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THE PROMISES OF

ARTICLE XII.

LIBERTY

Secretary of the Senate

Book of the House of Representatives

H. Hamilton Vice President of the United States
and President of the

Approved, February 1. 1865. Abraham

In the Senate, April 8, 1864.

The History and Contemporary Relevance of

THE THIRTEENTH AMENDMENT

THE THIRTEENTH AMENDMENT

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The Promises of Liberty

In memory of Charles Sumner and Thaddeus Stevens

Foreword: The Rocky Road to Freedom

CRUCIAL BARRIERS TO ABOLITION IN THE ANTEBELLUM YEARS

David Brion Davis

The Thirteenth Amendment, finally approved by Congress on January 31, 1865, and ratified on December 6, 1865, almost eight months after the Confederate surrender at Appomattox, outlawed slavery and involuntary servitude, except as punishment for crime, in the United States and its territories. The amendment repeated the words of the Northwest Ordinance (1787), which drew in turn on Thomas Jefferson's rejected words in the Ordinance of 1784, banning slavery after the year 1800 in all the western territories. It was Jefferson who chose the phrase "neither slavery nor involuntary servitude," followed by the significant exception that sanctioned even slavery as a punishment for someone duly convicted of crime (there is a certain irony in the fact that African rulers regarded many of the slaves sold to European traders as guilty of some kind of crime).

The word "slave," derived in western European languages from the Latin word for Slav, due to the large number of so-called Slavic peoples who were enslaved from the tenth to the mid-fifteenth centuries and sold in Mediterranean markets, had long carried negative and wildly metaphoric meanings even for the vast majorities who accepted the actual, millennia-old institution of chattel bondage (hence the tendency to find substitutes for the words "slaves" and "slavery" from the King James Bible to the U.S. Constitution). Thus one could be enslaved to love, sex, alcohol, work, and daily routines, and any threat of

encroaching authority could be viewed as impending “enslavement,” as dramatized by American colonists in response to British taxation and other measures following the Seven Years’ War. In short, slavery and enslavement loomed as any perceived infringement on *freedom*, and the meanings and importance of freedom expanded dramatically as Western societies moved from the late Middle Ages to the nineteenth century. Given this linguistic background, and the fact that the second section of the Thirteenth Amendment gives Congress seemingly unlimited power to enforce the prohibition of slavery or involuntary servitude by appropriate legislation, it is hardly surprising that interpreters of the amendment could find the so-called remaining incidents and badges of slavery to include such matters as violations of civil rights, racial profiling and discrimination in housing, assaults on labor unions, and many other subjects covered in this collection of essays, though the jurisprudence contains little mention of the slavlike exploitation of women.

Nevertheless, following Lincoln’s highly specific Emancipation Proclamation, which freed African American slaves only in particular parts of the United States, it would have been possible, as in other nations’ emancipation edicts, to avoid the terms “involuntary servitude” and “punishment for crime” and limit the effects of the article to the specific institution of chattel slavery, as it had been defined since Aristotle. That would mean a supposedly dehumanized person who is owned like a domestic animal and can be sold, traded, bartered, and inherited like other property; a person who has no legal rights and is in effect socially dead; a person over whom an owner or master has almost unlimited authority but who, because of his or her value as property, may have protections that penal and indentured workers would lack. Since the slave lived as human property under the near-absolute control of an owner, it is not surprising that the first important philosophical challenge to the institution came from a defender of absolutist government, Jean Bodin, who, in the 1570s, objected to the slaveholder’s semisovereignty and freedom from full governmental control, which insulated the slave from the true sovereign’s authority. Bodin’s insight pointed to the later difficulty of governmental emancipation, especially in a nation whose states-rights Constitution had been framed largely by slaveholders. Ironically, it would be the Southern slaveholders’ rare judicial defense of exceptional governmental power, in retrieving fugitive slaves in the North, that would provide a key precedent for the Thirteenth Amendment’s power in enforcing emancipation.

