas Nelson Page was a popular American writer in the late nineteenth century and a key figure in the development of the plantation tradition. The positive reception of his stories, published predominantly in Northern periodicals, and their depiction of a genteel South, may have helped pave the way for reunion as well as a sort of passive acceptance of Jim Crow—all in the name of national unity. Any discussion of his fiction, I believe, should be framed by an understanding of Page's own unique position for commenting on law and on the legal rights of human beings. He was, in fact, a trained lawyer. In 1873 Page studied law at the University of Virginia. Three years later he moved to Richmond to practice with a cousin. The same year he sold his famous dialect poem, "Uncle Gabe's White Folks" to *Scribner's Monthly*, though it was not published until April, 1877. In 1884 Page published the short story "Marse Chan" which soon launched his career as speaker and writer. When he married Florence Lathrop Field, the widowed sister-in-law of Marshall Field in 1893, he left his law practice behind and moved to Washington, D.C. to lead, as Theodore Gross puts it, a more "cosmopolitan, sophisticated life that had little to do with

the provincial world of his stories" (40). Perhaps Page felt he was a better raconteur than lawyer. As a "legal advocate," Page was more successful on the printed page than in the courtroom. Many critics connect Page's family history, a communal experience of social status and plantations lost combined with a longing for glories past. This history is, indeed, significant, but one must also consider the relationship of Page's vocational choices to the ways he "represents" Jim Crow in his fiction. His work prescribes segregation as one solution that will allow the South his family lost to survive.

One way we can read the central power of Page's work is in its relationship to other forms of popular entertainment, in particular blackface minstrelsy. Like blackface minstrel performances, plantation tradition fiction often gave black subjects the opportunity to speak—but only through the pen of a white author. This genre championed mediated and segregated social relations and did so through a somewhat palatable nostalgic discourse. And, as Edmund Wilson writes in *Patriotic Gore*, Page "invented for the popular mind Old Massa and Mistis and Meh Lady" (605). Paul Gaston cites Page's stories as vital in the perpetuation of the myth of blissful relations among black and white Southerners who both praise the past and "lament its passing" (183). This explains Theodore Gross's acknowledgment that, "Since his death Page has received less than ideal treatment by most critics; he has either been ignored or relegated to a footnote as one of the important local colorists" (154). But during his day, Page was a frequent contributor of fiction and essays to nationally recognized periodicals including *Harper's*, *Century, Atlantic Monthly,* and *North American Review*, and he was an enormously popular novelist. At the turn of the century, his novel *Red Rock* (1898) sold over 100,000 copies—no small feat at the time (Friedman 62). He went on speaking tours throughout

the United States and was friends with Woodrow Wilson who, in 1913, appointed him ambassador to Italy. But Page built his reputation on his ability to craft engaging short fiction—to tell great tales. The "New North,"[118] was enamored with Page's romantic depiction of a glorious antebellum South stocked with aristocratic ladies, chivalrous men, and their dutiful slaves. Page went "far beyond most" in his support of the Plantation Myth (Hubbell 802). And yet, his story "Marse Chan"—published in *Century* in 1884 and again in his 1887 collection *In Ole Virginia*—had unlikely fans including Henry Ward Beecher (brother of Harriet Beecher Stowe), Sarah Orne Jewitt, and abolitionist Thomas Wentworth Higginson.

The quintessential plantation tale, "Marse Chan," begins in the fall of 1872 when the South is in the throes of Reconstruction. [119] The bucolic setting is a roadway in front of a formerly prosperous plantation. As the narrator, an unidentified traveler, inspects the scene, he is interrupted by a "darky," as the narrator calls him, calling an old dog. The African American man nods to the narrator saying, "Sarvent, marster," and takes off his hat (3). This man, who we soon learn is called Sam, tells the narrator that the dog he is calling once belonged to Marse Chan or Master Channing. To which the narrator asks, "Who is Marse Chan?" (3). And so the tale begins. Sam relates that he was given to Marse Chan at the latter's birth to be his personal servant. Sam and Marse Chan become fast-friends. They are always together even when Marse Chan first notices Anne, his love interest throughout the story (7). When Anne's father and Marse Chan's father get into a political dispute—one a Whig, the other a Democrat—these lover's are torn apart and their engagement broken. The Civil War begins and Marse Chan, ever-thinking of his lost

[118] For more on the "New North" see Noonan, Mark J. "Reading Century Illustrated Monthly Magazine: Am. Lit. and Culture, 1870-1893." Diss.Graduate Center of the City University of New York, 2004.
[119] "Marse Chan" was sold to *Century* magazine in 1881 but not published until March 1884.

Juliet, goes off to battle with Sam tagging along. During the war, Marse Chan wins the respect of his fellow soldiers and is widely regarded as a hero. Eventually Anne learns that the young Channing publicly challenged another soldier who defamed her father's name. She sends him a love letter, but as the story goes, Marse Chan is killed in battle the day after he receives it. Anne soon dies of sorrow. Sam concludes his tale by telling the white narrator that he believes the two will be together in heaven. The white narrator gives him some pocket change and is back on his way. This story follows many of the standard tropes of plantation tradition fiction: a frame story presents a white narrator who is told a tale by a secondary black narrator; the dialect of a black character contrasts with the Queen's English of a white narrator; and, of course, there is an abundant cast of stock characters: masculine heroes, honorable women, and loyal slaves. Like many plantation tradition stories, the narrative intent is of a pedagogical nature. We are taught that the Old South was not so bad after all, that it offered something that has been lost to the modern, industrial world.

