

The Radical Libertarian Tradition in Antislavery Thought

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Slavery is a critical issue by which all libertarians may determine their *bona fides*. Slavery and liberty being polar opposites, there is no question that the libertarian must unconditionally oppose slavery and support liberty. However, there are several alternatives. First, the libertarian may advocate simple abolition, and no more. The means of production, the plantations on which the slaves had worked, would then remain in the hands of the masters. However, on the libertarian homesteading principle, the plantations should have reverted to the ownership of the slaves, the ones who had been forced to work them. This would be the second alternative. The third would encompass the first two alternatives, and, in addition, would pay the slaves compensation out of the accumulated wealth of their masters. Historically this would have meant the “punishment of the criminal masters for the benefit of their former slaves—in short, the imposition of reparations or damages upon the former criminal class for the benefit of their victims.”¹

In the context of historical opposition to slavery, even the initial demand for immediate and unconditional abolition was extreme. Nevertheless, the radical libertarian tradition always embraced more than just the call for simple abolition. Besides calling for the return of the plantations to the slaves and recognizing their right to reparations, the radicals advocated the right of the slaves to rebel, either individually or en masse, and to resort to violence in their own self-defense, and to call on those outside the slave system to come to their assistance. In following their libertarian heritage, the radicals saw that the natural fact that slaves were people (and that each slave was born in possession of a separate mind and separate body) implied the absolute right of all slaves to live their lives free of coercive interference. Any unjust interference with a person’s self-ownership rights gave the victim the right to repel invasion.

By opposing unjust and criminal property titles in people and in land, the radical libertarian was attacking not only the individual slave master but also the government that sanctioned the master’s claim. Radical abolition-

ists, historically, had a tendency to support individualist-anarchism because they recognized the superior claims of natural law and natural justice (proceeding from the self-ownership and homesteading axioms) over civil law and state jurisprudence.² Radical abolitionists and libertarians influenced public opinion in the only way possible to them. To be consistent with their position, they had to agitate for immediate abolition. To have dropped this demand would not only have undercut their claim to be abolitionists but would also have seriously undermined their principled attack on slavery as injustice.

In Great Britain and its New World colonies, the practice of enslaving African Negroes was beneficial to certain commercial and political interests. Slavery appeared as an extension of feudalism, which had all but vanished from the British scene by the 1700's. When apologists for slavery were called upon to defend the system, they justified it by citing arguments that held the Negro to be in bondage because of prior 1) captivity, 2) debt, 3) crime, 4) sale, or 5) birth.

One of the earliest legal critics of slavery in Britain was George Wallace, an Edinburgh lawyer, who attacked slavery in his treatise on Scottish law, which was published in 1760. Wallace disputed all the attempted justifications of slavery. He concluded that all of the traditional arguments for slavery were equally absurd. According to Wallace, the ancient jurists and Roman lawyers reasoned that captives taken in a lawful war might rightfully be put to death. However, if out of humanity, their conquerors spared them, then they might rightfully be made slaves. Wallace thought this was wrong: "for justice allows and necessity requires us to do them [the captives] no more ill, than is absolutely necessary, in order to incapacitate them from hurting us, and from being serviceable to our enemies during the continuance of the war."³ This did not justify holding them in a perpetual state of slavery.

Wallace also considered slavery in the New World. He was quick to show that there the traditional justifications for slavery held no plausibility.

We all know, that they are purchased from their princes, who pretend to have a right to dispose of them, and that they are like other commodities, transported by the merchants, who have bought them, into America, in order to be exposed to sale. If this trade admits of a moral or rational justification, every crime, even the most atrocious, may be justified. Government was instituted for the good of mankind: Kings, princes, governors are not proprietors of those, who are subject to their authority; they have not a right to make them miserable. . . . Of course, they have not a right to dispose of their liberty, and to sell them for slaves. Besides, no man has a right to acquire or to purchase them; men and their liberty are not "in commercio"; they are not either saleable or purchaseable. One, therefore, has nobody but himself to blame, in case he shall find himself deprived of a man, whom he had thought he had, by buying for a price, made his own; for he dealt in a trade, which was illicit, and was prohibited by the most obvious dictates of humanity. For

these reasons, every one of those unfortunate men, who are pretended to be slaves, has a right to be declared to be free, for he never lost his liberty; he could not lose it; his prince had no power to dispose of him. Of course, the sale was "ipso jure" void. This right he carries with him, and is entitled every where to get it declared.⁴

Although the common law of England did not openly endorse slavery, neither did it immediately emancipate slaves upon their entering England. The West Indian planters had obtained an informal Crown decision in 1729 that recognized the master's property rights in his slaves, if they accompanied him to England. It was not until 1772, when Granville Sharp obtained a judgment in *Somerset v. Stewart*, that slaves could not forcibly be removed from England against their will. Wallace, even before Sharp, argued that it was the duty of the common law judges to declare all slaves in England and Scotland to be free.

I know it has been said, that questions, concerning the states of persons ought to be determined by the Law of the country, to which they belong; and that, therefore, one, who would be declared to be a slave in America, ought, in case he should happen to be imported into Britain, to be adjudged, according to the Law of America, to be a slave: A doctrine, than which nothing can be more barbarous. Ought the judges of any country, out of the respect to the Law of another, show no respect to their kind and to humanity? Out of respect to a law, which is in no sort obligatory upon them, ought they to disregard the Law of Nature, which is obligatory on all men at all times, and in all places? Are any laws so binding as the eternal laws of justice?⁵

Anticipating the protests of West Indian planters and slave owners, Wallace acknowledged that the abolition of slavery might result in a disruption of their business, but he also thought that in the long run, abolition would be beneficial to everyone. He demonstrated the absurdity of the argument that the colonies would be ruined if slavery were prohibited by comparing the situation to that of highway robbery.

The purses of highwaymen would be empty, in case robbery were totally abolished; but have men the right to acquire riches by such cruel, such flagitious means? Has a robber a right to acquire money by going out to the highway? Have men a right to acquire it by rendering their fellow-creatures miserable? . . . No; there is such a thing as justice, to which the most sacred regard is due. It ought to be inviolably observed.⁶

The 17th- and 18th-century English natural-law theorists were not always consistent in their adherence to the self-ownership principle. But Wallace would undoubtedly have been sympathetic to the following mid-18th century statement:

If nature has made any thing a man's own, his mind and body are so. At least it is evident, that whatever right one man has in his mind and body, another man must have the same right in his; that is, as far as we can judge from any appearance in nature, each man has an equal right in his

own mind and body respectively. But no man's mind and body can be his own, unless the faculties of both, that is, his judgment, his will, and his powers of acting are so. Now he, who has a right in his faculties of judging of choosing and of acting, is no slave. And since nature, which gave every man a right in his own mind and body, gave him a right likewise to these faculties; the consequence is, that nature has not placed any man in a state of slavery."⁷

Nevertheless, Wallace asserted that it was the community's superior interest in the individual which would prevent him from making a slave of himself or from killing himself.⁸ Despite this inconsistency in his thought, Wallace offers a very good example of radical opposition to slavery.

In concluding his arguments, Wallace cited from Book XV of Montesquieu's *The Spirit of the Laws*. Montesquieu had also influenced the French encyclopedists, especially Chevalier Louis de Jaucourt, author of articles on the slave trade and natural equality in Diderot's *Encyclopedia*. Perhaps drawing on Wallace, de Jaucourt "was able to rise above the qualifications engendered by Montesquieu's tolerance for institutional differences" and to bring forth "one of the most lucid applications to slavery of the natural rights philosophy"⁹

There is not, therefore, a single one of these unfortunate people regarded only as slaves who does not have the right to be declared free, since he has never lost his freedom, which he could not lose and which his prince, his father, and any person whatsoever in the world had not the power to dispose of. Consequently the sale that has been completed is invalid in itself. This Negro does not divest himself and can never divest himself of his natural right; he carries it everywhere with him, and he can demand everywhere that he be allowed to enjoy it. It is therefore, patent inhumanity on the part of judges in free countries where he is transported, not to emancipate him immediately by declaring him free, since he is their fellow man, having a soul like them.¹⁰

In commenting on this passage, David Brion Davis noted that both Wallace and de Jaucourt were "repelled by the idea that local civil law could establish a condition which infringed upon basic human rights. If there were no supreme and eternal law which applied equally to all men, then any kind of banditry might be cloaked with legal forms." According to them, "a slave was not really a slave but a man grievously wronged. His right to escape was as certain as that of a man cornered by highwaymen. Any court refusing to grant a slave his immediate liberty was flouting eternal justice and was, by implication, no longer a valid court."¹¹ These ideas, as shall be seen, were taken up by the American abolitionists of the 19th century.

