

## Chapter 5: A House Divided

# THE PECULIAR INSTITUTION

Slavery existed in all of the Confederate states and in the Border States of Delaware, Maryland, Kentucky, and Missouri, and until 1862 in the District of Columbia. Slavery itself was illegal outside of those states, though as the Dred Scott decision showed, ownership of slaves in the free states was far from clear.

Slaves of African descent made up the vast majority of slaves in America, with a relatively small number of Native American slaves. The U.S. outlawed the trade in African slaves—the kidnapping of Africans to be sold in the U.S. as slaves—in 1808, so by 1850 all slaves were born in America (except for those imported from the Caribbean islands). In 1850 there were 3,200,000 slaves in the U.S. That number rose to 3,950,000 by 1860.

An estimated \$3 billion dollars (in 1860 currency) was tied up in slaves. Slave prices varied greatly. Female slaves cost about 80% that of male slaves, who were important sources for hard, physical labor. Prices were lower in the Border States where runaways were more common. In 1850 a prime field hand cost \$700 in Richmond, Virginia; \$800 in Charleston, South Carolina; and \$1,100 in New Orleans, Louisiana. Those prices rose to \$950, \$1,025, and \$1,350, respectively in 1855, and \$1,200, \$1,225, and \$1,800 in 1860.

Slaves had few rights. In the eyes of the law they were property, and they received about as much protection from cruelty as animals. Family members could be taken away and sold on the whim of the owner. Large plantations hired overseers who brutalized slaves for transgressions great and small. Slave codes encouraged, and even required, violence in certain dealings with slaves in order to discourage rebellion. Slave patrols watched for runaways. The patrols could punish slaves as they saw fit, including maiming or killing. Attractive female slaves could find themselves visited in the night by their owners. The offspring by such liaisons were legally slaves.

Working conditions could be horrible, such as scooping salt from a salt pool all day as open sores

formed on the slave's legs and feet. Plantation work was tiring, repetitive, and mind numbing. Industrial work was mind numbing and dangerous. In general, darker-skinned slaves were sent to work in the fields, while the lighter-skinned worked in the homes where the working conditions were more tolerable.

After Nat Turner's Rebellion in 1831 (when a literate slave and his followers rose up against slave owners, killing 50 before the rebellion was suppressed) Southern states enacted laws that made it illegal to teach slaves and freedmen how to read and write. These laws were often ignored but they contributed to the high illiteracy rate among free blacks that followed them into Reconstruction.

Plantation slaves lived in one-room cabins with few, if any, luxuries. Urban slaves lived in the upper floors and attics. The limited size of city homes, though, forced some masters to find additional accommodation outside of their homes for their slaves. These living quarters were usually squalid or spartan. "Living out," as it was called, increased the size of black communities, which provoked some municipalities to pass bylaws preventing slaves from living anywhere except on their master's property. When accompanying their master at a hotel, slaves were expected to sleep wherever they could find space, in hallways, stairwells, or common areas.

Slaves ate apart from whites, either in the kitchen or in their cabins. Owners had to supply their slaves with food, but plantation owners rarely gave the slaves enough food to handle the caloric demands of their work. Slaves were encouraged to supplement their diet by catching fish and game, which the males in the family did during their precious time off.

Slaves married and formed family units, though the law did not recognize slave marriages. White churches, particularly evangelical denominations, encouraged and recognized slave marriage. White priests and ministers preached to slaves, and there were biracial churches (with blacks sitting in the back of the church or in the gallery). Clergy denounced the sins of adultery and fornication among slaves, which only had meaning in the presence of a marriage recognized by the church. In 1859 the South Carolina Episcopal Church railed

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against masters who split up married slave couples. It was legal, but the church saw it as going against God's will that "man and wife" not be separated.

Religion was an important part of a slave's life, as it was an important part of the institution of slavery. A schism formed within Protestant churches over slavery and the right of ministers to own slaves, resulting in the formation of Southern denominations. These churches taught scripture that they interpreted as condoning slavery and reinforcing white superiority. At the same time, Christianity (with its promise of an eternal after-life) was important in encouraging moral behavior and maintaining order among the slave population. It had the added benefit of giving the slaves hope by teaching them that their tribulations would reward them with an eternity in paradise.

Not all slave owners were brutal. By the 1850s the more liberal slave owners realized that positive reinforcement was more effective than negative reinforcement. They rewarded good behavior with money, gifts, or dances. Slaves were allowed to sell arts and crafts in marketplaces, and could keep the proceeds. Slaves could keep gambling winnings. At least one slave won a lottery and bought his freedom with the proceeds. Some of the more liberal jurisdictions, like New Orleans, had statutes against wanton cruelty to slaves. These laws were akin to cruelty to animal laws in our modern era, though usually with less severe penalties; fines and confiscation of the slaves. These measures partially hid the truth; no matter how well treated, a slave was still property.

The Confederacy made use of slaves in the military. Large numbers of slaves followed behind Confederate armies. Along with domestic duties, they were used for building fortifications, digging entrenchments and repairing bridges and rail lines. When the chance arose, many used their proximity to Union lines to escape into free Federal territory.

When masters went to war they sometimes took their personal slaves with them. The slaves were not armed. They would cook, clean, sew, and otherwise do the manual chores poorer soldiers were forced to do for themselves. Slaves might carry their masters' weapons

on the march, but Southern society was stringently opposed to arming slaves.

In early 1864, Major General Patrick Cleburne suggested that the Confederacy arm slaves. By that point the Union armies were fielding black (colored) regiments, and the white Southern population eligible for combat was drying up. Confederate President Jefferson Davis actively opposed such an idea. The idea was first proposed to Davis after Bull Run, and he called it "stark madness." He still hadn't warmed to the idea by 1864. A year later, when it was obvious that the Confederacy was about to collapse, the idea was revisited. In March 1865 the Confederacy authorized the creation of black regiments, with black volunteers receiving their freedom in exchange for military service. It was too little, too late. Slave owners were reluctant to hand over their property and free blacks were reluctant to volunteer when the war was obviously near its close. Only 270 blacks were armed by the Confederacy, and none of them saw action.

### **FOREVER FREE**

Free blacks lived in a netherworld between whites and slaves. Socially they were above slaves, but beneath the poorest white. This was true in the North and the South.

Freedmen and freedwomen had far more rights than slaves, but they could not vote, they could not run for public office, and they had to be circumspect in their dealings with whites. They could own property, they did have some freedom of movement, and they did have greater protections under the law. On the other hand the Fugitive Slave Act stripped free men and women of the right to a fair trial. Bounty hunters could scoop up free blacks in Northern states by swearing before a judge that they were escaped slaves. Blacks were not allowed to even give a statement on their own behalf.

Casual racism was an everyday occurrence. Take for instance, a free black businessman traveling from Natchez, Mississippi to New Orleans. As an African American he wasn't entitled to a cabin even though the trip was overnight and he could afford the fare. Instead, he was supposed to sleep in the common areas or on the deck. If he found a willing captain, though, and he paid a "premium" he might get a cabin, something that was