

# Holy Rebellion: Religious Assembly Laws in Antebellum South Carolina and Virginia

by NICHOLAS MAY\*

Antebellum religious assembly laws in the South typically regulated the time, place, and manner of slave meetings for religious or spiritual purposes. Such restrictions represented white fears of slave insurrection, particularly in states where slaves outnumbered whites. However, Southern legislators and citizens did not simply fear slave religion as such; in fact, many Southern whites believed that the religious instruction of slaves was a civic or Christian duty. Rather, white Southern states regulated slave religion to prevent the potential twin dangers it created: 1) a moral indictment of the institution of slavery; and (2) a pretense by which slaves could assemble for insurrectionary purposes.

Southern state legislatures enacted laws restricting slave religion and literacy out of fear that the Bible offered a moral foundation for emancipation; both the enlightened slave and the slaveowner's awakened conscience threatened the stability of the Southern economy. To some extent, their fears were not misplaced: the three largest slave revolts were led and planned by black preachers or religious leaders.<sup>1</sup> Indeed, as incidents of insurrection occurred more frequently in the eighteenth century, Southern slave codes tightened. As slave rebellions became religious in tone, Southern laws reflected this reality by specifically proscribing religious meetings. By 1850, every Southern state had enacted some restraint on the exercise of religion by slaves. Two states, however, both with rich religious histories and large slave populations, led the South by enacting the first and most repressive religious assembly laws. Indeed, in South Carolina and Virginia, religious tradition, large slave economies, and continued slave unrest combined to produce a "perfect storm" in Richmond and Charleston in the 1820s and 1830s.

## THEORETICAL BEGINNINGS: COLONIAL VIRGINIA AND CAROLINA

The first restrictions on slave assemblies appeared in early forms of Southern state constitutions and colonial codes. In Virginia, legislators foresaw the possibility of slave revolt early in the colony's history. In 1680, the colonial assembly passed "The Act of 1680 on Negro insurrec-

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1. C. ERIC LINCOLN, *THE BLACK CHURCH AND THE AFRICAN-AMERICAN EXPERIENCE* 203 (1990).

tion,” which served as a model for repressive slave legislation throughout the South in the eighteenth and nineteenth centuries. The Act provided:

Whereas the frequent meetings of considerable numbers of Negro slaves under pretense of feasts and burials is judged of dangerous consequence [it is] enacted that no Negro or slave may carry arms, such as any club, staff, gun, sword, or other weapon, nor go from his owner's plantation without a certificate and then only on necessary occasions; the punishment twenty lashes on his back, well laid on.<sup>2</sup>

Virginia's early slave code restricted slave assemblies by prohibiting gathering and movement when associated with “feasts and burials.”<sup>3</sup> While the statute did not expressly prohibit religious assembly in Christian or Western terms, its reference to “feasts and burials” was likely directed at slaves who still adhered to African religious traditions. Indeed, many Virginia slaves remained “non-Christian Africans” through out the seventeenth century.<sup>4</sup> To the un-Christianized slave who still embraced African religion, community “ceremonies, rituals, and festivals” were important and well-attended;<sup>5</sup> African religion was “communal, not solely individual.”<sup>6</sup> The 1680 Act's prohibition of slave meetings “under pretense of feast and burials” can be viewed as the first colonial restriction on African-American religious assembly.

In colonial Carolina, early laws conferred religious freedom upon slaves even as they restricted their mode of practice. The 1669 Fundamental Constitutions of Carolina, written by John Locke and adopted by the colony's eight proprietors,<sup>7</sup> specifically addressed both the rights and limitations on slave religion. Although never adopted by the assembly and abandoned in 1700,<sup>8</sup> the Constitutions proposed early restrictions on African-American religious practice that provided the theoretical framework and specific language for later legislation in Southern states.

No man shall use any reproachful, reviling, or abusive language against any religion of any church or profession; that being the certain way of disturbing the peace. . . .

Since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any mans civil estate or right, it shall be lawful for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall think best, and, therefore, be *as fully members as any freeman*. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all things in the same state and condition he was in before.

2. JUNE PURCELL GUILD, *BLACK LAWS OF VIRGINIA: A SUMMARY OF LEGISLATIVE ACTS CONCERNING NEGROES FROM EARLIEST TIME TO THE PRESENT* 45 (1969).

3. *Id.*

4. A. LEON HIGGINBOTHAM, *IN THE MATTER OF COLOR* 36-38 (1978).

5. Olli Alho, *The Religion of the Slaves: A Study of the Religious Tradition and Behaviour of Plantation Slaves in the United States 1830-1865*, 92 FF COMMUNICATIONS NO. 217, at 45 (1976).

6. JANET DUITSMAN CORNELIUS, *SLAVE MISSIONS AND THE BLACK CHURCH IN THE ANTEBELLUM SOUTH* 13 (1999).

7. See JEREMY WALDRON, *GOD, LOCKE, AND EQUALITY* 204 (2002). Some scholars doubt Locke's degree of involvement as author of the Constitutions. See *id.* at 204 n. 43.

8. WALDRON, *supra* note 2, at 204.

Assemblies, upon what presence soever [sic] of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as other riots.<sup>9</sup>

The above language classifies slave meetings for religious purposes as “unlawful meetings” or “riots” if they “disturb[] the peace” or use anti-religious language. The Constitutions’ restrictions on slave assemblies only target disruptive or anti-religious behavior, and somewhat surprisingly, confer “freeman” status upon slaves when acting as peaceful church members. Later centuries would prove, however, that the Constitutions’ religious guarantees were not so much an affirmation of the slaves’ freedom of conscience, but a recognition of the general English common law privilege of peaceful worship.<sup>10</sup> As discussed below, over 150 years after Locke authored the Constitutions, the South Carolina Supreme Court invalidated a white slave patrol’s interference with a mixed-race religious meeting because: “The English Common Law held this privilege [to worship] so sacred, that is would not justify one in striking, even in his own defence, during worship; and it is a principle so clear that those who unlawfully disturb the devotion of a religious assembly, by any indecency or violence, may be punished by indictment.”<sup>11</sup> Thus, the Constitutions, while never governing law in the colony, had lasting effect on South Carolina’s judiciary.

Under one view, the Constitutions acknowledged slaves’ religious rights more than they restricted them. After all, legal recognition of a slave’s right to worship implicitly granted a fundamental right: freedom of conscience. This theoretical grant was made actual in 1712, when a colonial Act declared that “it shall be lawful for any negro or Indian slave . . . to receive and profess the Christian faith.”<sup>12</sup> However, the right was conditional: “early law [in] South Carolina [enshrined] the right of slaves to worship as long as their worship did not weaken the control of their masters over them.”<sup>13</sup> And indeed, the “freeman” language of the Constitutions was left out of the 1712 Act. In fact, the Act specifically stated that neither religious conversion, nor religious practice, nor baptism could affect manumission.<sup>14</sup>

Although these early laws’ conferral of religious rights suggests that colonial Carolinians were not opposed to the notion of slave religion, they were careful to maintain the power differential inherent in the master-slave relationship. Further, the 1712 Act and the Constitutions expressed the initial worries that unsupervised religious meetings could incite slaves

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9. JOHN LOCKE, *POLITICAL WRITINGS* 230 (ed. David Wooton) (2003) (emphasis added).

