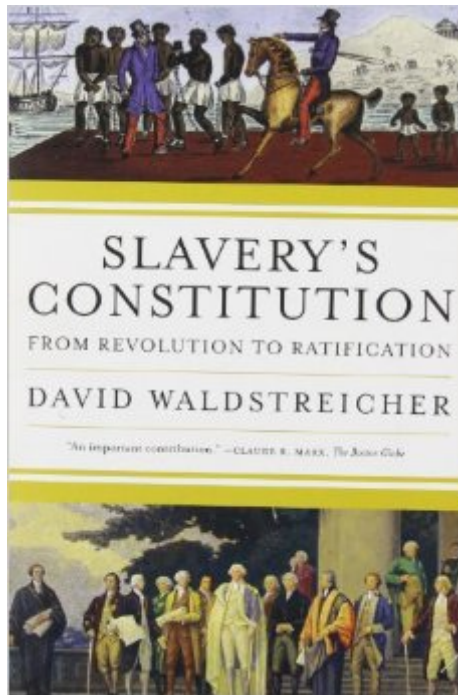


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Slavery's Constitution: From Revolution To Ratification



Synopsis

Taking on decades of received wisdom, David Waldstreicher has written the first book to recognize slavery's place at the heart of the U.S. Constitution. Famously, the Constitution never mentions slavery. And yet, of its eighty-four clauses, six were directly concerned with slaves and the interests of their owners. Five other clauses had implications for slavery that were considered and debated by the delegates to the 1787 Constitutional Convention and the citizens of the states during ratification. This "peculiar institution" was not a moral blind spot for America's otherwise enlightened framers, nor was it the expression of a mere economic interest. Slavery was as important to the making of the Constitution as the Constitution was to the survival of slavery. By tracing slavery from before the revolution, through the Constitution's framing, and into the public debate that followed, Waldstreicher rigorously shows that slavery was not only actively discussed behind the closed and locked doors of the Constitutional Convention, but that it was also deftly woven into the Constitution itself. For one thing, slavery was central to the American economy, and since the document set the stage for a national economy, the Constitution could not avoid having implications for slavery. Even more, since the government defined sovereignty over individuals, as well as property in them, discussion of sovereignty led directly to debate over slavery's place in the new republic. Finding meaning in silences that have long been ignored, *Slavery's Constitution* is a vital and sorely needed contribution to the conversation about the origins, impact, and meaning of our nation's founding document.

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Customer Reviews

A concise and mildly polemical book discussing the role of the Constitution as a shield for slavery in the early American republic. Waldstreicher's point of departure is historiographic in that he points out that discussions of the role of slavery figure very little in several of the standard discussions of the American revolution and the formation of the Constitution such as Bernard Bailyn's great *Ideological Origins of the American Revolution* and Gordon Wood's magisterial *The Creation of the American Republic*. Waldstreicher makes a good argument that the Constitution was partly constructed to protect chattel slavery, a charge made in the early to mid-19th century by prominent abolitionists such as William Lloyd Garrison. Waldstreicher opens with useful discussion of the role of slavery in the outbreak and events of the Revolution. The most salient fact is the great role of slavery in the colonial economy, which was crucial not only to the Southern states but also to several of the Northern states. He highlights the importance of the famous *Somerset* decision that destroyed the concept that chattel slavery in the British Empire enjoyed fundamental constitutional protection. He discusses also the British efforts to recruit slaves as soldiers during the Revolution and the great anxiety engendered among slaveholders by the relatively successful British efforts. There is also an interesting discussion of the rhetorical use of slavery in the debates about colonial relations with Britain.

The impact of slavery on the US Constitution is a fact insufficiently explored. An analysis would have been welcome. Five questions (and more) need answering: (a) Which clauses were inserted to "protect" the peculiar institution? The 3/5 rule changing the representation key (both in the House and in the Electoral College) springs to mind. There are other rules. (b) Which clauses were "altered" so as favorably to affect the peculiar institution? The prohibition of export taxes or the cap on duties for the importation of persons may not be the only ones. (c) Which collateral arrangements were struck (e.g. Northwest Ordinance) and implied? (d) What did the 2nd Amendment mean in the context of slavery? (e) Which issues were left unresolved so as to prevent conflicts? This is a difficult silent/counterfactual question, but the federal/state split in responsibility for citizenship/suffrage clearly gives the state leeway in excluding "unwanted" votes. So is the absurdity that slaves born in the US were denied citizenship despite the *jus soli* established by statute in 1790. All of this is critical for understanding the role on the Constitution in maintaining slavery - and eventually precluding a constitutional ending to it. How we got to the compromise text or how it was sold to the "people" (1.5 % of "we the people" voted on it) is a subsidiary matter. In writing this short book the author chose a "narrative" approach that privileges timelines and tactics over substance and analysis. Some of the

answers are there, but drowned in the din of day to day politicking by personalities. This is regrettable.

This book is a welcome addition to my bookshelves, as it helps document the reasons the framers gave us a Constitutional oligarchy rather than a democracy or a republic, and why they lied about it. Two of the many people you can't trust in this world are slaveholders and politicians, and many of the framers were both. Recently, a democratic candidate for Congress asked me why I seem (in his opinion) to make a religion of democracy. He, of course, like the framers, believes that there are more important things, such as property rights, business interests, and power. So what if Americans don't have a real voice in government, as long as their betters have the power to make their decisions for them? Although this country's founders used the right and duty to establish a democratic form of government as justification for their revolution from England, the first thing the framers did was betray that right and trample on that duty. So here we are in 2010, having "exported democracy" by totally destroying one of the oldest civilizations on earth (Iraq), and continuing our wars of aggression (crimes against humanity) and crony bailouts in the name of and with the consent of citizens of whom a majority oppose both policies, but who do not yet realize that their vote is NOT a voice in government, but just the consent of the governed to allow unaccountable representatives to do whatever they wish. A recent Rasmussen Report [...] poll showed that only 21% of Americans believe that the U.S. government has the consent of the governed.

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