In the Old South, social roles were clear and unambiguous. From the outset Sam is subservient and always sees himself in relation to white characters. He explains the delight he felt when as a young boy he became Marse Chan's body-servant (6). From that day forward, he is forever at his master's side, even choosing to go to war with him. Sam never seems to question his lot in life. Of plantation culture before the war, he exclaims: "'Dem wuz good ole times, marster—de bes' Sam ever see! Dey wuz, in fac'!... Dyar warn' no trouble nor nuthin'" (10). One can imagine that Sam's vision of the antebellum South comes straight from the romantic mind of Thomas Nelson Page. Sam appears oblivious to his condition of bondage because Page wants him to be.

Gross writes, that Sam "is no rebellious, discontent slave but a servant who is happy to share his master's life and who feels that his own status is enhanced by his close relationship to Marse Chan" (24). Sam presents a number of episodes meant to reveal the nobility of his master who serves, in a way, as a foil. In one such episode, the young Marse Chan and Sam get into some childish mischief. When they are caught, Chan's father spanks his son first who suffers the whipping without crying. When the "ole marster" turns to whip Sam, the faithful slave screams and cries. Marse Chan steps in and prevents his father from beating Sam shouting, "'Stop, seh! Yo' sha'n't whup 'im; he b'longs to me, an' ef you hit 'im another lick I'll set 'im free!'" Here we see the noble beginnings of a future knight as he saves the hide of his trusty page—of course in this case the "knight" *owns* his page. Theirs is a curious relationship, one intended to reveal slavery as a benign practice. Under this particular paternalist order blacks and whites *can* co-exist. But this order requires blacks who are not only keenly aware of their social position, but who relish that position as it affords camaraderie with honorable men like Marse Chan. Sam is clearly an "other," completely apart from Page's white, aristocratic notions of "civilization" for the mere fact that he seems to lack "hopes, fears, and aspirations" like other human beings (Tourgee 409). One could argue that while Sam does hope for love and happiness, we never see him desire his own freedom. And those other needs are only met in relation to a man who owns him, has the power to set him free, but never does.

More recent critiques of Page contend that, despite Page's intentions, the humanity of his black characters shine through. Keith Byerman notes that on Page's work slaves serve as a "moral standard by which whites are judged" (99). Sam, for example,

accompanies Marse Chan to battle and carries his master's corpse back home to his mother. Sam is virtuous because he accepts his position and is a faithful servant. This loyalty and helpfulness stands in contrast to the violent nature of white culture. Page wishes to present his white hero as courageous, but judging from Sam's description of him, Marse Chan's battle-actions are foolhardy, almost suicidal (Byerman 102). He volunteers for dangerous secret missions—unusual behavior for someone supposedly desirous of a safe return home. Byerman suggests that while we cannot deny the racist undertone's of Page's text, his African American characters are not the passive types most critics claim them to be. Perhaps—as they subtly resist against the "type"—they are more human than Page could have imagined.

One is reminded, here, of analyses of blackface minstrelsy that posit that the form itself allowed some blacks to resist, to say what they might not otherwise have been able to say. This is a potentially lucrative train of thought, especially given the opening scene of "Marse Chan"—perhaps the only instance of an African American directly confronting his place in Page's plantation world. The scene begins with Sam calling on Marse Chan's "orange and white setter," a living reminder of his dead master. He comments aloud, "'Jes' like white folks – think 'cuz you's white and I's black, I got to wait on yo' all de time. Ne'm mine, I ain'gwi' do it!'" (3). When Sam notices a white man is present he quickly tells the traveler that he is only joking. But perhaps he *is* openly confronting the master/slave relationship, not merely joking around. Caroline Gebhard suggests that the immediate desire of the white narrator to be told the tale of Marse Chan is perhaps "not an accidental intrusion but driven by his fear of 'masterless' blacks" and the apparent need to reign them in (141). The narrator does so quite effectively by simply placing

quotes around Sam's narration which remains so throughout the story. An admittedly simplistic comparison comes to mind: the controlling form of blackface minstrelsy is the act of "blacking up" itself; the controlling form of this plantation story is the framing provided by the white narrator and, in this particular case, the use of quotation marks to enclose and control Sam, the black performer's narrative.

In a note located prior to the table of contents of *In Ole Virginia* we are told by the author that he will be writing in the dialect of "the negroes of Eastern Virginia." Like an astute philologist, Page claims he is providing the best rendering he can offer of this dialect. In light of these "quotation marks," this is no small "Note" as it indicates authorial intention to control the narrative voice at all times. James Christmann claims his purpose "is to circumscribe or pin down the dialect like a specimen on a slide" (328). Reminiscent of Mark Twain's note preceding *Huckleberry Finn*, Page provides a concise description of his rendering of dialect.[120] However, Twain does not set apart or "other" the dialects he uses in his novel in the way Page does. Huck is not in-quotes in the way that Sam is and must be. "Page's dialect serves his master narrative," effectively othering Sam who can speak only through the employment of quotations (235).

While Sam may question the behavior of the white dog, he does so safely within the limits set by the white storyteller. Sam's complaints are expressed through the lens of

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[120] Page's note strikes a rather erudite tone: "The dialect of the negroes of Eastern Virginia differs totally from that of the Southern negroes, and in some material points from that of those located farther west." He offers rules to "aid the reader." For example, "The final consonant is rarely sounded. Adverbs, prepositions, and short words are frequently slighted, as is the possessive. The letter *r* is not usually rolled except when used as a substitute for *th*, but is pronounced *ah*." Twain's "Explanatory" is somewhat tongue in cheek: "In this book a number of dialects are used, to wit: the Missouri negro dialect; the extremest form of the backwoods South-Western dialect; the ordinary 'Pike-County' dialect; and four modifies varieties of this last. The shadings have not been done in a hap-hazard fashion or by guess-work; but pains-takingly, and with the trustworthy guidance and support of personal familiarity with these several forms of speech…I make this explanation for the reason that without it many readers would suppose that all these characters were trying to talk alike and not succeeding." He signs it, "The Author." Twain, Mark. *The Adventures of Huckleberry Finn.* Berkeley: University of California Press, 2002.

a narrator who has a clear understanding of his place in the world. This scene is also memorable for its theatrical quality—a sort of exposition. Sam scuttles across the stage, makes an off-handed remark, and looks up to see an audience, a white man, entertained by the jovial "darky." But Sam's performance is sufficiently reigned in by the narrative control of the author as soon as he attempts to make negative comments about whites.

