



The Radicalism of Northern Abolition

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OF all the successful movements in American political history, none has a more confused historical reputation than the northern states' abolition of slavery. Historians recognize the importance of this so-called "first emancipation" in offering the enslaved at least a hope of freedom—"a signal moment in the nation's—indeed, the world's—history," according to one authoritative account. Yet that same account calls it a grudging attack on slavery that "delayed emancipation for decades, sometimes generations, recognized property-in-man, confirmed the idea that freedom had to be purchased, shifted the cost of freedom to Black people, and, in some places, provided direct compensation to slaveholders." Northern slavery ended "with a whimper," another historian writes, its ambivalent advocates guided by a strong impulse "to conserve the social order established under slavery."¹

It would be a strange antislavery victory that also recognized the legitimacy of human bondage. Indeed, some current

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¹Ira Berlin, *The Long Emancipation: The Demise of Slavery in the United States* (Cambridge, MA: Harvard University Press, 2015), 69–70; Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777–1865* (Athens: University of Georgia Press, 2015), 62–63, 67. Historians' nomenclature has helped confuse the matter. Contemporary reformers generally referred not to "gradual emancipation" but to "gradual abolition," given that they aimed not simply to emancipate slaves but to eliminate the institution of slavery. Writing of "northern emancipation" diminishes the abolitionists' intentions and achievements.

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scholarship has indicted northern abolition as a gigantic fraud, a cruel process “designed by slave-owners for slave-owners” in order “to honor the property rights of the slave-owners” – the model for a systematic, coordinated, international project to sustain and reinforce white supremacy.² Short of such intense condemnation, though, the northern abolitionists generally appear as, at best, conservative reformers who tolerated as much of slavery as possible for as long as possible.

That description would have baffled contemporaries. Northern slaveholders and their allies regarded abolitionists as wild radicals and condemned gradual abolition as seditious, endangering not just slavery but fundamental axioms of justice, equity, and orderly government. “The liberation of our slaves . . . without the concurrence of their possessors,” no matter the method, a New Jerseyan exclaimed, “we apprehend is an object infinitely further distant from the legal attention of our Assembly than are the heavens above the earth.” The polemicist “Truth et Justice” condemned gradual abolition as “a solemn act of publick ROBBERY, or FRAUD” that, by denying the chattel principle, was no different from immediate abolition. Some proslavery advocates could barely contain their fury at the abolitionists: in 1780, the Pennsylvania Assembly had to dismiss a petition opposing gradual abolition “from divers inhabitants” of Lancaster County “on account of its indecency.”³

Abolitionists responded sharply, proclaiming their goal of eventually eradicating slavery, first, in their own states and as soon as possible throughout the nation. The well-known New York Black abolitionist Rev. Peter Williams Jr., took slavery apologists’ measure in an oration delivered in 1808. Opposing both “a powerful host of interested men” and “the strong gales of popular prejudice,” Williams proclaimed, the abolitionists “assailed the dark dungeon of slavery; shattered its rugged wall, and enlarging [that is, emancipating] thousands of captives,

²Kris Manjapra, *Black Ghost of Empire: The Long Death of Slavery and the Failure of Emancipation* (New York: Scribner, 2022), 19, 126.

³*New Jersey Gazette*, February 14, April 11, 1781; *Journals of the House of Representatives of the Commonwealth of Pennsylvania* [1776–1781] (Philadelphia, 1782), 435.

bestowed on them the blessings of civil society.” Even allowing for the high-flown rhetoric of the day, there was nothing ambivalent, apologetic, or conservative about the reformers Williams described.⁴

To be sure, compared to the immediate emancipation of four million slaves in 1865, the terms of northern abolition, involving roughly fifty thousand slaves, were piecemeal and incomplete. The gradual abolition statutes passed in most states formally freed nobody already enslaved, only the offspring of enslaved mothers, who were bound to indentured service through their childhoods, and in two states into their late twenties. Numerous loopholes in the abolition laws permitted slaveholders to evade restrictions and even obtain direct compensation from state governments. By blurring the lines between freedom and slavery instead of eradicating them, gradual abolition left northern free Blacks subject to the constant fear of being kidnapped into bondage anywhere in the Americas. But it was precisely this blurring that challenged the chattel principle, the doctrine that enslaved people were property no different than horses or cattle, to be bought, sold, given, or inherited at the will of their owners, with few rights if any that white citizens were bound to respect.

To view northern abolition through the lens of Civil War abolition, and to make uncompensated, immediate emancipation of all the enslaved the sole benchmark of radical change, is anachronistic, that is, not really history at all. First, it commits the fallacy of evaluating events based on what followed them. Then it assesses events largely on the basis what did *not* happen (usually meaning what the writer wishes *would* or *should* have happened). I propose instead to evaluate what happened, when it happened. Examination of the often-overlooked political struggles that lay behind northern abolition reveals how radical that abolition actually was in its time.

