

150 years since ratification of the 13th Amendment

# The end of chattel slavery in American history

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On December 6, 1865, Georgia became the 27th state to pass the 13th Amendment to the United States Constitution, securing ratification of the measure that abolished once and for all the institution of chattel slavery in the US.

Abraham Lincoln, who had ushered the amendment through a difficult ratification in the Senate and the House, did not live to see this day, having been assassinated by pro-slavery actor John Wilkes Booth on April 15, 1865. Lincoln died victorious, however, and not only because Lee had surrendered his Confederate army to Grant days earlier, ending the Civil War. Lincoln had viewed the 13th Amendment's narrow passage in the lower chamber on January 31, 1865 as the crowning achievement of his career.

From Congress it was sent to the states for ratification on February 1, and one by one, beginning with Lincoln's home state of Illinois, legislatures passed the amendment—among them eight southern states operating under Reconstruction governments, including Georgia.

It may be a source of confusion that Lincoln fought so vigorously for the 13th Amendment when he had already imposed the Emancipation Proclamation on January 1, 1863. But the Emancipation Proclamation was a wartime measure, invoking the president's powers as commander-in-chief of the army in time of war. As such it applied only to areas in rebellion against the government. Lincoln feared that, without an amendment, emancipation might be reversed after the war—perhaps by the US Supreme Court, which had only eight years earlier authored the notorious Dred Scott decision, holding that Congress could not prevent slavery anywhere in the land.

The Radical Republicans' fear that slavery might one day reemerge also motivated the 14th Amendment, which established birthright citizenship and equal protection before the law and was ratified in 1868; as well as the 15th Amendment, guaranteeing the freedmen the right to vote, ratified in 1870.

The abolition of slavery in the US was an enormous step forward for the American and international working class. "As the American War of Independence initiated a new era of ascendancy for the middle class," Marx had written to Lincoln in congratulation on his 1864 election, "so the American Antislavery War will do for the working classes." Slavery lingered on in Cuba (1886) and in Brazil (1888), but there was no doubt that the victory of the Union had put the "peculiar institution" on the road to its global extinction—and had brought it to its definitive end in the United States nearly 250 years after the first slaves arrived in Colonial Virginia in 1619.

It is now fashionable to refer to slavery as "America's original sin." But slavery was not particular to the colonies that would later become the United States. In fact, of the 9 million to 15 million Africans taken to the New World in the 300 or so years of the slave trade, less than 6.5 percent were bound for British North America. British possessions in the Caribbean, chiefly Jamaica, received three times as many; Portuguese America—that is, Brazil—took nearly 40 percent of all slaves by itself.

The slave trade was dominated first by Portugal, then Holland, and, for its final 150 years, by Great Britain and its colonies. Immense fortunes were at stake. The triangle trade—the three-way trade by which cash crops such as tobacco and sugar were sent to Europe, manufactured goods were sent to Africa and slaves were sent in ghastly conditions aboard slave ships to the new world—generated capital that eventually found outlet in British industrialization. Karl Marx described this as "primitive accumulation":

The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signaled the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation. On their heels treads the commercial war of the European nations, with the globe for a theatre... If money according to Augier, 'comes into the world with a congenital blood-stain on one cheek', capital comes dripping from head to foot from every pore with blood and dirt.

Slavery, then, was a critical component in the emerging global capitalist economy. Its history cannot be understood in narrow national terms.

It is also not the case that slavery was a scheme committed by "white people" against "black people"—terms that would not have been understood in the 17th century. Slavery preceded race, and not vice versa. The original sanctioning of chattel slavery in its modern form was in fact religious. Christians could enslave "heathens," and thus both Africans and American Indians were enslaved. Moreover, in the early decades of tobacco production in colonial Virginia and Maryland, slavery accounted for a smaller share of the labor force than did indentured servitude—under which a worker was bound to a period of labor in exchange for transport across the Atlantic.

In these early years there were no hard and fast racial lines. Historians have found numerous examples in the American colonies of what would later be called interracial marriage, and even several cases where Africans gained freedom and themselves became slaveowners. In the words of the late Edmund S. Morgan, there is substantial evidence to suggest that "Virginians were ready to think of Negroes as members or potential members of the community on the same terms as other men..."