As noted above, Page's fiction was meant to educate the North about the "true" character of plantation culture and African Americans. In fact, it presents a counter-rights discourse, one that effectively "okays" racial inequities and segregationist policies that would come to legal fruition with Plessy vs. Ferguson (1896). Gebhard writes that in "Marse Chan" there is an "implicit endorsement of the Jim Crow System" (141). In this light, Page's essays for popular magazines can be read as *explicit* endorsements of Jim Crow. In these essays, he is at his most overt, his most honest, and his vision for the South shines through. In January 1904, *North American Review* published one such essay entitled "The Lynching of Negroes—Its Cause and Its Prevention"[121] in which Page writes that the many black men raping white women are the true cause of the rash of lynching incidents across the Southern United States, a problem which can "be blamed entirely on Northern reformers and African Americans" (Campbell 42). Social reformers cause such incidents by teaching blacks to aspire for social equality. Page claims that, "The intelligent Negro may understand what social equality truly means; but to the ignorant and brutal young Negro, it signifies but one thing; the opportunity to enjoy, equally with white men, the privilege of cohabiting with white women" (8). Page implies that former slaves adhere to antebellum rules of social conduct while young African

[121] In June of the same year, Mary Church Terrell published a reply to Page's essay in the same magazine. Her essay, entitled "Lynching from a Negro's Perspective," offers a serious rebuttal to Page's claims—calling him out indirectly. Terrell was never again published in the *North American Review* (Campbell 39).

Americans, poisoned by the doctrine of equality, desire to sleep with white women. Page asserts his wish for greater institutional support of segregation to help curb this problem and suggests a colonial model whereby each "class" would police itself:

> The English in the East manage such matters well, under equally complicated and delicate conditions. For example, the Island of Malta, where the population are of different classes among whom a certain jealousy exists, there are several classes of police…To each of these is assigned more especially the charge of one of three classes of whom the population of the Island is composed. (9)

To support efforts to realize such a segregated society, Page fosters a discourse of fear by painting a dangerous and desolate landscape in the South where, "The white population is sparse, the forests are extensive, the officers of the law distant and difficult to reach" (5). Before the war white women walked freely about this "wilderness," this Eden. But times have changed, "To-day, no white woman, or girl, or female child, goes alone out of sight of the house except on necessity; and no man leaves his wife alone…" Although Page provides a table of data collected by the *Chicago Tribune* that shows the numbers of lynching cases, races of those lynched, and alleged reasons for lynching, he provides no sources for his own wide-sweeping assumptions. What he presents instead is "a dramatic scenario to engage his readers, a scenario that obscured and overwhelmed those boring *Chicago Tribune* statistics" (Campbell 42). Page creates a narrative of a paradise lost and suggests that, "For a time, the assaults by negroes were confined to young women who were caught alone in solitary and secluded places…Then the ravishers grew bolder and attacks followed on women when they were in company" (7). The "Negro" quickly becomes the "ravisher," typecast as a "criminal" under the weight of Page's heavy hand. To white readers of this essay, from both the North and the South, Page presents a dire situation. Unless justice is swift, the "ravishings" will continue unabated. Since the total

separation of races, meaning sending "the Negroes" back to Africa, will likely not occur, the issue must be resolved through segregationist as opposed to equalitarian policies, Page opines. If policy does not work, then vigilantes will enact their own form of justice. Even though Page indicates he despises their practices, mobs such as the Ku Klux Klan and the Knights of the White Camelia will mete out justice as the last bulwark against the enemy in the midst of so many Southern ladies and gentlemen.

1892 saw the publication of a collection of Page's essays aptly entitled *The Old South*. Most of these pieces seek to explain, in detail, life in the South before the war. One essay, though, tackles the most serious issue in his mind, "The Negro Question," as he writes, the "ever-present, ever-menacing, ever-growing" problem (280). The problem, is that "The negro becomes more assertive; the white more firm" (289). Page insists that, "unless the white race…retains control, a large section of the nation will become hopelessly Africanized" (291). He wonders if this will not lead to the end of American civilization and contends that those who wish to educate "the Negro" are misled and are partly responsible for the current difficulties. "What of value to the human race has the negro mind yet produced?" he asks. "In art, in mechanical development, in literature, in mental and moral science, in all the range of mental action, no notable work has up to this time come from a negro"—echoes of Jefferson's "Query 14" ring in our ears (314). Page, though, does not come unhinged like Jefferson does and maintains absolute control of his subject and form. He concludes:

> Slavery, whatever its demerits, was not in its time the unmitigated evil it is fancied to have been. Its time has passed…But to the negro it was salvation. It found him a savage and a cannibal and in two hundred years gave seven millions of his race a civilization, the only civilization it has had since the dawn of history.