Anthony Benezet, a Philadelphia Quaker, popularized Wallace's ideas in pre-revolutionary America. In 1762, in Philadelphia, Benezet published *A Short Account of that Part of Africa, Inhabited by the Negroes . . . and the*

Manner by Which the Slave Trade Is Carried On. Benezet identified Wallace as "the author of the doctrine that 'every one of those unfortunate men, who are pretended to be slaves, has a right to be declared to be free, for he never lost his liberty.'"¹² According to Davis, Benezet further disseminated Wallace's words in 1766 in his own *A Caution to Great Britain and her Colonies, in a Short Representation of the Calamitous State of the Enslaved Negroes in the British Dominions.* Benezet was "a kind of middleman of ideas who was led by antislavery zeal to collect and disseminate a radical, secular philosophy."¹³ Benezet also quoted selectively from a pamphlet by J. Philmore published in London in 1760, entitled *Two Dialogues on the Man-Trade.*

Although Benezet was not willing to acknowledge it in his extract of this pamphlet which appeared in his 1762 edition of *A Short Account . . .*, Philmore's *Two Dialogues on the Man-Trade* contained "the most radical antislavery doctrine . . . found in any publication that appeared before the French Revolution."¹⁴ In the *Two Dialogues*, the author starts out by asserting that African blacks are men, the same as European whites; and that as men, they are upon a plane of equality in the state of nature. Regardless of circumstances, "unjustly to deprive a man of his property, is theft, or of his life, is murder, whatever colour he is of, and the murder of a man, that has black skin, or black hair, is as great a sin, as that of a man, that has white skin, or white hair."¹⁵ This declaration sets the tone for labelling slavery and the slave trade, the equivalents of man-stealing and kidnapping. "Can any thing be more cruel and barbarous, than to seize upon human creatures, and take them away by force, from their friends and relations, for ever, . . . and drive them like hogs to market, there to be sold for slaves, for life?"¹⁶

All concerned in the slave trade were accomplices in it, and all that encouraged it were accessories to the crime. This included those who purchased slaves, for "the receiver is as bad as the thief."¹⁷ "For those purchasers then to deprive them of their liberty, and by force keep them in their possession, in whom they have no right (supposing one man could be the property of another) and who never injured them in the least, nor forfeited their liberty, to keep them in bonds, and carry them away captives, is properly speaking man-stealing."¹⁸ Those merchants who contrived to have the slave traders do the stealing from Africa were as guilty of injustice as those who actually committed the crimes. The often terrible, inhumane treatment which the slaves received in transit on sea also reflected back on their abductors: "Whosoever does, by unjust force and violence, deprive another of his liberty, and, while he has him in his power, reduces him to such a condition, and gives him such treatment, as evidently endangers his life, and in the event do actually deprive him of his life, is guilty of murder."¹⁹

The truly radical statements in the *Two Dialogues* were yet to come. No matter that civil governments sanctioned slavery and the slave trade; Philmore pointed out that natural law is unalterable:

No legislature on earth, which is the supreme power in every civil society, can alter the nature of things, or make that to be lawful, which is contrary to the law of God, the supreme legislator and governor of the world. Mischief may be framed and established by a law, but if it be, it is mischief still, as much so, as it was before it was established, though it's being so may make men insensible of their guilt, or bold and fearless in the perpetration of it. . . .²⁰

The law of nature also justified the use of force by the slaves:

[B]lack men . . . who are by unjust force deprived of their liberty, and held in slavery, as they have none upon earth to appeal to, may lawfully repel that force with force, and to recover their liberty, destroy their oppressors: and not only so, but it is the duty of others, white as well as black, to assist those miserable creatures, if they can, in their attempts to deliver themselves out of slavery, and to rescue them out of the hands of cruel tyrants.²¹

Civil laws which defined slaves as property and which therefore categorized the rescue of slaves as theft or robbery were

unrighteous laws, as they are made not in defense of innocence, but in defense, and for the encouragement of injustice, oppression, and cruelty, and are contrary to the law of nature, the law of him, before whose tribunal the governors of this world, as well as the governed must appear, in the great day of account: for by this law we are obliged to relieve the distressed, and to defend or rescue the injured and oppressed, when and so far as it lies in our power.²²

Whereas Wallace "had exhorted judges to free Negroes illegally and unjustly held down by force," the author of *Two Dialogues* "said that slaves could rightfully free themselves." "To justify this uncompromising approval of slave violence" the author appealed "to the 'higher law' doctrine of Cicero."²³ The argument, however, did not end with the call for rebellion by the slaves. Any nation would be justified in demanding that England free all the slaves in her colonies. If England refused to liberate them, England would become an aggressor nation. New ground was broken "by condemning England and other slave-trading countries as aggressor nations that had long been 'at war and enmity with mankind in general.'"²⁴ Whoever Philmore might have been, slavery, for him, was simply an issue of justice and morality. "The inconveniences or worldly disadvantages arising from adhering to our duty, and acting according to the moral obligations we are under, let them ever be so great, are of no consideration at all in the eye of reason, nor can they have any weight with, or influence upon an honest virtuous mind, when set against these obligations [of justice]."²⁵

The ideas disseminated by Wallace and Benezet, and especially those of Philmore, illustrate the revolutionary possibilities of early antislavery thought in English and American circles. These arguments struck out in two directions. First, if government were allowed to justify slavery and the slave trade, then it could justify any form of crime or criminality at all. It was important to radical libertarians, then as now, to be able to identify just and unjust property titles without relying on government law. Secondly, if these early antislavery radicals were successful and could nullify governmental justifications for slavery, then they could apply the same line of natural-law reasoning to other forms of governmentally sanctioned injustices, such as taxation and conscription. No government that upheld such injustices could have any legitimacy in their eyes.²⁶

Of all the early English radicals, Granville Sharp (1735-1813) adopted this line of reasoning most consistently, as his life would illustrate. From 1765 until his death, Sharp was inextricably bound up with the English abolitionist movement. In that year, Sharp encountered a young Negro, whose master from Barbados had abandoned him in London. In the first of many similar episodes, the Negro was subsequently captured by agents of the master and held pending his return to the West Indies, where he would be resold as a slave. Sharp's lawyer friends told him that English courts enforced the colonial laws of slavery and that it was foolish to try to prevent the Negro from being returned to the West Indies against his will. Sharp noted that "he could not believe that the Laws of England were really so injurious to natural Rights, as so many great lawyers, for political reasons had been pleased to assert."²⁷ Sharp then devoted several years to the study of English law that he might better advocate the cause of the Negro on English soil. The result of his studies was the publication of a book in 1769, *A Representation of the Injustice and Dangerous Tendency of Tolerating Slavery in England*.

In his first antislavery tract he refuted the opinion of two Crown counselors, who 40 years earlier had justified the upholding of colonial slave laws in England. Sharp produced the opinion of Lord Chief Justice Holt, who many years earlier, had determined that every slave coming into England thereby became free. "He vigorously rejected the plea of *private property* in a black as if in a horse or dog. This he regarded as a preposterous, 'very insufficient and defective' claim, because the comparing of a man to a beast 'is unnatural and unjust'. The claim of *private property* was maintainable only if 'the pretended proprietors' could prove that a slave 'is neither man, woman nor child: and if they are not able to do this, how can they presume to consider such a person as property or a thing to be demanded in action?'" Sharp contended that men are rendered *obnoxious* to the law by their offenses and not by their particular denomination, rank, parentage, color or country. "True justice makes no respect of persons, and can never deny to any one that blessing to which all mankind have an undoubted right, their *natural liberty*."²⁸

Sharp's greatest triumph occurred in the case of *Somerset v. Stewart*. Chief Justice Mansfield of the King's Bench had to decide whether Stewart had the right, which he claimed as the master of Somerset, to remove him by force and against his will out of England and to consign him to slavery in the West Indies. The case was decided in favor of Somerset, but it only settled two narrow points of English law. A master could not seize his slave and remove him from England against the slave's will. A slave could secure a writ of habeas corpus to prevent that removal.²⁹ The decision did not legally declare slaves free the moment they landed in England, nor did it abolish slavery there. Mansfield only declared that there was no positive law enforcing slavery in England and that when the actions of the slave masters were contrary to the Habeas Corpus Act, the slaves might rely on the Act itself for legal relief.

In 1783, Sharp became involved in another court case which concerned the death of 132 slaves aboard the slave ship *Zong*. The slaves were thrown overboard by the crew members of the *Zong* and the ship owners commenced an action against their underwriters for the value of the lost slave property. Eventually the insurers were bound to pay for the loss, since in the eyes of the court, the slaves were still property.