10. JAMES LOWELL UNDERWOOD, *THE CONSTITUTION OF SOUTH CAROLINA: CHURCH AND STATE, MORALITY AND FREE EXPRESSION* 202-03 (1992).

11. UNDERWOOD, *supra* note 5, at 202, *citing* Bell v. Graham (S.C. 1818).

12. HIGGINBOTHAM, *supra* note 4, at 171 (citing 7 STATUTES AT LARGE OF SOUTH CAROLINA 352 (1836)).

13. UNDERWOOD, *supra* note 10, at 202.

14. HIGGINBOTHAM, *supra* note 4, at 167-175.

to disruptive behavior or riot. In South Carolina, this apprehension would later crystallize into very real fears of slave insurrection.

## EARLY REBELLION AND LEGISLATIVE RESPONSE: THE EIGHTEENTH CENTURY

### Fears of Unrest: The Stono Rebellion

The earliest fears of slave rebellion in colonial Carolina were closely connected to perceived threats by Indians, the French, and the Spanish. After suspicion of a slave conspiracy in 1733, the Assembly sent a memorial to the king asking for assistance in curbing possible uprisings against authority.<sup>15</sup> The document recounted the “many intestine Dangers from the great number of Negroes” and stated that “[i]nsurrections have been often attempted, and would at any time prove very fatal if the French should instigate them by artfully giving [black slaves] an Expectation of Freedom.”<sup>16</sup> Manumission by the European colonial presence also constituted a true fear for white colonists: “[I]n coastal Georgia and South Carolina the black population was believed to be under the influence of the Spanish settled at St. Augustine, Florida, who offered asylum to run-aways from the English colonies.”<sup>17</sup> Thus, in the 1730s and earlier, Carolinian colonists’ fears of revolt were not always attributable to any one group. Characterizing the colonial instability and white anxiety of the time, royal governor James Glen later wrote: “[E]ven in times of profound Peace, [the people of South Carolina] made believe . . . that the French were marching by Land from Louisiana . . . to drive us into the Sea. Sometimes the Negroes were to rise and cut their Masters Throats [and] at other times the Indians were confederating to destroy us.”<sup>18</sup>

Despite these broad concerns, South Carolina whites came to fear slave uprisings over threats from other peoples for two primary reasons. First, South Carolina’s racial composition was grossly imbalanced. From 1715 to 1724, the number of whites doubled from 6,250 to approximately 14,000, while the black population tripled, from 10,500 to 32,000.<sup>19</sup> By 1739, the black population had plateaued at 39,000,<sup>20</sup> but it would continue to grow throughout the eighteenth century. One European immigrant

15. See PETER WOOD, *BLACK MAJORITY: NEGROES IN SOUTH CAROLINA FROM 1670 THROUGH THE STONO REBELLION* 303 (1996).

16. *Id.* (citing April 9, 1734, BPRO Trans., XVI, 398-99).

17. WILLIE LEE ROSE, *A DOCUMENTARY HISTORY OF SLAVERY IN NORTH AMERICA* 101 (1976). In 1739, the King of Spain issued an edict promising freedom to all slaves who would desert from Carolina and come to Florida. JOSEPH CEPHAS CARROLL, *SLAVE INSURRECTIONS IN THE UNITED STATES, 1800-1865* 22 (2004).

18. WOOD, *supra* note 15, at 303 (citing Feb. 3, 1748, BPRO Trans., XXIII, 71).

19. HIGGINBOTHAM, *supra* note 4 (citing EDWARD MCCRADY, *SLAVERY IN THE PROVINCE OF SOUTH CAROLINA, 1670-1770*, 654 (1896)).

20. JOHN HOPE FRANKLIN, *FROM SLAVERY TO FREEDOM: A HISTORY OF AMERICAN NEGROES* 61 (1947).

noted that “Carolina looks more like a negro country than like a country settled by white people.”<sup>21</sup> As slaves continued to outnumber whites—“white colonists [feared] that slaves would rebel against, resist, or even kill their oppressors.”<sup>22</sup>

The second factor that contributed to specific fears of slave insurrection—in South Carolina and elsewhere—was the Stono Rebellion of 1739. On September 9, 1739, a group of twenty slaves beheaded the white employees of a store near Charleston.<sup>23</sup> The group amassed to sixty to one hundred, traveling southward toward St. Augustine, Florida, where it was believed the Spanish would liberate the slaves once they arrived.<sup>24</sup> On its way to Florida, the slave group sacked houses, burned an armory, and massacred whites indiscriminately.<sup>25</sup> However, a group of white planters suppressed the uprising before it moved beyond Carolina’s borders. After ensuing trials and hangings, a total of forty-four blacks and twenty-one whites died in the insurrection.<sup>26</sup>

The Stono Rebellion was an influential event in the development of Southern religious assembly laws for two reasons. First, the revolt galvanized white anxieties and directed fears toward the slave population itself. As one colonial Carolina pamphleteer wrote after the uprising: “[Negroes] are the anarchists, and the domestic enemy; the common enemy of civilized society . . . Against these enemies, we should always be on our guard, and although we fear no permanent effects from their Insurrectionary movements, [] they must be watched with an eye of steady and unremitting observation.”<sup>27</sup> These sentiments surrounding the Rebellion were not limited to Carolinians. In October 1739, General James Oglethorpe, founder of the colony of Georgia, included an anonymous descriptive enclosure of the Stono Rebellion’s bloody details in a letter to the treasurer of the Trustees of Georgia. Oglethorpe further requested that the anonymous account be published in newspapers throughout the colonies.<sup>28</sup>

Second, the Stono insurrection implicitly linked slave revolt with slave religion. The Rebellion occurred on a Sunday, “which is the day the Planters allow [Negroes] to work for themselves.”<sup>29</sup> Indeed, the Stono slaves “had shown much foresight in selecting Sunday as the day on which to strike the blow, for nearly all the men, not suspecting the danger, were at church and the plantations were practically without defense.”<sup>30</sup>

21. HIGGINBOTHAM, *supra* note 7, at 192.

22. *Id.*

23. *Id.* at 192-94.

24. See CARROLL, *supra* note 17, at 22-23.

25. *Id.* at 23.

26. *Id.*

27. CARROLL, *supra* note 17, at 25.

28. ROSE, *supra* note 17, at 101-03.

29. *Id.* at 102 (citing Oglethorpe’s enclosure).

