

THOMAS R. R. COBB

*What Is Slavery, and Its Foundation
in the Natural Law*

1858

*Thomas Reade Rootes Cobb (1823–1862) was one of the most brilliant lawyers in the antebellum South. He was a leader of the Georgia bar, the son-in-law of the state's first chief justice, the official reporter of the Georgia Supreme Court, and a cofounder of the Lumpkin School of Law, which later became the University of Georgia School of Law. Cobb, the key figure in drafting the Confederate Constitution, later died at the battle of Fredericksburg. His book, *An Inquiry into the Law of Negro Slavery in the United States of America, to Which Is Prefixed an Historical Sketch of Slavery*, was the only treatise on the law of slavery published by a Southerner.*

The following excerpt is from Chapter 1 of this book. Here Cobb begins to set out the legal theory behind slavery. However, he quickly moves from law and philosophy to history and racial theories. Ultimately his defense of slavery, like so many others, is racial. Significantly, much of his defense of slavery ties into general legal notions. If blacks are incompetent and inferior, it is legitimate to have a different set of laws to govern them. Similarly, if blacks are naturally "thievish," special laws and legal rules must apply to them.

Cobb's piece is a high point of the defenses of slavery. He does not merely argue that slavery is legitimate or reasonable because blacks are inferior. Rather, he asserts that slavery is a positive good for blacks because slavery has "advanced the negro race" by aiding in their "mental and moral development."

§ 3. That slavery is contrary to the law of nature, has been so confidently and so often asserted, that slaveholders themselves have most

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A portrait of Thomas R. R. Cobb in Confederate uniform.
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generally permitted their own minds to acknowledge its truth unquestioned. Hence, even learned judges in slaveholding States . . . have announced gravely, that slavery being contrary to the law of nature, can exist only by force of positive law. The course of reasoning, by which this conclusion is attained, is very much this: That in a state of nature all men are free. That one man is at birth entitled by nature to no higher rights or privileges than another, nor does nature specify

any particular time or circumstances under which the one shall begin to rule and the other to obey. Hence, by the law of nature, no man is the slave of another, and hence all slavery is contrary to the law of nature. . . .

§ 7. The expression "law of nature" is sometimes, though unphilosophically, used to express those deductions which may be drawn from a careful examination of the operations of the natural world. Hence, it is said that slavery is contrary to the law of nature, because we find no counterpart or analogous operation in the natural world. To this we may say, in the first place, that by such a definition of the law of nature, cannibalism and every other horrid crime of savage or natural man would be justified. Among lower animals, the destruction of their own species is of frequent occurrence. In the second place, that the fact does not exist as stated, for not only is slavery found to coexist with the human race, but even among the lower animals and insects, servitude, in every respect the counterpart of negro slavery, is found to exist. It is a fact, well known to entomologists, and too well established to admit of contradiction, that the red ant will issue in regular battle array, to conquer and subjugate the black or negro ant, as he is called by entomologists. And, that these negro slaves perform all the labor of the communities into which they are thus brought, with a patience and an aptitude almost incredible. These facts, originally noticed and published by Huber, have subsequently been verified by many observers. . . . Upon this definition, therefore, of the law of nature, negro slavery would seem to be perfectly consistent with that law. . . .

. . . From what has been said, it is evident that whatever definition we adopt, the nature of man enters as a very important element, and if that nature is subject to any variation, from race, or climate, or history, to that extent the consequences of the law of nature must vary when applied to him. To illustrate. The German student, immersed for years amid the ponderous tomes of some university library, finds nothing in his voluntary imprisonment uncongenial to his nature. But the American Indian submitting to the same fate, would do violence to the law of his nature, because his pursuit tends nothing to the great end of his existence, the greatest happiness of which he is susceptible. And hence slavery may be utterly inconsistent with the law of nature when applied to one race of men, and yet be perfectly consistent with the nature of others.