The revolutionary generation, unlike its successors, had virtually no experience of governmental emancipation or abolition

⁴Williams, *An Oration on the Abolition of the Slave Trade; Delivered in the African Church of the City of New-York, January 1, 1808* (New York, 1808), 21, 25.

on which to build. Radical Pennsylvania Quakers had protested slavery as early as the 1680s, but it took until 1776 for the Pennsylvania Quakers to renounce slavery entirely. The famous *Somerset* decision in London in 1772, although it exhilarated enslaved blacks and antislavery advocates, did not touch slavery in Britain's colonies where virtually all its enslaved population resided. The adoption by Vermont separatists in 1777 of a constitution that outlawed adult slavery marked the first time in modern history that anything resembling a sovereign state had banned human bondage outright.⁵

More or less immediate formal abolition by Massachusetts' highest court came in the 1780s, and in more obdurate places, including New York and New Jersey, abolition eventually prevailed. To be sure, most northern states enacted laws declaring that no person born after a certain date would be, in the words of the initial Pennsylvania 1780 law, "deemed and considered as Servants for Life or Slaves," meaning that the emancipation of enslaved residents would indeed be gradual and incremental. But along with abolition in Vermont and Massachusetts, even the laws passed elsewhere marked a radical break that historians have usually buried because, using the 1865 standard, they have missed what was immediate in gradual abolition.

As the early abolitionists and their sternest enemies knew well, the heart of gradual abolition was the destruction of slaveholders' fundamental property right in slaves. Crucially, even gradual abolition negated the chattel principle. True, freedom would come only to the emancipated children of slaves, and decades would pass before those children would live fully free. But states' adoption of that abolition principle was not gradual; it was immediate. Hence the fierceness of the fight.

Northern slavery stoutly resisted abolition. In the underappreciated words of Gavin Wright, northern slaveholders "fought

⁵In 1773, following a free soil decree twelve years earlier, Portugal published a "free womb law" that freed children born to slave mothers and fourth-generation slaves born in Portugal, but with no abolitionist intent or condemnation of slaveholders' property in humans. See Cristina Nogueira Da Silva and Keila Grinberg, "Soil Free from Slaves: Slave Law in Late Eighteenth- and Early Nineteenth-Century Portugal," *Slavery & Abolition* 32 (2011): 431-46.

long and hard to maintain their property rights in slaves, so that the policy shift was the outcome of an intense political struggle.⁶ To overlook or minimize that struggle depoliticizes the history of northern abolition, dismissing conflict by referring en bloc to northern legislators' "caution and conservatism," thus overlooking the slaveholders' disproportionate power and muddling the abolitionists' intentions as well as their achievements.⁷

Massachusetts is famous for abolishing slavery following the freedom suits in the early 1780s of the enslaved Mum Bett and Quock Walker. These rulings, however, came only after forces described by one abolitionist writer as "those mighty sticklers for Slavery" repeatedly routed legislative efforts to abolish enslavement, either outright or as a stated goal of outlawing the slave trade. As early as 1767, five years before the *Somerset* decision, the lower house of the General Court debated a bill "to prevent the unwarrantable and unusual Practice . . . of enslaving Mankind in this Province, and the importation of slaves," but opponents kept it from receiving a second reading. Six years later, sympathetic lawmakers, free Blacks, and white abolitionists unsuccessfully backed a series of legislative freedom petition drives undertaken by enslaved Bostonians led by an otherwise obscure slave named Felix Holbrook, with one petition urging land grants to the freed. Abolitionists finally quit trying in the legislature in 1783, after a bill "declaring that there never were legal slaves in this Government," and providing for immediate compensated abolition, died in the upper house without a vote.⁸

The outbreak of the Revolution does appear to have coincided with a dramatic shift in Massachusetts public opinion

⁶Wright, *Slavery and American Economic Development* (Baton Rouge: Louisiana State University Press, 2013), 41.

⁷See, for example, David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca: Cornell University Press, 1975), 87.

⁸Arthur Zilversmit *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967), 101–5, 116; Thomas J. Davis, "Emancipation Rhetoric, Natural Rights, and Revolutionary New England: A Note on Four Black Petitions in Massachusetts, 1773–1777," *New England Quarterly* 62 (1989): 243–63; Chernoh M. Sesay Jr., "The Revolutionary Black Roots of Slavery's Abolition in Massachusetts," *New England Quarterly* 87 (2014): 99–131; and George H. Moore, *Notes on the History of Slavery in Massachusetts* (New York, 1866), 220–21.