It is my purpose here to describe some of the often ignored obstacles to slave emancipation in America, which help to account for the long failure of the Thirteenth Amendment to achieve its framers’ objectives. While one is always impressed by the *success* of the radical Republicans in securing the Civil Rights Act of 1866 as well as the following Reconstruction measures, including the Fourteenth and Fifteenth amendments, it becomes increasingly difficult, as

we now move forward with a black American president, to come to terms with the dismal century of post-Reconstruction Jim Crow. I think especially of David Oshinsky's appalling details in his accounts of Southern penal servitude, which really was in many respects "worse than slavery." There were, of course, many specific and fortuitous reasons for the failure of Reconstruction, but we can also put the subject in perspective by examining, first, the economic vitality and importance of slavery before the Civil War and, second, the continuing repugnance and even dread, on the part of the vast majority of white Americans, regarding any massive slave emancipation.

Despite the prolonged antiblack racism that helped people deny or marginalize any black contributions to our history, it can now hardly be denied—especially in view of the long economic dominance of the colonial Caribbean and the essential nineteenth-century cotton exports of the American South—that African slaves and their descendants became indispensable in creating the prosperous New World that, by the mid-nineteenth century, began attracting millions of voluntary European immigrants. In a very real sense, it was coerced black labor that created Europe's image of a shimmering New World Arcadia, as well as the so-called American Dream.

Even in its first centuries, the Atlantic slave system foreshadowed many features of our modern global economy. For example, one sees international investment of capital in distant colonial regions, where the slave trade resulted in extremely low labor costs (or what we today might call "outsourcing") to produce commodities for a transatlantic market. This point leads me to some fundamental observations on the global economic importance of New World slavery. Fundamentals are especially needed since our culture still contains much mythological residue based on the assumption that an immoral and flagrantly unjust system of labor could not possibly be congruent with long-term economic and material progress. This long-dominant mythology concerning a supposedly backward, semifeudal, and obsolete institution seemed to draw some confirmation from the fact that slavery was often associated with soil exhaustion, indebtedness, and low levels of literacy, urban growth, industry, and immigration. Drawing on Adam Smith's arguments on the superiority of free labor, or on racist views that slavery, while an anachronism, helped to civilize so-called African savages and would have soon died out on its own without a needless Civil War, countless historians, novelists, politicians, and others totally misrepresented an institution that served as the crucial basis for New World settlement and expansion for over three centuries and that anticipated the efficiency and productivity of factory assembly lines while also leading the way to the first stage of a globalized economy.

In recent decades historians and economists have reached a broad consensus that while the profitability of single export crops like cotton could discourage a

more diversified economy, slave labor could still be efficient, productive, and adaptable to a variety of trades and occupations ranging from mining and factory work to the technologically modernized, steam-powered Cuban sugar mills. The research of Robert Fogel, Stanley Engerman, David Eltis, Seymour Drescher, Rebecca Scott, Herbert Klein, and many others has moved even beyond the now conventional view that black slave labor provided the foundation for the wealthiest and most dynamic New World economies from 1580 to 1800, a long period during which every white transatlantic immigrant was matched by nearly five involuntarily migrant African slaves.

There is now impressive evidence that the economic importance of slavery *increased* in the nineteenth century along with the soaring global demand for such consumer goods as sugar, coffee, tobacco, and cotton textiles. The slave trade hit its all-time peak toward the end of the 1700s and was certainly not declining in 1807 and 1808 when outlawed by Britain and the United States. Some 3 million Africans, or about one-fourth of the grand total exported, were shipped off to the Americas *after* 1807, despite the militant efforts of the British navy to suppress this mostly illegal commerce. As David Eltis has insightfully observed, one can easily imagine the increasingly powerful British and American steam-driven merchant fleets' *expanding*, by the 1850s, the flow of African slaves not only to Cuba and Brazil but also to the American South, where a vigorous movement to reopen the slave trade rightly claimed that the lowering of slave prices would make such labor more affordable and the institution more democratic. This Anglo-American expansion of the slave trade was prevented not by market forces but by a major transformation in Anglo-American public moral perception, spearheaded by a small group of abolitionist reformers (and, as we will see, most Americans were not eager to increase the black population).