> We have educated him; we have aided him; we have sustained him in all right directions. We are ready to continue our aid; but we will not be dominated by him. When we shall be, it is our settled conviction that we shall deserve the degradation into which we shall have sunk. (344)

Out of the jungle mists the poor "Negro" was plucked and set down in the midst of a paternalist plantation society. If whites allow "the Negro" to become an equal, their civilization will crumble. A legal circumscription of black human beings via Jim Crow laws and fearful retributions is the only out—and the rest of the United States must quietly support these efforts.

Page's segregationist proposals are not only rooted in fear but also in a belief in the "good ole days." Prior to the Civil War, according to the author, order reigned in the South and whites and blacks knew their places within the social structure. In 1897, Charles Scribner's Sons published a slim volume by Page entitled *Social Life in Old Virginia Before the War.* This book presents Page's own concise "history" of Virginia before the Civil War. In this reply to many of the stereotypes presented in "so-called Southern plays" of the day, Page details the daily routine, the houses and furnishings, the festivities, and, of course, the social life of plantations. This social life includes the curious relations between whites and slaves which Page tries to present in the best light possible. His presentation of slavery in the best light possible includes the contention that slaves were called "servants" by plantation owners. "Slave" is a term only used "in legal documents," he informs us (7). When discussing the role of "the Mammy" on the plantation, he writes, "If she was a slave, she at least was not a servant, but was an honored member of the family, universally beloved, universally cared for" (60) In general, Masters cared for their slaves and treated them like family. Thirty-eight years later John Crowe Ransom writes that, "Slavery was a feature monstrous enough in

theory, but more often than not, humane in practice" (Twelve Southerners 14). More importantly from Page's seemingly Social Darwinist perspective, the Old South, with the help of the enslavement of millions, "maintained the supremacy of the Caucasian race, upon which all civilization seems now to depend" (106). But, alas, the "Old Virginia" that Thomas Nelson Page once knew is gone. He concludes that, "The ivory palaces have been destroyed, but myrrh, aloes, and cassia still breathe amid their dismantled ruins" (109). For Page, the healing balm is the "reconstruction" of the social structure of the Old South and the propagation of a myth that serves only to "other" freed slaves.

In light of these essays, it is important to call "Marse Chan" what it is rather than what it is not. For in doing so we can consider the ways in which a discourse works to disguise, transform, and re-imagine reality. "Marse Chan" works to normalize racism in a way that obviously racist fiction by writers like Thomas Dixon does not and could not. The message is clear in *The Leopard's Spots*—and its spawn, D.W. Griffith's *The Birth of a Nation*—though Page's argument is in no way less insidious. Dixon and his ilk argue that blacks are not human and, therefore, undeserving of human let alone civil rights. Page argues a similar point but from a more palatable angle: slaves were treated so well that conversations about their lack of human rights are hardly worth their while. More importantly, this argument is made from the lips of a former slave. Page wants the reader to exclaim, "If a charming black man says these things, why, they must be true!" While I find positive readings of "Marse Chan" quite hopeful, they fail to recognize the historical circumstances into which Page writes as well as the large body of plantation tradition work to which his tales contribute. Such readings also suggest a different vision than that

described by Page in his essays. Thus, in his fiction, he is known best to us "for what he cannot do—fully accept the humanity of all his characters" (Martin 35).

In *Orientalism* Edward Said famously investigates the ways in which Western academics were complicit in the colonization of the "Orient." He suggests that the Orient, "was almost a European invention…a place of romance, exotic beings, haunting memories and landscapes, remarkable experiences" (1). Indeed, it "was *essentially* an idea, or a creation with no corresponding reality" with "supporting institutions, vocabulary, scholarship, imagery, doctrines" (5, 2). What makes Orientalism all the more powerful is the interconnectedness of "ideas" about the places and people of the Orient, to the schools and institutions of the West—a perpetuation of Antonio Gramsci's notion of cultural hegemony (7).[122] Said is particularly interested in the manifestations of Orientalism in texts and instances in which people take for truth what they read and attempt to apply this "truth" to a reality which takes on a "textual attitude" (93). He claims that, "people, places, and experiences can always be described by a book, so much so that the book (or text) acquires a greater authority and use, even than the actuality it describes" (93). The plantation tradition is supportive of a "textual attitude," a counter-rights discourse wrapped up with other popular depictions of African Americans in nineteenth and early twentieth century America. We must not forget that "Jump Jim Crow" was first a minstrel song before Jim Crow became social and legal practice. By the time of Thomas Nelson Page's death, it was an entrenched system of *de jure* and *de facto* segregation in the South—the culmination of his project to reclaim his homeland and realize his ideals. As Page, attorney and author, writes in his preface to *Red Rock*,

[122] Said writes, "Culture, of course, is to be found operating within civil society, where the influence of ideas, of institutions, and of other persons works not through domination but by what Gramsci calls consent. In any society not totalitarian, then, certain cultural forms predominate over others" (7).

Southern whites "were subjected to the greatest humiliation of modern times: their slaves were put over them—they reconquered their section and preserved the civilization of the Anglo-Saxon" (viii). But can we call Page's world, so rooted in a discourse of lies, a civilization?

Edmund Quincy, Stono, and Other Plantation Traditions

Throughout this study of human rights discourse in early American literature, I have offered numerous examples of those "writing" about and for their rights as human beings, expressing their right to communicate, their right to tell their stories. Above I acknowledge the oral narrative passed on through George Cato's family—the narrative of the Stono Rebellion. For the most part, this narrative is largely absent from the written record of the nineteenth century save for its essential presence in the laws of South Carolina. However, in 1847 Boston abolitionist Edmund Quincy (1808 – 1977) published a short story entitled, "Mt. Verney: Or, an Incident of Insurrection" in the journal *Liberty Bell*.[123] Quincy was the son of former Boston mayor, United States congressman, and Harvard president Josiah Quincy. After witnessing the office of William Lloyd Garrison's *Liberator* attacked by a mob, he became a staunch advocate for abolition (Greenspan 134). He wrote numerous essays for abolitionist journals and edited others including, on occasion, the *Liberator* itself. "A smooth and polished writer, he also frequently contributed journalistic pieces, some belletristic to mainstream organs, such as the *New York Tribune* and the *New York Independent*."[124]

[123] Thank you to Mark M. Smith for "recovering" this story and bringing it to my attention.
[124] Quincy also wrote a short novel called *Wensley* that was first published in *Putnam's Journal* in 1853.

