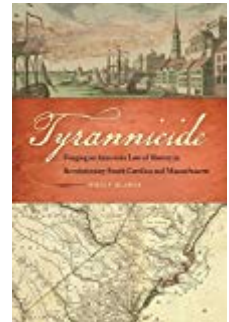


Emily Blanck. *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts.* Studies in the Legal History of the South Series. Athens: University of Georgia Press, 2014. 224 pp. \$49.95, cloth, ISBN 978-0-8203-3864-4.



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In *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts*, Emily Blanck argues that the fugitive slave clause of the United States Constitution (Article IV, Section 2) had its roots in a 1783 ruling by Justice William Cushing of the Massachusetts Supreme Judicial Court to grant a writ of *habeas corpus* freeing eight South Carolina slaves being detained in jail in order to be returned to their masters. This decision, Blanck contends, led South Carolina's delegates at the Constitutional Convention to insist on the inclusion of a fugitive slave clause in the newly drafted frame of government and Massachusetts's delegates shaping that clause to reflect the growing antislavery sentiment in that state. In the process, Blanck reveals, the divisions between northern and southern states, free and slave, usually associated with the antebellum period, began in the earliest days of the Republic. She does so by highlighting the divergent local histories of slavery in Massachusetts and South Carolina, the national history of compromise on the issue between political elites, and the role that

African Americans played in shaping those local and national discussions.

The case began in 1779 when a British privateer captured thirty-four slaves from the Waccamaw Peninsula in South Carolina. After a series of naval encounters, the slaves ended up in Boston where they were set ashore from the American privateer *Tyrannicide*, leaving the state with the rather tricky problem of how to deal with thirty-four men and women who were simultaneously slaves, prizes captured at sea, and human beings. The Massachusetts House of Representatives dealt with the problem by allowing the slaves to decide their own fate, and their decision to return to their masters in South Carolina seemingly settled the matter. While twenty slaves did return south, fourteen remained in Massachusetts, largely because their owners had chosen to postpone retrieving them until a later date. In the four years that followed, they integrated themselves into a growing community of free African Americans and lost their desire to return to slavery. Consequently, when their owners, the Pawley family,

dispatched, in 1783, representatives to secure the men and women and return them to the Waccamaw Peninsula, the now former slaves, aided by the local legal community, resisted. When the owners' representatives asked that the slaves, living at large in Boston, be detained, they were, on the order of a justice of the peace, confined to Boston's jail. Once there, however, an apparently unknown member of the Boston legal community filed a writ of *habeas corpus* on their behalf. Cushing ruled in the former slaves' favor and set the men and women free, after which they disappeared back into Boston's African American community never to return to South Carolina. The decision set off a flurry of angry correspondence between Governor Benjamin Guerard of South Carolina, Governor John Hancock of Massachusetts, and Cushing with the former accusing the last two of freeing the slaves against the will of their owners and the latter—Hancock served principally as a mediator—insisting he had done no more than recognize that since the former slaves had committed no crime they could not be held against their will. This affair ended quietly, but it had, Blanck contends, set the lines of arguments between those states that insisted on the inalienable right to hold people as property, and states and localities reluctant to endorse that peculiar type of property by aiding in the capture and return of the people who had fled from it.

The details of the *Tyrannicide* affair are murky, and the bulk of the book focuses on the local and national contexts in which the attempts to return the slaves and the former slaves' attempts to secure their freedom unfolded. The broad outlines of this part of the story, despite the author's unconvincing claims to the contrary, is largely well known. The more favorable legal environment in Massachusetts for slaves, notably their right to use the courts to sue their owners and other whites, provided a springboard for the efforts of enslaved Massachusettsians to challenge their bondage. On the other hand, the much more restrictive legal environment of South Carolina,

where slaves were treated as property without rights, prevented such strategies and forced slaves to take more direct action in search of freedom. Consequently, as the American Revolution unfolded, African American resistance to slavery in Massachusetts combined with revolutionary ideology and a favorable legal and economic environment to produce a gradual but nonetheless steady erosion of popular support for slavery. Conversely, in South Carolina, African American efforts at freedom forced Carolinians to take an ever more restrictive stance toward slaves, and to identify the revolutionary ideology with effort to protect their property and lives from the imperial government that appeared hostile to both. By the end of the war, South Carolinians were more committed than ever to protecting their right to own other humans, and expected their fellow Americans to protect that right.

The main contribution of the book lies in the tone it takes toward these developments, or at least the developments in Massachusetts. By placing the actions of African Americans at the center of her story, and by focusing on local reactions to slavery contained in the commentaries that Massachusetts towns offered to help draft the state's 1780s constitution, Blanck presents an image of Massachusetts as more committed to ending slavery than other recent accounts would suggest (for example, Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America* [2009]). The actions of African Americans in Massachusetts to use the ideology of the Revolution to secure an end to slavery, Blanck argues, resonated with many in the Bay State and created a groundswell of support for abolition among the people as a whole. Political elites in the state and in the Continental Congress, concerned about preserving the wartime alliance with the southern colonies and then states, remained tepid to hostile to such proposals, but, by the time of the *Tyrannicide* affair and the Constitutional Convention, Massachusetts' popular antislavery sentiments had been firmly established. Blanck makes it clear

that opposition to slavery did not entail support for racial equality, but by concentrating on the local scale and the actions of African Americans she does make a case that, at least in revolutionary Massachusetts, complaints about British attempts to enslave colonists did lead residents of the state to reconsider their acceptance of the institution.

Blanck also makes an interesting case that scholars have misread the role that slavery played in the debates over the federal Constitution in 1787. The well-known back and forth over the 3/5's clause or the slave trade, she contends, reflected arguments not about slavery per se, but about power and economic interest. The relevant debate over slavery, Blanck contends, occurred in the series of compromises starting with Cushing's granting the writ in the case of the Waccamaw slaves, moving through the Northwest Ordinances (1784 and 1785), before ending with the fugitive slave clause. In these cases, the fundamental tension lay between the slaveholding states that insisted in their right to the property in slaves and the free states that were committed to property rights, but reluctant to accept the legitimacy of property in people. Consequently, northern and southern delegates crafted a clause that recognized the slave owners' claim to property in slaves, but, by defining the escaped slaves as laborers, refused to recognize them as property. Thus, the Constitution preserved the rights not only of southern states to continue to own slaves but also of northern states to remain free.

Tyrannicide is a short and easy read, and its concise descriptions of the history (economic, political, and legal) of slavery in Massachusetts and South Carolina both in the colonial and revolutionary periods make it ideal for any class exploring slavery and abolition in the era of the American Revolution. Scholars will find the thesis concerning the connection of the *Tyrannicide* to the fugitive slave clause and the distinction it makes between slaves as property and the property in slave labor for understanding the rise of sectional

difference in the United States provocative, but largely conjectural. The author simply does not have the evidence to tie the events of Massachusetts in 1783, whether the particular issue of the slaves on the *Tyrannicide* or even popular anti-slavery more generally, to the later fugitive slave clauses to seal her argument. The case Blanck makes is certainly plausible, and worthwhile, if for no other reason than its reminder that national compromise on slavery diverged from popular desires in both the North and South, and the emphasis she places on African Americans' role in causing that divergence.

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