30. CARROLL, *supra* note 17, at 23.

This strategic choice paved the way for white Southerners to eventually adhere to the view that slaves “do more mischief on [Sunday] . . . than on any other.”<sup>31</sup> In the wake of the Stono Rebellion, insurrection became further linked to slave religion when several slaves conspired to revolt in the Parish of St. John.<sup>32</sup> Although the revolt was never carried out, the accused were tried and executed when a slave betrayed the group. Most importantly, the conspiracy originated in church meetings on Sundays when slaves were relatively unsupervised.<sup>33</sup>

### The South Reacts to Stono

In the wake of these events, the General Assembly requested approval from England to enact the restrictive 1740 “Negro Act.” The Assembly’s stated legislative purpose was to keep the slave “in due subjection and obedience.”<sup>34</sup> The recent unrest among Carolina slaves, both real and perceived, prompted the Assembly to reign in slave behavior in one swift legislative action—this was “the first time South Carolina developed its own slave code, directed to its particular needs.”<sup>35</sup> Besides granting immunity to whites who killed “rebellious Negroes,” the Act codified limitations on slave assembly and the education of slaves; assemblages of more than seven slaves without a white chaperone were prohibited.<sup>36</sup>

The impact and later enforcement of the Act, however, is debatable; it was seldom enforced after the immediate fallout from the Stono Rebellion: “[A]s soon as security and confidence were restored, there was a relaxation in the execution of the provisions of the [A]ct and the Negroes little by little regained confidence in themselves.”<sup>37</sup> Years later in the nineteenth century, at least one South Carolina court still referred to the 1740 Act as “our fundamental code,” but the law’s outright prohibition of any slave assemblies was rendered toothless.<sup>38</sup> Indeed, in *State v. Boozer*, a South Carolina judge refused to automatically apply the Act’s per se ban on slave meetings; rather, he considered whether a true threat of rebellion actually existed in the incident at bar.<sup>39</sup> The opinion also called the Act itself into question: “[The 1740 Act] was enacted soon after

31. Notions on the Management of Negroes, THE FARMER’S REGISTER (Petersburg, Va.), vol. 4, no. 9 (January 1, 1837), reprinted in ROSE, *supra* note 17, at 359.

32. WOOD, *supra* note 15, at 322; CARROLL, *supra* note 17, at 24.

33. *Id.*

34. HIGGINBOTHAM, *supra* note 4, at 193.

35. *Id.*

36. CARROLL, *supra* note 17, at 25; HIGGINBOTHAM, *supra* note 4, at 193 (citing “Act of 1740” in 3 STATUTES AT LARGE OF SOUTH CAROLINA 556); FRANKLIN, *supra* note 20, at 58.

37. BENJAMIN BRAWLEY, A SOCIAL HISTORY OF THE AMERICAN NEGRO 29 (2004).

38. *State v. Boozer*, 5 Strobbart 21, May 1850, in HELEN CATTERALL, 2 JUDICIAL CASES CONCERNING AMERICAN SLAVERY AND THE NEGRO 417 (1929).

39. *Id.*

a violent, barbarous, and somewhat bloody servile outbreak at Stono. Not a few of its provisions took their hue from the exigency of the occasion . . . It would seem simply ridiculous to suppose that the safety of the State . . . or inhabitants, was implicated by such an assemblage.”<sup>40</sup>

Although enforcement was short-lived, the 1740 Act represents one of the earliest legislative attempts to prevent slaves from congregating without white supervision. While specific rules prohibiting religious assembly were not yet common or overt in the eighteenth century, the 1740 Act was a direct response to slave insurrections whose execution relied, in some part, on slaves’ ability freedom to worship on Sundays. The slave’s ability to worship and congregate for religious purposes would be specifically addressed in law as the nineteenth century approached.

The above examination of unlawful assembly legislation and its enforcement through patrol systems demonstrates that, at the end of the eighteenth century, Southern states viewed religious slave-gatherings as merely one evil in a whole host of various dangerous types of slave assembly. However, after a flurry of religiously-inspired slave insurrections in the early 1800s, Southern legislatures would place specific emphasis on restricting meetings of slaves for religious and spiritual purposes. In the minds of most—but not all—Southern legislators, the teachings of the Bible and the practice of slave religion posed the most acute threat of an insurrectionary slave force.

## RELIGIOUS INSURRECTION AND REPRESSION: 1800-1819

As slave rebellions became more common, they drew upon the Bible for inspiration and organization. Indeed, most antebellum slave revolts made use of religion both as a pretense for insurgent activity and as a source of moral justification for the uprising itself.

### Gabriel’s Uprising: A “Novel and Unexampld Enterprise”<sup>41</sup>

In 1800, near Richmond, Virginia, a slave named Gabriel organized thousands of slaves in a plot to rise up against the white slaveowners of Henrico County. Gabriel worked as a hired slave blacksmith and carpenter, and as such, enjoyed relative mobility; he was even allowed to keep portions of the cash payments made by whites for his services.<sup>42</sup> It is important to note that the group of conspirators he amassed were mostly

40. *Id.*

41. Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-182* 393 (1968) (citing VIRGINIA SENATE JOURNAL 11-13 (1800)). Young Governor of Virginia James Monroe characterized Gabriel’s plot as such after expressing initial disbelief that a such a plot could exist. While not the first instance of slave rebellion, Gabriel’s uprising was one of the first to directly incorporate religion in its execution.

42. MIDORI TAKAGI, *REARING WOLVES TO OUR OWN DESTRUCTION: SLAVERY IN RICHMOND, VIRGINIA, 1782-1865* 62-63 (2002).

comprised of highly-skilled artisans who enjoyed the unique opportunity to self-hire and travel from the countryside to the city; to a certain extent, such mobility permitted the assembling of slaves and communication necessary to organize such a large conspiracy.<sup>43</sup> Gabriel's detailed plot called for a slave occupation of the city of Richmond in three waves of attack: the first group would set fire to the city, the second group would invade the Capitol and kidnap the Governor, and the third group would take over the arsenal at the penitentiary. At this point, Gabriel's slaves would capture or indiscriminately kill the city's population, with the exception of Quakers, Methodists, Frenchman, and poor white women.<sup>44</sup> But despite Gabriel's grandiose plans, two slaves leaked the details of the plot to a Richmond slaveowner before it could be realized. The slaveowner summoned the militia to chase down and capture the rebels before they could effectively congregate at Gabriel's assigned meeting place. At trial, the conspirators were found guilty of conspiracy and insurrection, resulting in thirty to forty hangings.<sup>45</sup>

Religion played a central role in Gabriel's rebellion in two respects: 1) it afforded an opportunity for slaves to organize the conspiracy; 2) it provided an ostensible dogma to support the uprising. First, religious assembly served as a pretense for recruitment and organization. Most of the artisan conspirators relied on their physical mobility to "go[] about to . . . church meetings and funerals, seizing these opportunities for organization."<sup>46</sup> One rebel's confession at trial revealed that religious meetings on Sundays played a critical role in the development of the conspiracy: "The Sunday after, [Gabriel] went to Manchester, where he said he had recruited 50-odd men. I never saw him again until the sermon at my house, which was about three weeks before the rising was to take place."<sup>47</sup>