“strongly in favour of the abolition of slavery,” in the words of Jeremy Belknap, of which the enslaved took full advantage by simply departing their enslavers’ households. According to recent research, slavery began to crumble during the years immediately prior to the Bett and Walker rulings, due to what one historian has called “a bottom-up rather than a top-down revolution in social relations.” Still, well after those rulings, prominent Massachusetts diehards would complain, as one jurist did in 1795, of how, wrongly, “a number of citizens have been deprived of property formerly acquired under the protection of law.”⁹

Elsewhere in the North, enacting abolition laws required defeating powerful slaveholders and their supporters in state legislatures, which took years and sometimes decades to complete. In 1774 and 1775, pressure from Newport slave traders thwarted legislation in the Rhode Island General Assembly that would free all slaves when they reached maturity. In Connecticut, where a plan for “the gradual extermination of slavery” appeared in print as early as 1776, gradual abolition bills likewise failed in 1779 and 1780. A petition signed by nineteen New Hampshire slaves in 1779 asking for a law to grant them their freedom failed to move the legislature, which deemed the matter “not ripe for a determination.” The Pennsylvania Executive Council urged the state’s unicameral assembly to take up abolition in 1777 and 1778 only to be rebuffed because, one chronicler writes, “many slave-holders of Pennsylvania did not want to give up their property any more than many slave-holders of the South did in later times.” In New York, proslavery forces, having fended off a concerted push for abolitionist legislation in 1785, compiled and affirmed the state’s existing laws about slavery three years later, albeit with an antislavery provision banning the sale of slaves out of state. The New Jersey abolitionist David Cooper’s observation that proslavery

⁹[Jeremy Belknap], ‘Queries Respecting the Slavery and Emancipation of Negroes in Massachusetts, Proposed by the Hon. Judge Tucker of Virginia, and Answered by the Rev. Dr. Belknap’, Massachusetts Historical Society *Collections*, 1st ser., 4 (1795): 203; Gloria McCahon Whiting, “Emancipation Without the Courts or Constitution: The Case of Revolutionary Massachusetts,” *Slavery & Abolition* 41 (2020): 458–78.

opposition left “little room to expect much immediate result” from his state legislature regarding abolition applied to most of the North.¹⁰

Northern slaveholders and their supporters were, of course, no more monolithic than the antislavery forces were. At the legislative level, a majority of slaveholders, the core opposition, appears to have rejected abolition of any kind, but the rest, whether motivated by stricken consciences, equal rights ideals, or political opportunism, were willing at least to entertain the possibility of some sort of gradual abolition. They were a swing vote that the abolitionists would have to win over if they were to succeed.¹¹

Proslavery arguments clustered, meanwhile, around a few themes. Racism saturated proslavery entreaties. The very idea of turning “a sheep hairy African Negro” into “a spirited noble,

¹⁰*Independent Chronicle* [Boston], November 14, 1776; Mary Stoughton Locke, *Anti-Slavery in America from the Introduction of African Slaves to the Prohibition of the Slave Trade* Radcliffe College Monographs, no. 11 (Boston: Ginn, 1901), 77; Burton Alva Konkle, *George Bryan and the Constitution of Pennsylvania, 1731–1791* (Philadelphia: W.J. Campbell, 1922), 164; and [William J. Allinson], “Notices of David Cooper,” *Friends’ Review* 16 (1862–63): 21. New York’s assembly also debated a proposal for immediate abolition in 1785, delivered by the maverick Aaron Burr, but that measure failed by a whopping three to one margin, with some of the support coming from proslavery advocates out to ridicule any emancipation proposal. On New York, see David Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777–1827* (Baton Rouge: Louisiana State University Press, 2006), 45–55. See Zilversmit, *First Emancipation*, 106–8 on Rhode Island and Connecticut. On Rhode Island, see Charles Rappleye, *Sons of Providence: The Brown Brothers, the Slave Trade, and the American Revolution* (Simon and Schuster, 2006), 144–49; Christy Mikel Clark-Pujara, *Dark Work: The Business of Slavery in Rhode Island* (New York: New York University Press, 2016); and John Wood Sweet, “More Than Tears”: The Ordeal of Abolition in Revolutionary New England,” *Explorations in Early American Culture* 5 (2001), 118–72. On Connecticut, see also David Menschel, “Abolition without Deliverance: The Law of Connecticut Slavery, 1784–1848,” *Yale Law Journal* 111 (2001): 183–222. On New Jersey, see James J. Gigantano II, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey* (Philadelphia: University of Pennsylvania Press, 2015). On Cooper, see Kristin DeBusk, “An Ordinary Man in Extraordinary Times: David Cooper’s Fight Against Slavery,” (Senior Honors Thesis, Texas Tech University, 2004).

