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Misrepresenting Misery: Slaves, Servants, and Motives in Early Virginia

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Misrepresenting Misery: Slaves, Servants, and Motives in Early Virginia

**A thesis submitted in partial fulfillment
of the requirements for the degree of
Masters of Arts**

By

JAMIN PAUL RILEY
B. A., Hampden-Sydney College, 2010

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Wright State University

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WRIGHT STATE UNIVERSITY

GRADUATE SCHOOL

I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY
Jamin Paul Riley ENTITLED Misrepresenting Misery: Slaves, Servants, and Motives in Early
Virginia BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
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ABSTRACT

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Violence has frequently been connected to the history of slavery. Graphic depictions of slaveowner violence can be found in popular literature and media. The slave experience, especially in the early modern period, should instead be explained to wider public audiences in its totality. The regulation of reproductive and familial rights by slaveowners, the use of sexual punishment, and the permanence of slavery made the enslaved life truly unique, and set it apart from the experiences of other repressed elements of early modern English society, such as the poor. The creation of the slave system and the development of its regulatory practices must also be understood through the lens of those who created it. Ultimately, the political, social, and economic motivations of elite English gentlemen can be seen through the degradation of black slaves.

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Introduction and Purpose

The portrayal of early modern slavery within popular literature and media has been dominated by representations of violence and gore. While violence and punishment should never be removed from the study of slavery, scholars must continue to produce works which broaden the presentation of the topic. By reducing the motives of slaveowners to base cruelty and sadism, elite political, social, and economic motives are placed into the background. Many examples of graphic language within academic and popular work stand to misrepresent the slave system and those who established it. To be certain, no rational individual today would condone any of the actions of slaveholders of the colonial age. Cruelty is generally able to sell more literature than works intended for an academic audience interested in advanced study. It is important, though, that the motives of those who established such a brutal and repressive economic system be more widely represented and set in the context of a very violent early modern age. The early modern period was without a doubt a generally violent and repressive period in world history. The expansion of European socioeconomic prerogatives throughout the globe forced many less fortunate souls to suffer. In the seventeenth- and eighteenth-century English world white servants, criminals, and the poor were subject to much of the same sort of brutality commonly associated with black African slavery.

The core difference between European and African anguish of the era resides in the form and severity of societal control, and not with violent behavior. By paralleling white servitude and slavery in early modern England and Virginia the strict association of violence with slavery diminishes somewhat. Sexual punishment, the elimination of black reproductive and parental

liberties, lifetime service, and hereditary status separated the white servile experience from that encountered by blacks in the slave system. These forms of ethnic control, and not whippings and other forms of corporal punishment, truly differentiate the servant and slave in the historical record. Consequently, these differentiations also reflect the goals of plantation owners and offer valuable insights into how and why individuals of the period built and maintained slavery. In order to fully understand the slave system within colonial Virginia and elsewhere in America the experiences of the master must be as fully illuminated, both in popular and academic literature, as the servant or the slave.

The adoption of slavery afforded early modern gentlemen an opportunity to achieve greater success in a society focused on upward mobility. Within the colony of Virginia, planters learned of the wealth and rising status of their Caribbean counterparts. Attempts were made by some of Virginia's colonial elite to adopt the successful strategies of the Caribbean sugar planters. In the early modern period the overarching goal of most English elites was economic advancement, which in turn enhanced political and social positioning. Violence was a method utilized by some slaveholders to make their transition upward through the ranks of society as efficiently and effectively as the contemporary social constructs would have permitted. The brutality of the slave system, then, was a byproduct of elite motivations and not independent of itself. While these facts might be common knowledge to well-educated scholars, they are probably not so to those interested in the topic, but novice in the field.

The purpose of this study is fourfold. Firstly, this is an argument concerning the proclivity within the popular sphere, but also in some instances the academic, to foster a strong

connection between violence and slavery in literature and culture. This connection has been made using graphic language and artistic representations which posit the physical sufferings of slave life as anomalous and not more correctly as commonalities, comparable to other segments of contemporary society. Also, the sharp connection between violence and slavery offers little reference to variance within the slave system over time and space. Secondly, a brief overview of the lives of early modern English white servants and the poor will offer examples of violence similar to those experienced by black slaves of the time period. These examples will show that some Englishmen incurred punishments and detriments of a caliber great enough to challenge scholarly works which propose a strong correlation between slavery and violence. Thirdly, a proposal will be made that sexual punishment, the control over black reproductive and parental rights, and permanent and hereditary status were unique to African slavery, more so than corporal punishment. Finally, these revised characteristics will be investigated and their importance to slaveowner prerogatives adjudged. This final component of the study will propose that Virginia's colonial elite sought efficiency through total control, that these individuals were largely successful in their endeavors, that these individuals responded to pressures placed upon them by the society in which they lived, that slaveholder violence was a byproduct, and not a central motivation, of early modern slavery, and that revised presentations of slaveholder motives should be forthcoming.

Violence in the Historiography of Early Modern Slavery

By the turn of the eighteenth century Virginians had come to define the intricacies of their slave system. The use of violence was fully incorporated within the legislative and social constructs of the colony's slave code. However, brutality, in and of itself, was not a goal of lawmakers or slaveowners. In many recent works, and in some seminal works as well, the language and methods used by some authors has been graphic, perhaps so much as to skew the historical record.

For instance, in James Walvin's recent work, *The Trader, The Owner, The Slave: Parallel Lives in the Age of Slavery*, graphic language is used to color the history of slavery in the early modern period. While Walvin's book is a fine piece that deconstructs the lives of some prominent figures involved in the slave trade, his interpretations are influenced by modern expectations of morality. Of the development of the slave system Walvin writes that "Europeans and their American descendants devised a system of excruciating violence, maintained by draconian punishments."¹ Such words as "excruciating" and "draconian" offer no insight into specifics and paint a picture in the mind of readers of a hellish landscape. While Walvin does indulge his readers later with historical information on the African trade, the use of such language at the very beginning of his work leaves expectations of gore in the minds of his readers.

Another of Walvin's works creates the anticipation of violence, but prior the reading of a single page. The artwork covering Walvin's *Black Ivory: Slavery in the British Empire* is the

¹ James Walvin, *The Trader, The Owner, The Slave: Parallel Lives in the Age of Slavery* (London: Vintage Books, 2007), xvi.

painting “Scenes on the Coast of Africa”, by the Frenchman Francois Auguste Biard. The painting depicts graphic images of slave-selling, whippings, brandings, physical inspections, and other horrific undertakings on the slave coast of Africa. Walvin dates the piece on the back cover of the book from c.1833, the year prior to the passage of the British Slavery Abolition Act. However, the Public Broadcasting System dates the painting to 1840, well after Britain and the United States had banned the Atlantic slave trade (1807 and 1808 respectively²), and Britain, at least, had banned slavery altogether. It is possible, then, that the image that covers Walvin's work on British slavery is not even of British slavers at all.³ While the painting itself might stand as a fine piece of artwork, and undoubtedly would muster numerous glances at a book store due to its eye-catching features, it was perhaps a poor choice to adorn Walvin's work. Individuals who seek to learn more on the topic would undoubtedly open Walvin's work with preconceived expectations, and they would not be surprised to find chapter titles which include, “Consuming Passions”, “Murdering Men”, “Disease and Death”, and “Violence.”

² “An Act for the Abolition of the Slave Trade,” March 25, 1807; “An Act to Prohibit the Importation of Slaves,” January 1, 1808.

³ “The Terrible Transformation: Resource Bank,” accessed January 31, 2012, <http://www.pbs.org/wgbh/aia/part1/1h297.html>. PBS asserts that Biard's work represents a scene from the French colonies, which does not seem unlikely since Biard was himself a Frenchman.



“Scenes on the Coast of Africa” (1840) by August Francois Biard. Accessed from PBS website (<http://www.pbs.org/wgbh/aia/part1/1h297b.html>).

Likewise, in *Twice Condemned*, Philip Schwartz asserts that “slavery was by nature a brutal system, based on and maintained by the ruthless use of force.”⁴ However, it should be duly noted that the “nature” and mentality of early modern slaveowners was drastically opposed to what many in the present would deem to be natural. Today most would argue that corporal punishment should be illegal due to modern moral stigmas; this was not the case in the seventeenth to nineteenth centuries. The advancement of personal, familial, and regional interests generally held sway over the misfortunes of the lower orders, be they black, white, or otherwise.

