

Oklahoma City University School of Law

From the Selected Works of Arthur G. LeFrancois

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Book Review: Harold D. Tallant, *Evil Necessity: Slavery and Political Culture in Antebellum Kentucky* (2003)

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American slaves. He chronicles the horrors of enforced servitude but emphasizes the slaves' constant renegotiation and redefinition of the terms of their captivity as they carved out small pieces of freedom amid the nightmare of chattel slavery.

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Evil Necessity: Slavery and Political Culture in Antebellum Kentucky. By Harold D. Tallant. (Lexington: University Press of Kentucky, 2003. Preface, notes, bibliography, index. Pp. xiii, 307. \$45.00.)

Evil Necessity: Slavery and Political Culture in Antebellum Kentucky is a thoughtful, well-researched, and detailed story of the moral and political perils of moderation in the face of extremity. Using a wealth of varied primary sources, Harold Tallant argues that for most of the antebellum period white Kentuckians generally—and genuinely—held the view that slavery was a necessary evil rather than a positive good. The book is largely an exploration of how that moderation resulted in Kentucky ultimately clinging with unusual tenacity to both slavery and white supremacy. Tallant examines the tensions within the “necessary evil” perspective, claiming that its adherents were torn by powerfully competing values.

Tallant, an associate professor of history at Georgetown College, views Kentucky's ineffectual conservative antislavery sentiment through a number of lenses, including African colonization, non-importation, and voluntary manumission efforts; the 1849 constitutional convention's rebuke of antislavery; and the lives of several antislavery conservatives. Much of his task is devoted to demonstrating the good faith of these conservatives and other white Kentuckians. They genuinely believed that slavery was evil, he argues, and if they did not feel guilty about their entanglement in the institution of slavery, they at least felt the real tug of conflicting values.

Tallant portrays less moderate antislavery figures as well. Kentucky's very moderation tolerated, to a point, more radical abolitionists. In perhaps the richest chapters in the book, Tallant describes John Fee's abolition efforts. Those chapters include an insightful discussion—which, in its broader contours, will be familiar to students of the law—of constitutional theory (had the Fifth Amendment freed the slaves?); political science (were political solutions strategically prior to moral solutions?); and legal philosophy (is the ultimate source of law God or man?). Additionally, setting aside strictly legal issues, Fee was what today might be termed an accomplished “norm entrepreneur.” He worked to bring integrated schools to poor Kentuckians who cared more about a good education than preserving slavery, thus allowing whites and blacks to see the results of interracial competition and cooperation in the classroom.

As importantly, Tallant details the values that undermined antebellum antislavery. Believing in the *bona fides* of antislavery conservatives, Tallant argues that the sensitivity that made them aware of slavery's propensity to cause civic entropy—a decaying of society and its values—also paralyzed them, for fear that removing slavery would promote even more social chaos. But more than this, Tallant mounts a persuasive argument that the Revolutionary-era rhetoric of equality and fairness, already quiescent in the Lower South, pulled hard on white Kentuckians. Pulling even harder, though, were beliefs in white supremacy, respect for property

rights, aversion to offending neighbors, concern for reputation, and fealty to both the South and to the Union.

Tallant takes seriously the claims that white Kentuckians genuinely appreciated the moral evils of slavery. One wonders whether this putative sincerity speaks well or poorly of those whose moderation in the face of something requiring moral conviction arguably prolonged slavery and the values supporting and outlasting it. But one wonders as well whether immoderation—in either direction—would have made a difference. Social mores die hard.

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The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South. By Dylan C. Penningroth. (Chapel Hill: University of North Carolina Press, 2003. Introduction, illustrations, figure, conclusion, notes, bibliography, acknowledgments, index. Pp. x, 310. \$19.95, paper; \$49.95, cloth.)

Building upon foundations developed by anthropologists and historians of Africa, Dylan C. Penningroth's *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* compares nineteenth-century African Americans' property and kinship experiences with those of formerly enslaved people in the West African city-states of Fante. Examining testimony about property recorded directly from slaves and former slaves, Penningroth's study conflates yet broadens historiographic interpretations of property, family, and community.

When slavery ended in Fante, Penningroth argues, the structure of kinship permitted former slaves to inherit the property of their former slaveholders' families, whereas the emancipation of American slaves sparked negotiations and conflicts over the claims of kinfolk and "how black people were going to relate to each other in the new world of freedom." While property ownership by enslaved African Americans was not legal, an informal economy of ownership and trade among slaves had thrived throughout the South. Indeed, slaves had relatively easy access to land, but owning land was not among their primary concerns. According to Penningroth, time was more valued among slaves; thus slaveholders were more interested in restricting slaves' access to free time. Furthermore, by permitting slaves to accumulate property, slaveholders were able to shift much of the burden of their subsistence onto slaves themselves, which "helped prop up the white-dominated formal sector while offering little chance of transforming southern society as a whole." Penningroth thus suggests that while property has long been considered a "pillar of freedom," owning property does not necessarily make a person free.

After the Civil War, approximately five thousand people filed "allowed claims" before the Southern Claims Commission, seeking compensation for property confiscated by Union soldiers foraging for provisions during the war. Nearly five hundred of these claims were from former slaves. Penningroth cautions readers not to interpret these claims as the only examples of blacks' resistance to white domination, for, as he observes, "there is much more to being black than the struggle against white oppression." Penningroth thus seeks to steer readers away "from the familiar ground of white-black race relations" to see that a "whole world of black-black relationships" were important in their own right, "rather than as mere side effects