¹¹For example, in the vote over the gradual abolition bill in 1780 in Pennsylvania’s singularly radical legislature, for which there are reliable figures, of those for whom slave ownership could be identified, a clear majority of slaveholders (57.1%) voted against the measure, while a large majority of the opposition (70%) consisted of slaveholders. The winning margin came from a group of twelve slaveholders, the swing vote, including the patriot painter Charles Willson Peale. See Gary B. Nash and Jean R. Sonderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991), 100–13, esp. 107–8.

and generous American freeman,” was absurd, ran one typical diatribe. Racial fears in turn stoked visions of unleashing a species of inferiors that, at best, would become tax-supported dependents and, at worst, become violent criminals. Defenders of slavery also claimed biblical justifications to refute abolitionists’ moral objections: slavery, one proslavery advocate observed, “was allowed and not merely winked at by the God in heaven.”¹²

Finally, though, every defense of slavery, including those predicated on race, came down to what was also a core issue in the struggle against Britain: the question of property and property rights. Even in New England, where abolition arrived most swiftly, one Massachusetts writer charged in 1783 that there was not “a shadow of advantage” to abolition, because it created a class of “ragged, miserable, wretched creatures covered with vermin” by “depriv[ing] the lawful owners of their Negro property.”¹³

Elsewhere, as Arthur Zilversmit observed more than half a century ago, the proslavery argument “shed its coating of biblical justification and historical precedent and stood revealed as the armor of property, defending its interests.”¹⁴ A proslavery New Jerseyan put the case cogently: slaves “bought with money, or for trouble or expense in bringing up, are as much their owner’s property as anything we possess . . . obtained under the sanction of the laws of their county.” Even slaveholders who tentatively supported abolition in principle stated it would have to respect property. As “A Lover of True Justice” wrote, ending slavery had to insure “*the preservation of property so that no one has his property forced from him*”—which effectively precluded any form of abolition except a far-fetched universal voluntary manumission.¹⁵

¹²*Gazette of the United States* [New York], February 20, 1790, quoted in Paul J. Polgar, “‘To Raise Them to an Equal Participation’: Early National Abolitionism, Gradual Emancipation, and the Promise of African American Citizenship,” *Journal of the Early Republic* 31 (2011): 237; *Pennsylvania Journal*, February 5, 1781.

¹³*Boston Evening Post*, May 5, 1783.

¹⁴Zilversmit, *First Emancipation*, 199.

¹⁵*NJ Gazette*, February 14, 1781.

In contrast, abolitionist sentiment ranged from the idealism of militants such as John Cooper of New Jersey, who regarded anything short of immediate abolition as a crime against God and nature, to the pragmatism of George Bryan, the Irish-born Pennsylvania radical republican leader who was willing to wheedle and even flatter slaveholders and, if necessary, strike compromises if it meant undermining slavery. Still, abolitionists of all kinds met the proslavery advocates directly on every major issue. On biblical justification, for example, Bryan charged that “examples of law and policy, drawn from the statutes of a people, placed in such irregular circumstances as the children of Israel were, must be very unsuitable to this, or any other State.”¹⁶

To rebut racist defenses of slavery, abolitionists took egalitarian positions that were, as Paul Polgar has shown, far more unsettling in their own time than they might appear today. Above all, the antislavery argument denounced proslavery assumptions that a natural and immutable racial inferiority suited Blacks for enslavement. The 1780 Pennsylvania gradual abolition act went out of its way to proclaim anti-racism, commencing with a disquisition on how the Almighty Hand had conceived all humans as equal, regardless of “a difference of Feature or Complexion.” Far from seeking to preserve the social order established under slavery, abolitionists aimed, as the New-York Manumission Society declared at its founding in 1785, to enable Blacks “to share, equally with us, in that civil and religious Liberty with which an indulgent Providence has blessed these States.” A New Yorker writing as “Philanthropos” warned, also in 1785, that “if we persevere in our wicked oppression of the blacks, I have no more reason to expect that we will long retain our liberty.”¹⁷

¹⁶*Pa. Packet*, January 1, 1780. On Bryan, in addition to Konkle, *George Bryan*; see Joseph S. Foster, *In Pursuit of Equal Liberty: George Bryan and the Revolution in Pennsylvania* (University Park: Pennsylvania State University Press, 1991).

¹⁷New York Manumission Society Records, Minutes, February 4, 1785, New-York Manumission Society Records, 1785–1849, vol. 6, New York Historical Society, New York, New York; *Loudon's New-York Packet*, March 31, 1785; Paul J. Polgar, *Standard-Bearers of Equality: America's First Abolitionist Movement* (Chapel Hill: University of North Carolina Press, 2019).

There were, to be sure, limitations to as well as contradictions in the early abolitionists' avowals of racial equality, which tempered their radicalism and contributed to the gradualist logic. A paternalist ethos suffused the major abolitionist organizations, which excluded Blacks and, for the most part, assumed that whites were patrons and Blacks were clients.