Sharp was instrumental in publicizing the case and he prepared his own manuscript, "An Account of the Murder of One Hundred and Thirty-Two Slaves on Board the Ship *Zong*". Invoking both natural and divine law, Sharp attacked on two fronts. First he disputed that there was any case for pleading "necessity" in the death of the slaves. (A shortage of water allegedly necessitated throwing the slaves overboard.) Even if there were grounds for such a plea (which the Court evidence did not develop) Sharp thought that the plea of "necessity" was never a sufficient excuse for the murder of innocent people. Secondly, he disputed that the slaves lost their claim to humanity just because they were slaves. Sharp pointed out that the supposed property in the persons of the slaves was a very limited kind of property, limited by the inevitable consideration of their human nature. Consequently, the property of the injured Africans in their own lives, despite their status as slaves, was infinitely superior to any claim of the slave dealers. The indispensable point under consideration was that the act of jettison was "*the case of throwing over living men*: and that, notwithstanding they are, in one sense, unhappily considered as goods or chattels (to the eternal disgrace of this nation!), yet they are still *men*; that their existence in *human nature*, and their natural rights as men, nay as *brethren*, still remains!"³⁰ Sharp's commentary on the inexcusable plea of necessity probably remains unique in the history of English law:

Thus one hundred and thirty-two innocent human persons were willfully put to a violent death, not on account of any mutiny or insurrection, nor even through fear of any such, . . . but merely on a pretended plea of

necessity through want of water. . . . So that, even if the plea of necessity for the willful murder of the innocent persons was at all admissible (which it can never be) in a case of want or scarcity, yet no such necessity existed in the present case; because it is proved, even by their own evidence, that the stock of water was sufficient to have held out till the time that an ample supply was actually received.—But there can never be a necessity for the willful murder of an innocent man, notwithstanding the high authority of those learned and dignified persons who seem to have conceived a contrary idea, because willful murder is one of the worst evils that happen among men; so that the plea of necessity to destroy a few men in order to save many, is not only the adoption of a declared damnable doctrine (“Let us do evil that good may come!”), which is extreme wickedness, but is also extreme ignorance; for it is obvious that death of many by misfortune, which is properly in the hand of Divine Providence, is not near so great an evil as the murder of a few, of even of *one* innocent man—the former being the loss of only temporal lives, but the latter endangers the eternal souls, not only of the miserable aggressors themselves, but the souls of all their indiscriminate abettors and favourers. God’s vengeance is so clearly denounced against *willful murder*, that it is certainly a *malum in se* of the most flagrant and odious nature, such as cannot, without extreme ignorance of the English common law, be admitted as a legal justification. . . . And therefore, whenever a man willfully takes the life of an innocent man on pretense of necessity to save his own, in any case where *se-defendendo* will not hold (which requires proof of an actual attack by the deceased, who therefore is not an innocent man), . . . such a man, I say, is guilty of a *felonious homicide*³¹

Sharp had a many-faceted personality and he managed, for the most part, to integrate his radical libertarian attitude into his other activities. He was one of the founders, in 1787, of the English Committee to Abolish the Slave Trade. He favored the American cause during the Revolutionary War and went so far as to resign his post in the Munitions Department because of his American advocacy. He wrote in favor of *The People’s Natural Right to a Share in the Legislature; Against Attempts to Tax America and to Make Laws for her Against her Consent* (1774). Sharp opposed standing armies and wrote a series of tracts on “Free Militias”. He wrote against the prevailing practice of duelling in his *Remarks on the Opinions of Some of the Most Celebrated Writers on Common Law, Respecting the Distinction Between Manslaughter and Murder* (1773). In 1778, he published *An Address to the People of England; Being the Protest of a Private Person Against Every Suspension of Law that Is Liable to Injure or Endanger Personal Security*.

Part of this *Address* was directed against the practice of impressing seamen into the Royal Navy. Sharp also outlined his views on justice, government, and national emergencies. No government could ever be justified in suspending the law even in times of national emergency. “There never can be any *necessity for injustice*,” wrote Sharp. “No *necessity*, therefore,

whatever, can justify the adoption of an *unrighteous* or *unjust* measure, by any legislature upon earth. . . ."³² In his attack on impressment, Sharp nearly equated it with slavery. He described the practice of pressing seamen "as a warrant to take a man *by force*, to drag him away, like a thief, to a floating prison; . . . that by *imprisonment* and *duress* he may be compelled to enter into an *involuntary servitude*."³³ Those who resisted the press officers, Sharp maintained, were acting legally, in defense of their own freedom and against unjust violence. And such resisters were "not deemed guilty of *murder* even if they *kill* the assailants, provided the *killing* be *inevitable* in their defense; and that they cannot otherwise maintain their rights.—Nay men are not only justified in defending themselves with force and arms but may also legally defend and rescue any other persons whatever that is attacked or oppressed by unlawful violence."³⁴ This was Philmore's reasoning applied to sailors. Although Sharp never drew the conclusion, in logic how did the situation of a pressed seamen differ from that of a Negro slave?

Sharp represents a strong link in the historical chain of English liberty. He actively cooperated with English and American Quaker abolitionists and he advocated the cause of the American colonists. Although Sharp did not point it out, there was a great inconsistency in the American colonists waging a war for their own freedoms, while at the same time many of them held slaves in bondage. One contemporary American pointed out this contradiction:

The Africans, and the blacks in servitude among us, were really as much included in these assertions [of the Declaration of Independence, etc.] as ourselves, and their right, unalienable right to liberty, and to procure and possess property, is as much asserted as ours, if they be *men*; and if we have not allowed them to enjoy these unalienable rights, but violently deprived them of liberty and property, and still taking as far as in our power all liberty and property from the nations in Africa, we are guilty of a ridiculous, wicked contradiction and inconsistency, and practically authorize any nation or people, who have power to do it, to make us their slaves. The whole of our war with Britain was a contest for *liberty*, by which we, when brought to the severest test, practically adhered to the above assertions, so far as they concerned ourselves at least; and we declared in words and actions that we chose rather to *die* than to be slaves, or have our liberty and property taken from us. We viewed the British in an odious and contemptible light, purely because they were attempting to deprive us by violence in some measure of those unalienable rights; but if at the *same time*, or since, we have taken or withheld these same rights from the Africans or any of our fellow-men, we have justified the inhabitants of Britain in all they have done against us . . .³⁵

In late 1774, shortly after his arrival in America, Tom Paine penned an anonymous criticism of "African Slavery in America". Paine equated slavery with man-stealing and kidnapping and demonstrated that the buying

and selling of slaves was not an “ordinary” commercial transaction. “The equation of slaves with stolen property” had radical implications.³⁶ Paine wrote:

Such men [the purchasers of slaves] may as well join with a known band of robbers, buy their ill-got goods, and help on the trade; ignorance is no more pleadable in one case than in the other; the sellers plainly own how they obtain them [the slaves]. But none can lawfully buy without evidence that they are not concurring with men-stealers; and as the true owner has a right to reclaim his goods that were stolen, and sold; so the slave, who is proper owner of his [own] freedom, has a right to reclaim it, however often sold.³⁷

By comparing slave traders to bands of pirates and robbers, the early radicals made a telling case for justice in property titles. If an owner could recover his stolen property, regardless of how many times over it had been sold—even if those purchasing it were innocent of any knowledge that it was stolen property—then how much more rightful was the claim of any slave? Every purchaser was placed on notice that he was dealing in men, and according to the revolutionary ideals, all men had a right to their liberty. This was pointed out as early as 1776:

If your neighbor buys a horse . . . of any thief who stole it from you, while he had no thought it was stolen, would you not think you had a right to demand your horse of your neighbor, and pronounce him very unjust if he should refuse to deliver him to you . . .? And have not your [African] servants as great a right to themselves, to their liberty, as you have to your stolen horse? They have been stolen and sold, and you have bought them, in your own wrong, when you had much more reason to think they were stolen than he who bought your horse. . . .³⁸

This same author, Samuel Hopkins, compared slave traders to pirates, much to their discomfort:

It is granted by all, that common pirates may be punished by the laws of any state, when apprehended, wherever or in whatever part of the world their crimes were committed. . . . [T]he slave trader who buys and sells his fellow-men, by which traffic he is the means of death of many, and of reducing others to the most miserable bondage during life, is as really an enemy to mankind as the pirate, and violates common law, which is, or ought to be, the law of all nations, and is guilty of crimes of greater magnitude, exercises more inhumanity and cruelty, sheds more blood, and plunders more, and commits greater outrages against his fellow-men than most of those who are called pirates. In short, if any men deserve the name of pirates, these [slave traders] ought to be considered in the first and highest class of them.³⁹

Hopkins decried slavery and advocated that upon its abolition, the slave owners should compensate their freed slaves. He believed that slave holders

should repair the injuries done to their slaves, so far as it was in their power.⁴⁰ Another American who closely followed Hopkins' reasoning was David Rice, who published *Slavery Inconsistent with Justice and Good Policy* in 1793. Rice wrote that the owners of slaves "are the licenced robbers, and not the just proprietors, of what they claim. Freeing them [the slaves] is not depriving [their owners] of property, but restoring it to the right owner; it is suffering the unlawful captive to escape. It is not wronging the master, but doing justice to the slave, restoring him to himself. The master, it is true, is wronged; . . . but this is his own fault, . . . and not [the fault] of the law that does justice to the oppressed."⁴¹