Although such meetings were critical to the conspiracy's success, Gabriel did not use religion merely as an excuse to assemble. The leaders of the conspiracy frequently invoked religious dogma and biblical passages to provide moral strength, to present biblical models of slavery and uprising, and simply to calm nerves. Gabriel's brother Martin, a leader in the conspiracy, frequently invoked the Bible to dispel misgivings about the mission. When one slave co-conspirator questioned the timing of the proposed attack, "Martin said there was this expression in the Bible: delays breed danger."<sup>48</sup> Leaders also used biblical verses and stories more directly, recounting biblical miracles in order to assuage rebels' doubts of successful execution. Martin told a worried group of co-conspirators, "I read in my Bible where God says if we will worship Him we should have

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43. *Id.*

44. *Id.*

45. JORDAN, *supra* note 41, at 393.

46. ROSE, *supra* note 17, at 108.

47. "Confessions of Ben, Alias Ben Woolfolk," Sept. 17, 1800, reprinted in ROSE, *supra* note 17, at 113-14.

48. *Id.* at 114.



peace in all our land; five of you shall conquer an [sic] hundred, and a hundred a thousand of our enemies."<sup>49</sup> Because slave rebellions were so often doomed by low numbers of participants and limited access to weapons,<sup>50</sup> Gabriel and other leaders often attempted to convince slaves that overcoming the odds was possible with divine intervention.<sup>51</sup> As discussed *infra*, whether these religious exhortations were ultimately persuasive to individual slave participants is highly debatable.

### 1800-1819: Targeting Slave Religion in Law

Although individualized legislative solutions were sought in Richmond,<sup>52</sup> Gabriel's attempted uprising impacted other Southern states. In late 1800, shortly after the plot had failed, the American Methodists declared in the General Conference that slavery "was repugnant to the unalienable rights of mankind, and to the spirit of the Christian religion."<sup>53</sup> When the directive was printed and distributed in Charleston, South Carolina, a mob gathered and attempted to drown a Methodist preacher.<sup>54</sup> With fears of uprising aroused, the South Carolina legislature passed an 1800 law that specifically proscribed religious meetings for blacks: "It shall not be lawful for any number of slaves, free negroes, mulattos, or mestizoes, *even in company with white persons*, to meet together and assemble for the purpose of mental instruction or religious worship."<sup>55</sup> This blanket prohibition of the religious assembly of slaves or free blacks—even in the presence of a white minister, for example—promised serious enforcement problems and a lack of public support.

White ministry to slaves was not uncommon in 1800. Although no serious effort to increase slave church membership would begin until 1840,<sup>56</sup> the 1800 South Carolina law was enacted just before the preliminary stages of the Second Great Awakening.<sup>57</sup> Furthermore, white clergy

49. *Id.*

50. See JAMES SIDBURY, *PLOUGHSHARES, INTO SWORDS: RACE, REBELLION, AND IDENTITY IN GABRIEL'S VIRGINIA, 1730-1810* 57-58 (1997). Despite the fact that slaves comprised roughly 48% of Virginia's population in 1800, Sidbury observes that "[t]hroughout most of its history, the state maintained a substantial White majority, and Whites commanded virtually all the firearms." *Id.* at 58.

51. Ironically, Richmond whites came to regard the two slaves' betrayal of Gabriel's plot as "the intervention of God." ROSE, *supra* note 17, at 107.

52. See TAKAGI, *supra* note 42, at 64-65. After the attempted rebellion was quelled, Richmond passed city ordinances prohibiting self-hire arrangements for slaves.

53. JANET DUTSMAN CORNELIUS, *WHEN CAN I READ MY TITLE CLEAR* 26 (1991).

54. *Id.* at 27.

55. GEORGE M. STROUD, *A SKETCH OF THE LAWS RELATING TO SLAVERY IN THE SEVERAL STATES OF THE UNITED STATES OF AMERICA* 149-50 (1856).

56. See Alho, *supra* note 5, at 53-58. Note, however, that individual and sporadic Christianization had occurred since the 1600s.

57. Although note that the "second Great Awakening proved far less important for the Negro . . . partly because the revivals of 1800 were most fervent on the western frontier." JORDAN, *supra* note 41, at 419.

in South Carolina had, to some extent, taught slaves religion in missions and biracial churches since 1701, when the Anglican Church established the Society for the Propagation of the Gospel in Foreign Parts (SPG).<sup>58</sup> However, although this “[m]issionary [m]ovement instilled standard but biblical English in the black vernacular,”<sup>59</sup> the actual number of slaves in South Carolina who attended biracial churches in the eighteenth and early nineteenth century should not be overstated. A 1742 report from the Bishop of London reveals that, in one South Carolina parish, there were only several slave members, and only one of those members was considered Christian.<sup>60</sup> Another parish boasted 2,000 black and Indian members, but no efforts were taken to actually convert or baptize them.<sup>61</sup> The situation was somewhat different in Virginia, where slaves attended white churches in higher numbers.<sup>62</sup>

Still, the 1800 South Carolina law was immensely unpopular among religious groups and citizens for eliminating even the possibility of peaceful biracial worship. Thus, in 1803, upon petition from various religious societies, the 1800 law was supplemented with a new provision.<sup>63</sup> The 1803 amendment forbade any person, before nine-o’clock in the evening,

to break into a place of meeting wherein shall be assembled the members of any religious society in this State, provided a majority of them shall be white persons, or otherwise to disturb their devotion, unless such person, so entering said place of worship shall first have obtained from some magistrate a warrant.<sup>64</sup>

This specific limitation prevented South Carolina’s slave patrols from dispersing any religious assembly in which the majority of attendants were white. But “if the majority were blacks, no matter what time of day, the meeting could be broken up and lashes administered.”<sup>65</sup> The 1800 and 1803 laws sought to prohibit the type of unsupervised, or minimally supervised, religious service that could serve as a pretense for meetings to plan a slave insurrection.