More telling was a different assumption, which leading Black abolitionists like Rev. Peter Williams Jr. shared with whites, that slaves and their children, dispossessed by their oppression, needed moral and intellectual improvement before they could enjoy the full fruits of freedom. Not all white abolitionists, let alone enslaved persons, agreed. Mainstream abolitionists, however, argued that the mass of Blacks needed to overcome slavery's disabling effects. Noah Webster, for one, detested slavery but insisted that "a gradual restoration to the blacks of their rights is all that is desired or can with safety be hazarded."¹⁸

Yet the abolitionists, with their Enlightenment-based environmentalism, swiftly turned the point around to discredit racist defenses of slavery, noting, in Bryan's cutting words, that they could easily "also justify the enslaving of all poor whites of slender understandings, and inactive dispositions."¹⁹ Instead, Black and white abolitionists enlisted in a project of racial uplift ranging from the creation of free African schools to offering vocational training programs in skilled occupations. At a time when the few proposals to pay official restitution or reparations to Blacks got nowhere, abolitionists understood that, lacking public support, some sort of collective private redress was demanded, and they acted accordingly.²⁰

It was at the heart of the chattel principle, however, concerning property and property rights, that northern abolition made its most radical departure. Slaveholders' concerns about property rights were, in fact, perfectly sound: any abolition statute

¹⁸*Pa. Packet*, November 28, 1778; *American Minerva* [New York], February 8, 1796. For a dissenting abolitionist view, see *Pennsylvania Gazette*, February 2, 1780.

¹⁹*Pa. Packet*, January 1, 1780.

²⁰For a discussion of these abolitionist projects and the thinking behind them, see Polgar, *Standard-Bearers of Equality*, 122–65.

entails, one legal historian writes, the “use of government coercion to outlaw a specific form of previously lawful property.”²¹ The northern abolitionists understood as much. Far from honoring the long-accepted legitimacy of property in man, they totally rejected it.²²

Reversing proslavery complaints, abolitionists deplored slavery as a primordial form of plunder, robbing the slaves of natural rights to property in their own persons. “Property in the persons and labor of other men, is a thing in itself absurd;” Noah Webster’s *American Minerva* declared, “it is a violation of the law of nature and society – of course, every constitutional declaration and every law, authorizing such violation, is *ipso facto* void.” The distinguished Rev. Samuel Miller of New York, in a speech to the New York abolitionist society, contended that the rights of every man to personal liberty were “paramount to all the laws of property.” The Rhode Island gradual abolition law of 1784 began by proclaiming that “holding Mankind in a State of Slavery, as private Property . . . is repugnant . . . and subversive of the Happiness of Mankind.”²³

Declaring property in man a legal nullity, however, did not make it so. The bedrock sanctity of private property among the citizenry at large, coupled, importantly, with the principle that barred enactment of *ex post facto* laws, severely obstructed abolition, even in places where hostility to slavery grew. The French antislavery reformer Brissot de Warville, followed by

²¹George William Van Cleve, *A Slaveholders’ Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010), 72.

²²Assumptions to the contrary may stem from an influential article by Robert Fogel and Stanley Engerman who inferred that “those who dominated the legislatures believed that slaveowners had a property right that had to be protected or, at least, that should not be confiscated.” As the authors conceded, though, these were “little more than informed speculations” given that, at the time they wrote, “the motivation of particular groups” with regard to emancipation had been largely unstudied. The article also neglects the political process of northern emancipation, leaving intentions judged largely from what the authors discern as economic effects. Fogel and Engerman, “Philanthropy at Bargain Prices: Notes on the Economics of Gradual Emancipation,” *Journal of Legal Studies* 3 (1974), 377–401.

²³*Amer. Minerva*, February 6, 1796; Miller, *A Discourse, Delivered April 12, 1797: At the Request of and before the New-York Society for Promoting the Manumission of Slaves* (New York, 1797), 15–16; [Acts and Resolves] *General Assembly of the State of Rhode Island, and Providence Plantations, February 1784* (Providence, 1784), 6–7.

the Duc de la Rochefoucauld Liancourt, learned in New York and Philadelphia respectively, that the greatest impediment to abolishing slavery was, in Rochefoucauld Liancourt's words, "the respect due to the property of the masters." Indeed, antislavery concerns about how to handle abolition and compensation were nothing new, dating back to early radical Quaker abolitionists in the 1690s.²⁴ The prospect of abolishing slavery without in some way compensating those who had bought and provisioned slaves when doing so was fully legal was difficult for most white northerners to fathom let alone accept, as the abolitionists grasped. The point needs emphasizing: by considering compensation, the abolitionists were not qualifying their rejection of the legitimacy of property in humans; rather, they wished to address the widespread perception that, as the abolitionist minister Levi Hart of Connecticut wrote, "the Owners of the Slaves [had] purchased them under the patronage of Government" and should not be penalized for taking actions that were legal when taken.²⁵

Consequently, with proposals for immediate and uncompensated abolition a political non-starter, the Pennsylvania abolitionists in 1778 took the lead in pressing for a legislative abolition with more achievable objectives, adopting a two-tier strategy. Short of freeing all the slaves, legislators could still undermine slavery by changing the laws that governed it. The already enslaved would remain so, but some of the distinctive structures of slavery would be dismantled from within.