⁴ Philip J. Schwartz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge: Louisiana State University Press, 1988), 6.

Even in Winthrop Jordan's influential work, *White Over Black*, he writes of "outbursts of sadism involving hideous tortures."⁵ Certainly, such fateful incidents have been common historically in extremely hierarchical systems. Some slaveowners did commit rapes, beatings, and many other malicious acts. But the pervasiveness and regularity of such actions are hard to evidence. Of course violence and cruelty cannot and should not be divorced from the history of slavery. However, the use of heavily weighted language and graphic representations stand to misrepresent larger issues to larger audiences. All benevolent individuals today would agree that many of the actions witnessed within the early modern slave system, and those that would follow subsequently, were extraordinarily brutal. Yet, historians have a responsibility to remove modern judgments from their scholarly work and attempt to portray any historical event or period as contemporaneous to its occurrence and limitations as possible.

Presently, the internet offers a nearly limitless amount of information concerning slavery, and is generally where members of the public might begin an inquiry into the subject. However, this sphere is open to any who want might publish their opinions or inaccuracies, just as it is to more scholarly sources. Perhaps one of the most common sources for historical information accessed by the general public is the History Channel. When the word "history" is entered into a search engine, immediately the corporation's website emerges. As a search regarding slavery and its origins is undertaken within the website a video is presented that portrays numerous tidbits of erroneous or skewed information.

⁵ Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (New York: W. W. Norton & Company, Inc., 1968), 154.

The video is set to a soundtrack of ominous music, filled with depictions and reenactments of violence, and read aloud by an African American woman.⁶ Some of the most striking inaccuracies that the video asserts include the argument that Virginian colonists, who were “devastated by hunger, disease, and raids by native Americans,” somehow “parted food” for the 20 slaves brought by the Dutch *White Lion* in 1619. The rationale of the video might be called into question. It seems most implausible that near starving individuals could take on more mouths to feed. Perhaps, alternative explanations for the 1619 transaction might have been offered to generate critical thinking. Also, the video argues that the colonists of Virginia “had no model for slavery.” While a distinct system did arise in North America, Englishmen, such as John Hawkins and Sir Francis Drake, had had interactions within the African slave trade for over half a century prior to the founding of Jamestown. Also, there is some evidence that the famous Captain John Smith of the Jamestown voyage was himself a slave to an Ottoman Turk for a period of time following his capture in battle.⁷ In the will of one Nicholas Wichelhalse of Barnstable a black slave is bequeathed in 1570.⁸ To say that the colonists in Virginia had no model for slavery is an overstatement.

The video also makes a wide jump in time from 1660, when King Charles II created the Royal African Company, to 1807 when the slave trade was abolished by the British Empire.

⁶ “Origins of Slavery in America and Related Media,” Accessed January 31, 2012, <http://www.history.com/videos/origins-of-slavery#origins-of-slavery>.

⁷ Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Company, Inc., 1975), 8-11; 76.

⁸ R. C. Richardson, *Household Servants in Early Modern England* (Manchester: Manchester University Press, 2010), 67.

Certainly, a great deal regarding the history of slavery occurred in the 147 years which the video excludes.⁹

Also, the video insists that “families were torn apart.” The dissolution of slave families was more prevalent in the nineteenth century with the growth of the Deep South and the rise of the cotton trade. In a recent work Lorena Walsh asserts that in many instances early modern slaveowners sought to build family structures among slaves of their plantations as it generally improved moral and work ethic.¹⁰ It is important to note that not all slaves shared this same experience. Undoubtedly, many were transported in the manner the video describes, but not all. However, and perhaps more important to the study of slavery, was the constant threat of family dissolution, which planters utilized to enforce greater productivity.¹¹ Many were born and worked in the same location and may never have been sold at all. While the number of individuals that were not sold cannot be known for certain, the amount certainly merits the attention of future research and at least mention in a historical production on the subject. The same can be said of the video's mention of sexual violence. The narrator argues that “graceful light-skinned women were sold into prostitution or to be mistresses to their masters.” These mulatto women, either the products of rape or miscegenation themselves, were certainly not placed within a uniform category. That such incidents did occur is unquestionable; however, once again, not all such women were victims of this form of sexual abuse. Also, it is likely that

⁹ Some examples include the passage of the Virginian Slave Codes in 1705, the Somersett Case of 1772, the creation of American Abolition Societies, the foundation of Sierra Leone as a British emancipation colony in 1787, and the declaration of independence and abolition of slavery in Haiti in 1804.

¹⁰ Lorena Walsh, *Motives of Honor, Pleasure, and Profit: Plantation Management in the Colonial Chesapeake, 1607-1763* (Chapel Hill: The University of North Carolina Press, 2010), 381-382.

¹¹ David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford: Oxford University Press, 2006), 183.

not only light-skinned blacks were sexual victims, but also those of darker complexions, as well as black males.

Finally and most directly associated with this particular study, is the History Channel video's assertion that "the enslaved population was controlled by legally-authorized violence, whippings and public floggings." In the early modern period slaves were controlled by means even more particular and taxing than corporal punishment, as will be detailed later.¹²

Perhaps most troubling of all is the relative lack of attention allotted in classrooms for the study of slavery in the colonial era. A study performed by Peter Kolchin found some striking statistics. Seeking to "examine the treatment of slavery in survey texts," Kolchin found that slavery in the early modern era is widely underrepresented.¹³ Kolchin adjudged eight, college-level titles in comparison to one another "in coverage, approach, interpretation, and organization," as well as general usefulness.¹⁴ Kolchin's survey found that, in percent of coverage in terms of slavery as a subject, the "average for the colonial and revolutionary eras combined was 10 percent, and none of the texts reached the 15 percent mark."¹⁵ In addition, he notes that "too often when these volumes pay any attention to how historians interpret slavery, the focus is on an area that has *not* elicited much scholarly debate: whether slavery was harsh or lenient."¹⁶ Also, Kolchin asserts that many important historical debates, such as "the impact of slavery on southern economic growth, the degree to which slavery set the South off from the

¹² "Origins of Slavery in America and Related Media," Accessed January 31, 2012, <http://www.history.com/videos/origins-of-slavery#origins-of-slavery>.

¹³ Peter Kolchin, "Slavery in United States Survey Textbooks," *The Journal of American History*, Vol. 84, No. 4 (March 1998): 1425.

¹⁴ Kolchin, "Slavery in United States Survey Textbooks," 1425.

¹⁵ Kolchin, "Slavery in United States Survey Textbooks," 1426.

¹⁶ Kolchin, "Slavery in United States Survey Textbooks," 1435.

capitalist North, the nature and implications of planter paternalism, the meaning of ‘community’ among slaves, and the structure and character of slave families,” remain undercovered in university classes.¹⁷

Violence within the early modern slave system was existent, to be sure. Certainly, we know that it was legalized and mandated for some occasions. Such action was obviously viewed as justifiable. Considering the make-up of the Virginia House of Burgesses and the Governor’s Council, the law was in the hands of those who stood to gain from such sanctions. The legislators and councilors generally held large shares of land and labor. Thomas D. Morris claims in *Southern Slavery and the Law* that colonial lawmakers assumed that any reasonable man wouldn’t ruin his own property, lest he would diminish his own self-worth.¹⁸ This trust in the owner allowed for a great deal of freedom to assert personal authority. Legislation was passed by the leading colonial Virginians to maintain the greatest possible control over their assets.

In William Waller Hening’s *Statutes at Large* he notes that in 1669 the Virginia Assembly approved an act in which slaveowners would not be feloniously charged if a slave should die during punishment for an offence. This law not only authorized violent force by the master, but also by anyone who dispensed correction upon the slave.¹⁹ Essentially, this law established a communal effort by which slaveowners throughout the colony could police a potentially dangerous labor force. In a 1680 “Act for preventing Negroes insurrections,” the Assembly

¹⁷ Kolchin, “Slavery in United States Survey Textbooks,” 1435.

¹⁸ Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: The University of North Carolina Press, 1996), 163-164.

