

Part 2 turns to the culture of natural rights, focusing once again on the inherent contradictions of otherwise elegant Enlightenment theory: the place of slavery in natural law, being alone in an age of social contract, and creating a godless Constitution to protect the sacred rights of man. His arguments offer genuine insights into otherwise tired debates. For instance, the notion of a “godless” Constitution, or at least one in which God had no explicit mention, attracted controversy in 1787 just as it does today. A common argument about the Constitution is that it represents the high-water mark of secularization in political thought. Slaughter’s research (qualitative and quantitative) finds instead that an association between “natural right” and “God” in American pamphlets led both concepts to take off in the period between the Revolutionary War and the Constitution’s drafting.

Doing Slaughter’s book critical justice is impossible in so short a review. Suffice it to say that this imaginative interpretation will delight many and irritate more than a few. But it will provoke us all to think more deeply about the Constitution’s multiple meanings, and it deserves serious treatment from a wide audience.

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Slavery’s Constitution: From Revolution to Ratification. By DAVID WALDSTREICHER. New York: Hill and Wang, 2009. x, 195 pp. Note on sources, notes, index. \$25.)

It is not difficult to identify the obviously proslavery clauses of the United States Constitution: the “three-fifths” clause (art. 1, sec. 2, cl. 3) counting only three-fifths of a state’s slaves for purposes of congressional representation; the “fugitive slave” clause (art. 4, sec. 2) providing for the return of slaves who escaped from one state to another; and the “slave trade” clause (art. 1, sec. 9, cl. 1) preventing any elimination of the importation of slaves prior to 1808. Some scholars, such as David Waldstreicher, a Temple University history professor, place slavery at the very heart of the Constitution.

In three brief chapters, Waldstreicher aims for “freshness . . . in the telling as much as in [his] conclusion that slavery was as important to the making of the Constitution as the Constitution was to the survival of slavery.” His mission is to provide “a solution to the interpretive problem of slavery and the Constitution that draws on both the republican and the progressive schools” of Bernard Bailyn and Charles Beard; the former celebrated American virtue while ignoring slavery, while the latter characterized the Constitution as a product of struggling economic interests and remained silent on slavery. The overarching point of the book is that “Slavery, in part because of the U.S. Constitution’s manner of dealing with

it, became central to American national politics in the nineteenth century" (17). None of this will surprise scholars (most was addressed more clearly in Paul Finkelman's *Slavery and the Founders* [1996] or Akhil Amar's *America's Constitution* [2005], both mentioned in the excellent historiographical essay at the back of this book), and Waldstreicher's haste may well frustrate readers.

The first chapter suggests that American slavery was the creature of British empire. Due to England's most famous slavery decision, *Somerset v. Stewart* (1772), which found slavery "so odious, that nothing can be suffered to support it, but positive law," it became "impossible to deal with key constitutional questions without engaging in the politics of slavery" (41), not least because colonial slaveholders viewed the decision as an assault on their property rights.

It is many pages into the second chapter, "The Great Compromises of the Constitutional Convention," before Waldstreicher focuses on the "three-fifths" and "slave trade" clauses. Curiously, this is done without even once referencing the article, section, or clause of the document in which those compromises are located. Odder still, there is scant consideration of the Constitution's other major "compromise," the "fugitive slave" clause, the very clause produced by the *Somerset* case. This whole chapter seems rushed. The Virginia, New Jersey, and Connecticut plans are not clearly defined, important matters such as the work of the Committee on Detail, or the "Yankee-Carolina alliance" (96) are fleetingly addressed, and, despite passing observations about the people involved (as when inexplicably tagging Oliver Ellsworth as "unctuous"), there is almost no character development. The chapter concludes that the Constitution clothed slavery in "vagueness" (101), which undermines the book's primary claim that it is "Slavery's Constitution."

Waldstreicher's final (and finest) chapter provides a delightful canvas of the ratification debates, manifesting that they have "as much to tell us as the convention does about the place of slavery" in early American politics (107). Several writers from the era, Federalists and anti-Federalists alike, illustrate both the early satisfaction of southern planters with the Constitution, as well as the extreme hesitation of northern antislavery anti-Federalists. Waldstreicher evidences "just how potent a threat the discussion of slavery posed to ratification" (141).

There is much here of real value, and the writing is often quite engaging. Yet, there are also minor inaccuracies (calling Virginia and New York "the biggest states," for example, when the 1790 census ranked New York after both Massachusetts and Pennsylvania) and a number of probable proslavery clauses that go unexamined. Together they suggest that Waldstreicher may not have the last word on slavery in the Constitution.

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