



## THE EVOLUTION OF AMERICAN SLAVE LAWS - BARBARISM TO HUMANISM - A STUDY

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### ABSTRACT



The laws are the protectors of civil society. They enable humanity to survive deleting the threat to existence and abolishing every sort of fear from the world. The laws, natural or human framed, are supposed to guarantee what an individual deserves in the society free of bondage and servitude. As divine laws asks the humans to follow laid principles to attain liberation, the secular laws expect certain responsibilities to be fulfilled in good spirit by the individuals to withstand pejorative effects of time and situations. In the scenario of American history from its early settlements to Lincoln's era of civil war, the laws enacted to deal with the issue of slaves had witnessed significant changes through the passage of time. As man progressed from enjoying chronic barbarism and bestial attitude towards fellow human beings and nature, the civilization took its deep roots steadily in the goodness of man which resulted consequently in the formation of a healthy society. American cultural and political history witnessed the steady progress and considerable change towards fellow citizens who are not white in skin colour, the progress was the result of unnerving sacrifices on the part of slaves and anti-slavery activists like Quakers. The fear of God might not have made them feel chastised but surely literature, humanism, progressive thinking, political reforms encouraged the law makers to stand for the cause of freedom for slaves and against exploitation. My paper will analyze the salient features of the laws which were promulgated time to time since the early settlements in New England.

**Keywords:** *Abolitionists, Quakerism, Fugitive, Slave Lynching, The Negro Question, Slave Codes*

**THE SLAVE CODE OF 1661**

Historically the first major slave code was enacted in Barbados by then British empire to manage the slaves and related business enterprise. It directly and in inhuman tone states that a slave shall be treated as the property of the owner on par with other material value possessions. The English common law was not applicable to the slaves, they were denied of basic human rights. The law of 1661 asked the owners to supply the slaves with sufficient clothing but it did not mention any standard for it or it failed to look into the matter of proper nourishment. The code was basically giving more rights to the master than to the slave. 'If any Negro or slave whatsoever shall offer any violence to any Christian by striking or the like, such Negro or slave shall for his or her first offence be severely whipped by the Constable'.<sup>i</sup> For the master beating a slave, no punishment can be pronounced against him but if a slave retaliates even to protect himself it would be tantamounted to open humiliation by public flagging in front of other slaves. The law did not end here but prescribed further that the nose of a slave to be slit and some part of the face to be burnt so that other could feel the pain and could not venture for retaliation.

**THE NEGRO ACT OF 1740**

The act was passed in the Province of South Carolina under William Bull's governorship. The act states clearly that there were no rights bestowed on African slaves to assemble in groups or to participate in public activities, they cannot move from one state to another state, they could not earn money on their own, they should not accumulate food for future needs. The law gruesomely states that even if the master permits a slave to acquire property with his hard resources, the property would remain as the rightful property of the state but not as the acquired or bought property of the slave. It denies the right of the slave to possess the property of the owner, even if the owner was left with no heir to inherit his property which was actually the result of the seat of a slave. "In its 1740 code South Carolina provided for the forfeiture of any boat, periaguer, or canoe, or horses, or mares, neat cattle, sheep or hogs held for the use or benefit of the slave"<sup>iii</sup>. It is evident in the

passage that even though they are recognized as fellow human beings no sympathy or dignity is showed upon them. They are treated as some life in a black body which is in diabolical color for them. It further went on empowering the master draconically saying that the slaves could also be killed if they rebel against their master without stating the clear definition of rebellion giving the white masters an easy escape route for their crime of homicide by giving concocted reasons. The act was in full force for more than a century sending the innocents to the gallows. The act in straight nullifies any desire to read or write. Education of any sort is forbidden to the slaves. If anybody was involved in teaching education to a slave that person would be treated as a criminal. The act intended to keep the slaves in the darkness of ignorance and illiteracy as much time as possible so that the state could be benefitted by the inhuman exploitation meted out on them.

**THE FUGITIVE SLAVE ACT**

By 1776 in total American states, the slavery was declared as legal. They were no free states yet. As in the entire America the debate over the legality of the slavery was raising and the sympathetic intellectual minds were being engulfed by the pitiful condition of the slaves, the American society experienced a jolt where the issue of the slavery has become a major divisive force which led to the American civil war. Just before the anvil of the Civil war, total nineteen states declared themselves as free states and fifteen remained as slave states where slavery is not illegal yet.