Although Rice and Hopkins and Thomas Paine serve as examples of early American opponents of slavery, the only really significant movement against slavery in colonial America took place among the Quakers. The Quakers did what no other opponents of slavery were willing to do. They eventually determined to (and in fact did) voluntarily abolish slavery and slaveholding among the members of their religion. Those who refused were disowned from the Society. The Quakers asserted that slaves were "prize" goods, that is, captives of war, violence, cruelty, and oppression, of theft and robbery of the highest nature. The use of prize goods or any goods obtained through illegitimate means was inconsistent with their testimony towards peace and nonviolence. Therefore it was only consistent that they forego the purchase and services of human beings who had been bodily captured and enslaved, even though they themselves had not been involved in the original violence.⁴²

Not only did the Quakers believe in and practice abolition, but they actually paid over reparations to their former slaves, as compensation for their past unpaid services. In this sense, they may have been the only "ruling class" ever to voluntarily relinquish their power over others. This in itself (their willingness to pay compensation and voluntarily manumit their slaves) distinguished them from all other abolitionists and libertarians.⁴³ The Yearly Meetings in Philadelphia and London were at first slow to make disownment the penalty for participating in the slave trade and for owning slaves. Probably the first Quaker protest against slavery was directed to the Philadelphia Meeting in 1688. The signers denounced slavery in clear, unequivocal terms:

Now tho' they are black, we cannot conceive there is more liberty to have them slaves, as it is to have other white ones. There is a saying, that we shall do to all men, like as we will be done ourselves: making no difference of what generation, descent, or Color they are. And those who steal or rob men, and those who buy or purchase them, are they not all alike? Here is liberty of Conscience, which is right and reasonable, here ought to be likewise liberty of the body, except of evildoers, which is another case. But to bring men hither, or to rob and sell them against their will, we stand against. . . . What thing in the world can be done

worse towards us then if men should rob or steal us away and sell us for slaves. . . . Being now this is not done at that manner we will be done at, therefore we contradict and are against this traffic of men body. And we who profess that it is not lawful to steal, must likewise avoid to purchase such things as are stolen, but rather help to stop this robbing and stealing if possible and such men ought to be delivered out of the hands of the Robbers and set free as well as in Europe. Then is Pennsylvania to have a good report. . . .

If once these slaves (which they say are so wicked and stubborn men) should join themselves, fight for their freedom and handle their masters and mistresses, as they did handle them before; will these masters and mistresses take the sword at hand and war against these poor slaves, like we are able to believe, some will not refuse to do? Or have these Negroes not as much right to fight for their freedom, as you have to keep them slaves?⁴⁴

Ralph Sandiford (1693–1733), an English Quaker who settled in Philadelphia, did much to agitate the question of slavery among the Quakers. While some Meetings had called for a stop to the importation of new slaves, Sandiford called for a prohibition on the purchase of all previously imported slaves. Sandiford, and other Quakers, attacked the slave trade since it was based on plunder and war in Africa. Furthermore, they condemned Quaker participation in the slave trade, since any profits it yielded to the merchants were ultimately grounded in violence. As the Quaker protest of 1688 pointed out, there was an inherent contradiction in Quakers owning slaves. Not only did domestic slavery rest on war and violence in Africa, but it meant the forcible and aggressive subjugation of men, women, and children at one's own doorstep, if one were a slaveholder. Although Quakers were traditionally merciful slave masters, how could they (or their overseers) use violence against a slave who disobeyed or simply claimed his or her own rightful freedom?⁴⁵

Although Sandiford was unsuccessful in his attempt to persuade the Yearly Meetings in Philadelphia, his cause was taken up by another English Quaker, who had migrated to Barbados, and thence to Philadelphia in 1731. Benjamin Lay is remembered in legends of spectacular nonconformity, and his protests against slavery were much in the style of a "Cynic philosopher or radical perfectionist".⁴⁶

He went to a Quaker meeting clothed in sackcloth, and denounced the wealthy slave masters. In winter he sat outside a meetinghouse, one leg and foot bare in the snow; and when people expressed concern for his health, he asked them why they were blind to the sufferings of their scantily clad Negroes. When ejected from a meetinghouse, he lay in front of the door in the rain, and made the congregation step over his body. He supposedly kidnapped the child of a slaveowner, in order to show the father, if only for a few hours, how it felt to have a child taken away. His most famous exploit occurred at the Quaker meeting in Burlington. To

dramatize the coercive basis of slavery, Lay put on a military uniform, complete with sword, which he disguised under the conventional Quaker cloak. Then he enclosed a bladder filled with pokeberry juice within the empty covers of a folio volume, which presumably represented the Bible. After rising in meeting to castigate the slave owners, he finally told his enemies that they might as well throw off the plain coat of Quakerism, as he himself now did, standing forth in the dress of war. Men who forcibly held their brothers in bondage, he cried, would be no less justified in the eyes of God if they plunged a sword into the hearts of their slaves. At this point Lay thrust his sword into his "Bible," and the red juice gushed out, splattering the horrified Friends who sat nearby.⁴⁷

"Lay denounced Quaker slaveholders as 'a parcel of hypocrites and deceivers'. The Quaker ministers who held slaves especially raised his ire, for their hypocrisy set an example for all Quakers. Lay pointed out that slavery, just as in the case of murder, was a criminal assault on Christ's gospel of love. Lay not only went unheeded but was forcibly ejected from Quaker meetings."⁴⁸

Although Sandiford and Lay met with little success, their message was broadcast by John Woolman, a New Jersey Quaker born in 1720. Woolman's work as a scribe brought slavery vividly to his attention. One day in 1742, his employer decided to sell his Negro and ordered Woolman to prepare the bill of sale. "The thoughts of writing an instrument of slavery for one of my fellow creatures gave me trouble and I was distressed in my mind about it."⁴⁹ Suddenly Woolman realized the truly pervasive nature of the slave system and eventually decided to devote the rest of his life to crusading for the abolition of slavery.⁵⁰ Woolman went up and down the colonies, exhorting Quakers to take a principled stand against slavery. In his *Journal* he wrote of the slaves: "These are a people by whose labor the other inhabitants are in a great measure supported. . . . These are a people who have made no agreement to serve us, and who have not forfeited their liberty."⁵¹ "The great impact of John Woolman is eternal testimony to the effect that ideas and moral conscience can have upon the actions of men. For while many Quakers had a vested economic interest in slaves, this interest and its ally, natural inertia, could not prevail against the spiritual moral principles proclaimed by the lone Quaker."⁵² More and more Quakers took up the cause of abolition, until finally the Philadelphia Yearly Meeting in 1758 called upon all Quakers to free their slaves and to grant them a terminal allowance, which was a means of compensating them to some extent for their prior servitude.

The action of the influential Philadelphia Meeting in 1758, helped convince Quakers in other colonies that they, too, should cease their involvement with slavery and the slave trade. The Quakers were undoubtedly influenced by the secular ideas of natural rights which were increasingly receiving attention resulting from the political conflicts with England. The

Quakers realized that "not only benevolent Christian morality but also basic justice required freedom for every man. Justice and the very nature of man required freedom for all. Woolman had already proclaimed that 'liberty was a natural right of all men equally'; and now the Philadelphia Meeting of 1765, reaffirming its decree of seven years before, reasoned the necessity of abolition so that all Quakers might 'acquit themselves with justice, and equity toward a people, who by an unwarrantable custom' had been 'unjustly deprived of the common privileges of mankind.'"⁵³ The Quaker policy towards the Indians also evinced their general concern about injustice and valid land titles.⁵⁴

The appeal to justice also brought Quaker attention to bear on the main problem of domestic slavery: namely, the continuing aggression required to keep a slave in bondage at the home or plantation. "Now the Quakers saw fully that aggression against the natural liberty of Negroes occurred not only at the time of their initial enslavement or importation, but *all the time* that they were kept in bondage. Gradualist arguments about 'preparing' the Negroes for freedom had now also to be swept aside."⁵⁵ One Quaker historian explained:

If Negroes had been deprived of natural liberty, not only when they had been forcibly transported from Africa, but every minute they were held in bondage under whatever pretext, justice required that the God-given freedom be "restored". In this light a master conferred no boon when he liberated a slave; he gave belatedly what he had hitherto "withheld" and simply ceased to "detain" a person who was, and always had been, free. This idea soon pervaded official Quaker language and provided Friends with an unfailing encouragement to fight slaveholding in the "world" at large. Ending a wicked usurpation of control over a man's life was as clearly a public duty as saving him from drowning, an obligation so positive as to relegate the spiritual or economic preparation of the slave for freedom to a position where it could not rightly control the decision to manumit or not.⁵⁶