¹⁹ William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in 1619*, Vol. 2 (New York: R. & W. & G. Bartow, 1823), 270.

authorized the use of violence to eliminate any threat posed by runaway slaves.²⁰ This act sought to limit both direct threats from runaways and insurrectionists, and the indirect threat posed by the influence of said runaways and insurrectionists on the slaves of other owners. After 1699, slaves who stole hogs were to have both of their ears nailed to a pillory for two hours, following which time the guilty party's ears were to be "cut off close by the nailes."²¹ In 1705 the slave codes of Virginia were compiled and strengthened. Slaves were undeniably subject to some of the most violent punishments imaginable and had little if any legal recourse available by the turn of the eighteenth century. However, some Englishmen and women were not hidden from many of the same forms of punishment and castigation.

Punishment and Violence in English Servitude

The seventeenth-century was an exceptionally violent episode in human history. While examples of punishment and violence found within early modern slavery appear grotesque, they were not unique to slavery alone. Indeed, white servants, criminals, and the poor were subject to working conditions and punishments similar to black slaves throughout the Atlantic world. According to Susan Dwyer Amussen "legally, anyone [in England] who was unmarried, under the age of sixty, and without property could be forced into service."²² Similarly, Edmund Morgan noted that such men as Andrew Fletcher (1655-1716), a well-respected Scottish politician of his time, believed slavery to be a remedy for idleness.²³ Vagrancy, generally, was punishable by

²⁰ Hening, *The Statutes at Large*, Vol. 2, 481-482.

²¹ Hening, *The Statutes at Large*, Vol. 3, 179.

²² Susan Dwyer Amussen, *Caribbean Exchanges: Slavery and the Transformation of English Society, 1640-1700* (Chapel Hill: The University of North Carolina Press, 2007), 123.

²³ Morgan, *American Slavery, American Freedom*, 325.

whipping.²⁴ In *Policing and Punishment in London* J. M. Beattie claims that even of those men who pled guilty to non-capital cases most were “burned in the hand” as a *reduced* sentence.²⁵

In England, the records of the Old Bailey, London’s central criminal court from 1674 to 1913, provide an excellent primary source on the nature of discipline in early modern English society. While colonial Virginia did develop laws specific to its region and circumstance, the groundwork for legal structure there was English common law and custom. Punishments given for various crimes appear very similar in both locales. Countless instances of violent punishment against English servants and the poor fill the record books of the Old Bailey and reflect the attitudes of authority figures of the age. Vagrants, thieves, and murders were sharply put down.. The restriction and limitation of the lower orders was a significant motivation for those who controlled power and wealth; these individuals sought to maintain that control unopposed and unobstructed.

Several example cases might be cited from the Old Bailey to relate the nature of an English system dominated by concerns of order and property. In September 1684 one Patrick Tuffe was “indicted for stealing two Bushels of Flower” from his master, was found guilty, and suffered a flogging.²⁶ In 1687 Elenor Rooks was likewise found guilty of “stealing a silver Thimble, a Whistle of silver with Bells, &c. from a person with whom she lived in the Nature of a Servant.” Elenor was sentenced to be whipped.²⁷ In a similar 1690 case one Anne Hughes of

²⁴ Amussen, *Caribbean Exchanges*, 123.

²⁵ J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (London: Oxford University Press, 2001), 284.

²⁶ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 20 February 2012), September 1684, trial of Patrick Tuffe (t16840903-40).

²⁷ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 November 2011), May 1687, trial of Elenor Rooks (t16870512-41).

the Parish of St. Dunstons was found guilty for the theft of property from her master, Gabriel Collins, and, like Patrick and Elenor before her, whipped. Shortly before her punishment Anne “made an attempt to cut her own Throat, but was prevented by some in the House.”²⁸ It is clear that Anne feared her sentence tremendously, so much so that she preferred death instead. The rituals of any flogging are fairly straight-forward. Sentences “were almost certainly administered in public and with the offender tied to the back of a cart and whipped on his or her naked back until blood was drawn.”²⁹ This procession was meant to deter future crimes by the guilty party through the initiation of bodily and social torment.

The effectiveness of English public corporal punishment is questionable, however. Repeat offenders appear frequently in the records. One such example is that of Mary Hipkins who was singled out by Judge George Jefferies as a woman “with whom no admonitions will prevail.”³⁰ Consequently, when Ms. Hipkins was found guilty of petty larceny in December 1678 Jefferies ordered “him that puts the Sentence in Execution” to “scourge her foundly.”³¹ Here the frustration of the judge is evident.

J. M. Beattie notes that the number of offences punishable by whipping which entered the Old Bailey was likely far higher than the record of punishment might indicate. The disruption to traffic and trade which frequent public displays could cause on London’s streets seemingly limited the number of public whippings, brandings, and other corporal punishments dealt out to

²⁸ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 December, 2011), January 1690, trial of Anne Hughes (t16900115-1).

²⁹ Beattie, *Policing and Punishment in London*, 306.

³⁰ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 December, 2011), December 1678, trial of Mary Hipkins (s16781211e-1).

³¹ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 December, 2011), December 1678, trial of Mary Hipkins (s16781211e-1).

convicted parties. Beattie also argues that by the later seventeenth century the expansion of English domains afforded the option of penal transportation to the colonies. These two variables, combined with debatable effectiveness, likely limited the occurrence of public corporal punishment in England which may have been far greater otherwise.³² It can be argued, then, that violence issued in England to maintain social order and protect property, which occurred on a grand scale, could have been even more prevalent had not certain limitations and opportunities been present.

Generally, death is considered the greatest punishment any individual can receive for crimes committed. Sentences of capital punishment, including those issued for crimes against property, are present throughout the early modern records of the Old Bailey. In 1678 Edward Preston of Hamwel was found guilty of “stealing a Mare from Edward Mullet,” his master, and consequently was sentenced to death.³³ Likewise, one Sarah Carter was executed in 1684 for stealing a silver tankard, linen, lace, and “other goods of the considerable value” from Matthias Bligis, “with whom she had lived in the nature of a Servant.”³⁴ Capital punishment was not reserved for men alone. As far as punishment goes, the records of the Old Bailey portray violent judicial enforcement within a domineering atmosphere, threatening to any who might disrupt the desired order of society or who would prey upon the property of their betters.

With the expansion of the English world during the early modern period the problem of race joined those of gender and class in shaping English judicial proceedings. Perhaps the 1716

³² Beattie, *Policing and Punishment in London*, 307.

³³ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 November 2011), December 1678, trial of Edward Preston (t16781211e-17).

³⁴ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 November 2011), December 1684, trial of Sarah Carter alias Eden (t16841210-5).

case of Anne Smith provides the best insight into developing early modern notions of class, gender, and race relations available in the Old Bailey. Anne Smith was found guilty of stealing from one William Jordan. While Jordan was not her master, he was the owner of one Richard, “a Negro.” Smith and an accomplice, Jane Evans, removed a silver collar from the neck of Richard, somehow with their teeth, and sold it. Once William Jordan had learned of the incident from the young Richard he had the two women brought to trial. Jane seems to have been left unpunished for her role in the affair; however, Anne was disciplined for her attack on Jordan’s property by branding on the hand.³⁵ The circumstances of such a case indicate new developments in English society. By the time of Anne Smith’s crime, multiple layers of race, class, and gender had come to complicate the order of society which political and social leaders desired.

Peter Linebaugh’s *The London Hanged* provides an excellent summation of how the English justice system functioned. In particular, Linebaugh relates punishments associated with crimes against property. Quite simply, he contends that the quantitative relationship between the amount of money or property involved in such cases was directly related to the punishment received by a guilty party.³⁶ For instance, one woman, “a Wench, formerly a servant to a Washerwoman in St. Margarets Westminster,” was whipped for her theft of some linen valued at ten pence.³⁷ Conversely, in a trial of the same day, another servant woman “to a Gentleman of

³⁵ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 04 November 2011), January 1716, trial of Anne Smith (t17160113-18).

³⁶ Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1992), 54-55.

³⁷ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 21 December 2011), February 1679, trial of Wench two Men (t16790226-14).

Quality” was executed for the theft of “a considerable quantity of his Plate.”³⁸ The value of theft, and therefore the value of economic loss, did play an important role in the punishment accorded.