§ 11. Again. We must be careful to distinguish between the state of nature and the law of nature. Many things are contrary to the state of

nature, which are not contrary to the law of nature. Marriage, government, all civilization is adverse to a state of nature, yet it would be hardly asserted, that thereby violence was done to the law of nature. A celebrated Scotch commentator applies this distinction clearly and philosophically to the subject of slavery: "It is indeed contrary to the state of nature, by which all men were equal and free; but it is not repugnant to the law of nature, which does not command men to remain in their native freedom, nor forbid the preserving persons at the expense of their liberty," &c. . . . "It may appear that slavery is repugnant to the law of nature; but that may be properly denied. For slavery in itself is nothing but an obligation for perpetual service. If it be not wrong to be bound to serve for a year, why not also for life?" . . . "This kind of slavery is not repugnant to the law of nature, but yet is not of natural right, which oftentimes authors confound." The admission therefore of the proposition that "all men are created free," or are free in a state of nature, does not carry with it as a consequence that slavery is inconsistent with the law of nature. . . .

§ 13. The same distinction was taken by the Fathers of the Church, on the subject of slavery. Bishop England, reviewing them at length, says: "Thus, a state of voluntary slavery is not prohibited by the law of nature." "All our theologians have, from the earliest epoch, sustained, that though in a state of pure nature all men are equal, yet the natural law does not prohibit one man from having dominion over the useful actions of another, as his slave." The following, quoted by him from St. Thomas of Aquin, makes the point clearly: "This man is a slave, absolutely speaking, rather a son, not by any natural cause, but by reason of the benefits which are produced; for it is more beneficial to this one to be governed by one who has more wisdom, and to the other to be helped by the labor of the former." Cassagnac, pursuing the same idea, gives us the views of other Fathers, to the same effect. Thus, Saint Basil says: "He who, by the weakness of the intellect, has not in him that which nature requires, finds it to his interest to become the slave of another, the experience of his master being to him what the pilot is to the vessel." . . .

§ 15. In this view, is Negro Slavery consistent with the Law of Nature? We confine the inquiry to negro slavery, because, upon the principles already established, it is undoubtedly true, that the enslavement, by one man or one race, of another man or another race, physically, intellectually, and morally, their equals, is contrary to the law of nature, because it promotes not their happiness, and tends not to their perfection. Much of the confusion upon this subject has arisen

from a failure to notice this very palpable distinction. The ancient Greeks were so far the superiors of their contemporaries, that it did no violence to the existing state of things for their philosophers to declare their preeminence, and draw thence the conclusions which legitimately followed. Hence, Aristotle declared that some men were slaves by nature, and that slavery was absolutely necessary to a perfect society. . . .

§ 18. Resuming then the inquiry as to the consistency of negro slavery with the law of nature, the first question which demands our attention, and necessarily is preliminary to all other investigation, is, what is the nature of the negro? Were this question asked of a mere animal, our inquiry would be confined to his physical nature alone, and could we show that, like the horse and the cow, the domestication and subjection to service did not impair, but on the contrary improved his physical condition, the conclusion would be inevitable, that such subjection was consistent with his natural development, and therefore not contrary to his nature. But we recognize in the negro a man, endowed with reason, will, and accountability, and in order to justify his subjection we must inquire of his intellectual and moral nature, and must be satisfied that its development is thereby promoted. If this be true, if the physical, intellectual, and moral development of the African race are promoted by a state of slavery, and their happiness secured to a greater extent than if left at liberty, then their enslavement is consistent with the law of nature, and violative of none of its provisions. Is the negro's own happiness thereby best promoted? Is he therein most useful to his fellow-man? Is he thereby more surely led to the discharge of his duty to God? These, as we have seen, are the great objects of the law of nature, "God, our neighbor, and ourselves."