²⁴De Warville, *New Travels in the United States of America* (Dublin, 1792), 277–79; De la Rochefoucauld Liancourt, *Travels through the United States of America* (1799; repr. London, 1800), 3:704. Although direct influence seems highly doubtful, it appears that the idea that slaveholders deserved at least indirect compensation through the continued labor of their slaves antedated the first gradual abolition law by nearly ninety years. In the first antislavery tract published in America, followers of the Quaker schismatic George Keith proposed that all slaveholders set "at Liberty" their slaves "after some reasonable time of moderate Service they have had of them, or may have of them, that may reasonably answer to the Charge of what they have laid out." The tract also proposed that slaveholders free enslaved children after a "reasonable" period, and that they provide the children with a Christian education and teach them to read. *An Exhortation & Caution to Friends Concerning buying or keeping of Negroes* (n.p. [New York], n.d. [1693]), 2–3.

²⁵Hart, "Thoughts on Abolition" (1775), in Roger Bruns, ed., *Am I Not a Man and Brother: The Antislavery Chronicle of Revolutionary America, 1688–1788* (New York: Chelsea House, 1977), 367.

More dramatically, the abolitionists attacked the sacrosanct hereditary chattel principle at its weakest link by freeing from slavery all children born to enslaved mothers, effective immediately. These so-called post-nati arrangements conformed with racial uplift, but they also struck directly at the chattel principle and slaveholders' property rights—and they did so with political shrewdness, by using indentured servitude of children to deflect fears of unleashing a class of vicious inferiors while obviating the disabling concerns about compensating pre-emancipation expenses.

Immediately released from slavery, children of slaves would be bound to their mother's masters as indentured servants through their childhoods, at which time they would be fully emancipated in both legal senses of the term. As with other indentured servants, masters would provide for the children's upkeep, sparing the state and non-slaveholding citizens those expenses, a crucial consideration given late eighteenth-century poor laws. Not incidentally, it would help keep enslaved families at least provisionally intact as placing them under public charge would not, though to be sure with no guarantees. The children's terms of servitude would be limited, Bryan remarked, "to such time only, *as may suffice to recompence their masters for their nurture* [italics added]." An initial version of the abolition bill, presented in March 1779, proposed that the terms end at twenty-one years for males and eighteen years for females, commensurate with the terms set for white apprentices and servant girls.²⁶

Freedom would formally be denied or at best delayed for the already enslaved, but this hardly reinforced honoring property rights in human beings. On the contrary, slavery, now stigmatized in law, was headed for certain extinction because the key hereditary property right of enslavers in the children of the enslaved had been, as the Pennsylvania law pointedly decreed, "utterly taken away, extinguished, and for ever abolished."

²⁶*Pa. Packet*, January 1, 1780. On the age of majority in colonial America and at the nation's founding, see Vivian E. Hamilton, "Adulthood in Law and Culture," *Tulane Law Review* 91 (2016): 64.

Immediate abolitionists like John Cooper would not recognize it as such, but here was the radical core of northern abolition: though slavery's demise would itself be gradual, repudiation of the chattel principle was immediate.

Pennsylvania slaveholders and their supporters fought abolitionist reform ferociously. Meanwhile, the slaveholder minority that was open to some sort of gradual plan held the balance of power in the Pennsylvania Assembly, forcing the final bill's drafting committee, under Bryan, to negotiate. Critics charged that the proposed term of service was too short, ensuing that "the master must be a loser," and by the time the final bill came up for debate, it extended the term of service to age twenty-eight for both sexes.²⁷ At a stroke, the assembly granted masters the indentured labor of young men for an additional seven years and of young women an additional ten, lasting into the most productive period of their adulthood and shifting the financial burden for emancipation from the master to the servant. This was a major setback for the abolitionists but one they accepted in order to outlaw "utterly" chattel property rights to those children.

The abolitionists enjoyed fuller success in revising Pennsylvania's laws overseeing slaves and free Blacks. The new law repealed the commonwealth's colonial slave codes and laws of 1705, 1725, 1761, and 1773; and it secured to all Blacks, "as well slaves as freemen," the right to trial by jury, the same as "[white] freemen of this state." (It did retain an existing ban on slaves being admitted as witnesses against freemen.) The final bill dropped provisions in the initial proposal specifying the binding out to service of indigent Blacks and banning interracial marriage. And the bill took the controversial step of requiring slaveholders to register officially their slaves within eight months or else they would be instantly freed—a system, deeply offensive to slaveholders, whose complications became a source of heated contestation over the coming years. It would liberate numerous slaves.