Caution Colored People Advertisement, 1851  
Photo Courtesy of: The Society for the Preservation of New England Antiquities



The September 18, 1850 was the darkest day in the history of American Slavery, it is the most shameful day on the part of American civilization which boasted of progress, liberty and equality as the day was marked with the passing of Fugitive Slave Law by United States Congress which was criticized by the slavery abolitionists as Blood Hound Law. The Law empowers the enforcement agency with the unprecedented powers in arresting any black man on the pretext of runaway slave. Even freed slaves were also arrested and harassed before being handed over to the slave owners. The arrested slave could not plead his case before any law enforcement officials and federal courts did not give any chance for the blacks to defend themselves.

The Fugitive Act of 1850 further tried to dehumanize the society by imposing penalties on the benevolent people who aid the slaves to escape the bondage, the law imposed \$1000 fine and imprisonment up to six months to those who shelter or provide the food or medicine to the escaped slave. The police officials, in reality, had become kidnappers and slave hunters. They were being given incentives and promotion upon catching the escaped slaves. The act had become an assassin of humanity. Moreover the Fugitive slave Law was nothing more than an attempt to impose on 'the free states...the domestic and social economy of the slave states.'<sup>iii</sup> The man who could claim a slave as his own needed to just submit an affidavit before the court of law and claim that escaped slave for his life time. The resistance to this devilish law steadily grew across America, the mobs which consisted of anti-slavery agents often rummaged the court rooms and freed the slaves who were in custody for their offence of escape. Yet the law was on force decades together in most of the states of America making the slaves victims of human apathy by denying jurisprudence.

### THE AMERICAN CIVIL WAR

The American Civil War which was fought between 1861 to 1865 was the war fought primarily on the cause of slavery between the free states and slave states. Had it not been for the Abraham Lincoln's legacy of managing a nation with the values which nurtured and strengthened its very foundation, the American which we see today would

have been entirely a different one. The 'Emancipation Proclamation' made by him on January 1, 1863 freed every slave who were in captive. This was the precursor of the Thirteenth Amendment to the constitution which was going to be adopted in the coming days.

More than four hundred thousand union army men participated in the battle which razed nearly for four years giving the new shape for united America. Abraham Lincoln was elected as the president of America in 1860, he said 'if slavery is not wrong then nothing is wrong'<sup>iv</sup> emphasizing on the abolition of the dark practice. The results of the war are not possible to be enumerated in complete manner but the major fruit it brought, though with great sacrifices, the abolition of slavery. In his Gettysburg address Lincoln declared the values of democracy the American nation is going to adopt..." that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth"<sup>v</sup>. His just 2 minutes speech encapsulated the spirit of new America in which everyone could breath freedom to quench the thirst of their hearts. The blacks and whites both participated strengthening each other's morale and camaraderie to carve out the new America.

### THE THIRTEENTH AMENDMENT

The Thirteenth amendment to the constitution was proposed on 31 January 1865 that finally abolished slavery and involuntary servitude. It destroyed the Fugitive Slave Act and bestowed the blacks with the right to save themselves from the clutches of slave masters. But it was criticized that the Thirteenth amendment freed the slaves politically but no proper legislation, financial support were given to the freed slaves to start a business or to live on their own. The hiatus made the slaves vulnerable to the society which was white dominated.

### CONCLUSION

The history of slavery in America, through the passage of centuries, witnessed a steady journey from being draconian to being a human even though some pitfalls remained on the path. It is the living witness that the laws which curb human freedom



and destroy the dignity of life would not remain there forever.

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<sup>i</sup> Henning, William Waller(1819).The Statutes at Large. W Grey Printers.UK

<sup>ii</sup> Morris, Thomas D(1996).Southern Slavery and The Law. The University of North Carolina Press.US

<sup>iii</sup> Blackett, R J M(2018). The Captive's Quest for Freedom. Cambridge University Press. New York

<sup>iv</sup> Ford, Crain T(2004). The American Civil War: An Over view. Enslow Publishers. US

<sup>v</sup>

<https://www.nps.gov/abli/learn/education/upload/UpdatedGettysburgAddress.pdf>

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