§ 19. In this investigation, we should understand distinctly the meaning to be attached to "Negro." The black color alone does not constitute the negro, nor does the fact of a residence and origin in Africa. Agassiz very properly remarks, that "in Africa, we have the Hottentot and Negro races in the south and central portions respectively, while the people of Northern Africa are allied to their neighbors in Europe, just as we have seen to be the case with the zoological fauna in general." The language and history of the nations of Northern Africa show them to have a different and Asiatic origin. The people we are inquiring of are thus described by Cuvier: "The negro race is marked by a black complexion, crisped or woolly hair, compressed cranium, and a flat nose. The projection of the lower parts of the face and the thick lips evidently approximate it to the monkey

tribe. The hordes of which it consists have always remained in the most complete state of utter barbarism." And even of this very extensive negro race, there are a great number of tribes, differing not so much in their physical as moral nature, and adapting them more or less for a state of servitude. This difference was well known among the native tribes long before the Dutch, Portuguese, and English vied with each other in extending the slave-trade; and the Mandingo slave-dealer had determined this question long before a mart was opened for him by European enterprise. Our inquiry, therefore, is properly confined to those tribes of negroes who were in a state of servitude in their native land, viz.: the Fantis, Ashantis, Krumen, Quaquas, Congos, Ibos or Eboes, Whydah or Fidohs, Coromantines, Mandingoes, &c., and their descendents in America.

§ 20. *First* then is the inquiry as to the physical adaptation of the negro to a state of servitude. His black color peculiarly fits him for the endurance of the heat of long-continued summers. The arched leg and receding heel seem to indicate a natural preparation for strength and endurance. The absence of nervous irritability gives to him a complete exemption from those inflammatory diseases so destructive in hot and damp atmospheres, and hence the remarkable fact, that the ravages of that scourge of the tropics, the yellow fever, never reach the negro race. In other portions of the body, especially the formation of the pelvis, naturalists have discovered a well-defined deterioration in the negro which, a late learned observer, Vrolik, of Amsterdam, has declared, shows "a degradation in type, and an approach towards the lower form of animals." So the arched dome of the head and the perpendicularity of the vertebral column are said, by an observant writer, to be characteristic, and to fit the negro peculiarly for the bearing of burdens upon the head.

§ 21. As a connecting link between the physical and mental capacity of the negro, we may consider the osteological formation of his head, and comparative size of the brain. . . . Good, in describing the negro, says: "The head is narrow; the face narrow, projecting to the lower part. The countenance, in this variety, recedes farther than in any other from the European, and approaches much nearer than in any other that of the monkey." . . . Dr. Morton's experiments and observations seem to have led him to the conclusion that the brain of the negro was somewhat smaller. Without seeking to hold the balance between these authorities, we may remark, that it is too well settled now to be a matter of doubt, that the size of the brain is not the only criterion for deciding upon the mental capacity of the possessor; and

philosophers least disposed to profess faith in phrenology as a science, are forced to admit that the arrangement and location of the brain, by some mysterious law, are, as a general rule, indicative of the mental power. The application of Camper's facial line and facial angle demonstrated the inferiority of the negro in this particular, and Prof. Tiedemann does not seek to deny the correctness of the result thus tested.

§ 22. *Second.* The mental inferiority of the negro has been often asserted and never successfully denied. An inviting field for digression is offered here, in the much-mooted question of the unity of the human race. It is unnecessary for our purposes to enter these lists. The law deals with men and things as they are, and whether the negro was originally a different species, or is a degeneration of the same, is a matter indifferent in the inquiry as to his proper status in his present condition. We deal with him as we find him, and according to the measure of his capacity, it is our duty to cultivate and improve him, leaving to time to solve the problem, whether he is capable of restoration to that pristine equality, from which his admirers maintain that he has fallen.