Contrary to traditional dogma, and as many Anglo-American economists came to realize even by the 1820s, under most circumstances free labor was *not* cheaper or more productive than slave labor. In any event, a sufficient supply of free labor was never available. And as the British learned to their dismay after fully emancipating some 800,000 colonial slaves in 1838, free laborers were unwilling to accept the coercive plantation discipline and working conditions that made sugar production a highly profitable investment. One unexpected result of this emancipation was that Britain found it necessary to transport hundreds of thousands of hardly free East Asian indentured workers, who eventually replaced many of the emancipated West Indian blacks in such colonies as Trinidad and Guiana.

Britain's suicidal or, as Drescher terms it, "econocidal" destruction of its own slave trade and slave colonies, which had been the world's leading producers of sugar and coffee, provided an extra and enormous stimulus to the plantations of Cuba and Brazil and thus to the then illegal slave trade that supplied them

with labor. In mid-nineteenth-century Brazil, black slavery proved to be highly compatible with urban life and virtually every urban trade and skill. In mid-nineteenth-century Cuba, black slaves were profitably employed in the most capital-intensive and highly mechanized sugar production. In both Cuba and Brazil, as Herbert Klein notes, slaves were “most heavily concentrated in the most *dynamic* regions of their respective societies on the eve of emancipation” (i.e., in the 1880s). I should add that in the American South slaveholders effectively applied slave labor to the cultivation of corn, grain, and hemp (for making rope and twine), to both mining and lumbering, to building canals and railroads, and even to the manufacturing of textiles, iron, and other industrial products. But of course slave labor was concentrated mainly on the production of cotton, which, by 1840, constituted 59 percent of all U.S. exports, enabling the country not only to buy manufactured goods from Europe but also to pay interest on its foreign debt and continue to import more capital to invest in transportation and industry.

Moreover, there was a strong symbiotic relationship between New World slavery and industrial capitalism. Slave labor produced most of the first luxury goods that reached a mass consumer market, particularly in England, and that therefore contributed to the labor *incentives* needed for English industrial work discipline. Britain’s preeminent textile industry, the core of the Industrial Revolution, was wholly dependent on an expanding supply of cotton. Thanks largely to the invention of the cotton gin, in 1793, American slaves produced most of Britain’s cotton until the end of the American Civil War. Further, the dramatic drop in price for British manufactured goods reduced the cost of buying slaves on the African coast. While the price of slaves in Africa remained low and relatively stable during much of the nineteenth century—and virtually all the slaves taken to the Americas were purchased with European, Asian, and American commodities—the price of slaves continued to rise in the New World, in part because of the strong negative slave-population growth rates except in the United States, where even though the slave population doubled, tripled, and quadrupled by natural means, the price of slaves soared in the 1840s and 1850s.

The symbiosis between slavery and industrial capitalism is perhaps most vividly illustrated by the fact that the illicit Atlantic slave trade to Cuba and Brazil depended on *British* capital, credit, insurance, and the manufactured goods, including firearms, that were exchanged in Africa for slaves. As David Eltis convincingly argues, “for the Americas as well as for Britain at the outset of industrialization, there was a profound incompatibility between economic self-interest and antislavery policy.” This point was well understood by most American politicians, even Northerners like President Martin Van Buren. There is a subtle irony in the way Eltis’s neoclassical economic analysis exposes the possible pathological consequences of a worldview subordinating all human relationships to

free-market choices and the supreme goal of achieving the largest national product. And here I should mention that the value of Southern slaves in 1860 equaled 80 percent of the gross national product, or what today would be equivalent to \$9.75 trillion. There were good reasons why, in 1860, two-thirds of the richest Americans lived in the slaveholding South. And there were good reasons why any constitutional amendment annihilating that crucial property, which was worth three times the cost of constructing the nation's railroads or three times the combined capital invested nationally in business and industrial property, would have seemed utterly inconceivable.

It is true, of course, that in America the abolitionists were able to indict the entire nation for what appeared to be one of the most hypocritical contradictions in all human history: a nation conceived in liberty and dedicated to equal rights happened also to be the nation, by the mid-nineteenth century, with the largest number of slaves in the Western Hemisphere. And after 1807, when Britain outlawed the world's largest slave trade, Americans could no longer cast the blame on the British crown, as Jefferson did in 1776 in a clause to the draft of the Declaration of Independence that the Continental Congress refused to adopt, for waging "cruel war against human nature itself, violating the most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither." Let me also note, before I turn to the next barrier to emancipation, that thanks to the rapid natural increase of the American slave population—North America imported less than 4 percent of the Africans transported across the Atlantic—Americans like Jefferson had the moral luxury of condemning the slave trade and sharply differentiating it from the domestic institution.