"Mt. Verney" is essentially a fictionalized account of the Stono Rebellion. The story's narrator, a Northern traveler, visits a plantation where he learns about the Stono Rebellion from an old planter still mourning his losses from that day. The use of a frame narrative and the depiction of the relationship between a white and a black man invite comparisons to the plantation tradition. Yet this story's protagonist, Arnold, is an intelligent, educated liberator reminiscent of Madison Washington or Henry Blake and standing in sharp contrast to Page's complacent and loyal Sam. I would like to suggest an intertextual relationship between the plantation fiction of Thomas Nelson Page and the abolitionist fiction of Edmund Quincy—despite their distance from one another in both time and social conditions. I offer this read so that Quincy's work might enter into this particular conversation as it offers another perspective, not only on the transformation of the Stono narrative, but on the black subject's desire for human rights. This story represents the other plantation tradition—one in which slaves are not content, but are, in fact, actively pursuing the destruction of the regime that hems them in. Indeed, Quincy turns the plantation myth on its head or, at the very least, on its side.

The story, told in third person, opens with a northern gentleman named Mr. Langdon riding to Mt. Verney, a plantation located in the South Carolina midlands[125] in April 1773. A native of New England, Langdon is escaping his work and ever-growing tensions with Great Britain. The plantation is apparently far removed from that world located, as it is, deep in a verdant landscape already overgrown in April. The proprietor, who lives on the plantation with no company other than his slaves, welcomes his guest with open arms and offers plenty of food and punch. "Those were the golden days of

[125] This despite the fact that the actual rebellion took place in the section of the South Carolina known as the Lowcountry—specifically fifteen miles south of Charles Town.

Carolina," the narrator opines (38). As Langdon and Verney imbibe, they discuss the impending war with the British. The South Carolinian acknowledges his fear that if the colony is occupied, slaves will revolt. Langdon counters that they will not because of their deep-seeded loyalty to their masters. Verney laughs, "My dear sir, had you lived your life among slaves, as I have done, you would know what reliance to put on that head!" (39). But Langdon refuses to accept this and declares that if slaves were prepared for freedom through education, they would not attack their masters: "A wolf may be tamed,—a negro may be civilized" (39). Verney concludes that his Northern visitor is essentially clueless.

The next day, following a horseback tour of the plantation, the two men take up the previous night's conversation. Langdon expresses his abhorrence of slavery and Verney basically agrees: "What you say, my friend, is all unquestionably true. But, here we are, and there are the slaves, and what are we to do?" (42). Such a reply is reminiscent of Jefferson's in *Notes on the State of Virginia*. Verney continues, "We find ourselves bound up with the blacks in this infernal spell, and how to break it passes my art..." Langdon again suggests educating the slaves in preparation for their freedom. Verney replies, "If I have reason to know anything on earth, it surely is the fallacy of your proposition." Verney decides to tell his story and explains to Langdon that the paintings he may have noticed in the guest room are of his dead father, mother, brothers and sister who will play important roles in the story he is about to tell.

Verney begins by explaining that his father was named Colonel Verney, and that Colonel Verney's grandparents were Huguenot immigrants to South Carolina. The patriarch of the Verney clan in South Carolina, a Monsieur du Verneil, was drawn to the

Carolina colonial project, directed as it was by the "spirit of Shaftesbury" and the pen of John Locke (43 – 44).[126] And so Verneuil arrived in Charleston in November 1686 and soon became a prominent citizen of the young colony. His son, the grandfather of Verney, built on that success, married, and had children. Grandfather Verney sent his son to England to be educated and for this adventure, assigned a body-servant named Arnold to travel with him. Like Page's Sam, Arnold was revered and well-received as he accompanied Verney's father, "from Eton to Oxford and from Oxford to the Inns of Court. Wherever he went, Arnold was still a prime favorite both with his master and young companions" (45). This slave took advantage of his situation and sought to educate himself:

> He availed himself to such snatches of instruction as he could seize by the way, with such success, that it was a common saying, among Verney's companions, that Arnold knew more than his master…In his zeal for knowledge he was encouraged and assisted by his young master, who seemed to feel as if all the intelligence of his sable satellite was but the reflected radiance of his own. (45)

But Arnold's freedom to learn and Verney's freedom to feel proud of his slave's education came to an end around 1720 when both had to return to the colonies. The change was drastic for Arnold who was again treated like a slave. Indeed, the good treatment he received in England had "made him forget that he was a slave" (45). And so, "gloom and despondency settled upon his soul." The young Verney's father encouraged

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[126] I cite this section in Chapter 1 but it is worth revisiting: "The noble proprietaries were endeavoring to revive on those distant shores the decaying feudality of the Old World. They had called philosophy to their aid, and in making John Locke the Lycurgus of their infant real, the fantastic spirit of Shaftesbury thought they had imitated the wisdom of the ancients who made their philosophers their law-givers. But the experiment redounded as little to the Credit of philosophy, as the incorporation of negro slavery with the institutions he ordained, did the honor of philosopher. But at the first establishment of the Constitutions of Carolina, their defects were not developed, and their fanciful structure attracted more general attention, doubtless, that a more rational plan would have done. But there was one great want yet to be supplied. Palatines, landgraves and caciques, chancellors, chamberlains and admirals, there were good store; but the proprietaries sadly lacked common people over whom these dignitaries were to predominate. Accordingly, they did their best to promote emigration by every means in their power (43 – 44).

him to beat his slave into renewed submission, but he refused, insisting instead on retaining Arnold as his "body-servant." As time passed, Arnold's master believed that he was cured.