§ 23. Mentally inferior, now, certainly he is. Says Lawrence: "The mind of the negro is inferior to that of the European, and his organization also is less perfect." And this he proves, "not so much by the unfortunate beings who are degraded by slavery, as by every fact in the past history and present condition of Africa." Says Charles Hamilton Smith—whose opportunities for observing and judging, for ten years, on the Coast of Africa and in the West Indies (1797 to 1807), were unsurpassed, and whose sympathies he confesses are with the negro,—“The typical woolly-haired races have never invented a reasoned theological system, discovered an alphabet, framed a grammatical language, nor made the least step in science or art. They have never comprehended what they have learned, or retained a civilization taught them by contact with more refined nations, as soon as that contact had ceased. They have at no time formed great political states, nor commenced a self-evolving civilization; conquest with them has been confined to kindred tribes and produced only slaughter. Even Christianity, of more than three centuries duration in Congo, has scarcely excited a progressive civilization.” Says Knox: “The grand qualities which distinguish men from the animal; the generalizing powers of pure reason; the love of perfectibility; the desire to know the unknown; and last and greatest, the ability to observe new phenomena and new relations,—these mental faculties are deficient or

seem to be so in all dark races. But if it be so, how can they become civilized? What hopes for their progress?" These questions are answered by a most observant and intelligent French traveller in the West Indies: "The friends of useful and moral liberty should strive to maintain the supremacy of the white race, until the black race understands, loves, and practises the duties and obligations of civilized life."

§ 24. Carlyle places this question in an eccentric but plain view, addressing himself to the emancipated negroes of the West Indies: "You are not slaves now! nor do I wish, if it can be avoided, to see you slaves again; but decidedly you will have to be servants to those that are born wiser than you, that are born lords of you; servants to the whites if they are (as what mortal man can doubt they are?) born wiser than you. That, you may depend on it, my obscure black friends, is and was always the law of the world for you and for all men to be servants, the more foolish of us to the more wise. . . . Heaven's laws are not repealable by earth, however earth may try?"

§ 25. The intelligent, unprejudiced writers of the non-slaveholding States of America, are constrained to admit the inferiority of the negro mind. Paulding, speaking of amalgamation, says: "It is a scheme for lowering the standard of our nature, by approximating the highest grade of human beings to the lowest." And, "We have a right to conclude, from all history and experience, that there is an equal disparity of mental organization." "The experience of years stands arrayed against the principle of equality between the white man and the black." "All that the black man has ever done is to approach to the lowest scale of intellectual eminence, and the world has demonstrated its settled opinion of his inferiority by pronouncing even this a wonder." Dr. Morton, impartial and scientific as he is acknowledged to be, says: "It makes little difference whether the mental inferiority of the negro, the Samoyede, or the Indian, is natural or acquired; for if they ever possessed equal intelligence with the Caucasian, they have lost it, and if they never had it, they had nothing to lose. One party would arraign Providence for creating them originally different, another for placing them in circumstances by which they inevitably became so. Let us search out the truth, and reconcile it afterwards." Judge Conrad says: "The negro in the North has equal, if not superior, advantages to the mass of poor white men. . . . It cannot, however, be boasted that his intellectual character has been materially elevated, or his moral nature greatly improved." George H. Calvert says: "At one end of the human scale is the black man, at the other the white; between them the

brown and the yellow. The white man never comes into contact and conflict with the others, that he does not conquer them." . . .

§ 27. In this opinion of the mental inferiority of the negro, every distinguished naturalist agrees. We have already seen that most of them agree as to their physical inferiority in the size of the brain. . . .

§ 28. Even the champions of the negro's freedom, who have distinguished themselves by their zeal, both in England and America, are forced to admit the apparent inferiority, and to ascribe the same to the degradation of slavery and other causes, which, in their opinion, if removed, would enable the negro to assert and prove his equality. Says Buxton: "I beg to call attention to certain indications, faint no doubt, but, considering the difficulties and impediments to improvement in Africa, encouraging indications, of a capability for better things." Says Armistead, in a late elaborate "Tribute for the Negro:" "The present apparent inferiority of the negro race is undoubtedly attributable, in a great measure, to the existence of the slave-traffic in Africa." Wilberforce admitted the same fact, and referred it to the same cause.