In the late 17th and early 18th century, slavery became more profitable than indentured servitude on the tobacco plantations for a variety of reasons—not the least of which was Britain's domination of the slave trade secured at the expense of the Dutch in the great commercial war of 1654-1656. At the same time, the colonial governments of Virginia and Maryland, modeling themselves in part on laws imposed in the Caribbean

and by England on Catholic Ireland, began laying the legal groundwork for the creation of race. These laws did not legalize slavery, because no such legal authorization was needed. Slaves were property. At first they dealt with whether or not slaves were English subjects, and therefore entitled to the rights of citizenship. But their effect was to push the institution of slavery toward a racial footing.

The most notable of these was the 1662 Virginia statute called *partus sequitur ventrem*—"following the womb." It read: "Whereas some doubts have arisen whether children got by any Englishman upon a negro woman should be slave or free, be it therefore enacted and declared by the present grand assembly, that all children borne in this country shall be held bond or free only according to the condition of the mother."

What was being given sanction was a hereditary slave labor caste that would pass on, mother to child, down through American history until its abolition with the 13th Amendment two centuries later. Here too we find the origins of the peculiar American definition of race, by which an individual might be of one-quarter or less African descent and still called "black."

Even today the mind reels at the horrors of slavery, a system of labor that could only be compelled, in the absence of the discipline of the wage, by violence. Slavery developed in a world still awakening from the Middle Ages, in which forced labor was routine and religiously sanctioned, and in which violence was pervasive and routine. In this early modern Europe, writes historian Lawrence Stone, "Whips and stocks were used by the Crown upon its lesser subjects, by the nobleman upon his servants, by the village worthies upon the poor, by the dons upon the undergraduates, by the City Companies upon the apprentices."

The essential social division was between those who worked—the great unwashed mass—and those who did not, the ladies and gentlemen. "This social cleavage, this 'most ancient and universal of all Divisions of People,'" writes Gordon Wood, "overwhelmed all others in the culture, even the one between free and enslaved that we find so horribly conspicuous." It was, explains Stephen Kolchin, "a world of pre-modern values, one that lacked the concepts of 'cruel and unusual punishments,' equal rights, and exploitation. It was a world that instead took for granted natural human inequality and the routine use of force necessary to maintain it. In short, it was a world with few ideological constraints against the use of forced labor."

What began to challenge this brutal world was the Enlightenment—an intellectual rebirth that undermined the divinely sanctioned feudal order of the Middle Ages, and that grew in tandem with the incipient capitalist economy—along with the great political events which it inspired, including the American Revolution.

In recent years the advocates of identity politics have bitterly attacked the American Revolution and its leading figures, especially Thomas Jefferson, for alleged hypocrisy in owning slaves. These historians, wittingly or not, align themselves with the old Slave South. The abolitionists always held that it was in fact the American Revolution, and especially Jefferson's Declaration of Independence, and its injunction "that all men are created equal," that delivered the first great blow against slavery.

The revolutionary founders of the US were in fact well aware of the contradiction between their assertion of universal human liberty and the existence of slavery. Washington: "I can only say that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of [slavery]." Madison: "Where slavery exists the republican Theory becomes still more fallacious." And Jefferson, who seemed to grasp the explosive character of the contradiction more than the others: "I tremble for my country when I reflect that God is just: that his justice can not sleep forever."

In the first years of the Republic, the founders took measures to cordon off slavery with an eye toward its gradual diminution and ultimate

extinction. Jefferson authored the Northwest Ordinance in 1787, banning slavery in the states that would later become Ohio, Michigan, Indiana, Illinois, Wisconsin and Minnesota. In 1807 he signed into law a bill that made illegal the importation of slaves from Africa.

The generation of 1776, however, had no substitute for a labor system upon which much of the economy was based. Wage labor accounted for an as yet tiny share of the workforce. In both North and South, the overwhelming majority of the population remained engaged in agriculture, and profits were constantly invested in the purchase of new lands to the west, retarding industrial development and setting into motion a competition for commercial-agricultural expansion between the yeoman farmers of the North and the slave-plantation system of the South.

Yet slavery might have withered away peacefully, as the founders hoped, had it not been for the invention of the cotton gin by Eli Whitney in 1793. Cotton production expanded from a minuscule amount in 1790 to 750,000 bales in 1830, to 2.85 million bales in 1850. By 1860 the US South was providing 80 percent of Great Britain's cotton. By the 1830s, cotton, a single commodity, generated more than half of all US export dollars, a situation roughly analogous to the export dominance of oil today for Russia or Iran.