Perhaps somewhat surprisingly, South Carolina courts interpreted the 1803 law very narrowly as the nineteenth century progressed; courts were hesitant to allow the interruption of a religious service unless a clear black majority was present. In fact, some courts refused to allow slave patrols to disperse a peaceful congregation *even if* a black majority was present, or if the racial makeup of the service could not be ascertained. In *Bell ads. Graham* (1818), a group of slave patrols broke up a biracial

58. Alho, *supra* note 5, at 50.

59. CORNELIUS, *supra* note 6, at 14,

60. Alho, *supra* note 5, at 50-51

61. *Id.*

62. See JORDAN, *supra* note 41, at 418-19. “By 1790 in Virginia one-fifth of the membership of the Methodist church was Negro, and the Baptists must have had a higher proportion.” *Id.*

63. WILLIAM GOODELL, *SLAVERY & ANTI-SLAVERY: A HISTORY OF THE GREAT STRUGGLE IN BOTH HEMISPHERES* 330 (1852).

64. *Id.*

65. THOMAS D. MORRIS, *SOUTHERN SLAVERY AND THE LAW*, 1619-1860 347 (1999).

Methodist worship service. The church reportedly held “regular meetings . . . numerously attended by the black population of the neighbourhood, as well as the white.”<sup>66</sup> The slave patrol interrupted the church service brandishing hickory switches and acting under regular authority from the captain of the militia.<sup>67</sup> After the patrol chased away the slave attendants and dispersed the meeting, a white Methodist preacher applied for a warrant against members of the patrol for illegally disturbing a worship service in violation of the 1803 statute. When a grand jury refused to issue an indictment against the chief agent of the patrol,<sup>68</sup> the patrol sued the preacher for malicious prosecution. The *Bell* court overturned a jury verdict in favor of the patrol, noting that “it was impossible to ascertain from the evidence, whether the congregating, which consisted of thirty or forty persons, were constituted of a majority of blacks or whites.”<sup>69</sup> Thus, the prosecution was held not malicious even though the racial makeup of the congregation was impossible to discern. Although seemingly ruled on technical grounds, the *Bell* case was indicative of general distaste for the enforcement of religious assembly laws against blacks as the eighteenth century wore on.<sup>70</sup> In 1848, one South Carolina judge wrote “[T]he Act of 1800, and the amendatory Act of 1803, are treated now, as dead letters. Religious meetings of negroes, with only one or more white persons present, are permitted by night as well as day.”<sup>72</sup> This overt flouting of South Carolina law expressed a reality that only came to be, however, after intervening decades of public debate over the benefits and dangers of slave religion, as discussed below.

Virginia renewed its restrictions on slave meetings in 1804, just four years after Gabriel’s attempted uprising in Richmond. However, unlike the state’s eighteenth century slave assembly laws, the 1804 statute specifically targeted religion. Enacted in the wake of an attempted slave attack on the state’s capital city, the law sought to eliminate insurrectionary meetings held under the pretense of religion—the kind that allowed Gabriel and his co-conspirators to make detailed and elaborate plans of revolt. Specifically, the statutory language prohibited “nighttime religious meetings of slaves.”<sup>72</sup> Nearly fifteen years later, the Virginia legislature strengthened the law and applied it to all nighttime meetings of slaves irrespective of religion: “All meetings of slaves, free negroes and mulat-

66. *Bell v. Graham, I N. and McC.* 278, (1818), in 4 CATTERALL, *supra* note 38, at 310.

67. *Id.*

68. UNDERWOOD, *supra* note 10, at 201.

69. *Id.* at 131.

70. The *Bell* case reduced the impact of the 1800 and 1803 legislation: “it was held, that under the authority to disperse unlawful assemblies of negroes, the patrol had no right to interfere with an open assemblage, for the purpose of religious worship, where white persons were also assembled. Nor with an orderly meeting of slaves, with the consent of their masters, upon the premises of a slaveholder with his permission and occasional presence.” T.R.R. COBB, AN INQUIRY INTO THE LAW OF NEGRO SLAVERY 107 (1858).

71. JOHN BELTON O’NEALL, THE NEGRO LAW OF SOUTH CAROLINA 24 (1848).

72. JORDAN, *supra* note 41, at 404.

toes mixing with such slaves at any meeting-house, or any other place, in the night, under any pretext whatsoever, are declared to be unlawful assemblies; and the civil power may disperse the same, and inflict corporal punishment on the offenders."<sup>73</sup> During the day, however, slaves were allowed to attend church on any day of public worship.<sup>74</sup>

There is evidence to support that Virginia's 1819 prohibition was enforced with regularity, as the permissive grant provided to the "civil power," or slave patrol, would indicate. Although the Virginia legislature failed to define a "meeting[]" in numerical terms, the 1819 law was later interpreted by courts to forbid gatherings of relatively few slaves. In *Commonwealth v. Booth*, the law was applied against a slaveowner, who was "found guilty of permitting more than five negro slaves to assemble on his premises, in violation of the [1819 Act], and was fined ten dollars."<sup>75</sup> It is likely that enforcement of the statute continued into the 1830s and 1840s; as one abolitionist wrote in 1839, "[i]n Virginia, all evening meetings of slaves at any meeting-house are unequivocally forbidden."<sup>76</sup>

### ALARM IN THE SOUTH: 1822—1835

By the 1820s, several Southern states had enacted some form of religious assembly laws, while others had passed legislation simply prohibiting riots, insurrectionary activity, or general assemblies of slaves. However, between 1822 and 1831, two major acts of slave insurrection in South Carolina and Virginia exacerbated the old fears of Southern slaveholders and legislatures. Most importantly, however, both events were overtly religious in tone, prompting the South to revisit a familiar debate: whether law should eradicate slave religion.

#### Denmark Vesey's Conspiracy

As discussed above, South Carolina's slave population grew immensely in the eighteenth century. By the early nineteenth century, in Charleston alone, 12,652 slaves outnumbered the 10,653 whites in the city. This racial imbalance, combined with the recent memory of Gabriel's uprising in Richmond and an attempted revolt in Camden in 1816,<sup>77</sup> "caused a reign of terror to overcome South Carolina's white population."<sup>78</sup> Thus, even before the conspiracy of Denmark Vesey in Charleston, white fears of insurrection were primed.

73. STROUD, *supra* note 55, at 151; GOODELL, *supra* note 63, at 330-31.

74. STROUD, *id.* at 94.

75. *Commonwealth v. Booth*, 6 Randolph 669 (1828), in 1 CATTERALL, *supra* note 38, at 157.

76. GOODELL, *supra* note 63, at 330 (citing WILLIAM JAY, *INQUIRY INTO THE TENDENCY OF THE COLONIZATION AND THE ANTI-SLAVERY SOCIETIES* 137 (1839)).

77. See L. Glen Inabinet, *The July Fourth Incident of 1816: An Insurrection Plotted by Slaves in Camden, South Carolina*, S. C. LEG. HIST. 211-221(1980).

78. *Id.* at 219.