More importantly, though, is that these consequences were imprinted into the minds of the public as well as the offenders. The public became well educated on crimes and their punishment through the conscious efforts of state, intellectual, and religious leaders. One subliminal example can be found in the total submission of the body upon the finding of guilt. In a somewhat gory undertaking Gwenda Morgan and Peter Rushton note that convicts’ privacy and physical being were generally at the mercy of state authorities throughout the English world. Physical inspections of subordinates, “whether in prisons for strip-searching, in treatment rooms for medical diagnosis, or at the dockside for markets for slaves and servants in colonial America,” were quite common and in some cases “frequently broadcast as widely as possible to alert the public.”³⁹ Also, those who met their fate at the hands of an executioner might have expected their corpse to have been dissected and dismembered for study in front of their city or town’s intellectual elite.⁴⁰ A convicted party of the lower orders would have little if no say in the matter. These publicized consequences would have become well-known and understood throughout the community and meant to be a form of deterrent. In contrast, the bodies of the wealthier segments of society were “scarcely visible at all for most of the eighteenth century: most men and women of the aristocracy managed to cover their skin with powder and patch, and not even the hair (at least on men) was their own.”⁴¹ One’s rank in this society determined most

³⁸ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 21 December 2011), February 1679, trial of Woman (t16790226-7).

³⁹ Gwenda Morgan and Peter Rushton, “Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World,” *The Journal of Social History*, Vol. 39, No. 1 (Autumn 2005): 40-41.

⁴⁰ Morgan and Rushton, “Visible Bodies,” 41. Under Murder Act of 1752 criminals were not to be buried and their bones kept for research.

⁴¹ *Ibid.*

aspects of life, especially those concerning privacy. In modern frames of reference such invasions of the person would be seen as great violations, however, to the early modern individual such deference was an expected commonplace.

Some individuals within the English upper classes suggested on numerous occasions that members of the lower order, specifically criminals and those who could not obtain legitimate employment in England, should be sent to Virginia where labor was constantly in demand. One such example can be found in the propositions of E. W. Gent. In Gent's *Virginia* he asserts that England "is commonly overprest with a greater multitude of labourers" who might be forced to emigrate.⁴² This sentiment was widespread among men of quality. The idea that privacy or self-determination stood as a boundary to such notions was not an obstacle in the minds of those who sought order, deference, and profit.

Also, within the private realm, English servants might suffer personal abuses. R. C. Richardson asserts in *Household Servants in Early Modern England* that servants were frequently subject to the whims of those above them. Sexual delinquencies did occur. In Virginia William Byrd II of Westover appears as a person capable of some fairly perverse actions. His secret diaries offer an image of an oversexed and indulgent individual. For instance, in October 1709 Byrd writes that "I went to the capitol where I sent for the wench to clean my room and when I came I kissed her and felt her, for which God forgive me."⁴³ Likewise, Byrd writes that in November of the same year "I played... with Mrs. Chiswell and kissed her on the bed till she was

⁴² E. W. Gent, "Virginia: More especially the South part thereof, Richly and truly valued," in *First Hand Accounts of Virginia, 1575-1705*, accessed November 11, 2011, <http://etext.lib.virginia.edu/etcbin/jamestown-browse?id=J1076>. 6.

⁴³ William Byrd II, *The Great American Gentleman: William Byrd of Westover in Virginia, his secret diary for the years 1709-1712*, edited by Louis B. Wright and Marion Tinling (New York: Putnam, 1963), 42.

angry and my wife also was uneasy about it, and cried as soon as the company was gone.”⁴⁴

However, Byrd seems to show a significant amount of guilt over such incidents, asking for forgiveness from God frequently. In the occurrence with Mrs. Chiswell, for example, Byrd writes that “I neglected to say my prayer, which I should not have done, because I ought to beg pardon for the lust I had for another man’s wife.”⁴⁵ While Byrd never altered his patterns of sexual misconduct, such statements by Byrd regarding forgiveness and guilt offer an image of a man who was subject to very human misgivings. Perhaps, more important than the fact that Byrd committed such sexual exploitation is the fact that these incidents went unpunished according to law. Byrd’s status as a wealthy, English male afforded him the ability to commit some fairly explicit acts, with only the threat of self-inflicted, psychological punishment as a deterrent.

Some female elites, too, were not above sexual exploitation. For example, in 1715 one Diana Dormer was “convicted of committing adultery with one of her menservants, Thomas Jones.”⁴⁶ Such an occurrence certainly offers evidence that English social constructs were not only complex, but also somewhat fluid. The fact that Diana Dormer, who had authority over Thomas, subverted her position for her own personal gain or want demonstrates that elite women were capable of the manipulation of, and perhaps manipulation by, their subordinates. However, female elites, as the case of Diana Dormer indicates, were far more likely to endure some form of punishment for sexual misconduct than their male counterparts.

Discipline and order were expected of those who worked and lived under the authority of men of property. In *Colonists in Bondage* Abbot Emerson Smith writes that indeed the Virginian

⁴⁴ William Byrd II, *The Great American Gentleman*, 46.

⁴⁵ William Byrd II, *The Great American Gentleman*, 46.

⁴⁶ R. C. Richardson, *Household Servants in Early Modern England*, 40.

“servant had rights, but while he was in servitude these rarely conflicted with the conception of him as property.”⁴⁷ White servants were in many ways treated as commodities. As Lorena Walsh points out, English servants “could be freely sold to other masters, seized for payment of debts, or devised to others by will.”⁴⁸ Nonetheless, the extent and scale of such occurrences never reached that of the slave trade due to various political, social and economic limitations to the trade.⁴⁹

The comments of Virginia Governor Sir William Berkeley (1605-1677) also show vividly the control which the planter classes sought to maintain over the lower orders. In 1670 Berkeley was sent a batch of enquiries regarding the colony by the Lords Commissioners of Foreign Plantations. One such enquiry requested information concerning education in Virginia. Berkeley avidly and proudly proclaimed that “I thank God, there are no free schools, no printing, and I hope we shall not have these hundred years; for learning has brought disobedience...and printing has divulged them, and libels against the best government. God keep us from both!”⁵⁰ Clearly, Berkeley and the planter class saw how education might damage the societal structure established by planter elites, and sought to restrict access to learning from the lower classes.

Following Bacon’s Rebellion (1676-1677) servants and slaves who had been seized by rebel and loyal leaders alike were described in comparable terms. Various grievances of effected

⁴⁷ Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (New York: W. W. Norton & Company, Inc., 1947), 278-279.

⁴⁸ Walsh, *Motives of Honor, Pleasure, and Profit*, 373.

⁴⁹ *Ibid.* Walsh notes that Virginia’s planters never accumulated large numbers of indentured servants individually. She offers the high cost of finding new laborers following the end of indentures as the most possible explanation. Walsh contends that the “thirty-nine servants apiece held by sometime Virginia governor George Yeardley and Cape merchant Abraham Peirse in 1625 are the largest known European labor forces in the Chesapeake.”

⁵⁰ Sir William Berkeley, “Enquiries to the Governor of Virginia, 1670-1671,” in *First Hand Accounts of Virginia, 1575-1705*, accessed November 11, 2011, <http://etext.lib.virginia.edu/etcbin/jamestown-browse?id=J1062>.

landholders were record by Samuel Wiseman, the clerk of the royal commission sent to resolve the rebellion. In his *Book of Record* Wiseman writes that one Landes Knowles petitioned that “about 20 of October last Major Robert Beverley with armed men...seized and tooke away 3 Negros and 5 English servants with his household goods.”⁵¹ Here we can see a clear racial separation between slaves and servants, but perhaps not an economic one. Certainly, both groups were seen as separate within the minds of their respective masters as a consequence of physical appearance. However, both were also equally susceptible to seizure and abuse as property. It would appear then that there was no consistent social understanding of racial rights or privilege, and that the economic concerns of some did dictate the welfare of others, regardless of the color of their skin.