Even apart from the momentous importance of racial slavery in the Atlantic and New World economies, white Americans, unlike the British, French, and Dutch, who lived thousands of miles away from their colonial slaves, faced the challenge of living together with millions of black people who were seen either as primitive and savage Africans or as being degraded and dehumanized by generations of bondage, and thus incapable of the freedom and equality embodied in American ideals. Many liberal-minded people today simply assume that antebellum whites should have ideally overcome their racist prejudices, immediately freed the slaves, and then welcomed the blacks as free and equal members of society, an outcome that definitely failed to occur even in the more racially integrated Latin America.

But it is almost impossible to imagine the cultural and psychological gulf that then separated American blacks from whites and that perplexed even most sincere opponents of human bondage when they contemplated the sudden release into society of from 1 to 4 million supposedly "dehumanized" human beings who,

it was assumed, lacked the skills, knowledge, frugality, and self-discipline needed for responsible participation in society. How would the existing free white population respond to and interact with such “liberated” people? Wholly apart from shocking racist stereotypes, which were nearly universal, it was hardly irrational to assume that a sudden emancipation, without considerable preparation, would inflict heavy burdens on society, greatly lowering the wages of white workers and escalating crime and insecurity of many kinds.

One can see a white aversion and opposition to living with blacks from the early and continuing attempts to restrict slave imports, to the nineteenth-century debates in virtually every Northern state over prohibiting even the entry of free blacks, and on to the growing interest in colonizing freed slaves outside the regions of white settlement.

Looking first at the slave trade, one of the reasons North Americans imported so few Africans was a fear, expressed even in South Carolina as early as the late 1600s, that a higher percentage of blacks would be dangerous as well as highly repugnant and undesirable. Jefferson was quite right when he claimed, in 1776, that Virginia had tried to restrict or even ban the import of African slaves. In 1807 the central issue faced by Congress was not slave-trade abolition—the final vote in the House of Representatives was 113 to 5! The most-debated issue concerned the fear of free blacks and what to *do* with the illegally imported slaves once they were seized. In a close decision, Southern states were allowed to sell such supposedly liberated people like other contraband goods. Few representatives supported outright emancipation, for as Josiah Quincy, of Massachusetts, pointed out, the slaves were as “helpless, ignorant, and incompetent as poor children,” and “to release them would be inhumane and condemn them to live as vagabonds.” Furthermore, he stressed, “the first duty of the Southern states, self-preservation, forbids it.”

Given such views, it is not surprising that, in 1790, Congress limited the right of national citizenship to incoming whites or that new and Northern states began to prohibit the entry of free Negroes, exemplified by the great Missouri Crisis (1819–1822). As a sign of the diminishing possibilities for any major slave emancipation, what began as a moderate proposal for the very gradual ending of slavery in the new state of Missouri ended with the state constitution’s legalizing slavery *in perpetuity* and prohibiting free Negroes and mulattoes from coming to and settling in the state. While the latter action raised the constitutional issue of “privileges and immunities,” since a very few Northern blacks were citizens of states like Massachusetts, by 1847 Missouri felt secure in totally banning all free black settlers. Indeed, in 1822 even the Massachusetts legislature considered such a measure. The states of the Old Northwest, which bordered slaveholding states like Kentucky and Missouri, expressed particular fear of being inundated by freed blacks from the south. In Illinois a constitutional

convention of 1847 adopted a provision, ratified by a popular vote margin of over two to one, instructing the legislature to prohibit the immigration of all colored persons. Once enacted, this measure provided that any Negro who violated the law and could not pay a large fine could be sold into service at a public auction. Indiana, Iowa, and even Oregon adopted similar measures, though in 1849 reformers in Ohio achieved partial repeal of so-called Black Laws compelling Negroes to post a large bond in order to settle in the state.