Having purchased his freedom in 1800, Denmark Vesey worked as a carpenter in Charleston. Vesey recruited co-conspirators in his violent plot by communicating with urban industrial slaves and slaves in surrounding cotton and rice plantations.<sup>79</sup> The leadership of the planned rebellion, however, consisted mainly of skilled artisans and religious leaders.<sup>80</sup> Two weeks before a massive attack was to take place, an informant slave leaked the conspiracy to his white master, a colonel in the South Carolina militia. Charleston officials deployed military forces and apprehended and charged 131 blacks in connection with the conspiracy.<sup>81</sup>

The Vesey conspiracy should be distinguished from previous attempts at slave insurrection for its frequent and thorough use of religious ideology. While leaders of Gabriel's uprising sometimes invoked Biblical passages to assuage participants' doubts, Vesey and his co-leaders understood their plight in purely religious terms. Trial records reveal that Vesey made consistent use of Biblical readings and religious exhortations in fomenting rebellion. Rolla Bennett, a slave and recruiter in the conspiracy, confessed at trial:

Vesey . . . read to us from the Bible, how the Children of Israel were delivered out of Egypt from bondage . . . He then read in the Bible where God commanded, that all should be cut off, both men, women and children, and said, he believed, it was no sin for us to do so, for the Lord had commanded us to do it.<sup>82</sup>

At Vesey's trial, one slave witness testified that Vesey "studies the Bible a great deal and tries to prove from it that slavery and bondage is against the [it]."<sup>83</sup> One white store clerk who witnessed Vesey publicly recruiting testified that Vesey's "general conversation was about religious which he would apply to slavery . . . all his religious remarks were mingled with slavery."

It is important to note that, during the investigation and trials of Vesey and his coconspirators, the connection between slave religion and insurrection became discernible to white audiences. The city of Charleston's official court report, which contained an explanatory narrative of the incident, revealed that Vesey imagined that his insurrectionary efforts would "not only be pleasing to the Almighty, but were absolutely enjoined, and their success predicted in the Scriptures."<sup>84</sup> It further became known that not only did religious ideology support the rebellion, but recruits frequently came from black church memberships. One black witness testified that "this business originates altogether with the African Congregation" and that three key black leaders were "class leaders in the

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79. Alho, *supra* note 5, at 224.

80. ROBERT S. STAROBIN, DENMARK VESEY 3 (1970).

81. Alho, *supra* note 5, at 224.

82. STAROBIN, *supra* note 80, at 21-22 (citing L. H. KENNEDY AND T. PARKER, AN OFFICIAL REPORT OF THE TRIALS OF SUNDRY NEGROES CHARGED WITH AN ATTEMPT TO RAISE AN INSURRECTION IN THE STATE OF SOUTH CAROLINA (1822)).

83. *Id.* at 31,

84. Alho, *supra* note 5, at 225.

African Church” of Charleston.<sup>85</sup> Furthermore, a forty-seven page report prepared by the Charleston City Council concluded that “a decided majority of the Insurgents, either did or had belonged to the African Congregation, amongst whom the inlistments (sic) principally and successfully carried on.” Even the mayor of Charleston stated publicly that “[r]eligious fanaticism has not been without its effect” on the conspiracy, noting that “among the conspirators a majority of them belonged to the African Church.”<sup>86</sup> Indeed, the use of religious meetings to disguise gatherings of participants became as well-known to South Carolina whites as the rebellion’s biblical element.

The fact that majority-black churches, such as the First Methodist “African Church” in Charleston, were allowed to exist leading up to Vesey’s 1822 conspiracy further demonstrates that South Carolina’s 1800 and 1803 religious assembly laws were not well-enforced. Although the statutes rendered black-majority religious meetings subject to dispersal by the slave patrol, black congregations were allowed to exist without serious harassment.<sup>87</sup> After Vesey’s conspiracy, however, advocates of white-monitored slave religion became outspoken. Henry William Desaussure, a leading jurist of the Columbia Chancery Court, wrote first in the *South Carolina State Gazette* and later in pamphlet form: “The slaves should have no separate place of worship . . . they as well as their masters should be taught the mild doctrines of the gospel, which, whilst they instruct the slave to be obedient . . . teach the master also that he is bound to treat his slaves with gentleness and kindness.”<sup>88</sup> This somewhat moderate reaction, however, was not indicative of the general perspective of South Carolina whites. In fact, in late 1822, a group of white Charlestonians petitioned the South Carolina legislature to make illegal the teaching of a slave to read or write.<sup>89</sup> The legislature did not respond as the petitioners hoped; the state’s assembly enacted a 1822 law restricting free blacks and black seamen, but did not address slave literacy or religious assembly.<sup>90</sup> However, the issues of slave control brought out by Vesey’s conspiracy were not settled. As discussed below, after Nat Turner’s revolt, the 1830s became a vitriolic decade in South Carolina as legislators, judges, and citizens hotly debated whether any form of slave education or slave religion should be permitted.

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85. STAROBIN, *supra* note 80, at 26.

86. Statement by the Mayor of Charleston, reprinted in STAROBIN, *supra* note 80, at 96-98.

87. See *supra* text accompanying notes 84-91.

88. Chancellor Henry Williams Desaussure, “A Columbian,” *SOUTH CAROLINA STATE GAZETTE* (Sept.-Oct. 1822), reprinted in STAROBIN, *supra* note 80, at 131-32.

89. See *id.* at 141-48 (citing U.B. PHILLIPS, 2 *PLANTATION AND FRONTIER DOCUMENTS* 103-16 (1909)).

90. STAROBIN, *supra* note 80, at 149-51.

### Nat Turner's Insurrection

The revolt led by black preacher and slave Nat Turner in Southampton County, Virginia, was one of the largest and bloodiest slave uprisings in U.S. history.<sup>91</sup> By 1831, Turner had gathered roughly seventy men; in August of that year, the group attacked plantations in Southampton County, killing 50-60 whites, including women and children.<sup>92</sup> Lasting approximately forty-eight hours, the revolt was stopped by a small group of white men who had no difficulty defeating the tired and drunk group of slave rebels.<sup>93</sup> Turner was tried and executed, leaving behind a detailed confession and autobiographical account relating his role in the rebellion and his experience as a slave preacher.

Nat Turner's revolt was rich in religious ideology and zealotry; Turner applied biblical themes and divine imperative to his violent mission to a greater extent than even Denmark Vesey. Even before Turner began planning his revolt, he enjoyed enormous influence over the slaves in his community, The preacher recounted "the confidence of the negroes in the neighborhood . . . in my superior judgment. [T]hey would often carry me with them when they were going on any roguery, to plan for them. [I grew] up among them, with this confidence in my superior judgment, and this . . . was perfected by Divine inspiration."<sup>94</sup> Beginning in 1825, Turner experienced a series of divine revelations in which God conveyed "knowledge of the elements, revolution of the planets, the operation of the tides, and changes in the seasons."<sup>95</sup> These holy visions eventually led Turner to believe that a "judgment day" was approaching. Thomas Gray, who questioned the preacher in prison and transcribed his account of the revolt, recorded the following conversation:

[Turner:] On the 12th of May, 1828, I heard a loud noise in the heavens, and the Spirit instantly appeared to me and said the Serpent was loosened, and Christ had laid down the yoke he had borne for the sins of men, and that I should take it on and fight against the Serpent, for the time was fast approaching when the first should be the last and the last should be the first.