In Hening we can see that whipping-posts, pillories, ducking-stools, and stocks were built throughout the colony.⁵² Lower-class white Virginians frequently met with violent punishments for crimes and offenses rendered. Both in the colonies and in England, “whipping was the most common corporal punishment.”⁵³ These punishments, of course, were rarely reserved for those with greater means to avoid them. As Bradley Chapin writes, “the well-to-do paid; the poor suffered.”⁵⁴ Runaway servants were prescribed the extension of service equal to double the time they had been absent in 1642. Second offenses were punishable by branding.⁵⁵ In an act of the Virginia General Assembly of 1699, both slaves and servants were sentenced to thirty lashes on

⁵¹ Samuel Wiseman, *Book of Record: The Official Account of Bacon's Rebellion in Virginia, 1676-1677*, edited by Michael Leroy Oberg (Lanham: Lexington Books, 2005), 268.

⁵² Hening, *The Statutes at Large*, Vol. 3, 267-268.

⁵³ Bradley Chapin, *Criminal Justice in Colonial America, 1606-1660* (Athens: The University of Georgia Press, 1983), 53.

⁵⁴ Chapin, *Criminal Justice in Colonial America*, 53.

⁵⁵ Smith, *Colonists in Bondage*, 265.

the bare back for illegally killing a deer out of season.⁵⁶ Similarly, in 1705 anyone who could not pay a fine of five shillings or fifty pounds of tobacco was to “receive ten lashes upon his or her bare back, well laid on, for every such offence” of drunkenness or swearing.”⁵⁷ This punishment was not restrictive to slaves, but to *anyone* who could not afford the penalty. That meant that wealthier individuals had an outlet by which to avoid pain and public humiliation. Punishments issued by the state for crimes committed by white servants or the poor were in many ways similar to those established to control black slaves prior to the firm establishment of the slave system in the early eighteenth century.

Technically, servants were entitled to certain legal rights provided by English custom and law. There are examples out of England in which the death of a servant at the hands of an overly abusive master did result in a death sentence. Such was the case in the 1682 trial of Richard Fuller.⁵⁸ In his *History of Virginia*, Robert Beverley Jr. (1673-1722) records the details and his positive opinions of such rights in Virginia. However, it should be remembered that Beverley, as well as those who devised the laws of the colony, was a member of the wealthier planter class and was almost certainly influenced by his self-interests. For example, while Beverley writes that “all masters are under the correction and censure of the county courts, to provide for their servants good and wholesome diet, clothing and lodging,” there is no specification of what constitutes the mandated minimum provision of such necessities.⁵⁹ In the contract of one Richard Lowther (dated 1627), an indentured servant under the authority of one Edward Hurd, the language of the document leaves such needs as food, clothing, and shelter up to the discretion of

⁵⁶ Hening, *The Statutes at Large*, Vol. 3, 180.

⁵⁷ Ibid.

⁵⁸ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 20 February 2012), January 1683, trial of Richard Fuller (t16830117-19).

⁵⁹ Robert Beverley, Jr., *The History of Virginia in Four Parts* (Richmond: J.W. Randolph, 1722, 1855), 219-222.

the master.⁶⁰ Considering Lowther's contract was drafted nearly a century prior to Beverley's own writings, the same trust in a master's ability to dictate provisioning seems fairly perpetual. It cannot be assumed that simply because legal protections and obligations technically existed that abuses did not occur at the hands of masters. For example, William Byrd II of Westover writes in his *Commonplace Book* of one General Kirk who made his servants perform work in a full suit of armor whenever they "disobliged him."⁶¹ While such an example may seem comical to modern readers, it likely was not for the servant affected and flies in the face of the lawful rights of the English laborer.

We do see some instances in which severe abuses against servants were punished in court, however. In one such case a "planter was fined three hundred pounds of tobacco, the heaviest fine levied, for rubbing salt water on the back of a servant after a whipping."⁶² Still, in many cases, such as that of the planter Thomas Bradnox, a "commissioner and sometime sheriff...who was constantly before his own court for drunkenness, fighting, and abuse of servants," punishment was often not rendered.⁶³ Such subversion of the legal system goes against the words of Beverley that "no people more abhor the thoughts of such usage, than the Virginians, nor take more precaution to prevent it now."⁶⁴

Even as late as the Revolutionary War common whites could be subjected to extreme physical control. In *America Goes to War*, Charles Patrick Neimeyer writes that the leaders of the

⁶⁰ "Richard Lowther Servant Indenture, 1627," in *First Hand Accounts of Virginia, 1575-1705*, accessed November 11, 2011, <http://etext.lib.virginia.edu/etcbin/jamestown-browse?id=J1046>.

⁶¹ William Byrd II, *The Commonplace Book of William Byrd II of Westover*, edited by Kevin Berland, Jan Kirsten Gilliam, and Kenneth A. Lockridge (Chapel Hill: The University of North Carolina Press, 2001), 130.

⁶² Chapin, *Criminal Justice in Colonial America*, 86-87.

⁶³ Chapin, *Criminal Justice in Colonial America*, 87.

⁶⁴ Beverley, *The History of Virginia*, 219-222.

Continental Army sought to assert great amounts of authority over the men of the military. Soldiers, whom one might think would merit a great deal of respect from their superiors, were subject to public punishment for crimes such as desertion, mutiny, and insubordination. Promised a certain amount of clothing, pay, and other rights, many revolutionary troops struggled simply to survive the war. When these “customary rights” of the soldier were not upheld by their superior officers many men attempted to leave the lines or change the deficiencies they saw. Instead of addressing the concerns of the common soldier, many men of authority exerted violent control. Neimeyer contends that “One hundred lashes were the maximum number authorized by the Articles of War, yet that did not seem to stop Washington from giving his officers authority to exceed that limit.”⁶⁵ Even in the midst of a war waged for the ideas of independence and personal liberty, those of common means were subject to the demands of their social and political superiors.

Reconciling Similarities and Contrasting Servant and Slave Livelihoods

Undoubtedly, black slaves were subject to a violent and authoritarian culture. The Old Bailey records contain several instances in which blacks were punished violently for crimes committed in England. In one such case John Morris, a black man, was found guilty of the theft of some copper and suffered capital punishment in April 1718.⁶⁶ Likewise, in a case dated January 1724, Thomas Robinson, a black boy, was found guilty of burglary and executed.⁶⁷ Such

⁶⁵ Charles Patrick Neimeyer, *America Goes to War: A Social History of the Continental Army* (New York: New York University Press, 1996), 140.

⁶⁶ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, November 2011), April 1718, trial of John Morris (t17180423-26).

⁶⁷ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, November 2011), January 1724, trial of Thomas Robinson (t17240117-6).

instances of violence, as we have seen, were not restrictive to either race. However, while the court records of servants and slaves in the early modern period might present an image of relative similarity, blacks were incorporated within a system of total repression, exceeding the experiences of their white counterparts. Indeed, “servitude, no matter how long, brutal, and involuntary, was not the same thing as *perpetual slavery*.”⁶⁸ By making violence the primary or most pronounced focal point of any study is to dilute the African slave experience entirely. In contrast to white servants, slaves were subject to legal sexual punishment, the elimination of reproductive and parental liberties, and hereditary and permanent bondage.

Folarin Shyllon's works *Black People in Britain* and *Black Slaves in Britain* convey the African situation in early modern England. Shyllon analyzes the quality and characteristics of life for imported Africans and their descendants within English society. He proposes that the life of blacks in England, many of whom lived as house servants, was anything but comfortable. The livelihoods of many such individuals depended entirely upon the whims of their masters. Instances of black boys, prized as companions for the women of elite society, outgrowing their appeal and subsequently being “dispatched to the West Indies” certainly occurred.⁶⁹ Also, Shyllon notes that there was a development of widespread prejudice towards blacks in England and efforts to eliminate the threat they posed to the white English workforce.⁷⁰ There were racial reservations towards blacks in throughout the English Atlantic world, and it would appear that lower-class economic concerns did play an important role in the development of those racial notions.

⁶⁸ Jordan, *White Over Black*, 62-63.

⁶⁹ Folarin Shyllon, *Black Slaves in Britain* (London: Oxford University Press, 1974), 12-13.

⁷⁰ Folarin Shyllon, *Black People in Britain, 1555-1833* (London: Oxford University Press, 1977), 94-95.