Ohio's Black Laws bring to mind the harassment and mob violence free blacks in the North experienced throughout the antebellum years. In 1829, after Cincinnati authorities insisted on the better enforcement of such Black Laws, white mobs succeeded in driving out from 1,100 to 2,200 of the city's Negroes, many of whom fled to Canada. Other antiblack riots erupted in New York, Philadelphia, and Providence. Moreover, from the admission of Maine, in 1819, to the end of the Civil War, the constitution of every new state denied blacks the right to vote. Connecticut's citizens did the same as late as the fall of 1865. Except in Massachusetts, blacks were excluded from juries, and Illinois, Ohio, Indiana, Iowa, and California all prohibited Negro testimony in legal cases involving a white man.

As Alexis de Tocqueville put it, following his extensive tour of the United States in 1831: "The Negro is free, but he can share neither the rights, nor the pleasures, nor the labor, nor the afflictions, nor the tomb of him whose equal he has been declared to be." Tocqueville concluded that racial prejudice was strongest in the Northern states that had abolished slavery; that blacks and whites could never live in the same country on an equal footing; and that the oppressed race ultimately faced extinction or expulsion.

The idea of deporting or colonizing emancipated blacks outside the North American states or colonies long preceded the Haitian Revolution (1791–1804). But in the United States the specter of Haiti, with its gory images of rape and extermination of whites, reinforced by the Virginia slave conspiracies of 1800 and 1802 and the massive Barbadian insurrection of 1816, all of which were influenced by the Haitian Revolution, gave an enormous impetus to the colonization movement. Some advocates understood colonization as a way of making slavery more secure by removing the dangerous (as Haiti had shown) free black and colored population. But colonization was more commonly seen as the first and indispensable step toward the *very* gradual abolition of slavery. In effect, it would reverse and undo the nearly two-century flow of the Atlantic slave ships, and, by transporting the freed slaves back to Africa, it would gradually and peacefully redeem America from what James Madison called "the dreadful fruitfulness of the original sin of the African trade."

The very thought of shipping from 1.5 to more than 4 million black Americans to an inhospitable Africa has seemed so preposterous and even criminal

that many historians have tended to dismiss the subject of colonization out of hand (despite the British deportation of criminals to Australia and the success of white Americans in “removing” Indians to the West and ultimately to “reservations”). This means, however, that historians have never really explained why the coupling of emancipation and colonization appealed to leading American statesmen from Jefferson to Lincoln, why this formula won the endorsement, by 1832, of nine state legislatures, and why William Lloyd Garrison, Theodore Weld, the Tappan brothers, Gerrit Smith, James G. Birney, and virtually all the other prominent and radical abolitionists of their generation *had* accepted colonization before finally embracing the doctrine of “immediate emancipation.” Colonizationists warned that emancipation without some kind of emigration would create a huge idle, disgruntled population, escalating the economic burden of poor relief and leading to cruel and drastic punishments to counteract the soaring rate of crime. Southerners rejoiced over the continuing flow of statistics, including the highly distorted census of 1840, claiming that an immensely disproportionate number of free blacks in the North were living in poverty or were confined in jails, prisons, and asylums for the insane.

Blacks in Pennsylvania were reported to make up one-thirty-fourth of the state’s population but one-third of the state’s prisoners. According to a Pennsylvania state committee report of 1836: “The disparity of crime between the whites and blacks, which is at present so distressing to every friend of humanity and virtue, and so burdensome to the community, will become absolutely intolerable in a few years: and the danger to be apprehended is, that if not removed, they will be exterminated.” As Thomas Jefferson aptly described the dilemma, “We have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale and self-preservation in the other.”

Leading colonizationists like Connecticut’s Reverend Leonard Bacon argued, in assessing the slaves’ alleged incapacity for freedom, that whites could only faintly imagine how generations of oppression had degraded the black slave, “whose mind has scarcely been enlightened by one ray of knowledge, whose soul has never been expanded by one adequate conception of his moral dignity and moral relations, and in whose heart hardly one of those affections that soften our character, or those hopes that animate and bless our being, has been allowed to germinate.”