The Friends' concept of natural liberty thus led them to take actions to remove human interference with the divinely decreed freedom of every slave. Adopting the ideas of the rationalist Enlightenment and the natural-rights theorists, they came to believe that individual freedom was a good in itself and a necessary condition for leading a virtuous life.⁵⁷ Where a Quaker had been invading that freedom, that Quaker could himself act to remove that invasion. Where the Quaker had tampered with a slave's freedom, the Quaker had the power to undo the damage. "[C]onvinced natural rights existed apart from the will of the civil community, or even in the face of contrary laws, the Quaker reformers . . . could use a right to liberty as a grounds for defying a legal protection of slavery."⁵⁸

The Friends finally conceived of their obligation as more than simply not owning slaves or not partaking in the slave trade. Disassociating from

slavery was not enough to save their own souls; they also had to repair the injustices they had perpetrated. The Quakers in general held the conviction that colonial America owed a great deal to the labor of the Negro people and that while whites enjoyed the benefits, they should be prepared to repay them for it.⁵⁹ Friends put their Negroes on a free labor basis retroactively, compensating their ex-slaves for their past labor and deducting the costs of their past upkeep. Quaker meetings took Negro outsiders under their care, not so much to protect the reputation of the Truth, as to do justice and let members assist each other in virtue and benevolence.⁶⁰ Liberating slaves often meant an end to high social rank and plantation life for well-to-do Friends. Many in Maryland and North Carolina left their farm lands for the cities or resettled new lands in the West. Some undoubtedly turned their land over to those who had formerly been forced to work it.⁶¹

The typical Quaker attitude was expressed many times over and is illustrated in the following example taken from a report of the monthly meeting of New Garden, Pennsylvania in November 1778:

Agreeably to our appointment, we have several times met and considered the case committed to us, respecting the uneasiness mentioned by T.W., concerning the negro formerly possessed by his father [W.W.], and having carefully inquired into the circumstances, do find that W.W., about 16 years ago, set free from a state of slavery the said negro named Caesar, on condition that he would behave himself justly and honestly, and also that he would lay up, or deposit in his, or some other safe hand, the sum of three pounds yearly, that in case he should be sick or lame, he might not be chargeable to his said master's estate. In consequence of the said condition the said Caesar had laid up forty-two pounds, which appears to us to be his just property, and all the heirs of W.W. [now being deceased] who are arrived at full age, (except one, who resides in Virginia) cheerfully agree to let him have it. But as the said Caesar informs us that he has no present use or necessity for the said money, he agreed to have it deposited in the hands of J.P., and proposed to advise with him, when any occasion occurred for applying it; with which we are well satisfied.

It also further appears that said Caesar served his master in the capacity of a slave, something more than ten years after he was twenty-one years of age; and upon careful inquiry, we find that he was tenderly used during said time, and nursed in the small pox, which he had very heavily, and it was long before he recovered; so that we have reason to believe it took at least one year to defray the expense thereof. These things, the said Caesar fully acknowledges; and further informs that his master allowed him sundry privileges during said term, whereby he made for himself at least five pounds a year, besides being well clothed and accommodated.

After considering all the circumstances of his case, we are unanimously of the mind, that the further sum of five pounds a year for the nine years he was in useful health, ought to be allowed him out of the said estate [of W.W.], which the heirs now present and of age, also agree

to; and it is agreed with the said Caesar's consent, to be deposited with the other sum.

And as the instrument of writing by which the said W.W. declared the said Caesar free, is conditional, and we apprehend not sufficient to secure his freedom, the heirs aforesaid have executed a manumission suited to the occasion.⁶²

The minutes of other meetings exhibit the same care in seeing that justice was done. In 1785, the Burlington Quarterly Meeting informs us "that two Friends having each set a slave at liberty, expressed a desire to make a proper allowance for the time they were continued in their service, after they came of age; after divers times deliberating thereon, Friends to whose care such cases had been referred, advised that the sums should be ascertained by indifferent persons; and one of the negroes being deceased, the sum adjudged due in that case, should be divided and paid to the next of kin, as in cases of intestates' estates; which advice the Friends have readily accepted, and have taken measures to carry into effect."⁶³

One of the best-known and most moving histories of Quaker manumission and compensation involves Warner Mifflin and his family, long standing Quakers from Virginia and Delaware. Warner Mifflin was born in 1745 on the eastern shore of Virginia, where Quakers were few and slaveholders plentiful. When he was 14 years of age, an encounter with one of his father's Negroes converted him to antislavery principles:

Being in the field with my father's slaves, a young man among them questioned me whether I thought it could be right that they should be toiling in order to raise me, and that I might be sent to school, and by and by their children must do so for mine. Some little irritation at first took place in my feelings, but his reasonings so impressed me as never to be erased from my mind. Before I arrived at the age of manhood, I determined never to be a slave-holder.⁶⁴

His resolution never to own a slave was for a time overcome by the pressures of circumstance and marriage. Nevertheless he did overcome the temptation for wealth and position based on slavery. Finally in 1774 and 1775, Warner Mifflin manumitted all of his slaves, and his father soon followed suit.

On the day fixed for the manumission of his slaves, Warner Mifflin called them into his room, one after another. He informed them of his intention to give them freedom and this conversation was recorded as having passed between Mifflin and one of his slaves:

Well, my friend James, how old art thou? "I am twenty-nine and a half years, master," Thou should'st have been free, as thy white brethren are, at twenty-one. Religion and humanity enjoin me this day to give thee thy liberty; and justice requires me to pay thee for eight years and a half service at the rate of ninety-one pounds, twelve shillings, and sixpence, owing to thee; but thou art young and healthy; thou had'st better work

for thy living; my intention is to give thee a bond for it, bearing interest at seven and a half per cent. Thou hast no master now but God and the laws.⁶⁵

Highly typical of Mifflin's story is the following extract from one of the deeds of manumission which he executed in 1775:

I, Warner Mifflin, of Kent County on Delaware, Merchant, fully persuaded in my Conscience that it is a Sin of a deep dye to make Slaves of my fellow Creatures, or to Continue them in Slavery, and believing it to be impossible to Obtain that Peace my Soul Desires while my Hands are found full of injustice, as by unjustly detaining in Bondage, those that have as just and Equitable Right to their Freedom and Liberty of their persons as myself—Therefore for remedying the same I do hereby declare all the Negroes I have hereafter particularly Named, Absolutely Free, them and their Posterity forever, from me, my Heirs, Executors, Adms., and every of them. To witt [here Mifflin gives the names and ages of the slaves being manumitted]. . . .

[The Deed of Manumission concludes by Mifflin stating that it is his intention to clear them from Slavery, to me, my Heirs, or Assigns forever,—believing Freedom to be their Natural and just right.⁶⁶

In another deed of manumission, written in the same year, Mifflin's father wrote, that

being convinced of the Iniquity and Injustice of retaining my fellow Creatures in Bondage (it being contrary to the standing and perpetual Command enjoined by our blessed Lord to his followers, to do unto others as we would they should do by us) and also further believing that after such Manifestation and Conviction made known, the continuing in Violation thereof will incur his displeasure, and debar me from the Enjoyment of the Peace promised to his faithful Followers, and therefore believing it to be my Indispensable Duty, in Obedience to his Requiring and Command, as aforesaid, to grant to them their natural, just, and inherent right and Privilege, the Liberty of their Persons (which they are entitled to by Nature) under the Consideration and Conviction aforesaid, I do hereby manumit and set absolutely free from a State of Slavery and unnatural Bondage the following particularly named Negroes,. . . .⁶⁷

During the Revolutionary War, Mifflin became very unpopular because of his strict adherence to his peace principles and particularly because of his refusal to use "continental" bills of credit or congressional paper money, on the grounds that they were "engines of war".⁶⁸ It required no little courage to live out his customs in a community adverse to his beliefs. His absolutist position was reinforced by his vision of the Inner Light, so that he was determined that "if every farthing we possessed was seized for the purpose of supporting war, and I was informed that it should all go, unless I voluntarily give a shilling, I was satisfied I should not so redeem it."⁶⁹ Warner Mifflin

was on almost every committee of the Yearly Meeting and Meeting for Sufferings. He visited both Howe and Washington during the Revolutionary War, at great personal risk to himself. In 1782 he appeared before the Virginia Assembly and in 1783 before the Continental Congress, to plead the case for the abolition of slavery. In 1791, he petitioned Congress on the subject of slavery:

I am . . . impelled, by a sense of duty to the Sovereign of the Universe, and the dictates of humanity, to open my mouth for the dumb, in the cause of such as are appointed to destruction. . . . I think it my duty to tell you plainly, that I believe the blood of the slain, and the oppression exercised in Africa, promoted by Americans, and in this country also, will stick to the skirts of every individual of your body, who exercise the powers of Legislation, and do not exert their talents to clear themselves of this abomination, when they shall be arraigned before the tremendous bar of the judgment-seat of him who will not fail to do right, in rendering unto every man his due. . . . And here I think I can show, that our nation [by participating in the slave trade] are revolting from the law of God, the law of reason and humanity, and the just principles of government; and with rapid strides [are] establishing tyranny and oppression. . . .⁷⁰

Mifflin was not concerned only with manumitting his slaves: his strictures on noninvolvement went so far as to include banning the use of products of slave labor. “[B]eing brought into deep feeling for the oppressions of the poor Africans, in the West Indies, I have not been easy with indulging myself in using the produce of their labor, since; lest it should, even in a small degree, contribute towards the continued existence of a trade, which interests the planters in keeping up the numbers of their groaning laborers.”⁷¹ This attitude was fairly typical of many conscientious Quakers and eventually its practice blossomed out into what was known as the Free Produce Movement.