Perhaps one of the earliest attempts to place controls based on race and gender, as Paul Finkelman writes, took place in 1643. In that year the Virginia “House of Burgesses provided that black women servants would be taxed at the same rate as male servants. White female servants remained untaxed.”⁷¹ This legislation was enacted in response to the prevalence of female black field workers. Because many planters used black females in field labor, the legislature decided to tax them accordingly. As a result, even if that had not been their original intention, many masters sent their female slaves into the field. Consequently, “this statute had the pernicious effect of lowering the status of blacks within Virginia society.”⁷² Here some of the roots of racial contempt, as with the English example Shyllon offered, can be found in economic motivations. This inadvertent abasement of black females underneath English women was a significant episode in the development of racism. The inclusion of both black genders into the field labor force produced a perceived threat to white male labor and the elevation of white femininity, creating an environment ripe for racial hostility.

In early modern Virginia blacks truly did live under oppression far different from their white servant counterparts. Legal sexual control is just one example of such difference. In colonial Virginia castration was reserved for Negro slaves. In fact, according to Winthrop Jordan, the only colony to legalize the castration of white men was Pennsylvania, but even there it is not known to have been practiced.⁷³ Sexual retaliation placed black males into a unique sphere of debasement. Castration was fairly common in cases of black molestation of white women, but it was not exclusive to that particular crime. There is now some debate on the level of “white

⁷¹ Paul Finkelman, “Crimes of Love, Misdemeanors of Passion: The Regulation of Race and Sex in the Colonial South,” in *The Devil’s Lane: Sex and Race in the Early South*, edited by Catherine Clinton and Michele Gillespie (New York: Oxford University Press, 1997), 127.

⁷² Ibid.

⁷³ Jordan, *White Over Black*, 155.

sexual anxiety about blacks” within colonial society. In “Rape, Race, and Castration in Slave Law in the Colonial and Early South” Diane Sommerville contends that “the castration of slaves emerged and continued not so much out of fears about black male sexual ardor, but rather out of slaves' condition as property.”⁷⁴ Sommerville argues that in numerous occasions the castration of criminal slaves was performed to save “the colonial governments the costly burden of compensating slave masters for the loss of slave lives.”⁷⁵ Castration, then, offers another example in which economic concerns played a role in the livelihoods of black slaves. In such instances, social prerogatives and sexual jealousies appear to have taken a subordinate position to economic ones in the minds of colonists.

The rise of the slave system also eliminated the reproductive and parental liberties of those enslaved. Abbot Emerson Smith does argue that while under contract female indentured servants were forbidden to bear children, lest their masters might incur a loss of productivity and profit.⁷⁶ Albeit, once their term of service had ended, indentured servants could start a family life. Black slaves, on the other hand, were not afforded the luxuries of marriage nor independent parenthood. The offspring of black slaves were the property of the slave owner and could be raised, utilized, and sold as the owner saw fit. Recently, however, in *Motives of Honor, Pleasure, and Profit*, Lorena Walsh has contended that some slave owners condoned “regular unions” among their slave populations to foster the healthy propagation of slave children, as well as to promote a more efficient work environment. Walsh even proposes that some slaveowners utilized “spatial isolation,” allowing slaves “more freedom to choose how they cook their meals, tend

⁷⁴ Diane Miller Sommerville, “Rape, Race, and Castration in Slave Law in the Colonial and Early South,” in *The Devil's Lane: Sex and Race in the Early South*, edited by Catherine Clinton and Michele Gillespie (New York: Oxford University Press, 1997), 77-78.

⁷⁵ Sommerville, “Rape, Race, and Castration,” 78.

⁷⁶ Smith, *Colonists in Bondage*, 270-271.

their gardens, and arrange their houses and yards.”⁷⁷ All of these strategies were meant to increase productivity and morale among the enslaved population. However, it should be remembered that such living conditions were fully under the control of the respective plantation owners and were subject to variability and whim.

The livelihood of any children born unto slaves was at least equal to that of the parents. Unlike white indentured servitude, slavery was hereditary. While the labor of the illegitimate children of white servants could be appropriated by masters, this was not to be a permanent condition suffered by the child. In 1662 the Virginia legislature had determined the status of children to have a condition identical to their mother, whether free or bonded.⁷⁸ Paul Finkelman asserts that this was perhaps the “most important step in stamping the mark of the law on people of African ancestry.”⁷⁹ But Finkelman acknowledges the intricacies and variables involved with the passage of the 1662 act. More than an attempt to dehumanize black slaves, the move was “an attempt to regulate the emerging social and economic institution of slavery in a way that would be most beneficial to the master.”⁸⁰ Without the 1662 legislation slave women might have potentially parented free offspring. Also, the mixture into society of free mulatto children, especially those from white fathers, would have seriously disrupted established social norms focused upon economic status and heritage.⁸¹ The most immediate effect of the 1662 law was the legal physical possession of mixed race children by their own fathers.⁸²

⁷⁷ Walsh, *Motives of Honor, Pleasure, and Profit*, 381-382.

⁷⁸ Hening, *The Statutes at Large*, Vol. 2, 170.

⁷⁹ Finkelman, “Crimes of Love, Misdemeanors of Passion,” 127.

⁸⁰ Finkelman, “Crimes of Love, Misdemeanors of Passion,” 128.

⁸¹ *Ibid.*

⁸² Finkelman, “Crimes of Love, Misdemeanors of Passion,” 129.

By 1705 all slaves, Negro, mulatto, or Indian, were to be held as real estate property, meaning slaves and their offspring were to be inheritable. Shortly after the turn of the eighteenth century the slaves' status and that of their offspring was perpetual. Naturally, as in any situation in which one group is legally subordinate to others, this became a repressive socio-economic system. The total subservience of black slaves within this society was an experience felt by no other segment of the population.

Slave Over Servant: Economic, Political, and Social Motives of Colonial Gentlemen

The disparity between slave and servant systems can best be understood by interpreting the motivations of those who established both. Elite planters dominated the political, social, and economic destiny of colonial Virginia throughout the early modern age and beyond. Lorena Walsh contends that “by the 1660s all provincial officials in Virginia had acquired one or more slaves...These councilors and burgesses then set about passing laws to protect their rights to hold human property.”⁸³ With the abolition of the Royal African Company's monopoly over the slave trade in 1698, and a sharp decrease in supplies of indentured servants near the end of the century, African slaves became more available and more affordable. Resultantly, some small-scale planters began to enter the slave market and the system became further “entrenched in the region.”⁸⁴

It is extremely important to note, however, that the conversion of the Virginian work force from white indentured servant labor to that of black African slaves was not a uniform

⁸³ Walsh, *Motives of Honor, Pleasure, and Profit*, 21.

⁸⁴ *Ibid.*

process throughout the colony. Indeed, “the timing and extent of planters’ investments in slave labor varied widely according to their wealth, location, and economic need.”⁸⁵ Past scholarship, including some theories posited by Edmund Morgan, has asserted that the dramatic decline in white servant imports combined with the events of Bacon’s Rebellion “drove Virginians to begin investing in enslaved workers on a large scale in the mid-1670s.”⁸⁶ However, recent work done by John Coombs establishes an image of early Virginia in which differing subregions of the colony and their respective social elites converted to slavery in distinctive ways over time and space. For instance, Coombs notes that while “slavery spread to the mass of ordinary, labor-owning planters” following the end of the Royal African Company’s monopoly, the areas which grew the Oronoco variety of tobacco (the counties along the Potomac, Rappahannock, York, and upper James Rivers) “still lagged considerably behind the other subregions and would not fully catch up until the 1730s,” due in part to a considerable lack of commercial connections within the slave trade.⁸⁷

Similarly, as was the case with the conversion to slavery, the characteristics and quality of life for slaves was not uniform and was subject to variability. Philip D. Morgan asserts that “while slaves were the true poor in colonial America, they were far from being a homogenous group and, in some respects, were materially better off than some white people.”⁸⁸ Slaves sometimes were the benefactors of a quality of life of moderate means; this of course was subject to an owner’s whim. Referring back to the arguments earlier cited from Thomas D. Morris, it was generally assumed by colonial officials and planters that it was not in the best interests of

⁸⁵ John C. Coombs, “The Phases of Conversion: A New Chronology for the Rise of Slavery in Early Virginia,” *The William and Mary Quarterly*, Vol. 68, No. 3 (July 2011): 359-360.