On the contrary, in the midst of his depression Arnold had an epiphany: "'Why,' thought he, 'are my people and myself slaves? Why do we remain slaves? Is there, indeed, no remedy?...is it a necessity that we remain slave forever?'" (46). Arnold realized the potential of the slaves to rebel, as well as the probable help they would receive from Spain. "He felt that a mind only was wanting to watch and guide events, in order to conduct such a revolution to a triumphant issue...He looked upon the advantages of education he had enjoyed, as something providential, and designed for a mighty end" (46). Arnold was ready to accept this responsibility, but above all, "he was willing to wait!" As the years passed, Arnold had the opportunity to travel throughout the state with his master—now in charge of his father's possessions and a man of prominence—and used this freedom to find others to support his plan. The moment finally came when it seemed that war with Spain "was inevitable" (47). The narrator tells us that the Spanish had made connections with Arnold through a Jewish spy "of Portuguese extraction" named Da Costa, a "pawn broker and dealer in small wares," a vocation which allowed for unsuspected mobility throughout the state. The two hatched a plan for an insurrection that would be supported by Spanish troops. Eventually, the freed slaves would control the colony as a "dependency of Spain" (48). However, Arnold "had no faith in the abstract zeal of the Spaniards for human rights, and he believed that their real purpose was only to substitute Spanish for English masters." He did not want endless war and struggle and after long consideration realized that the only solution "was the utter extermination of the

whites!" (49). Arnold realized this would require the murder of his master and his master's family and was horrified: "He had neither wife nor child. All his affections centered, with passionate intenseness, in his master and his children. They were all he had to love." But his thoughts were interrupted by the cries of a woman being punished which "sounded like the 'exceeding bitter cry' of his race, whose wrongs he had forgotten, reproaching him for his weakness." His determination to rebel was, thus, renewed.

And so the revolt began in the slave quarters one Sunday where Arnold riled up the slaves and urged them to take part in the rebellion. The plantation overseer went to quell the disturbance and was immediately killed. Arnold then dispatched messengers to other plantations and rode on the dead overseer's horse to the plantation house. His master, Colonel Verney, was shocked and asked, "Why Arnold…what means this disturbance?" Arnold replied, "it means liberty to slaves and death to tyrants!" (50). Colonel Verney moved to attack him and Arnold planted a sword "deep in the heart he loved most on earth." Arnold's boldness apparently motivated the rebels to act boldly as well. He ordered the slaves to Stono, "a small settlement above five miles off, where there was a warehouse full of arms and ammunition" while another group went after the rest of the family. As the rebels marched, their size increased until it was "four or five hundred strong" (51). They destroyed Stono and the surrounding plantations, including Verney's—though he was saved by his nurse—and, in the process, armed themselves for battle: "A quantity of white cloth furnished them with banners. Drums and fifes were also in the warehouse…So they took up their march towards Jacksonburgh, with drums beating and banners flying, in some show of military order."

The slaves continued marching and killed all those in their path but eventually found alcohol and became intoxicated. This was when they encountered "Governor Bull" and company. According to the narrator, "The Governor saw the whole truth in a moment and, wheeling about, galloped off with his companions in the opposite direction" (52). Arnold and several others chased after the men but were unsuccessful. Bull stopped at the church at Wiltown where Archibald Stobo was preaching. The men in the church "sprung to their arms, which they were required by law to carry with them to church" (52). These men, led by a Captain Bee, found the rebels just as Arnold was beginning to lose control over them. Chaos spread as the white men began to fire upon them. The rebels held their ground until Bull arrived with re-enforcements, but at that point it was a lost cause. Arnold and the rebels were defeated.

As Edmund Quincy's version of the Stono story goes, Arnold "was cut down, and as he fell, a dozen sabers were uplifted to make his fate certain" (53). Bull saved him, crying out, "He knows things, which we must know, first!" He was tossed into a slave prison and the next day was interrogated:

> He acknowledged, and justified, his own part in this rising; but he utterly refused to implicate any others, or to give information as to the extent of his conspiracy. He was tied and flogged (for the first time in his life) until he fainted from loss of blood; but no syllable of information, or cry of pain, could be extorted from him. (53)

This went on for three days and, yet, he said nothing. They offered forgiveness and he laughed. Finally, "they dragged him to the public square and hanged him like a dog…He died, but his memory, spectre-like, long haunted the province" (53). We learn that, "At the very next session of the Colonial Legislature, (1740,) the insurrection of slaves was made a highly penal offence. The alarm was universal. Every man feared lest he might

have an Arnold on his estate" (53). According to the narrator, "the spirit of Arnold seemed to walk in the province" in the many attempted rebellions that followed (53).

When the story ends Verney asks, "Was I not right in saying that I had had an experience that refuted your theory of educating slaves for freedom?" (53). Quincy writes that the Northerner was dumbfounded:

> Mr. Langdon could make no reply to such a question, after such a story. He wrung his friend's hand in silence. He had nothing to say, for Philosophy had not as yet taught men by examples, that the safe, sufficient, and only possible preparation for freedom is EMANCIPATION. (53 – 54)

Langdon leaves but "while his heart bled for the blight which it had shed upon the life of Verney, he could not disguise from himself…that his deepest sympathies were with Arnold" (54). When the American Revolution came, Verney enlisted and "fought in many of its battles with the desperation of a man for whom life has no charm and death no terrors" (54).