With the growth of the Cotton Kingdom, the number of slaves rose from 700,000 in 1790 to around 3.2 million in 1850. The raising and selling of slaves became the second most lucrative industry in the American South after cotton cultivation, and "probably the most advanced in its employment of modern transportation, finance, and publicity," according to historian Ira Berlin.

The powerful slave-owning planter class found its political instrument in the Democratic Party. Its leading representatives, such as John C. Calhoun of South Carolina, no longer condemned slavery as "a necessary evil" that should be ended, as the founding fathers had hoped, but held it up as a "positive good." Meanwhile, the Democratic Party's northern wing relentlessly promoted racism in the crudest fashion. In these antebellum years slavery became more entrenched, and in the North free blacks were stripped of the right to vote in the states where the Democratic Party was dominant. They, along with abolitionists, were frequently the target of mob violence encouraged by the Democratic Party.

It is clear in hindsight that such powerful and ruthless interests as the planter elite would not voluntarily exit the stage of history, and that what was really posed by the Civil War was a death struggle between two irreconcilable systems of labor. But Lincoln and the majority of the Republican Party hoped, until the Civil War proved otherwise, that slavery could be put on the gradual road to extinction. Thus, the Republican Party platform of 1860 promised "the right of each state to order and control its own domestic institutions." Even ardent abolitionists did not anticipate that slavery would end suddenly in the foreseeable future.

The final crisis was in fact precipitated by the southern plantation elite, who frequently accused Lincoln and the Republicans of being secretly "revolutionary." Their secession from the Union, their launching of the Civil War and their success in the first two years' fighting paradoxically pushed Lincoln in precisely this revolutionary direction. "Seldom in history has a counterrevolution so quickly provoked the very revolution it sought to pre-empt," as James McPherson aptly puts it.

Lincoln was propelled by the logic of the war on the course of total emancipation. "To fight against slaveholders, without fighting against slavery, is but a half-hearted business," Frederick Douglass advised. "War for the destruction of liberty must be met with war for the destruction of slavery." Lincoln came around to this conclusion amidst the military setbacks of the summer of 1862. After the issuance of the Emancipation Proclamation on January 1, 1863, the Union army was converted into a revolutionary army of liberation. Wherever it moved in the South, the slaves fled their plantations. The southern social order was destroyed.

What would replace this order became a vexing question in the period announced by the ratification of the 13th Amendment—the age now known as Reconstruction (1865-1877). Between 1865 and 1868, the Republican Party put in place far-reaching measures to protect the political rights of the freed slaves, beginning with the 13th Amendment.

Yet Lincoln, and even radical abolitionists such as Douglass and William Lloyd Garrison, had little concept of the social issue at the heart of the question. What would become of 4 million slaves, turned out in freedom but with nothing to sell but their labor? The Republicans were not socialists. They believed that if the chains of slavery were lifted, southern society would come to resemble that of the antebellum North: a middle class society of yeoman farmers, shops and small-scale industry.

This did not happen. The Civil War had been midwife to a new society, not only in the South, but in the North and the West. Within one generation, the US became the greatest and most modern industrial capitalist power in the world. The end of Reconstruction, in the wake of the disputed Hayes-Tilden election, coincided with the monumental eruption of class violence in the Great Uprising of 1877, a strike wave that moved at the speed of the locomotive from coast to coast and involved hundreds of thousands of workers.

With that event, the curtain had fallen over the epoch of American history in which slavery was protagonist. At center stage now, to use the parlance of the time, was “the labor question”—the struggle between capital and the working class. There it remains.

Yet even slavery itself had been the answer to a labor question: Who would work? The Civil War was not fought over race or gender, as has been claimed by some academics. “Patriarchy and racial discrimination existed in both sections and they did not cause any substantial disagreement,” notes James Oakes in *Scorpion’s Sting*.

To Lincoln, what was at stake were two competing concepts of right that certainly transcended race, and even slavery: The absolute and inviolable right to property, up to property in man, espoused by the southern elite; and the concept, here put forward by Lincoln’s ally, the economist Henry Charles Carey, that “the first of all commodities to be exchanged is labour, and the freedom of man consists *only* in the exercise of the right to determine for himself in what manner his labour shall be employed, and how he will dispose of its products.” Or, in Lincoln’s inimitable prose:

It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, ‘You toil and work and earn bread, and I’ll eat it.’ No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.



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