§ 29. The American philanthropists have been equally constrained to acknowledge the apparent inferiority, and equally industrious in accounting therefor. "The Caucasian," says Theodore Parker, differs from all other races. He is humane, he is civilized, he progresses. He conquers with his head as well as with his hand. It is intellect, after all, that conquers, not the strength of a man's arm. The Caucasian has often been the master of other races, never their slave. Republics are Caucasian. All the great sciences are of Caucasian origin. All inventions are Caucasian. Literature and romance come of the same stock." It will be noticed, that among these names, cited and quoted, no slaveholder appears, not even that of Mr. Jefferson, who is so often quoted as authority against the slaveholder. We might add the names of many men whose intellects were too bright to be dimmed by interest, and whose hearts were too pure to be closed to the claims of humanity. We refer to Dew, Harper, Campbell, Calhoun, Simms, Hammond, Fletcher, Priest, and others.

§ 30. Our conclusion from this investigation must be, that the negro race is inferior mentally to the Caucasian. Whether or not this inferiority is the result of centuries of barbarism or of the degrading effects of a state of slavery, we will presently briefly inquire. Certain it is that the negro, as we now find him, whether in a state of bondage or in his native wilds, exhibits such a weakness of intellect that, in the words of

Puffendorf, "when he has the fortune to live in subjection to a wise director, he is, without doubt, fixed in such a state of life as is most agreeable to his genius and capacity."

§ 31. The prominent defect in the mental organization of the negro, is a want of judgment. He forms no definite idea of effects from causes. He cannot comprehend, so as to execute the simplest orders, unless they refresh his memory as to some previous knowledge. He is imitative, sometimes eminently so, but his mind is never inventive or suggestive. Improvement never enters into his imagination. A trodden path, he will travel for years, without the idea ever suggesting itself to his brain, that a nearer and better way is present before him; what he has seen another do, he can do also, and practice will make him perfect in its execution, but the discovery of a better, easier, or cheaper process never engages his thoughts. . . . This mental defect, connected with the indolence and want of foresight of the negro, is the secret of his degradation. The imitative faculty makes the negro a good musician, yet he never originates a single air, nor invents a musical instrument. This faculty, combined with memory, sometimes might distinguish him in the acquisition of language, yet he never would originate an alphabet or distinguish the parts of speech. The earlier training of the child at school exercises largely and depends much upon memory and imitation. Hence negro children would learn with equal facility with the white, during the first essays in the school-room, but so soon as education reaches the point where reason and judgment and reflection are brought into action, the Caucasian leaves the negro groping hopelessly in the rear.

§ 32. Our next inquiry is as to the moral character of the negro race, and how far that character adapts them for a state of slavery. The degraded situation of the barbarous tribes of Africa is well attested by every observer. So debased is their condition generally, that their humanity has been even doubted. It is not of the negro in this state of barbarism alone, that we should inquire. The development of his moral character, when in contact with civilization, and under the fostering care of religious instruction, is also to be considered. Viewing him then in both these relations, we find, first, that the negro race are habitually indolent and indisposed to exertion, whether seen in their native country, according to the concurrent testimony of all travellers, or in the condition of slavery in America, or as free negroes after emancipation. With reference to the first fact, we are told that the hot climate and the free productions of the earth, on the one hand enervate, and on the other take away all stimulus for exertion. With reference to

the second, that it is the degrading effect of slavery, leaving no hope to the slave. With reference to the third, that it is the prejudice of color that depresses the spirits of the free negro of America. We will not stop to inquire as to the truth of these apologies. One thing is certain, that the ingenuity of the philanthropist is severely taxed in behalf of the negro race, for wherever found they exhibit the same characteristics, and the reasons are obliged to be varied to suit the varying circumstances. Perhaps it is but right to remark, that this enervating effect of climate has never proved so powerful upon the white race, physically less prepared to withstand it; that slavery did not to this extent destroy the spirit of the Israelites in Egypt, nor of the villains in England, nor of the *homines proprii* of Germany. And that in Hayti, in Jamaica, in Brazil, and New Granada, no such prejudice of color exists, and yet notwithstanding the variant testimony of prejudiced observers, there can be no question that neither the enjoyment of liberty, nor the ingenuity of British statesmanship, has been sufficient to infuse energy and activity, where the Maker stamped indolence and sloth.

