To the Editor:

Knowing Professor Handlin's skill in verbal assault, I was not surprised at the studiously pejorative nature of the rebuttal signed by him and his wife. But I must confess to being surprised that they would naively characterize differences in interpretation as "errors" and "mistakes". To be sure, they speak of "serious errors of fact" in my article, but since none is cited in their rebuttal, their criticisms concern matters of interpretation only. One thing their criticism has done is to give me an opportunity to point up the central issue between us in a way I could not do in my article.

Let us turn, then, to my so-called errors of interpretation. I am taxed with "confusing the issue" and making "an inept" comparison between slavery in the English and South American colonies. Actually I made no comparison of slavery in the two areas at all; I merely noted that the Negro entered society in North and South America through the agency of slavery and since the consequences for the Negro and society were different in the two regions I thought the usual conclusion of seeing "slavery" as the cause of American attitudes toward the Negro needed reexamination. I drew no conclusions other than the fact that in view of the experience of the Iberian colonies, slavery was not a sufficient explanation. As for my not understanding that slavery in North and South America were different institutions, I thought anyone who read my article would not fail to see that I assumed all through my article that slavery was quite different in the two areas. Moreover, nowhere did I say, as the Handlins assert, that because race prejudice did not follow slavery in South America as it did in North America, "hence that prejudicial mark must have antedated slavery." If I had said that, there would have been little need for the rest of the article.

Then I am criticized for a "loose reference to race prejudice" and for "conflating" a number of phenomena. Actually, as any careful reading will show, I took some pains *not* to use the term "race prejudice" when discussing the seventeenth century data. The phrase apparently caught the Handlins' eyes in the title (where it is justified by its being tied to the word "genesis") and they never forgot it. It is true, as they say, that I did not show that there were racist beliefs expressed in the seventeenth century, but that was not the task I set myself. The primary purpose of my article—as I wrote on p. 52—was to show that a pattern of discrimination against the Negro antedated legal slavery.

Since the Handlins have raised the question of the causes for the discrimination, I might say, in passing, that unlike them, I am not at all sure of the bases for the discrimination. In my article (p. 53) I did no more than suggest that racial, cultural, and religious differences were involved. It is worth pointing out, though, since the Handlins say, "We know of no . . . expression of racial prejudice in the literature of the seventeenth century," that there

were certainly some. Morgan Godwyn's *The Negro's and Indian's Advocate,* published in 1680, which the Handlins cite in their original article on another point, contains many references suggesting that Negroes were viewed as "inherently different from and inferior to the whites," to use the Handlins' definition. For example, Godwyn says that one commonly held argument against Negroes was that *"Negro's* are conceived to be but Brutes." Godwyn also tells of a West Indian who asserted "That *Negro's* were beasts, and had no more Souls than Beasts, and that Religion did not concern them." Still another person told him that baptism did no more good to a Negro "than to her black Bitch" (pp. 38-40). Godwyn also devotes many pages (43-61) to defending the Negroes against the curse of "Cham"—a variation of a familiar nineteenth-century pro-slavery argument that Negroes were inferior by virtue of their descent from Ham, the cast-out son of Noah. Reference to the curse of Cham is also to be found in an English pamphlet of 1675, *Two Voyages to New England.* There are even references in Shakespeare's plays which suggest that, in the popular mind, the Negro's inferior position was tied to his physical appearance. In *Titus Andronicus,* Tamora, who is in love with the Moor Aaron, is reviled with these words: "Believe me, queen, your swarth Cimerian doth make your honour of his body's hue, spotted, detested and abominable." Similar references connecting the allegedly low character of the black man with his appearance are to be found in *Othello.*

Indeed, in the light of Lewis Hanke's studies on Spanish attitudes toward the Indians, many literate sixteenth and seventeenth-century Europeans must have been familiar with a racist conception of colored peoples. Professor Hanke, in his recent *Aristotle and the American Indians, A Study in Race Prejudice in the Modern World* (London, 1959), observes that the first person to apply the Aristotelian doctrine of natural slavery to the Indians was a Scottish professor living in Paris in 1510, one John Major (Hanke, p. 14). Furthermore, in the great debate held at Valladolid in 1550-1 between Las Casas and Sepúlveda, the latter argued at length that the Indians were inherently inferior. The substance of Sepúlveda's position was quickly known throughout Europe through the summaries and commentaries which appeared in several languages, including English (Hanke, pp. 76, 78, 90).

As I say, I make no claim for the widespread acceptance of a racist view of colored peoples in the seventeenth century, for the evidence is too skimpy, but in the face of books like Godwyn's, it seems rather cavalier to write, as the Handlins do, that "we know of no such expressions of racial prejudice."

I do assert, though, that the Negro was generally accorded a lower position in society than any white man, bound or free. It will be remembered that the Handlins in their original article asserted that until the 1660's the treatment of Negro and white "servants" was substantially the same. And their statement was more than a casual one—paragraphs were devoted to showing that the word "slave" had no special meaning and that "until the 1660's the

statutes on the Negroes were not at all unique. Nor did they add up to a decided trend." (P. 209 of their original article. The several factual errors in their article I pointed out in this connection, they have not denied in their rebuttal.) The same kind of discrimination, they said, was visited upon other strangers and, therefore, evidence of discrimination against Negroes was not significant.

The nub of our disagreement, then, is whether the treatment of the Negro was the same as that accorded other non-Englishmen. In my article I showed that a number of examples of discrimination against the Negro appear in the records before the 1660's, so many in fact, that they seemed to me to justify the conclusion that the Negro occupied an especially low place in colonial society. This is not the place to repeat the evidence in my article or that in the Handlins'. But I will say that I am convinced that an examination of their article will show no examples of discrimination against white men comparable in degree of discrimination with those I cited involving Negroes—examples having to do with bearing arms, being taxable, being punished, the length of service, and the like. Indeed, the Handlins offer very few examples of any kind to buttress their assertion, repeated in their rebuttal, that many kinds of strangers other than Negroes and Indians were discriminated against. Since the point at issue between us is a matter of the evidence, the final determination must be left to those who carefully read both articles and compare the evidence therein given.

