

Abstract:

“Abolition or Non-Importation?
The Importance of Moral and Commercial Language
In British and American Prohibition of the Slave Trade”

Closing of the Slave Trades: Transatlantic Perspectives

Two hundred years ago the British Parliament and US Congress moved simultaneously to prohibit the Atlantic slave trade. Initially the two bills were framed from a similar perspective, viewing the slave trade as an immoral institution that could no longer be tolerated. The American bill even demanded that slave smugglers receive the death penalty for their crimes against humanity. Such a law would have confirmed the northern interpretation of the US Constitution, which had been described as implicitly antislavery during its ratification. However this was at odds with the southern interpretation of the Constitution, which was described as sanctioning and protecting slavery. Developments since 1787, such as westward expansion and the growth of the domestic slave trade, ensured that the southern view would dominate in 1807. Thus while the final British law retained most of antislavery provisions, the American law was reframed from a commercial perspective that served to strengthen the legal basis of slavery and the domestic slave trade even as it banned the Atlantic slave trade.

The development of Parliament’s law was shaped by the need to distinguish abolition of the slave trade and the total emancipation of slaves, which was viewed as unfeasible in 1807. Principles of both morality and sound policy were used to differentiate between the two. The slave trade was described as infinitely worse than slavery itself, because it involved kidnapping Africans, breaking up families, and the brutality of the middle passage. Thus abolishing the slave trade was of great moral urgency, while neither the slaves nor the British economy were viewed as prepared for emancipation. Although Parliament abolished the Atlantic slave trade and put strict limits on the intercolonial slave trade, it made clear that it would not move towards emancipation in the immediate future.

In some ways it should have been easier for Congress to distinguish between abolition and emancipation, for the federal government had no jurisdiction over the latter. But American slaveholders were unwilling to accept any moral condemnation of the slave trade that would implicitly extend to slavery itself. More importantly, it was understood that the future of slavery in America depended on the domestic slave trade to supply slaves to the developing southwestern states and territories. Thus any legislation that abolished the Atlantic slave trade for moral reasons would set a precedent for similar abolition or restriction of the domestic slave trade. Southerners sought to eliminate this concern by framing the law from a purely commercial perspective, rendering morality irrelevant. They accomplished this by voting in a unified bloc and threatening secession at times.

Unlike the British *Act to Abolish the Slave Trade*, the American *Act to Prohibit the Importation of Slaves* did not *abolish* the international slave trade as an immoral institution; it merely *prohibited* it as a form of commerce. These two perspectives had

important consequences for the provisions of the laws. This is most clearly demonstrated by the treatment of Africans that were illegally imported after the slave trade was prohibited. Based on the view that slavery was inherently unjust, the British law treated such Africans as victims of a crime and thus restored them to freedom (albeit after a period of indentured servitude). Similar provisions had been proposed in America, but were rejected because of their incongruence within a piece of commercial regulation. Instead the Africans were to be treated as a commodity like any other smuggled product, and would be auctioned off for profit by the government. Beyond being inherently unjust to the Africans, the law also had important constitutional implications. By treating illegally imported Africans as commodities and involving the federal government in their sale, the 1807 law reaffirmed the southern view that slavery and the domestic slave trade were sanctioned by the federal government and also protected from federal interference.

The future of slavery in each nation was strongly influenced by the 1807 laws. In the subsequent years Parliament built on the abolitionist precedents, eliminating the intercolonial slave trade, encouraging the amelioration of slave conditions, and finally enacting gradual emancipation in 1834. Congress had no power to emancipate slaves, but it could have placed limits on the domestic slave trade. Instead the domestic trade was treated as a legitimate commercial institution. By the time of the Civil War, four times as many enslaved blacks were sold in the domestic slave trade as had been imported from Africa. This massive transfer of labor and capital allowed the western expansion of slavery and further consolidated sectional support of the institution.