§ 33. In connection with this indolent disposition, may be mentioned the want of thrift and foresight in the negro race. When enslaved, there is no great necessity for the development of this faculty, and this may account for its absence, but unfortunately for the friends of negro equality, it displays itself more palpably in the free negro than in the slave. We speak of course of the general character, admitting the existence of individual exceptions. In their native wilds, with a most productive soil, they have recourse to the "most revolting food, as frogs, lizards, serpents, spiders, the larvæ of insects, &c. &c." In the free West India Islands, the same indolence appears, and is excused on account of climate, &c. And, even in the cold climate of the Northern States, where the apology fails to apply, the result of the labored effects of philanthropists, aided by the sympathies of the whole community, is "idleness, insolence, and profligacy."

§ 34. The negro is not malicious. His disposition is to forgive injuries, and to forget the past. His gratitude is sometimes enduring, and his fidelity often remarkable. His passions and affections are seldom very strong, and are never very lasting. The dance will allay his most poignant grief, and a few days blot out the memory of his most bitter bereavement. His natural affection is not strong, and consequently he is cruel to his own offspring, and suffers little by separation from them. He is superstitious and reverential, and consequently is very susceptible of religious impressions, exhibiting, in many individual

instances, a degree of faith unsurpassed, and a Christian deportment free from blemish. He is passive and obedient, and consequently easily governed.

§ 35. The negro is naturally mendacious, and as a concomitant, thievish. His apologists have referred these traits to his bondage, and have instanced the Israelites borrowing the Egyptian gold, and the cases of Europeans enslaved by the barbarians in Africa, to show that such is the effect of slavery. Unfortunately, however, the prisons and court records of the non-slaveholding States show that enfranchisement has not taught the negro race honesty, nor caused them to cease from petty pilfering. And the census of Liberia shows the same disposition, as exhibited by their criminal court calendar.

§ 36. Another striking trait of negro character is lasciviousness. Lust is his strongest passion; and hence, rape is an offence of too frequent occurrence. Fidelity to the marriage relation they do not understand and do not expect, neither in their native country nor in a state of bondage. The latter, to some extent, is the fault of the law. Yet, colonized on their native shores, the same disregard for the marriage tie is noticed, and regretted by their friends. . . .

§ 44. This inquiry into the physical, mental, and moral development of the negro race, seems to point them clearly, as peculiarly fitted for a laborious class. Their physical frame is capable of great and long-continued exertion. Their mental capacity renders them incapable of successful self-development, and yet adapts them for the direction of a wiser race. Their moral character renders them happy, peaceful, contented, and cheerful in a status that would break the spirit and destroy the energies of the Caucasian or the native American.

§ 45. History and experience confirm this conclusion. Probably no better test could be adopted, to determine the adaptation of a system to a race, than their relative increase while living under it. Nature has so constituted the animal creation, that when any portion of it is placed in a position doing violence to the law of their nature, it dwindles and becomes extinct. Thus domestication is destruction to many animals *feroe naturoe*, while it perfects the development of the horse, the cow, and others. So bondage has ever proved annihilation to the American Indian, whether under the Spanish Hidalgo, or the New England Puritan, or the Virginia Cavalier. What has been its effect, in this respect, upon the negro? The answer to this question is, the voice of Nature, whether her law is violated in his enslavement.