When the ammunition for attack is running low it is an old device to drag in matters peripheral to the main argument. The Handlins have resorted to this tactic in a number of their criticisms; these can be easily dealt with. They ask for a footnote for my "astounding statement" that servants were of minor importance in New England. They provide me with a contrary one from Weeden's *History* which is remarkable for its irrelevance to the question at hand. The quotation is obviously non-quantitative when the question it is cited to answer is essentially quantitative—that is, how numerous were indentured servants. Besides, in context it is clear that Weeden is merely showing that there were indentured servants in New England. It is curious, moreover, that the Handlins should have cited in their own behalf Weeden's old, general history when R. B. Morris, *Government and Labor in Early America,* and Abbot Smith, *Colonists in Bondage,* two much more recent and authoritative books on the subject, are available. From these books I cite the footnotes I never dreamed anyone would need for such a point: Morris, pp. 35-36, 313, 326 for the paucity of servants in New England, and Smith, pp. 316, 324 and 329 for a comparison of servants in the South and New England which show how minor indentured servitude was in the latter section.

Then we come to the matter of the position of the indentured servants. The Handlins say the Maryland statute of 1671, which extended the terms of servants without indenture from four to five years, was really a reenactment

of a previous law; this repetition shows, they continue, that the statute was not having the desired effect of lengthening servants' terms. Therefore, they argue, the position of the servant was actually improving rather than worsening as the terms of the act seem to say. The principle that reenactment implies lack of compliance is valid when properly applied, but in this instance, it provokes more questions than it settles. For the question must be asked: who was refusing to obey the law and therefore necessitating its reenactment? Certainly it couldn't be the servants, for without a contract they had no choice in the matter. Are we to believe that the justices were refusing to apply the law for the longer term? What could be their purpose since, as we know from Abbot Smith and others, they were often masters themselves? Or do the Handlins expect us to believe that the masters themselves were refusing to get five years out of their servants when the law gave them every right to; are we to believe that the legislature which passed the law had a greater interest in advocating a longer term than the masters themselves? To ask the questions is to answer them.

Furthermore, this practice of taking statutes which restate previous acts as proof of evasion can cut both ways. On p. 214 of their original article, the Handlins cite a Virginia law of 1661-2 as evidence for the improving position of the servants because it tells how a servant can appeal to a magistrate in the event of mistreatment by a master. Portions of this act, in identical language, appear in *two* previous laws, one in 1642-3 and one in 1657-8 (Hening, *Statutes,* I, 254-5, 440). Should I argue, à la Handlins, that we can infer from this that the position of the servants by 1660-1 was really worsening because this was the third time the legislature had to point out that servants could appeal to commissioners for protection against their masters?

The Handlins might take me seriously and answer that, unlike their own instances, the reenactments I cite are not identical in wording and therefore not comparable with theirs. Actually, the two Maryland laws (those of 1662 and 1671) which they assert in their rebuttal are mere reenactments, turn out, upon examination, not to be identical either. The text of the law of 1662 contains a reference to a statute of 1650, but, since the 1650 law does not survive, we cannot know whether the 1662 law was the same or not; all we know is that both statutes dealt with the problem of runaways. As for the law of 1671, it is true, as the Handlins say, that it was preceded by the law of 1666. But these two acts, contrary to the Handlins' contention, are not identical; the second law differs in one important matter from the first, a fact which may well explain, after all, why there were two laws. In the 1666 act a "penalty of 1,000 pounds of tobacco" was to be levied against any master who did not register the age of his servant with the courts so that the servant's time of service might be adjudged. The justification given in the law for the fine was "for depriving the Courts of such opportunity of view [*sic*] of the

parties." The act of 1671 omitted the fine and, since it also repealed all previous laws on the subject, we must conclude that the fine was no longer imposed by law. Such a removal of a penalty upon masters certainly constitutes no gain for servants. In place of a fine for failure to bring a servant before the court, the law of 1671 set the servant's term at five years, regardless of the servant's age. Such a statute, rather than weakening the resolve to lengthen the term from four to five years, as the Handlins argue, actually strengthens it by making the law more workable.

Finally, something deserves to be said about the Virginia statute they quote in full in their rebuttal. Contrary to their assertion it is not at all clear that this act is merely a restatement of an old one. No previous act that I know of—and the Handlins cite none—made it clear that whipping was permissible along with added time. The previous statute providing for the punishment of runaways, passed in 1661-2 (Hening, *Statutes,* II, 116-7), contains no references to corporal punishment. It is hard to see how the Handlins can argue that an act which makes it clear that whipping is permissible constitutes a lightening of the servant's lot when heretofore the statutes were silent on the subject.

So much for our points of disagreement. Actually, our two positions are not as far apart as the Handlins' remarks would lead one to believe. I can, for example, subscribe to the final sentence of their rebuttal without abandoning anything that I wrote in my article. I can also agree with them on the slow and ambiguous evolution of the Negro's status and of slavery, on the fact that discrimination against the Negro was at first based on other than just racial grounds, on the fact that freedom in the seventeenth century was a matter of degree and not absolute, and on the quite different history of slavery in the North American colonies as compared with the South American. But I cannot agree that whites and Negroes were treated alike before 1660. The question of *why* they were not—a matter of prime importance—is still wide open for further investigation.

CARL N. DEGLER
Vassar College