Both Benjamin Lay and John Woolman advocated abstention from the use of slave products. They both refused to use sugar, a staple product of West Indian slavery, and Lay, the eccentric, refused to clothe himself in cotton from the South. The question was one of individual abstinence, as well as a tactic of widespread boycott. Non-Quaker abolitionists were also involved in the movement. Between 1826 and 1856, some twenty-six free-produce societies were formed in the United States. Many prominent abolitionists, such as William Lloyd Garrison, espoused the free-produce cause for a time, hoping that it might become a major factor in the abolition crusade. When that anticipation failed to materialize, the boycott, as an organized protest, was carried on by the Quakers.⁷²

Thomas Branagan was one of the first non-Quakers to denounce the use of slave labor products. His experience as a slave overseer in Antigua influenced his antislavery writings, which were written from Philadelphia

between 1801 and 1807. One of his early essays was titled, "Buying Stolen Goods Synonymous with Stealing." In this essay he asks:

[C]an a Christian do a thing that is absolutely wrong, (though it may appear small in the eyes of the world.) and persist in doing that thing, yet maintain his integrity, and remain guiltless? It is impossible. If, therefore, to buy and use the price and produce of human blood (though custome has rendered it fashionable and human laws made it legal) is wrong. . . .⁷³

According to Branagan, slavery depended on the consumption of its produce.

Refuse this produce, and slavery *must* cease. Say not that individual influence is small. Every aggregate must be composed of a collection of individuals. Though individual influence be small, the influence of collected numbers is irresistible.⁷⁴

The free-produce societies, such as the Free Produce Society of Pennsylvania and the American Free Produce Association, never met with much success, although they tried to remedy the inconvenience of not using slave produce by importing foreign goods. The idea would never attract large numbers of people, unless they were first motivated by the requirements of justice. To the Quakers, for example, a question of conscience was involved. The conscientious could go to any ends to remove themselves from the taint of slavery. For others, the justification for boycotting the products of slave labor was less intense. A favorite argument was that no person would knowingly buy a previously stolen horse from a horse thief. Those who refused to join the free-produce movement argued that buying a cotton garment (made from southern cotton) was not akin to buying a stolen horse. The cotton garment was at least one step removed from the theft or slavery. These questioners asked what would happen when the farmer used a stolen horse to plow his crops? Would the purchaser of the farmer's produce be implicated in the prior theft, particularly if he was aware that the horse used to plow the crops had been stolen? Of course, to the Quaker way of thinking one should boycott the farmer if one knew he was using a stolen horse and refused to return it to its rightful owner.⁷⁵

William Lloyd Garrison, radical and uncompromising though he was, argued that slave labor products were so inextricably mixed up with commerce and daily life "that, to attempt to seek the subversion of slavery by refusing to use them, or to attach moral guilt to the consumer of them, is, in our opinion, preposterous and unjust. . . ." Supporters of Garrison's position likened the abstinence of the Quakers to "the bailing out of the ocean with a teaspoon." Garrison thought that if abolitionists must never use products tainted with oppression "we must needs go out of the world to escape contamination," and that the argument proved too much because it would require abstention of commodities produced by the Russian serfs and other oppressed people.⁷⁶

The most radical faction of the abolition movement, which Garrison led from the late 1830's onward to the Civil War, was marked by its demands for immediate abolition of slavery, nonparticipation in any government that sanctioned slavery, and in the belief that nonviolent protest and nonresistance was the best way to agitate for change. Garrison shared, in large part, the Quaker belief in nonviolence, for he understood that the argument against slavery was part of the much larger question regarding the use of coercion by one man against another. Garrison understood that the slavery of the Negroes was only a particular instance of universal coercion. He put forth the general principle that under no pretext has any man the right to use coercion over his fellows. What distinguished Garrison and the Quakers, however, from other radical natural-law theorists and opponents of slavery, was the fact that they did not allow the use of force in self-defense. They did not believe that good could come from evil means under any circumstances. In their view, force, even if used in self-defense, was an evil means. In 1835, when Garrison was threatened by a Boston mob, he proclaimed his fidelity to the ideal of nonviolence: "I will perish sooner than raise my hand against any man, even in self-defense, and let none of my friends resort to violence for my protection."⁷⁷

According to the Garrisonian view, it was wrong for men to participate in government, since government rested on coercion. Garrison and his followers were called quasi-anarchists or "no-government" men by their detractors. It was true that the Garrisonian nonresistants did proscribe all office holding or voting. Under their view, a majority should not coerce a minority. Henry Clarke Wright, an abolitionist and associate of Garrison, elaborated:

It is wrong to hold an office in which we must consent to be vested with life-taking or war-making powers or to come under an obligation to use it. . . . It is wrong to vote for others to office which it is wrong for us to hold. We must look to the character of the office itself and not to the candidate or measures he proposes, however good these may be. To exercise the franchise even to effect the abolition of slavery would be wrong, would be to *vote for murder to prevent theft*.⁷⁸

These nonresistants were perplexed by John Brown's raid on Harper's Ferry. On the one hand, they hated the institution of slavery. On the other, they rejected the use of violence in any form to secure any end, however desirable. Regardless of their pacifist stand, many nonresistants sympathized with Brown's efforts. Speaking at a protest meeting on the day of Brown's execution, Garrison said:

I am a non-resistant—a believer in the inviolability of human life under all circumstances; I, therefore, in the name of God disarm John Brown and every slave in the South. But I do not stop there; if I did I should be a monster. I also disarm in the name of God every slaveholder and tyrant in the world. . . . I am a non-resistant, and I not only desire, but I have labored unremittingly to effect the peaceful abolition of slavery . . . yet as

a peace man—an “ultra” peace man—I am prepared to say: “Success to every slave insurrection in the South, and in every slave country.” I do not see how I compromise or stain my peace profession in making that declaration. Whenever there is a contest between the oppressed and the oppressor . . . God knows that my heart must be with the oppressed and against the oppressor. . . . I thank God when men who believe in the right and duty of wielding carnal weapons are so far advanced that they will take those weapons out of the scale of despotism, and throw them into the scale of freedom.⁷⁹

Henry Clarke Wright wrote a pamphlet shortly after John Brown’s execution entitled, *No Rights, No Duties: Or Slaveholders, as such, Have No Rights, Slaves as such Owe No Duties. An Answer to a Letter from Hon. Henry Wilson, Touching Resistance to Slaveholders Being the Right and Duty of the Slaves, and of the People of the States of the North.*⁸⁰

The thesis he presented was simple. Slaves have no obligations at all to their masters, who good or bad, deserve no more respect of consideration than a gang of pirates or kidnapers. Freedom must be won by the slaves themselves in alliance with their sympathizers among white freemen—by all and every means that the latter would feel justified in using against ‘burglars, incendiaries, and highway robbers, who might threaten them. ‘It is the duty of the people and States of the North to invade slaveholding States to free the slaves, and annihilate the power that enslaves them.’ There are but two sides in the conflict to break up these kidnapping, piratical hordes of the South, called States. . . . You must fight for liberty or slavery—for the pirates or their victims.”⁸¹

Then will be seen “the truth of the motto—*no rights, no duties*;—and that no slaveholder, as such, has any rights, and that no man owes him any duties, except to compel him to cease to steal and enslave men, and to let the oppressed go free.”⁸²

Wright’s effort was directed, not so much at renouncing his firmly held view against the use of violence, as to demonstrate to those who believed in the natural right of self-defense that John Brown’s course was perfectly consistent with their professed beliefs. According to Wright, “the slaves of George Washington had as good a right to cut their master’s throat as he had to throw his cannon balls and bombshells from Dorchester Heights upon the British in Boston harbor.”⁸³ Another supporter of John Brown was Henry David Thoreau. At the news of John Brown’s capture, Thoreau was on fire, arguing with his neighbors, giving speeches, and generally supporting John Brown’s course of action. Thoreau approved of the raid at Harper’s Ferry and in his “A Plea for Captain John Brown” he remarked,