[Gray:] Do you not find yourself mistaken now?

[Turner:] Was not Christ crucified?<sup>96</sup>

Thus, even three years before the rebellion's execution, Turner viewed his insurrectionary plan in apocalyptic terms. Divine mandate was not merely inspirational, but functional as well; Turner would not launch his attack until he received "a sign" from above in the form of a solar eclipse.<sup>97</sup>

91. See LINCOLN, *supra* note 1, at 203

92. Alho, *supra* note 5, at 227.

93. *Id.*

94. THOMAS R. GRAY, THE CONFESSIONS OF NAT TURNER 8 (1831). Note that Gray claimed to have simply transcribed Turner's words while he remained incarcerated before execution.

95. *Id.* at 10.

96. *Id.* at 10-11.

97. *Id.* at 11. However, because Turner fell ill on the day of the eclipse, he was forced to wait several weeks before commencing the assault. *Id.*

Historical evidence suggests that Virginia whites became cognizant of the fact that Turner's slave revolt was motivated by religion. In the trial itself, the court read aloud Turner's autobiographical account recorded by Gray, which included countless references to God and divine mandate.<sup>98</sup> The court's announcement of Turner's sentence further reveals that the apocalyptic nature of the revolt was known: "[Your followers] are not few in number—they were your bosom associates; and the blood of all cries aloud, and calls upon you, as the author of their misfortune. Yes! You forced them unprepared, from Time to Eternity. Borne down by this load of guilt, your only justification is, that you were led away by fanaticism."<sup>99</sup> After the trial, one Virginia newspaper wrote, "The case of Nat Turner warns us. No black man ought to be permitted to turn a Preacher through the country."<sup>100</sup> The brutal violence of Turner's attacks on white women and children combined with the zealous theology supporting the revolt aroused fears of slave religion and literacy more than ever before.

### Moral Debate and Legislative Response

Because the Vesey conspiracy and Turner rebellion occurred in South Carolina and Virginia, respectively, the white reaction was extreme in both states. In Virginia, just months after Nat Turner was tried and executed, the state legislature declared it illegal for slave or free blacks "to preach, exhort, or conduct, or hold any assembly or meeting, for religious or other purposes, either in the day time or at night."<sup>101</sup> The law further prohibited slaves and free blacks from conducting their own funerals and made illegal the teaching of a slave to read or write.<sup>102</sup> Private accounts by slaveholders indicate that while most agreed with the prohibition on slave assembly, some masters allowed their slaves to attend mixed-race religious meetings as temporal distance from Turner's rebellion grew. One planter wrote in 1837: "Most negroes take Sunday as their day of visiting; and it not unfrequently happens, that they do more mischief on that day, by colleaguening themselves, than on any other. Now, the attendance of church permits them to meet their relatives and friends there, and at the same time, keeps them out of mischief . . . And the slave will generally learn, at such places, the reasons which sanction the master to exact of him his respective duties."<sup>104</sup> Indeed, despite the threat of slave insurrec-

98. *The Commonwealth v. Nat Turner* (1831), in GRAY, *supra* note 94, at 20.

99. *Id.* at 21.

100. SUSAN R. GREGSON, NAT TURNER: REBELLIOUS SLAVE 29 (2003).

101. TED DELANEY, FREE BLACKS OF LYNCHBURG, VIRGINIA 1805-1865 56 (2001) (citing ACTS PASSED AT A GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA (1832), 20-22).

102. *Id.* at 56. Note that some believed that one of the early organizational meetings of Gabriel's rebellion in 1800 had started at a slave child's funeral. *Id.* (citing EUGENE D. GENOVESE, ROLL, JORDAN, ROLL: THE WORLD THE SLAVES MADE 194 (1972)).

103. Notions on the Management of Negroes, THE FARMER'S REGISTER (Petersburg, Va.), vol. 4, no. 9 (January 1, 1837), reprinted in ROSE, *supra* note 17, at 359.

104. CORNELIUS, WHEN I CAN READ MY TITLE CLEAR, *supra* note 53, at 38.



tion, some slaveowners and legislators maintained that slave religion was valuable to the institution of slavery. Nowhere was this debate more public and vitriolic than in South Carolina, where a legislative battle took place in the wake of secession.

Prior to South Carolina's statehood, English settlers had established a tradition of teaching blacks to read the Bible and holding black worship services.<sup>104</sup> Episcopal churches boasted black worshippers (although very few), and the Charleston Bible Society (CBS) had supported slave religion for decades by passing out copies of the Bible.<sup>105</sup> Additionally, Charleston had attracted many of South Carolina's prominent religious leaders and politicians, including Nathaniel Bowen and James Petigru, who either supported slave religion on moral grounds, or supported it because nullifiers were against it.<sup>106</sup> Furthermore, some South Carolina planters believed that slave religion encouraged literacy through the Bible, which made slaves more valuable properties with the potential for skilled labor. Others valued slave religion because it exercised a form of moral control and rendered slaves self-satisfied: "religion would help to pacify the always rebellious Africans."<sup>107</sup> The combination of all these elements created a unique reality in the state: "[b]locs of South Carolina voters had emerged who supported the rights of blacks to read and worship."<sup>108</sup>

The opposition responded, however, in 1833, when legislator, and later Governor, Whitemarsh Seabrook launched a campaign against slave religion and literacy. Seabrook cited the examples of Denmark Vesey and Nat Turner to argue against access to the Bible for any slave. He noted that any master who sought to teach his slave the Bible was fit for "a room in the Lunatic Asylum" and pointed to the messages of equality that would, if applied, encourage revolt and upend the slave economy of the South. To raise the political stakes of the debate, Seabrook linked his opposition to slave religion to his secessionist and anti-abolitionist political agenda, arguing that biblical truths in slave hands would serve as "foundation arguments on which the emancipationist purposes to erect the superstructure of his schemes."<sup>109</sup> Later that year, Seabrook introduced

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105. *Id.*

106. In the 1830s, Petigru and other unionists supported slaves' right to religious worship as a civic and a Christian duty. *Id.* at 39-41. Petigru later publicly expressed his support for religious freedom for slaves in 1849 when he chaired the committee to investigate Charleston's Calvary Church, after it was nearly burned down by a group of whites. Although this Episcopal church was "intended for the religious instruction of slaves," Petigru's committee exonerated Calvary because the church was supervised by whites. In his speech, Petigru "united public opinion" around the freedom of whites to teach slaves' religion. It is important to note, however, that he never advocated religious instruction of slaves without whites present; the committee's conclusions may not have exonerated Calvary if blacks had congregated there without supervision. See WILLIAM H. PEASE & JANE H. PEASE, JAMES LOUIS PETIGRU 136-37 (2002).

107. ALLEN B. BALLARD, ONE MORE DAY'S JOURNEY 95-96 (2004). The quoted language is the summarized comment of Charles C. Pinckney.