According to Bacon, who saw slavery as an intolerable national evil, the African American could never be raised “from the abyss of his degradation.” Not in the United States, that is, where the force of racial prejudice was understandably magnified by the fear of a black biblical Samson “thirsting for vengeance” and bursting his chains asunder. With Haiti obviously in mind, Bacon warned that “the moment you raise this degraded community to an intellectual existence, their chains will burst asunder like the fetters of Sampson [*sic*], and they

will stand forth in the might and dignity of manhood, and in all the terrors of a long injured people, thirsting for vengeance."

In this example, having raised blacks from their "abyss" of degradation to the "dignity of manhood," Bacon clearly rejected any thought of inherent inferiority. Nevertheless, his major argument tied degradation with an incapacity for peaceful coexistence. And the dismal history of black Haiti, whose freed people had no way of migrating to Canaanite "free soil," seemed to underscore their incapacity for economic success and genuine freedom. Haiti was cut off by America, shunned by much of the rest of the world, and soon almost bankrupted by reparation payments to France for even the act of national recognition. Hardly less discouraging was the fate of thousands of freed slaves in the northern United States, who, being mostly barred from white schools and respectable employment, quickly sank into an underclass—the first of many generations of African Americans who privately struggled, in a world dominated by whites, with the central psychological issue of self-esteem.

In short, it was the new possibility of eradicating slavery—which became meaningful only in the late eighteenth century, with the beginning of gradual emancipation in the northern United States, followed by the Haitian Revolution and France's revolutionary emancipation act of 1794—that greatly magnified the importance of race. And a belief in a people's dehumanization had become the key to race. I have no space here to discuss the spectrum from scientific racism, which acquired semiofficial sanction in the Western world by the 1850s, to the biblical Curse of Ham, and on to the cartoons and caricatures of blacks that gave a popular cultural sanction to the racist discriminatory laws and behavior that probably reached their most extreme level in the United States.

Suffice it to say that by March 2, 1861, when Congress passed a proposed but never-ratified Thirteenth Amendment that would have prohibited the federal government even by constitutional amendment to interfere with slavery in the existing states, a copy of which Lincoln sent on March 16 to the governors of even the seceded states, the barriers to any immediate slave emancipation seemed to be insuperable. As I have tried to show, the extraordinary economic value of American slavery was reinforced by a profound racism and antipathy toward so-called free Negroes. Moreover, by the 1850s there was a growing consensus, even in England, that Britain's "Mighty Experiment" of slave emancipation in the 1830s had been an economic disaster. It was only the wholly unexpected nature of the American Civil War, leading to the Emancipation Proclamation and Thirteenth Amendment, that finally transformed common perceptions of Britain's actions into a bold, pioneering moral achievement that then teleologically led to the outlawing of human bondage in most of the world.

The only foreign emancipation decree that was really comparable to the Thirteenth Amendment was the proclamation, of February 4, 1794, made by

the French National Convention. We don't think of the somewhat conservative Abraham Lincoln as endorsing something similar to a radical declaration of the French Reign of Terror. While Lincoln hated slavery, he long favored gradual and compensated emancipation as well as colonization. His political success had depended on a brilliant synthesis that merged an appeal to Northern anti-slavery sentiment with a dedication to the interests of white free labor, acknowledging the pervasive aversion to black social or political equality. Lincoln revealed his deep understanding of the barriers to emancipation in 1858 when he affirmed that "I do not suppose that in the most peaceful way ultimate extinction [of slavery] would occur in less than a hundred years at the least." In other words, without a devastating civil war, he was thinking of ultimate slave emancipation in what we now term the civil rights period. Yet Lincoln drew above all on the American Revolutionary heritage and worshipped the Declaration of Independence much as the excited members of the French Convention worshipped and cited the Declaration of the Rights of Man.