It was his [Brown’s] peculiar doctrine that a man has a perfect right to interfere by force with the slaveholder, in order to rescue the slave. I agree with him. Those who are continually shocked by slavery have some right to be shocked by the violent death of the slaveholder, but no

others. Such will be more shocked by his life than his death. I shall not be forward to think him mistaken in his method who quickest succeeds to liberate the slave. I speak for the slave when I say that I prefer the philanthropy of John Brown to that philanthropy which neither shoots nor liberates me. . . . We preserve the so-called peace of our community by deeds of petty violence everyday. Look at the policeman's billy and handcuffs! Look at the jail! Look at the gallows! . . . I think I know that the mass of my countrymen think that the only righteous use of Sharp's rifles and revolvers is to fight duels with them when we are insulted by other nations or to hunt Indians or shoot fugitive slaves with them, or the like. I think that for once the Sharp's rifles and revolvers were employed in a righteous cause. The tools were in the hands of one who could use them.⁸⁴

Of course, Thoreau had always been sympathetic to antislavery views. In his days at Walden in 1846, one of his reasons for refusing to pay the poll tax was that the Massachusetts state government sanctioned slavery and enforced the fugitive slave laws. When Thoreau and John Brown met in the late 1850's, they were immediately on good terms with one another. Several days before his execution, Brown was asked what he had in mind when he made his attack on the Harper's Ferry arsenal. Brown answered: "I knew there were a great many guns there that would be of service to me, and if I could conquer Virginia the balance of the Southern states could nearly conquer themselves, there being such a large number of slaves in them."⁸⁵ According to the Chatham Constitution of May 1858, Brown intended no offensive warfare against the South, but only to restore the inherent rights of the Negroes there. "Not revolution, but justice, not aggression, but defense."⁸⁶

Had Brown and his men been successful, they would have implemented the designs of Lysander Spooner's "Plan for the Abolition of Slavery". This manifesto was printed in the summer of 1858, and included a notice to the "Non-Slaveholders of the South". Brown was familiar with Spooner and the two had met in Boston sometime between May 10 and June 2, 1859. At that time, Brown requested that Spooner cease circulation of his broadside since its further publication might embarrass Brown's future plans. After the failure of the raid at Harper's Ferry, Spooner's "Plan" was published in a New York newspaper and was described as Gerrit Smith's blueprint for Brown's expedition. In a subsequent suit for libel, Smith (using Spooner as his attorney) settled the case out of court. The Spooner manifesto offered a consistent rationale for Brown's attack, but Spooner in latter correspondence made it very clear that Brown knew nothing of it until after it was printed.⁸⁷ The two men arrived at the same conclusions independently, both reasoning from the commonly shared premise that the slave could rightfully resist the oppression of the slaveholder and that by-standers could legitimately go to the assistance of the slaves.

Spooner's reasoning was based on the following four principles:

1. That the slaves have a natural right to their liberty.
2. That they have a natural right to compensation (so far as the property of the Slaveholders and their abettors can compensate them) for the wrongs they have suffered.
3. That so long as the government under which they live refuse to give them liberty or compensation they have the right to take it by stratagem or force.
4. That it is the duty of all, who can, to assist them in such an enterprise.⁸⁸

Based on these premises, Spooner urged that all political institutions of the slaveholders be spurned and ignored. In their place should be established governments which recognized slaveholding as a crime and which granted to the slaves civil actions for damages for the wrongs already committed against them. The slaves should be recognized as the rightful owners of the plantations they had worked and which would be awarded to them for the damages they had already suffered. The non-slaveholders of the South were also encouraged to form vigilance committees or leagues of freedom, whose duty it should be to see that justice was done to the slaves and that punishment was meted out to the slaveholders.

Realizing that some might object to the distribution of the slaveholders' property to the slaves, Spooner wrote:

Perhaps some may say that this taking of property by the Slaves would be stealing, and should not be encouraged. The answer is that it would not be stealing, it would be simply taking justice into their own hands and redressing their own wrongs. The State of Slavery is a state of war. In this case it is a *just* war, on the part of the negroes—a war for liberty and a recompense for injuries; and necessity justifies them in carrying it on by the only means their oppressors have left to them. In war, the plunder of enemies is as legitimate as the killing of them; and stratagem is as legitimate as open force. The right of the Slaves, therefore, in this war, to take property, is as clear as their right to take life; and their right to do it secretly is as clear as their right to do it openly. And as this will probably be the most effective mode of operation for the present, they ought to be taught, encouraged, and assisted to do it to the utmost, so long as they are unable to meet their enemies in the open field. And to call this taking of property stealing, is as false and unjust as it would be to call the taking of life, in just war, murder.⁸⁹

Spooner's reasoning rested on the recognition of the slave's rightful claim to personal liberty as well as to reparation for having been enslaved. To achieve liberty and compensation required that the slaves escape from their masters and form guerrilla bands, and assemble the means to sustain themselves in

war against the slaveholders. "These bands could do a good work of kidnapping individual slaveholders, holding them as hostages for the good behavior of whites remaining on the plantation, compelling them to execute deeds of emancipation, and conveyances of their property to their slaves."⁹⁰ If the property of the slaveholder could not be converted to the use of the slaves, then Spooner advised its destruction. Spooner suggested that the white non-slaveholders of the South abandon their present governments: "Pay not taxes to their government, if you can either resist them or evade them; as witness and juror give no testimony and no verdicts in support of any slaveholding claims."

Those whites who voluntarily assisted the slaveholders in keeping their slaves in bondage were the object of special attention by Spooner:

You are one of the main pillars of the Slave system. You stand ready to do all that vile and inhuman work, which must be done by somebody, but which the more decent Slaveholders themselves will not do. . . . If you are thus indifferent as to whom you serve, we advise you henceforth to serve the Slaves, instead of their masters. Turn about, and help the robbed to rob their robbers. The former can afford to pay you better than the latter. Help them to get possession of the property which is rightfully their due, and they can afford to give you liberal commissions. Help them flog individual Slaveholders, and they can afford to pay you ten times as much as you ever received for flogging Slaves. . . . Be true to the Slaves, and we hope they will pay you well for your services. Be false to them, and we hope they will kill you.⁹¹

Spooner's position on the right of the slaves to commission assistance based on a sharing of the proceeds of plunder realized from just wars against their masters may have been unique in radical libertarian history:

If it is right for the Slaves to take the property of their masters, to compensate their wrongs, it is right for you [the non-slaveholders of the South] to help them. . . . It will be perfectly easy for you, by combining with the Slaves, to put them in possession of the plantations on which they labor, and of all the property upon them. They could afford to pay you well for doing them such a service. They could afford to let you share with them in the division of the property taken. We hope you [the non-slaveholders of the South] will adopt this measure. It will not only be right in itself; it will be the noblest act of your lives, *provided you do not take too large a share to yourselves; and provided also that you afterwards faithfully protect the Slaves in their liberty, and the property assigned to them.*⁹²

In his "Plan for the Abolition of Slavery" Spooner addressed himself to those Northerners who were willing to go to the aid of the slaves. He recognized that "when a human being is set upon by a robber, ravisher, murderer, or tyrant of any kind, it is the duty of bystanders to go to his or her rescue by force, if need be. In general nothing will excuse men in the

nonperformance of this duty, except the pressure of higher duties (if there be such), inability to afford relief, or too great danger to themselves or others." Legislation notwithstanding, "it is the duty of the non-slaveholders of this country, in their private capacity as individuals—without asking the permission or waiting the movements of the government—to go to the rescue of the Slaves from the hands of their oppressors."⁹³

Private war against the slaveholders of the South was what Spooner advocated. It was John Brown who first put Spooner's reasoning into practice. As Spooner said,

[I]n revolutions of this nature, it is necessary that private individuals should take the first steps. The tea must be thrown overboard, the Bastille must be torn down, the first gun must be fired, by private persons, before a new government can be organized, or the old one be forced (for nothing but danger to itself will force it) to adopt the measures which the insurgents have in view.

If the American governments, State or national, would abolish Slavery, we would leave the work in their hands, but as they do not, and apparently will not, we propose to *force* them to do it, or to do it ourselves, in defiance of them.⁹⁴

No one, except John Brown, was more radical or daring in calling for the abolition of slavery. In 1859, Spooner was still committed to favoring some type of government. As the Civil War progressed, Spooner continued to spin out the implications of his natural-law reasoning. By the late 1860's he had carried his natural-rights theory to its infinitely radical conclusion: individualist anarchism.⁹⁵

Another man who openly advocated and used violence against the Southern slaveholders was John Fairfield, a native Virginian. Fairfield's first attempt at rescuing a slave involved one belonging to his own uncle. The two of them made plans to go to Ohio and then onto Canada. "The arrangement was . . . made for Bill [the slave] to take one of his master's horses, and make his escape the night before Fairfield started, and wait for him at a rendezvous appointed."⁹⁶ The escape was the first of many successful ones for Fairfield. When he related the story, many years later, he justified the horse-stealing as well as the slave-stealing:

No! [I wasn't afraid of the death penalty either for horse-stealing or slave-stealing.] I knew that Bill had earned several horses for his master, and he took only one. Bill had been a faithful fellow, and worked hard for many years, and that horse was all the pay he got. As to Negro-stealing, I would steal all the slaves in Virginia if I could.⁹⁷

Fairfield's success in conducting slaves from Virginia to Canada was soon well known. Slaves who had accumulated small amounts of money offered to pay him if he undertook conducting them to freedom. A young man anxious for adventure and excitement, Fairfield undertook these missions. He would obtain the names of masters and slaves and an exact knowledge of the localities to be visited, together with other information that might aid his

escape plans. Often he would take the names of specific slaves to be freed. These would generally be given to him by other freed slaves who hoped to get the remainder of their families out of the South. Fairfield would go South, into the neighborhood where the slaves lived. While establishing false credentials with the slaveowners, he would make secret contact with the slaves and make arrangements for their escape. Then suddenly he would disappear from the locality and several slaves would be missing at the same time.