At the end of an introduction to this story, historian Mark M. Smith reminds the reader to, "Keep in mind that this is a story used, quite openly and unapologetically, for political purposes" (36). Indeed, it "repeats in formulaic, scripted fashion the tropes of the educated slave, the tragedy of bondage, and the righteousness of slave insurrection" (35). And yet, he stops short of calling this story "propaganda" which might imply that this story is undeserving of being grouped under the heading, "Literature." As an historian Smith notes that despite its flaws—"heavy romanticism, clumsy didacticism, and moral high-handedness, it is accurate on many details." Given a variety of specific details included, he says that Quincy appears to have relied heavily on Alexander Hewatt's account of the Stono Rebellion. It is absolutely significant that Quincy resurrects the

Stono narrative for his "political purposes"—to end gross human rights abuses—but its significance does not end there.

Often when narratives of human rights and human identities develop, the specific details themselves are less important than the emotions they engender. Therefore, what is significant here is that Quincy presents black human beings developing and charting their own narrative course, although in a fictionalized rendering of an actual event. Arnold endures the indignity of being presented with freedoms, with having access to information, and then having those freedoms, taken from him. Through his own rationalization, he recognizes the power of his subaltern group and the necessity for them to act. As black subject Arnold recognizes, not without reason, that as long as whites exist in the same communities as blacks, there will be struggle. He rebels; he counters the plantation myth and, for a moment, overturns white control. Quincy's take on this story is, indeed, romantic, but so are the myths of the "Founding Fathers." The kernel of truth this story provides is that the desire for freedom is also buried in the hearts of slaves, and that they also have the inalienable human right to transform their circumstances just as the "Founding Fathers" did. This history is still mostly absent from the popular collective history of the United States because white narratives are still privileged over black ones. But the narrator of this story claims, "If ever blood was spilt righteously for the vindication of rights or the redress of wrongs, that which has flowed in servile insurrection is the most hallowed of all" (50).Quincy's political literature serves an important function as counters Page's and re-imagines the plantation tradition. Nor should we read this as separate from Cato's narrative for his is the narrative Page so

deeply wished to suppress—it was also the narrative that, perhaps, frightened some abolitionists.

"Mt. Verney" is not without its problems. One serious concern is that the story assumes that the roots of human rights discourse are in Western culture. Arnold's Western-rooted education is the catalyst for his transformation. And the Northern abolitionist Langdon—does he speak for Quincy?—cannot imagine a solution to slavery coming from blacks until Verney tells him the story. He privileges white and western paradigms, believing that blacks must be educated prior to liberation. Langdon perceives Stono to be a cautionary tale, what will happen if slaves are not freed, or if they encounter Western ideas and education while still enslaved. Contact with new ideas can be invigorating but as Arna Bontemps' Gabriel reminds us, "anything what's equal to a gray squirrel wants to be free" (210). Liberty, as an idea, and the human right to communicate and claim it, does not appear to have originated with Locke alone. Quincy reveals that his sympathies lie with the slaves in a way that Northern abolitionists can digest—Arnold is a literate, methodical man. Would this story have been different if Arnold had been an illiterate field slave?

Ultimately, the story leaves us wanting the slave's voice or, at the very least, the appearance of the slave's voice. Both Page and Quincy do not allow the slave to speak. Quincy privileges whiteness while Sam is rendered submissive by Page's quotations marks. Both offer very different representations of history, but both *represent*. The forms of these "plantation" stories mimic the limiting conditions established by physical plantations themselves. For example, on those plantations governed by the task system, slaves did, perhaps, have some freedom of movement when they completed their tasks.

But ultimately, as the Negro Act established, they were chattel, property. Such narratives demonstrate the ability of one discourse to bury another when one group has more complete access to privileged communication technologies. The central dilemma of a democratic-leaning society, then, is how to allow everyone to narrate their own lived experiences and to promote circumstances that provide them with the developmental freedoms to do so.

Narrative and the Right to Communicate

On a hot July day in 2006, my wife Ceciel and I drove down Highway 17 in search of the spot where the Stono Rebellion began. Like any road trip in Lowcountry, South Carolina, once one passes through the strip malls and fast food joint corridors and gets to the countryside, the history of the state opens up as the landscape—the marsh grass, the coastal plain, the oaks—reveals itself. As we approached the spot alongside Wallace's Creek where Hutchinson's store once stood, the site of the rebel's first bold move, we saw what looked like an historical marker yet to be unveiled—it was covered with cardboard and wrapped in duct tape. After parking the car on the side of the busy highway, we walked over to the sign. Ceciel suggested trying to uncover the sign in order to read it and then re-tape it, but tampering with it was unnecessary. By some strange fate, there was a tear in the cardboard revealing only one word, "liberty." That was all I needed to see. A friend of my family recently sent a copy of the now-unveiled marker.[127] It reads:

> The Stono Rebellion, the largest slave rebellion in British North America, began nearby on September 9, 1739. About 20 Africans raided a store near Wallace Creek, a branch of the Stono River. Taking guns and other weapons, they killed

[127] The marker was erected by the Sea Island Farmers Cooperative and unveiled on September 9, 2006.

> two shop-keepers. The rebels marched south toward promised freedom in Spanish Florida, waving flags, beating drums, and shouting "Liberty!". The rebels were joined by 40 to 60 more during the 15 mile march. They killed at least 20 whites but spared others. The rebellion ended late that afternoon when the militia caught the rebels, killing at least 34 of them. Most who escaped were captured and executed; any forced to join the rebels were released. The S.C. Assembly soon enacted a harsh slave code, enforced until 1865.