§ 46. The census of the United States exhibits a steady and remarkable increase in the slave population. From a few hundred thousand,

they now number more than four millions; and, making allowance for emigration and other causes, the ratio of increase is at least equal to that of the white population of the same States. On the contrary, the increase among the free black population of the Northern States, notwithstanding the element of fugitives from the South, and emancipated slaves, shows a ratio of increase very inferior. The Census of 1850 shows, also, the fact, that the duration of life is greater among the slaves of the South, than among the free negroes of the North. The same unerring testimony also shows, that there are three times as many deaf mutes, four times as many blind, more than three times as many idiots, and more than ten times as many insane, in proportion to numbers, among the free colored persons, than among the slaves. The same is true of the free blacks of Liberia. Notwithstanding the constant influx from America, the census of that colony shows no ratio of increase; but, on the contrary, for more than 12,000 emigrants, it contains now a civilized population of not exceeding 8000.

§ 47. From the same observation, we learn that the mere physical development of the negro is improved by his transport and enslavement. As an animal, in stature, in muscular energy, in activity, and strength, the negro has arrived at his greatest development while in slavery.

§ 48. In mental and moral development, slavery, so far from retarding, has advanced the negro race. The intelligence of the slaves of the South compares favorably with the negro race in any country, but more especially with their native tribes. While, by means of this institution, the knowledge of God and his religion has been brought home, with practical effect, to a greater number of heathens than by all the combined missionary efforts of the Christian world. But remove the restraining and controlling power of the master, and the negro becomes, at once, the slave of his lust, and the victim of his indolence, relapsing, with wonderful rapidity, into his pristine barbarism. Hayti and Jamaica are living witnesses to this truth; and Liberia would probably add her testimony, were it not for the fostering care of philanthropy, and the annual leaven of emancipated slaves.

§ 49. The history of Africa is too well known to require of us an argument or an extended notice, to show, that left to themselves, the negro races would never arrive at any high degree of civilization. . . .

While this fact may be admitted, we are told that after, by means of slavery and the slave-trade, the germs of civilization are implanted in the negro, if he is then admitted to the enjoyment of liberty, he is capable of arriving at a respectable degree of enlightenment. Charles

Hamilton Smith, an Englishman, and an acute observer, says, "They have never comprehended what they have learned, nor retained a civilization taught them by contact with more refined nations, as soon as that contact had ceased." The emancipated slaves of the French and English West Indies, have corroborated this statement. Hayti, once "la plus belle colonie" of France, despite the apologies made for her excesses is, to-day, fast retrograding to barbarism. Jamaica, and the other English islands, notwithstanding the care and deliberation to avoid the shock of too sudden liberty, have baffled the skill and ingenuity of the master minds of the British government. In a preliminary historical sketch, we have examined the facts in detail. The important truth is before us from history, that contact with the Caucasian is the only civilizer of the negro, and slavery the only condition on which that contact can be preserved.

§ 50. The history of the negro race then confirms the conclusion to which an inquiry into the negro character had brought us: that a state of bondage, so far from doing violence to the law of his nature, develops and perfects it; and that, in that state, he enjoys the greatest amount of happiness, and arrives at the greatest degree of perfection of which his nature is capable. And, consequently, that negro slavery, as it exists in the United States, is not contrary to the law of nature. Whenever the laws regulating their condition and relations enforce or allow a rigor, or withdraw a privilege without a corresponding necessity, so far they violate the natural law, and to removal of such evils should be directed the efforts of justice and philanthropy. Beyond this, philanthropy becomes fanaticism, and justice withdraws her shield.

That the system places the negro where his natural rights may be abused, is true; yet this is no reason why the system is in itself wrong. In the words of an enlightened contemporary, "It becomes us then to estimate the value of the declamations of those who oppose the institution of slavery in the Antilles and the United States, on account of the partial abuses which sometime happen. Judicial records are filled with processes for adultery; yet we should not, for that, destroy marriage. Every day our tribunals visit with severity parents who abuse their children, yet we would not, for that, abolish the paternal power. Every system has its abuses and its excesses. It becomes us to correct the excess, punish the abuse, and ameliorate the system. If we should deliberately compare the evils of colonial slavery, with its beneficial effect, in civilization, agriculture, and commerce, we would be quickly convinced upon which side the balances would fall."