The French emancipation decree, like the Thirteenth Amendment, was the result of a major war in which slaves themselves had helped win their freedom. Indeed, by February 1794 the French agents Sonthonax and Polverel had already issued emancipation edicts in Saint Domingue, and the slaves had overthrown their masters and were fighting English and Spanish invaders. If Lincoln and the Republicans knew that slave emancipation would win praise and support abroad, Danton could exclaim: "We are working for future generations, let us launch liberty into the colonies; the English are dead—today [applause] . . . France will regain the rank and influence that its energy, its soil, and its population merit." The French deputies hailed the act as a much-belated reparation of one of the worst French examples of inequality and specifically proclaimed, unlike the Thirteenth Amendment, "that all men living in the colonies, without distinction of color, are French citizens and enjoy all the rights guaranteed by the constitution." Unfortunately, even French radicals like Victor Hugues, who months later sought to liberate slaves while invading Guadeloupe, found it necessary to force blacks to work on the plantations. And as a sign of international obstacles to successful emancipation, in 1802 Napoléon restored both slavery and the slave trade! It would take forty-six more years before another revolution enabled France to free all colonial slaves, this time paying indemnity to their owners.

Most of the other acts of slave emancipation involved compensation to the owners and focused on attempts to implant in the freed slaves motivations to work and to avoid the alleged idleness that outraged critics of the freed slaves in the larger British colonies following the end of four years of coercive apprenticeship. Little attention was given to measures that might ensure the blacks' continuing freedom, as in America's Civil Rights Act of 1866 and the next two constitutional amendments.

For example, the celebrated British Emancipation Act, of 1833, awarded a huge 20 million pounds sterling of taxpayers' money to the colonial owners or their creditors and first called for six years of uncompensated labor, which in effect required blacks to subsidize a large share of their own emancipation. Even when apprenticeship was reduced to four years, the act in effect rewarded owners with approximately the market value of their slaves. While the law prevented colonial governments from extending the time of apprenticeship, it allowed them to punish "willful absence from work" on the part of delinquent blacks with up to seven years of labor after the termination of apprenticeship. Despite the national celebrations, many abolitionists privately saw the emancipation law as a disastrous failure.

Nevertheless, most British abolitionists recognized the supreme need for creating what they termed "habits of diligence and self-discipline" among freed people, and in France, Spain, Cuba, and Brazil the proponents of emancipation would have agreed with Sir James Stephen, a member of a prominent abolitionist family and a framer of the British Emancipation Act, that "measures must be adopted, tending more directly to counteract the disposition to sloth which may be expected to manifest itself, so soon as the coercive force of the Owners' Authority shall have been withdrawn. The manumitted Slaves must be stimulated to Industry by positive Laws which shall enhance the difficulty of obtaining a mere subsistence." Cubans, for example, feared that without their imposed period of slavelike apprenticeship, the blacks "would run off to the woods and live like savages."

The architects of emancipation in Cuba and Brazil hoped to learn from the mistakes of the British, French, and Americans. In Brazil the Rio Branco Law, of 1871, gave recognition to the owners' rights in human property as well as the need to slowly prepare the children of slaves for freedom. When the technically freed child of a slave turned eight, the mother's owner could choose between getting 600 milreis in compensation, and turning the child over to the state, or retaining the child's slavelike service until age twenty-one. Slaves could also purchase their freedom, but they then came under state control and were obliged to hire themselves out under pain of compulsion. The law was poorly enforced, and, in 1888, following some years of intense abolitionist agitation and the flight of thousands of slaves from their owners, the emancipation edict of Princess Regent Isabel contained only two brief provisions, like the Thirteenth Amendment, but led to the downfall of the monarchy. And according to the historian Robert Edgar Conrad, the law did not end the "de facto servitude that survived chattel slavery in much of rural Brazil."

To conclude, emancipation embodied the paradox of breaking the chains of a grateful slave, symbolized by the kneeling black in the abolitionist icon "Am I Not a Man and a Brother," but then trying to ensure that he would continue to

work as hard as he had when driven and whipped by a plantation overseer. Given the enormous obstacles to slave emancipation, no law succeeded in the New World in moving easily or rapidly from chattel bondage to anything like true freedom—despite the growing public condemnation of chattel slavery as an institution. On the other hand, America’s Thirteenth Amendment did lay the groundwork for destroying what had been a highly profitable and thriving system of labor and racial control. No less important, by including the phrase “involuntary servitude” and giving Congress the power to enforce the article by appropriate legislation, it implanted in the Constitution ideal goals and values that created new meanings of freedom even for the twentieth and twenty-first centuries.