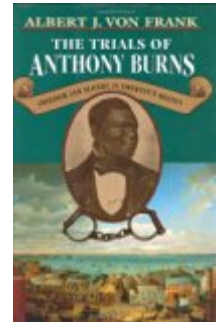


Albert J. von Frank. *The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston.* Cambridge, Massachusetts and London, England: Harvard University Press, 1998. 409 pp. \$27.95., cloth, ISBN 978-0-674-03954-4.



Reviewed by Joan Waugh

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On May 24, 1854 two events occurred which dramatically shaped the future of the union. The Kansas-Nebraska Act was passed in Washington, D.C., and a fugitive slave from Virginia named Anthony Burns was arrested by a federal marshal as he walked down a Boston street. Historians have traditionally focussed on the consequences of the former, while relegating the latter to a few paragraphs or a footnote in the tumultuous history of the 1850s. Albert J. von Frank's superb rendering of the ensuing trial of Burns restores the episode to its rightful place as an important event in the march to disunion and deftly interweaves intellectual, legal, cultural, and political history to make his case. This book, based on a wealth of sources - including newspapers, memoirs, letters, diaries, journals, and legal documents - is a welcome addition to the revisionist literature on the abolitionist movement, and a reminder of the remarkable role of Boston as a center for abolitionism and antislavery activity before the Civil War.

Von Frank argues that there is a well-documented link between the transcendental philosophy of Ralph Waldo Emerson and the actions of

many of the principal figures in the trial controversy. This linking of thought and action makes for a complex and interesting examination of the private sources animating public behavior. Emersonian transcendentalism empowered the individual over the institution, and celebrated the goodness inherent in all men, black and white. By doing so, Emerson and his circle (who generally eschewed overt political involvement) inspired the actions of readers to liberate humans from all fetters, and oppose the evils of slavery, even if it meant breaking the law. For example, Emerson admirer and abolitionist minister Thomas Wentworth Higginson risked his life and his family's welfare when he helped to lead the riot to free Anthony Burns at the door of the Boston Court House. Later, he would serve as one of the "secret six" who supported the illegal activities of John Brown.

Higginson obeyed Emerson's commandment: "When the public fails in its duty, private men take its place. When the American government and courts are false to their trust, men disobey the government, put it in the wrong. This is the

compensation of bad government, -- the field it affords for illustrious men" (p. 328). While Emerson was never arrested for following his own precepts, his neighbor in Concord and fellow transcendentalist Henry David Thoreau did spend a night in jail for his beliefs. Thoreau explained his ideas on the role of government in "Civil Disobedience": "There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, and treats him accordingly." Outraged after witnessing Burns's return to slavery backed by the laws and force of the United States government, Thoreau declared, "The law will never make men free, it is men who have got to make the law free" (p. 285). Higginson was just one of many abolitionists influenced by the radical and liberating message of transcendentalism, as von Frank ably documents.

Von Frank contends that the disturbances preceding the trial, the legal debates within and without the courtroom over the definition of freedom and its opposite, and the shameful spectacle of Burns's re-enslavement, turned Boston, and Massachusetts, into a hotbed of antislavery sentiment. This sentiment, embraced by many Democrats and most Whigs, rejected the strong unionism of the recently deceased Massachusetts Senator Daniel Webster, a principal architect of the Compromise of 1850 and firm supporter of the hated Fugitive Slave Act. Indeed, Burns's lawyers, led by the distinguished Richard Henry Dana, Jr., viewed the case as a perfect opportunity to challenge the provisions of the FSA, and although they lost in the courtroom, they won in the court of northern opinion.