The Pennsylvania struggle did not end, meanwhile, with the enactment of the abolition bill. Right away, proslavery

²⁷*Pa. Packet*, March 13, 1779.

advocates launched a determined campaign to repeal it and, short of that, terminate controversial provisions like the registration system. The abolitionists beat back that reaction and then, beginning in 1783, not satisfied with their progress, they worked to expand on their work through the newly reorganized and rapidly expanded Pennsylvania Abolition Society (PAS). While they fought successfully to close loopholes in the law and provided legal services that secured freedom for literally thousands, PAS members pushed hard in the courts and the legislature for slavery's complete abolition, based on the initial partial abolition in 1780. These latter efforts, though they took decades to realize, were vigorous. They would lead the Jeffersonian governor Simon Snyder, to protest to the state legislature in 1811 that "the galling yoke of slavery is still felt by some of our fellow creatures in different parts of our Commonwealth . . . inconsistent with the terms and spirit of that fundamental and immutable law of reason, 'That all men are born free and equal.'"²⁸

The Pennsylvania antislavery victory in 1780 in turn emboldened the broader abolitionist upsurge that became northern gradual abolition. Pennsylvania's post-nati formula became the model for laws in Rhode Island, Connecticut, New York, and New Jersey, where antislavery legislators won shorter terms of service than in Pennsylvania.²⁹ None of these laws matched the Pennsylvanians' success in undermining slavery from within through the registration system or by abolishing slave codes, but, undeterred, abolitionists successfully agitated for additional antislavery and anti-racist legislation, even in states where gradual abolition had yet to be enacted.

In 1788, for example, New Jersey abolitionists, having already won the abolition of the importation of slaves from other states

²⁸William C. Armor, *Lives of the Governors of Pennsylvania, with the Incidental History of the State, from 1609 to 1873* (Philadelphia, 1873), 318.

²⁹Rhode Island's law replicated the original Pennsylvania proposal, emancipating the indentured at age twenty-one for males and eighteen for females. Proslavery advocates later raised the age for females to twenty-one. New York came closest to the Pennsylvania law, specifying twenty-eight years for males and twenty-five for females; Connecticut decreed age twenty-five for males and females, while New Jersey enacted emancipation at twenty-five for males and twenty-one for females.

as well as Africa, secured legislation that granted Blacks, slave and free, equal procedural rights in court, prohibited the removal of any slave from the state without the slave's consent, and required all slaveholders to teach enslaved minors how to read. That same year, New York banned the legal slave trade as well as the purchase of a slave for the purpose of selling that person out of state. In 1803, New York lawmakers took on the loophole that afforded hefty direct compensation to slaveholders, and a year later they closed it. Over the ensuing six years, New York abolitionists and their allies secured to slaves the right to marry as well as to possess and transfer property; and they required masters to teach their indentured servants how to read.³⁰

To be sure, the outcome was hardly uniform. In places where abolitionists were weakest, especially New Jersey, slaveholders maintained a powerful hand even after the enactment of gradual abolition.³¹ In most of the other northern states, meanwhile, slaveholders remained just as obstinate as their foes, seeking to block statutory abolition and less sweeping laws for years, while simultaneously exploiting every loophole that remained open to them to evade compliance with and actually profit from the abolitionist measures. The struggle over slavery in the North remained just that, a struggle.³² Nevertheless, northern laws governing slavery and Blacks, which during the colonial period had become increasingly restrictive and even draconian, moved strongly in the opposite direction after the Revolution.

³⁰Zilversmit, *First Emancipation*, 156–62, 184, 208–10.

³¹On the aftermath of gradual abolition in New Jersey, see Gigantano, *Ragged Road*, 118–251.

³²For example, in South Central Pennsylvania, some of the female indentured servants, born to slave mothers, who themselves gave birth before their emancipations found their masters claiming their children as bound servants. Since the principle of inherited servitude did not apply to the offspring of white indentured servant girls, a shadow of the chattel principle survived. These cases were in the minority and eventually state courts ruled that the children were free, but the practice indicates how enforcement of the gradual abolition laws remained difficult long after the laws were enacted. See Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780–1847” (PhD thesis, Georgetown University, 2021).