108. CORNELIUS, WHEN I CAN READ MY TITLE CLEAR, *supra* note 53, at 39.

109. *Id.* at 40-41 (citing WHITEMARSH SEABROOK, ESSAYS ON THE MANAGEMENT OF SLAVES 9-13 (1834)).

legislation into the South Carolina legislature that restricted black worship and assembly, and established criminal penalties for teaching slaves or free persons of color to read or write.<sup>110</sup> Although initially defeated in 1833, the legislation passed the following year.

Some scholars argue that unionists and religious leaders simply caved when Seabrook continued to advance his fear-filled messages.<sup>111</sup> The understanding, however, seems overly simplistic. Even unionists and devout Christians, despite their aversion to Seabrook and his campaign, still believed that some legal limits on slave religion were necessary. Even the devout Charles Pinckney, cousin of CBS president Charles Cotesworth Pinckney, stated in an address to the Charleston Agricultural Society in 1829: “We look upon the habit of Negro preaching as a wide-spreading evil; not because a black man cannot be a good one, but . . . because they acquire an influence independent of the owner, and are not subject to his control.”<sup>112</sup> Many religious whites in South Carolina still believed that black congregations led by a black preachers were undesirable. And since all-black churches had been allowed in violation of South Carolina’s 1800 and 1803 laws,<sup>113</sup> new legislation restricting slave religion was bound to be enacted in the wake of Nat Turner’s rebellion.

The 1834 law forbade the teaching of slaves to read or write, effectively closing black schools and church services that used the Bible to teach literacy.<sup>114</sup> The debate over the value of slave literacy and religion continued after the restrictive legislation was passed. In 1835, a group of 122 slaveholders fervently petitioned the South Carolina legislature to amend the law: “In many places this law could not be enforced. A jury could not be made [to] see how the teaching of the scriptures, or any book strictly religious, could jeopardize any interest human or divine . . . [D]oes chilvarous South *Carolina* quail before gangs of cowardly African with a Bible in their hands? Let it not be said!!”<sup>115</sup> Still, many stood by their arguments that religious instruction and slave literacy would create an unstable and seditious slave population. As one pamphleteer printed

110. *Id.* at 41.

111. *Id.* at 42.

112. Eric William Cernyar, *The Checking Value of Free Exercise: Religious Clashes with the State*, 3 TEX. REV. LAW & POL. 191, 199 (1999). Note, however, that Cernyar mistakenly attributes the comment to Charles Cotesworth Pinckney, who died four years prior.

113. Although note that some black churches were destroyed and religious practice suppressed immediately after Denmark Vesey’s conspiracy in 1822; one such church was the First Methodist African Church of Charleston, where Vesey recruited black participants. MANISHA SINHA, *THE COUNTERREVOLUTION OF SLAVERY* 15 (2000).

114. CORNELIUS, *WHEN I CAN READ MY TITLE CLEAR*, *supra* note 53, at 42. South Carolina’s 1834 Act very much resembled Georgia’s 1829 restriction on slave literacy. See Amy Reynolds, *The Impact of Walker’s Appeal*, at 86 (citing Wendell Phillips Garrison & Francis Jackson Garrison, 1 WILLIAM LLOYD GARRISON: THE STORY OF HIS LIFE TOLD BY HIS CHILDREN 161-162 (1885)).

115. David Hemphill et al. to South Carolina Legislature, 1835, in 1 THE SOUTHERN DEBATE 152-53 (emphasis in original).

the same year. "if the slaves were permitted to read, then ninety would become infidels . . . where ten would become Christians."<sup>116</sup>

## CONCLUSION

It is difficult to ascertain the true impact of religious assembly laws on slave insurrection and slave religion. Certainly the 1840s and early 1850s constituted "a period of relative quiet" with "no reports of open revolt."<sup>117</sup> However, from 1853 until the Civil War, slaves made numerous insurrectionary efforts, even when religious assembly laws were at their most restrictive. Indeed, among these frequent attempts included: an intended uprising in New Orleans in 1853; rumors of insurrection in counties throughout Maryland in 1855; an attempted uprising in Lynchburg against which the city sought arms from Richmond; and reports of slave trouble in Texas, Arkansas, New Orleans, and Georgia in 1856.<sup>118</sup> As one Kansas white wrote: "Every paper brings us accounts of their plots for a general uprising."<sup>119</sup>

Perhaps religious assembly laws had little effect on curbing slave insurrection because, despite popular belief in the antebellum South, most slave rebels were not actually motivated by religion. Clearly the Stono Rebellion, Denmark Vesey's conspiracy, and Nat Turner's revolt were framed in religious terms; their leaders undoubtedly viewed their respective insurrections as part of a divine or Biblical plan. However, the average black participant, even if religious, may have been motivated by other factors. The testimonies of Turner's rebels, for example, include little or no mention of religion or God as an incentive to revolt. As one scholar notes, "had Turner been accepted as its leader mainly on the grounds of his prophetic status, the religious element would certainly have been more prominent in the testimonies and confessions of the other rebels as well."<sup>120</sup> Rather, it is more likely that black participants responded to "the kaleidoscopic and acknowledged status [Turner] had acquired in the course of the years as a religious authority in his community."<sup>121</sup> Additionally, little mention of religious incentives appear in the confessions of Vesey's rebels; they recount the spiritual commitment of Vesey himself, but do not seem to have found his Biblical urgings particularly salient. Admittedly, even if slave rebels were not motivated by religion, the slave patrol's enforcement of religious assembly laws may have rendered conspiratorial meetings more difficult to carry out.

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116. LIFT EVERY VOICE: AFRICAN AMERICAN ORATORY 1787-1900 176 (ed. Phillip S. Foner) (1998).

117. CARROLL, *supra* note 17, at 187.

118. *Id.* at 188.

119. *Id.*

120. Alho, *supra* note 5, at 229.

121. *Id.*

Nor did religious assembly laws exact a chilling effect on the exercise of slave religion. Slaves continued to practice religion publicly where such laws were unenforced. Where assembly laws were onerous, slaves conducted secret meetings of worship or sang hymnals as work-songs.<sup>122</sup> Furthermore, Southern white churches increased their evangelizing efforts in the 1830s and 1840s and during the Second Great Awakening by exercising civil disobedience, working around religious assembly laws, and expanding slave missions. Indeed, forty years after the abolition of slavery, a black population of 8.3 million contained 2.7 million church members: "This astounding figure sheds some light on the extent to which slaves had adopted Christianity in the antebellum South."<sup>123</sup> Despite their limited effect on slave religion and insurrection, religious assembly laws reflected the fears of state legislatures in the South: that placing the Bible in the hands of slaves was the first step to abolition.

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122. Alho, *supra* note 5, at 152-62, 192-198.

123. CORNELIUS, *SLAVE MISSIONS*, *supra* note 13, at 3.