Fairfield engaged in this business for over 12 years and it was said that he aided several thousand slaves to freedom and Canada. He was a wicked or noble man (depending on one's point of view), daring and reckless in his actions, but faithful to the trust reposed in him and benevolent to the poor. He seemed to have no personal fear and was always ready to risk his own life and liberty in order to rescue the slaves. His inveterate hatred of slavery was his sole motivation. He believed that every slave was justly entitled to his freedom, and that if any person came between him and liberty, that the slave had the perfect right to shoot him down. Fairfield always went heavily armed and never scrupled to use his weapons whenever he thought the occasion required. He thereby clearly differed from many of the Quakers who participated in the Underground Railroad.

Fairfield was always ready to take money from the slaves for his services, if they were able to pay, but if they did not offer, or were unable to pay, he helped them all the same. He was equally ready and willing to spend his own money, and to part with his last dollar, in order to effect the escape of a slave. Several times, he was betrayed and arrested in the South, but he managed to get out of prison without being tried due to his connections with the Freemasons. He broke out of jail once or twice and escaped. He often had to undergo hardship and privations for the sake of effecting a rescue. One of the fugitives he rescued later said:

I never saw such a man as Fairfield. He told us he would take us out of slavery or die in the attempt, if we would do our part, which we promised to do. We all agreed to fight till we died, rather than be captured. Fairfield said he wanted no cowards in the company; if we were attacked and one of us showed cowardice or started to run, he would shoot him down."⁹⁸

Fairfield's attitude was "shoot to kill and make the devils [the slaveholders and slave-catchers] run". When Levi Coffin, the Quaker and unofficial president of the Underground Railroad, reproved him for trying to kill anyone, Fairfield exclaimed:

Slaveholders are all devils, and it is no harm to kill the devil. I do not intend to hurt people if they keep out of the way, but if they step between me and liberty, they must take the consequences. When I undertake to conduct slaves out of bondage I feel that it is my duty to defend them, even to the last drop of my blood.⁹⁹

Such is the radical libertarian attitude against slavery and a fitting conclusion to our survey of antislavery thought. If this review of history proves anything, it must demonstrate that ideas have consequences and that individuals who are determined to seek justice in their own lives can successfully do so. The Quakers, especially Sandiford, Lay, Woolman, and Mifflin, prove that in the realm of human justice, people do make a difference. Men *can* move mountains, if they only so desire. Justice in human affairs is instantaneously attainable, if only enough people *will* it.¹⁰⁰ In the case of slavery, there is absolutely no question of what constitutes justice for the libertarian: no slave should ever have been enslaved or kept in bondage, and those who were enslaved are entitled to their immediate freedom and compensation.

The radical libertarian tradition in antislavery thought illustrates the passion for justice which all true libertarians should exhibit. It also shows why libertarians must always be abolitionists: they would, if they could, abolish all invasions of liberty immediately. Their battle cry and attitude was set forth by William Lloyd Garrison: "I have need to be all on fire, for I have mountains of ice about me to melt."¹⁰¹ This spirit marks the radical libertarian tradition and it must ever serve as the mark of the man dedicated to the cause of liberty everywhere.

NOTES

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4. *Ibid.*, p. 95.
5. *Ibid.*, p. 96.
6. *Ibid.*
7. Thomas Rutherford, *Institutes of Natural Law* (3rd Ed., Philadelphia: William Young, 1799), p. 458. (Book I, Chapter XX, Section iii). (First ed. published in England, 1754) (Copy obtained from Johns Hopkins University.)
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10. Denis Diderot, *The Encyclopedia*, ed. and trans. by Stephen Gendzier (New York: Harper Torchbooks, 1967), p. 230.
11. Davis, *The Problem of Slavery*, pp. 416-417.
12. Davis, "New Sidelights," pp. 590-591.
13. *Ibid.*, p. 592.
14. *Ibid.*, pp. 592-593.
15. J. Philmore, *Two Dialogues on the Man-Trade* (London: Printed for J. Waugh, 1760), p. 10.
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18. *Ibid.*, p. 21.
19. *Ibid.*, p. 37.
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23. Davis, "New Sidelights," pp. 593–594.
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25. Philmore, *Two Dialogues*, pp. 60–61.
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27. F. O. Shyllon, *Black Slaves in Britain* (London: Oxford University Press, 1974), pp. 22–23.
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29. William M. Wiecek, "Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World," 42 *University of Chicago Law Review* (Fall 1974), pp. 86–146.
30. Shyllon, *Black Slaves*, p. 196.
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32. Granville Sharp, *An Address to the People of England: Being the Protest of a Private Person Against Every Suspension of Law That is Liable to Injure or Endanger Personal Security* (London, 1778), p. 46. (Copy obtained from Duke University Library).
33. Sharp, *Address*, p. 57.
34. *Ibid.*, p. 71.
35. Samuel Hopkins, *Timely Articles on Slavery* (Miami, Fla.: Mnemosyne Pub., 1969), p. 617.
36. Davis, *Problem of Slavery in Age of Revolution*, p. 269.
37. Thomas Paine, *Works of Thomas Paine* (ed. W. Vander Weyde, New Rochelle, N.Y.: Thomas Paine Historical Assn., 1925), II, 5.
38. Hopkins, *Timely Articles*, p. 575.
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50. Rothbard, *Conceived in Liberty*, p. 176.
51. Quoted in *ibid.*, p. 176.
52. *Ibid.*, p. 177.
53. *Ibid.*, p. 178.
54. Davis, *Problem of Slavery in Western Culture*, pp. 330–332.
55. Rothbard, *Conceived in Liberty*, pp. 178–179.
56. Sydney V. James, *A People Among Peoples: Quaker Benevolence in 18th Century America* (Cambridge: Harvard University Press, 1963), p. 223. See also Rothbard, *Conceived in Liberty*, p. 179.
57. Rothbard, *Conceived in Liberty*, p. 179.
58. James, *A People Among Peoples*, pp. 224–225.
59. *Ibid.*, p. 231.

60. *Ibid.*, p. 232.
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68. Warner Mifflin, “Statement Concerning His Refusal to Use and Circulate Continental Currency,” 1779. (Copy obtained from Friends Historical Library, Swarthmore College). See also Peter Brock, *Pacifism in the United States* (Princeton: Princeton University Press, 1968), p. 207.
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70. Justice, *Warner Mifflin*, pp. 190–193.
71. *Ibid.*, pp. 91–92.
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73. Thomas Branagan, *The Guardian Genius of the Federal Union* (New York: for the author, 1840), p. 31. Also quoted in Nuermberger, *Free Produce*, p. 9.
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76. *Ibid.*, pp. 219–220.
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87. C. Shively, ed., *The Collected Works of Lysander Spooner, Vol. IV, Anti-Slavery Writings* (Weston, Mass.: M & S Press, 1971), esp. “Introduction,” to “A Plan for the Abolition of Slavery,” and “To the Non-Slaveholders of the South,” pp. 4–7.
88. Spooner, “To the Non-Slaveholders of the South,” column 1.
89. *Ibid.*
90. *Ibid.*, column 2. On this point, Spooner adds that no objection could be made to the fact that deeds of emancipation and conveyances of property may have been made under duress. “[I]nasmuch as such contracts would be nothing more than justice; and men may rightfully be coerced to do justice,” they could not be contested.

91. *Ibid.*, column 3.
92. *Ibid.*
93. Spooner, "A Plan for the Abolition of Slavery," column 1.
94. *Ibid.*, column 3.
95. Murray N. Rothbard, "'Introduction,' Lysander Spooner, *Natural Law, or the Science of Justice*," *Libertarian Forum* (Sept. 1974), p. 1.
96. *Reminiscences of Levi Coffin, Reputed President of the Underground Railroad* (Cincinnati: Robert Clarke & Co., 1880), p. 429.
97. *Ibid.*, p. 430.
98. *Ibid.*, pp. 443-444.
99. *Ibid.*, p. 445.
100. Murray N. Rothbard, "Why Be Libertarian?," in *Egalitarianism as a Revolt Against Nature, and Other Essays* (Washington: Libertarian Review Press, 1974), p. 149.
101. Quoted in Rothbard, "Why Be Libertarian?," p. 151.