Partisan ramifications were important as well. Prominent Massachusetts ministers and politicians called for the liberation of Anthony Burns, and denounced the law that clearly turned freedom-loving northerners, and particularly Bostonians, into slave catchers. Many sermons and speeches were made contrasting Boston's his-

toric commitment to freedom in the Revolutionary era with its current role as jailer of runaway slaves. Voluble descendants of American Revolutionaries asserted that that freedom so dearly won was being seriously compromised by southern domination of both national and now, northern state law. According to von Frank, the Burns trial sparked a "pocket revolution" that not only created a much more favorable reception to the ideology of abolitionism and a widespread embrace of its milder form, political antislavery, but also led to the final disintegration of the Whig party. The extreme instability of the political system provided the opportunity for the spectacular success of the American Party (Know-Nothings) in the Bay State. And as von Frank notes, both the anti-immigrant party and the Republican Party that replaced it were built on well-articulated fears of a southern conspiracy to nationalize slavery as well as fears about Irish immigration. Again, von Frank asserts that, at least in Massachusetts, the rhetoric and strategy of political antislavery flowed from steady resistance to the Fugitive Slave Act of 1850 and the major test of that law in the 1854 Burns trial, and not from the opposition to the Kansas-Nebraska "outrage."

The Trials of Anthony Burns is organized both chronologically and thematically. The riveting narrative of the trial is interrupted frequently to provide context, short but trenchant biographies of major and minor figures, and interesting explorations of slavery and freedom in politics, law, and culture. The lives and careers of Harriet Beecher Stowe, Moncure Conway, Wendell Phillips, Charlotte Forten, Edward G. Loring, and Benjamin Curtis are served up to illuminate the controversial and compelling aspects of the Burns trial. Von Frank examines "odd couples" such as Protestant minister and radical abolitionist Theodore Parker and Catholic thinker and Democratic politician Orestes Brownson. His analysis is especially useful in delineating the oppositions in a deeply divided political culture (pp. 242-253). At times, however, the amount of information pre-

sented tends to distract and bore rather than to advance the themes of the book. Elimination of some of the more tedious sermons or even cutting out a few of the less important figures such as the actress Anna Cora Mowatt would have been helpful. But this is a minor criticism of an excellent book that reexamines a unique generation of intellectuals and activists and brings a renewed appreciation of their accomplishments. Too many scholars have downplayed or dismissed the men and women so vividly portrayed in von Frank's pages -- as having too little, or a negative, impact on the "real" events of the 1850s. Von Frank, however, does not shy from discussion of their shortcomings.

"If Emerson is the subject of this book," von Frank admits, "Anthony Burns is its object" (p. xvii). The narrative and analytical structures privilege the white "heroes" and their intended audience, the white northern public. Anthony Burns, the runaway slave whose self-emancipation was the cause of all the controversy, and the tiny but influential Boston African-American community play a somewhat muted role in von Frank's account, as they did in the unfolding of the 1854 drama. Von Frank's analysis of the aftermath of the trial highlights the fact that Burns, like other fugitive slaves of the era, became a useful symbol to advance a largely white social and political agenda. Theodore Parker's quote - "Despotism cannot happily advance unless I am silenced" (p. 292) - reveals a nasty, egocentric side to these generally admirable reformers. Burns's personal tragedy broadened the appeal of the antislavery message, and it succeeded, even if the more radical aims of the abolitionists were stifled, and Emerson's vision of individual freedom went unrealized.

In the end, does von Frank prove that Emerson's influence over selected, and generally upper-class individuals "caused" the Burns episode to become the catalyst it was in Massachusetts's conversion to antislavery principles? I think not. Too many other socioeconomic factors have to be

taken into account. Likewise, I doubt whether this book will convince many historians that the Kansas-Nebraska Act was not the most important event in mobilizing northern public opposition to the southern pro-slavery agenda. Still, von Frank has demonstrated brilliantly that the Burns case, along with the Fugitive Slave Act, the Kansas-Nebraska Act, the rise of the Republican party, and the Dred Scott decision, dealt a devastating blow to unionism. Southerners agreed. "We rejoice at the recapture of Burns," the *Richmond Enquirer* ruefully noted, "but a few more such victories and the South is undone" (p. 233).

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