In Chapter 1 I asked whether or not the Stono rebels were really shouting "Liberty!" or was it a figment of the author of that particular account's imagination? If the rebels did use that particular and loaded—especially in the eighteenth century—term, could an examination of this rebellion via related early American texts help us to re-imagine America's relationship to human rights discourse? Could it offer an alternative vision of human rights discourse?

The evidence indicates the persistence of a more egalitarian vision of human rights, of humanness, than that allowed for by the government of colonial South Carolina and of the early Republic. Indeed, writers consistently question legal restrictions and a discourse of rights that allowed for freedom and equality for some but not for all. More importantly, the record of African American literature, both oral and written, demonstrates that this more egalitarian vision existed from the moment Africans were brought to North American shores. As Phillis Wheatley writes to Samson Occom in 1774, "How well the Cry for Liberty, and the reverse Disposition for the exercise of oppressive Power over others agree, -- I humbly think it does not require the Penetration of a Philosopher to determine." Historical markers are nice, but the narrative of Stono has always existed in the hearts and minds of many Americans. For a moment, the Stono rebels sliced open—literally and figuratively—the public sphere in South Carolina, speaking directly to the philosophical concerns of many Enlightenment figures—what

does it mean to be human, to be free? The rebels replied to both questions. Their revolt was multicultural, multilingual, creative, organized, and effective—they made their point clear. Literary acts like Stono are, I believe, important for those interested in salvaging the human rights conversation. For human rights to work, we have to re-imagine who speaks of human rights, who claims them, how they claim them, and what requirements are "imposed" on how they claim them. Most importantly, we must re-imagine who enforces them. To do all of this, we must re-imagine the history of human rights.

The difficulty of presenting this narrative is that so much of the history of human rights is the endless struggles of groups to find their voice in the public sphere, to be heard. Indeed, no human right matters if you cannot communicate. The government of South Carolina understood this clearly when they established prohibitions against the use of the most ubiquitous communication technologies by slaves. Prohibit the use of writing and drums and slaves will have more limited opportunities to organize, rebel, or run away. More importantly, such laws were meant to disrupt one narrative and privilege another. For this reason, I have offered the example of plantation tradition fiction from the nineteenth century. Reading the work of Thomas Nelson Page, for example, helps us to understand how a counter-rights argument works and how such an argument came to control the conversation about race relations and the history of American slavery. It is important for Americans to constantly remind ourselves that our relationship to human rights has always been ambiguous, and, as in Page's case, sometimes openly hostile to the idea. In the first half of the twentieth century the discourse of Thomas Nelson Page won out and millions of Americans existed in apartheid-like conditions. U.B. Phillips's interpretation of slavery was taught to countless school children. Woodrow Wilson

screened D.W. Griffith's famous film in the White House. The Ku Klux Klan marched on Washington, D.C. Policemen used dogs and teargas on African American protestors. And on February 8, 1968, Samuel Hammond, Delano Middleton, and Henry Smith were shot by officers from the South Carolina Highway Patrol while protesting segregation in Orangeburg, South Carolina.

The other side of this story is that many African Americans courageously picketed movie theaters that showed Griffith's film. A number of prominent black leaders played a crucial role in pushing the human rights agenda in the United States after World War Two.[128] And on August 28, 1963, there was another march on Washington, this one in the name of civil and human rights. The process of establishing the right to communicate was, indeed, a struggle for African Americans—one that is not complete. But that struggle was aided, throughout, by stories, by narratives of freedom. An article from the *Charleston Post and Courier* from September 9, 2006, notes the unveiling of the historical marker and claims that it is located at the site of the beginning of the "bloody and unsuccessful Stono Rebellion." And yet, there is evidence that this claim that the rebellion was unsuccessful is false. The fact of the persistence of the story—a narrative of action, of boldness, of engagement by an abused people—is indicative of its success. Story is life. Story is existence. It is how we make sense of our world. The narrative of David and Goliath, of underdog and oppressor, these are not new. That Stono remained as a narrative in the collective history of some South Carolinians reveals much about African American culture and history as well as the intrinsic and human desire to

[128] Mordecai W. Johnson, W.E.B. DuBois, Walter White, Ralph Bunche, and Mary McLeod Bethune were accredited by the United States State Department to be observers at the United Nations conference in San Francisco in 1945. See Anderson, Carol. *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944 – 1955.* New York: Cambridge University Press, 2003.

communicate, to tell stories and, ultimately, for a people to craft their own narrative of history.

Stories shape lives and perspectives. How history is told generation after generation is crucial. I am reminded of an event from my own childhood in South Carolina. I cannot recall the exact circumstances, but on one occasion a friend's father told me that, in fact, African Americans had it easy during slavery. I, of course, reported this to my father who was apparently disturbed and decided this was a teachable moment. He took me to the courthouse in my hometown of Orangeburg, South Carolina, and showed me a list etched into a wall of all the men from Orangeburg who had died fighting in the Civil War.

"Son," he said, "do you see how many Shuler's are up on that wall?"

"Yes," I said, "More than any other last name."

"That's right. And do you know why?"

I thought for a moment but could not figure it out.

"I'll tell you," my father said, "they were either bad shots, or they were fighting for the wrong cause. I reckon it's the latter."

I realize how lucky I was to have learned such an important lesson at a young age. I offer this anecdote because it demonstrates how stories can be passed on to younger generations. George Cato was told a story about a rebel slave leader and taught to believe that he was important and could do important things. My friend was told that he was of a superior race. Only one of theses stories is true.

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