What difference did any of this make? The bleakest scholarly assessments, that northern abolition was a deliberate effort to sustain white supremacy and Black suffering, deny the facts of actual abolition. This does not mean, however, that northern abolition warrants the praise it once garnered. Even in the North, abolitionists battled too much sustained, vicious, and at times violent opposition from otherwise patriotic white Americans to sustain a comforting complacency. Under the terms of northern abolition, Blacks entered their transition to freedom propertyless or nearly so, and they remained subject to a pervasive and prevailing racism that relegated them to the bottom of the economic and social order. They were no longer slaves, but they remained subordinate, with no guarantee that they might not be kidnapped back into bondage. Blacks found themselves excluded from skilled occupations they had mastered in slavery. Working conditions for indentured and free Blacks could resemble those under slavery all too closely, and masters often endeavored to keep it that way, in some places rendering indentured servitude little different from prolonged if temporary enslavement. Even after the enactment of gradual abolition, slaveholders continued to insist it was, in the words of some New Jersey petitioners, “unconstitutional inasmuch as it takes from an individual, a considerable portion of their property.”³³

For Blacks, freedom was fragile, and the hard-won reforms of the late eighteenth century were always subject to whites’ evasion, deflection, and even reversal. Indeed, partly in reaction to the advances of free Blacks from northern gradual abolition, a backlash against Black political and social rights grew increasingly severe after 1815. By 1830, Rev. Peter Williams Jr., once the celebrator of northern abolition and abolitionists, would observe with angry dismay that the limited freedom extended to northern Blacks had proven “defective,” and that, for all of their professions of liberty and equality, “no people hold

³³Morris County [NJ] Petition to the Legislature Requesting Repeal of the New Jersey Abolition Act of 1804, January 1806, quoted in Gigantano, *Ragged Road*, 109. A similar petition, from Bergen County, insisted that slaveholders had a right to the unlimited service of their slaves and “an equal right to the unlimited service of their issue.” See Zilversmit, *First Emancipation*, 197.

so many slaves, or make such distinctions between man and man” as the Americans.³⁴

Yet historians’ current prevailing assessments of northern abolition are badly wanting as well. Slighting the political struggle that produced gradual abolition obscures both the radical logic behind it and the meaning of its lasting consequences. Northern abolitionists did not honor property in man; they attacked it directly and indirectly, under daunting political circumstances. Though compelled to compromise, they successfully defended the essential point that property in man was illegitimate and must be eradicated. Gradual abolition was not predicated on the claim that freedom should be purchased; nor was it designed to shift the cost of freedom to Black people. Abolitionists sometimes yielded but did so in order not to jeopardize abolition itself. Having won gradual abolition, abolitionists in many states, beginning with Pennsylvania, pressed for general abolition laws. Where legal loopholes provided slaveholders with direct compensation, abolitionists and legislators sought to close them. Through it all, though northern abolition was gradual, repudiation of the chattel principle in favor of the abolition principle was immediate.

According to the first federal census in 1790, before gradual abolition laws passed in the two northern states holding the most slaves, New York and New Jersey, enslaved Blacks represented roughly 60 percent of the total northern Black population. By 1830, the total Black population in the North had more than doubled, and now northern free Blacks (including the new states north of the Ohio River) outnumbered enslaved by roughly forty to one. So much for the technically accurate but misleading assertion that gradual abolition delayed emancipation for decades, even generations, into the 1840s and 1850s. Far from retarding emancipation, gradual abolition initiated northern slavery’s rapid decay. The institution was

³⁴Williams, “This Is Our Country, July 4, 1830,” in *Ripples of Hope: Great American Civil Rights Speeches*, ed. Josh Gottheimer (New York: Basic Civitas Books, 2003), 10–13.

basically dead in New England by 1800 and it became a moribund anachronism in the rest of the North no later than 1820.³⁵

In conclusion, it does need remarking on what some recent assessments have described as the fortitude and activism of the free Black northern communities of the early republic and after, particularly in New York and Philadelphia but also in much smaller cities and towns. With their churches, mutual aid societies, and more, these communities offered spiritual as well as material sustenance against continued racial domination. Allied with particular antislavery whites, they also provided the leadership and the institutional structures that were largely responsible for upholding both antislavery agitation and resistance to the deepening and hardening white supremacy that swept much of the North in the 1820s and 1830s. As Sarah Gronningsater, Kate Masur, and Manisha Sinha, among others, have demonstrated, northern Blacks played leading roles in pressing the slaves' cause all the way through to national abolition, while they also fought to protect and expand their own rights.³⁶ Yet without the achievements of the early abolitionists, Black and white, predicated on destroying the legitimacy of property in humans, those growing communities of free Blacks never would have existed. This, in the end, may be the greatest legacy of the radicalism of northern abolition.

³⁵Looked at another way, it is quite true that slavery persisted in Pennsylvania, for example, into the 1840s and in New Jersey into the 1860s. The 1840 federal census, however, reported a total of sixty-four enslaved residing in Pennsylvania, while the 1860 census reported eighteen enslaved in New Jersey.

³⁶Gronningsater, "‘Expressly Recognized by Our Election Laws’: Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic," *William and Mary Quarterly*, 3rd ser., 75 (2018): 465–506; Masur, *Until Justice Be Done: America's First Civil Rights Movement, from the Revolution to Reconstruction* (New York: W.W. Norton, 2021); and Sinha, *The Slave's Cause: A History of Abolition* (New Haven: Yale University Press, 2016).

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