⁸⁶ Coombs, “The Phases of Conversion,” 350.

⁸⁷ Coombs, “The Phases of Conversion,” 360.

⁸⁸ Morgan, “The Poor: Slaves in Early America,” 290.

any sensible slaveowner or servant master to damage his source of self- and public-worth.⁸⁹

While the usage of blanket terminology and generalizations is sometimes unavoidable as a consequence of limited primary source material, it is important to demonstrate that variability existed and, in fact, was the norm of colonial society. Some slaves did live better than other slaves and some white servants, and vice versa. However, material accumulation and comfort of living need not skew the larger picture. Ultimately, “slavery was an absolute, poverty a relative, condition.”⁹⁰

In early modern society men were envied for the amount of labor that they could control. For instance, the *Perfect Description of Virginia*, the author of which is unknown, praises a “Captaine Matthews..., one of the Counsell,” for possessing “forty Negro servants.”⁹¹ Plantation owners sought to propel themselves further up the social scale, and by the latter half of the seventeenth century slavery, and not indentured servitude, afforded them a better route to achieve prestige.

Social motivation played a crucial role in the migration of English gentlemen to Virginia. Edmund Morgan asserts that the opportunities for many Englishmen were greater in Virginia than in England, “where men of landed wealth and gentle birth abounded.”⁹² However, this was not the case with middling- and lower-class individuals; the influx of such people to America was determined by the ebb and flow of economic and political cycles and events. Generally,

⁸⁹ Morris, *Southern Slavery and the Law*, 163-164.

⁹⁰ Philip D. Morgan, “The Poor: Slaves in Early America,” in *Slavery in the Development of the Americas*, edited by David Eltis, Frank D. Lewis, and Kenneth L. Sokoloff (Cambridge: Cambridge University Press, 2004), 291.

⁹¹ *A Perfect Description of Virginia*, c. 1649, in *First Hand Accounts of Virginia, 1575-1705*, accessed November 11, 2011, <http://etext.lib.virginia.edu/etcbin/jamestown-browse?id=J1080>.

⁹² Morgan, *American Slavery, American Freedom*, 304.

“when tobacco prices were low and wages [in England] high, few servants came to the Chesapeake; when tobacco was high and wages [in England] depressed, migration boomed.”⁹³ Slavery, which was somewhat immune from some these English variables, was a way for colonial planters to solidify their labor force and ensure their success.

Also, in order to be successful within the Atlantic world an English gentleman needed to focus his attention upon social ascension within the patriarchal system. The writings of William Byrd II show a great enthusiasm over political and social ascension. In September 1709 he frequently wrote about his chances of procuring the governorship of Maryland and sent numerous letters to England on the matter.⁹⁴ The goals and characteristics of this social construction are perhaps best defined within Sir Robert Filmer’s (1588-1653) *Patriarcha*. Written in the first half of the seventeenth century, *Patriarcha* was a Royalist’s attempt to describe what English political society should be. Filmer proposed that the innate inferiority of women and the inequality of men were both natural and central characteristics of human civilization. While Filmer’s assumptions generally focused on the political landscape before and during the English Civil War, they can also be witnessed throughout English early modern society generally.⁹⁵ It is not difficult to view Filmer’s assumptions within the deliberate social degradation of Africans and the lower-classes.

⁹³ Russell R. Menard, “British Migration to the Chesapeake Colonies in the Seventeenth Century,” in *Migrants, Servants, and Slaves: Unfree Labor in Colonial British America*, edited by Russell R. Menard (Aldershot: Ashgate Publishing, 2001), 116.

⁹⁴ William Byrd II, *The Great American Gentleman*, 39.

⁹⁵ Sir Robert Filmer, *Patriarcha and Other Political Works of Sir Robert Filmer*, edited by Peter Laslett (New York: Garland Publishing, Inc., 1984), 12.

In *Meanings of Manhood in Early Modern England*, Alexandra Shepard claims that English societal demands placed a great deal of pressure upon men of all classes, as well as both genders. Shepard argues that in the early modern period “ideally, husbands should govern wives; masters and mistresses their servants; and parents their children.”⁹⁶ What actually existed, however, was a highly competitive society in which males struggled to maintain economic, political, and social control over other men, as well as women and servants. Violence, according to Shepard, was frequently used “as a form of regulation and correction, as a demonstration of male strength and authority, and as a method of territorial demarcation.”⁹⁷ As a consequence, though, violence also stood to violate “patriarchal codes of order.”⁹⁸

These various complex elements of competitive patriarchy found their way across the Atlantic and were incorporated within an emerging Virginian society. Darrett B. and Anita Rutman’s *A Place in Time* is a valuable study on early modern social and familial constructs in colonial Middlesex County, Virginia, and offers glimpses into the complexities of both. The Rutmans contend that “law, custom, and even public architecture” in Virginia “acknowledged social differentiation.”⁹⁹ Like Shepard’s analysis of English patriarchy, however, the Rutmans recognize “the problem of delineating the layers” of Virginia’s hierarchical society.¹⁰⁰ This dilemma is likely a consequence of some fluidity within the early modern Virginian model. Since some indentured servants did gain access to land and profit, certain levels of colonial society might be considered permeable. Once again, variability should be considered the colonial norm.

⁹⁶ Alexandra Shepard, *Meanings of Manhood in Early Modern England* (London: Oxford University Press, 2003), 3.

⁹⁷ Shepard, *Meanings of Manhood*, 16.

⁹⁸ Ibid.

⁹⁹ Darrett B. and Anita Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York: W. W. Norton & Company, 1984), 128.

¹⁰⁰ Darrett B. and Anita Rutman, *A Place in Time*, 129.

Competition among Virginia's men existed and helped to shape the political, economic, and social landscape.

Similarly, Virginia's connections with other parts of the English Atlantic world helped to define and refine Chesapeake social, political, and economic ideologies. In *Atlantic Virginia* April Lee Hatfield emphasizes the economic and social connections which developed between Virginia's plantation holders and the slaveowners in the Caribbean, in particular Barbados. For instance, in an August 1709 diary entry William Byrd II notes that "I wrote a letter to the Governor of Barbados, to whom I intend to consign my sloop and cargo."¹⁰¹ Byrd surely was not the only Virginian with economic ties to the Caribbean. According to Hatfield there was a fairly large pattern of remigration throughout the English Atlantic world in the second half of the seventeenth century. This period of migration saw thousands of people move from Barbados to Virginia. Both Virginia's role in the slave trade and its knowledge of plantation management grew as a result.¹⁰²

From 1690-1720 the leading planters of Virginia enhanced their prestige and wealth through a collective and deliberate manipulation of government and trade institutions. Recently, Douglas Bradburn has found that "the great men of Virginia, who conspired with their merchant allies in London...successfully stopped the importation of bulk tobacco...broke the monopoly of the Royal African Company and encourage the expansion of the 'free' trade in enslaved labor."¹⁰³ The men who were able to achieve such measures, and who subsequently became the leaders of

¹⁰¹ William Byrd II, *The Great American Gentleman*, 33.

¹⁰² April Lee Hatfield, *Atlantic Virginia: Intercolonial Relations in the Seventeenth Century* (Philadelphia: The University of Pennsylvania Press, 2004), 86-109.

¹⁰³ Douglas Bradburn, "The Visible Fist: The Chesapeake Tobacco Trade in War and the Purpose of Empire, 1690-1715," *The William and Mary Quarterly*, Vol. 68, No. 3 (July 2011): 383.

the “first families of Virginia,” were centrally located within the sweet-scented regions of the colony, and grew to dictate the social and political affairs of Virginia “as a direct result of the wealth-generating opportunities created by the convoy and embargo regime.”¹⁰⁴ These individuals, such as William Byrd II and Robert “King” Carter, shaped trade and political relations with England to the detriment of other segments of the Chesapeake country, especially the Oronoco regions in Virginia and Maryland.¹⁰⁵ Ultimately, these planters became “great” through a conscious and calculated effort to shape Virginia’s economic characteristics to benefit their own aims. Most importantly the leading Virginians sought “their families’ security through the pursuit of economic advantage, social prestige, and political power in Virginia.”¹⁰⁶ From these arguments we might conclude that while all slaveowners might have held similar goals and ideals, they did not all work as a collective body. Some grew powerful to the reduction or stagnation of others. Regardless of who came out on top, however, the economic, political, and social motivations of the leading men of Virginia clearly played a substantial role in the growth of the tobacco trade, and consequently, the conversion to and expansion of slavery.

