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## Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865 (Book Review)

Edward L. Ayers

*University of Richmond*, eayers@richmond.edu

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*Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705–1865.*  
By Philip J. Schwarz. (Baton Rouge: Louisiana State University Press,  
c. 1988. Pp. xvi, 353. \$37.50.)

Crime, a perennially fascinating subject for fiction and biography, has proven a persistently frustrating topic for social history. The same things that are engrossing on an individual basis—the shaping events of character, the specific desperation of an impossible situation—often disappear when the actions of a larger group have to be explained.

Philip Schwarz has worked hard to overcome these liabilities of his genre. Individual names and individual acts fill his pages, as he tries to give a human face to the patterns he has so assiduously gleaned. His book analyzes 4,342 cases drawn from the courts of oyer and terminer, from the state auditor's and treasurer's offices, from the governor's records, and from newspapers and private manuscripts; he often combines, in ingenious ways, records from several sources to round out a particular crime or trial. Moreover, his tables and narratives include cases that took place in over forty different counties. Particularly impressive is the chronological sweep of his numbers, which detail a far longer span than any previous study of southern crime and which cut across the often artificial boundaries separating the colonial, early national, and antebellum periods. It is an imposing base upon which to build, and Schwarz has presented his data with modesty and precision. Historians will be using Schwarz's work for a long time to come.

Schwarz wants to use his numbers to show that slave crime changed over time and varied across space in significant ways. He gives demography a fitting and important role but also pays attention to economic evolution. Schwarz argues that slaves and masters fell into conflict early in Virginia's history and remained locked in a submerged but desperate warfare for the rest of the institution's life. The most important changes were those that saw the intensification of conflict: during the wars of the last half of the eighteenth century, during the years before Nat Turner's Revolt, and during the rise of towns and cities in the state. Only the rapid loss of young males through the slave trade in the decades after 1830 worked against mounting levels of slave crime and punishment.

But even though Schwarz makes variation his main theme, he repeatedly returns to the same argument and assumption throughout his book: slave crimes were, above all, testimony to slave self-determination, activity, and efficacy. Whether he is explaining poisoning, arson, rape, theft, or murder, Schwarz stresses the way such crimes reflected the agency of the slaves. In a book whose individual chapters are narrowly focused, this notion of crime as resistance serves as the major recurring and unifying motif. *Twice Condemned* is full of furious slaves defiantly striking at the injustice that binds them; white Virginians, who remain in the background, appear either baffled or brutal.

Historians have long been struck by the undeniable and powerful rebelliousness of slave crime, activity central to Kenneth Stampp's influential interpretation. But Schwarz does little to place himself in the context of

those who have looked for other currents in the crimes of slavery. Though most of the major studies appear in the footnotes, Schwarz has not directly confronted any of their fundamental arguments. Thus we hear little about the way crime might conflict with slave religion, as Eugene D. Genovese has argued, and little about the way slave crime might reflect a damaged sense of self or a community at odds with itself, as historians from Stanley M. Elkins to Peter Kolchin have argued. Other comparisons and connections go unmade as well. Schwarz makes no effort to build on the work of Michael S. Hindus, Mark V. Tushnet, Arthur F. Howington, A. E. Keir Nash, or Daniel J. Flanagan, who have explored slave crime elsewhere in the South and who have theorized about the ideological meanings of the criminal law. The focus in this book remains intently on Virginia and its slaves, even when a brief glance at other places and related topics could have thrown things into better perspective.

Nevertheless, Schwarz's book offers a tremendous amount of hard-won detail, meticulously and powerfully presented. His demonstration that slave crime varied significantly according to time and place contributes to the growing consensus that change and variation have to be accorded key roles in the history of slavery.

University of Virginia

EDWARD L. AYERS