The Church of England also enabled the growth of slavery in Virginia. While the Anglican Church desired strong control over the social affairs of its colonists abroad, it did not have the resources nor the inclination to check the growing autonomy and self-interests of elite Virginians. With the demise of the Virginia Company in 1624, Herbert S. Klein argues, the Church of England lost much of its “hierarchic structure” in the colony, which created an

¹⁰⁴ Bradburn, “The Visible Fist,” 379.

¹⁰⁵ Bradburn, “The Visible Fist,” 382.

¹⁰⁶ Bradburn, “The Visible Fist,” 384.

environment in which “the local colonists absorbed all power.”¹⁰⁷ Klein claims that “control over vital statistics, notaries, wills, etc., the establishment of parishes, the naming and defining of all ecclesiastical offices, the collection of tithes, the regulation of church conduct, and even the maintenance of purity of faith and dogma, was determined not by the Bishop, canonical law courts and ecclesiastical officials as in England, but by the local General Assembly of Virginia.”¹⁰⁸ Unlike Spanish Catholic areas, in which some characteristics of slavery, in particular conversion, were constantly refined and critiqued by a powerful church, protestant Virginia developed somewhat independently of its mother church, sheltered from moral criticisms and sanctions of distant religious leaders.¹⁰⁹

The First Great Awakening, too, helped to refine the characteristics of slavery and slaveholding in the colonies. Most important to the revivalist movement throughout the British colonies was George Whitefield (1714-1770). Whitefield helped to alter the religious qualities of slavery in the South by describing the institution as a humanitarian action. The preacher charged slave masters with the responsibility of converting their black labor forces appropriately and “urged blacks to die rather than disobey.”¹¹⁰ Essentially, Whitefield asserted that it was better for slaves to suffer on earth and receive a greater reward in heaven than to rebel against those who oppressed them.¹¹¹ According to Stephen J. Stein, Whitefield “helped erect the theological defense for slavery and thus participated in a tragic chapter of the nation’s experience.”¹¹²

¹⁰⁷ Herbert S. Klein, “Anglicanism, Catholicism, and the Negro Slave,” *Comparative Studies in Society and History*, Vol. 8, No. 3 (April 1966): 311-312.

¹⁰⁸ Klein, “Anglicanism, Catholicism, and the Negro Slave,” 312.

¹⁰⁹ Klein, “Anglicanism, Catholicism, and the Negro Slave,” 300.

¹¹⁰ Stephen J. Stein, “George Whitefield on Slavery: Some New Evidence,” *Church History*, Vol. 42, No. 2 (June 1973): 256.

¹¹¹ Stein, “George Whitefield on Slavery,” 255.

¹¹² *Ibid.*

The social demands levied upon Virginia's gentlemen incentivized them to develop economic arrangements that would provide the greatest returns upon investments. Theoretically, efficiency is a key motivation within any economic system for it produces increased revenue. Throughout William Byrd II's diaries he constantly writes of his personal commercial dealings, the health of the tobacco trade, and the well-fair of his plantation and slave labor force. Whenever Byrd's workers take ill he undertakes whatever means are available to bring them back to physical strength. Generally, he offers several of the same remedies, such as bloodletting and forced vomiting, to both his family and his servants.¹¹³ Also, Lorena Walsh contends that regular revisions and amendments to slave codes and custom stand as evidence that, indeed, slaveowners sought to constantly maximize efficiency.¹¹⁴ Colonial slaveholders' intense desire to increase and maintain their capital holdings, thereby increasing their socio-political influence, perpetuated a system devoid of an apprehension to violence.

The economic considerations of plantation owners have long been incorporated within the historiography. Abbot Smith noted in *Colonists in Bondage*, for example, that "masters took rather...seriously the economic consequence [of fornication] among servants," which stood to cost a master a great deal of money, both in the potential loss of productivity of a mother and the money spent to rear a bastard child, from whom the master would not receive a perpetual source of labor.¹¹⁵ This is why in 1705 the Virginia House of Burgesses passed a law penalizing any minister for marrying servants "without the consent of his or her master or mistress."¹¹⁶ In

¹¹³ William Byrd II, *The Great American Gentleman*

¹¹⁴ Walsh, *Motives of Honor, Pleasure, and Profit*, 122.

¹¹⁵ Smith, *Colonists in Bondage*, 271.

¹¹⁶ Hening, *The Statutes at Large*, Vol. 3, 444.

contrast, sexual relations among slaves could result in an increase in the plantation owners' personal wealth and prestige among peers.

Violence, then, was justified in the minds of early modern slaveowners, who were motivated by the economic and social considerations of their time. Walsh offers an analysis of the culmination of plantation objectives and methods. She writes that “whippings, appropriation of enslaved women’s reproductive powers, threats of family sale or separation, denial of workers’ time for leisure or for proper child care, and the paring down of expenditures for food, clothing, and housing...were the primary means by which planters sought to maximize outputs for given inputs.”¹¹⁷ Blacks were exploited by masters eager to reap the greatest return on their investment, not simply through violence, but through absolute debasement.

As scholarship moves forward an emphasis on the slave experience throughout time and space would be tremendously useful. Works focused on the comparative livelihoods of slaves in the seventeenth, eighteenth, and nineteenth centuries would offer new perspectives on the evolution of the slave system in America. Slavery was not the same entity in 1665 as it was in 1765 or 1865. Southern owners and politicians developed new tactics with which to handle the slave economy. Philosophical and religious ideas emerged that both challenged and defended the slave tradition, while blacks, both free and unfree, organized new and unique methods of opposition. The role of Native Americans in plantation economics, as slaves, owners, and resisters, cannot be neglected, as well. Slaves, of all arrays, encountered different challenges throughout American history. A scholarly exploration of this variety would be invaluable to the field.

¹¹⁷ Walsh, *Motives of Honor, Pleasure, and Profit*, 23.

Likewise, the same principles of research might be applied to the development of slaveholder ideology. Certainly, the mentalities of slaveowners developed and changed over time as a result of political, social, and economic transformations. The early colonial slaveowner was influenced by early modern frames of reference, while the slaveowner of the revolutionary era may have struggled to justify his labor force in the midst of a war for liberty. Slaveowners, much like those whom they enslaved, were not a uniform group throughout the American south and beyond.

For too long the motivations of slaveowners have been overrepresented to wider public audiences as base sadism. Slaveowners, with a few well known exceptions, such as Thomas Thistlewood, did not discipline their human property for the sheer thrill of it.¹¹⁸ Colonial plantation owners utilized violence as a means to a larger ends. Some planters were more violent than others. Some slaves lived in good conditions relative to others, and some even enjoyed a material life exceeding that of their white counterparts. In the modern frame of reference the violence of the slave system appears grotesque, but to slaveowners who utilized corporal punishment it was justifiable. In the early modern period servants and the poor were exposed to violence and brutal punishment frequently. However, these individuals did not suffer the total and absolute dehumanizing aspects of the slave system. More important to the future study of slavery is not what made slaves similar to other, repressed elements of society, but what made their experiences different.

¹¹⁸ For the example of Thomas Thistlewood see Douglas Hall, *In Miserable Slavery: Thomas Thistlewood in Jamaica, 1750-1786* (Barbados: The University of the West Indies Press, 1989, 1999).

Perhaps, instead of James Walvin's selection of *Scenes on the Coast of Africa*, we might envision a different portrayal of the African experience. This image would have to include far more indignity than August Francois Biard could have simulated with his brush. This image would have to convey a control and authority no one alive today could realistically visualize. The picture would have to include wide varieties of sexual control, threats of familial disintegration, and the unrelenting reality of permanence. This image would also need to express the broad spectrum of slave life, each individual subject to the daily whims of those in immediate authority. This picture, rather than one focused on violence, would illustrate the true magnitude of the enslaved experience. Then again, perhaps a picture isn't always worth a thousand words.

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