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# TRANSACTIONS OF THE ROYAL HISTORICAL SOCIETY

## PRESIDENTIAL ADDRESS

By P. J. Marshall

### BRITAIN AND THE WORLD IN THE EIGHTEENTH CENTURY: IV, THE TURNING OUTWARDS OF BRITAIN

READ 24 NOVEMBER 2000

#### I

THESE addresses have tried to chart Britain's rise by the end of the eighteenth century to a position as a worldwide power that eclipsed all her European rivals. In particular they have traced the vicissitudes of an empire of rule over territory and peoples that grew greatly in the aftermath of the Seven Years War, suffered huge amputations in 1783, but was set on further expansion in the 1790s. In this final address I want to turn to Britain itself and the engagement of the British people with their empire.

The turning outwards of Britain towards its empire can be measured in many ways: in terms of trade, of the movements of people seeking land, commercial opportunities or civil and military office, of the scale of the deployment of the forces of the British crown overseas in war and peace, and of the attention given to empire by governments, by parliament and in public debate through pamphlets, the press or the petitions, such as those stimulated by the prospect of war with the American colonies or by the campaign against the slave trade. Nearly all these indicators show a sharp upward trend in the later eighteenth century. The dispatch of increasingly purposeful voyages of exploration, the gathering in of every sort of 'curiosity' from overseas and their display in museums and private collections, the huge outpouring of travel writing and human and natural histories, the depiction of scenes and people by artists professional and amateur are all indications of an increasing intellectual involvement with empire. Seeking a strand that

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might put all these different types of engagement into some sort of common focus is a daunting task. I want, however, to try to formulate some generalised propositions as to how British people saw themselves in relation to their empire in the later eighteenth century.

I would like to begin with a specific example, the formidable figure, in more senses than one, of General James Grant, the laird of Ballindalloch in Banff in the north-east of Scotland. Now seriously corpulent, Grant had been governor of East Florida and had seen much hard fighting in America in both the Seven Years and the American Revolutionary Wars. In retirement he entered parliament and lived mostly in London, returning to Ballindalloch every summer with 'his retinue of attendants and his black cook, in his state coach'.<sup>1</sup> As a man who had gained fame and fortune from empire, he was by no means unusual in the north east of Scotland. Other Grants were launched on commercial ventures throughout the empire<sup>2</sup> and were to make distinguished careers in the East India Company's service. James Fraser set a pattern which many Scottish 'nabobs' were soon to follow when he returned in 1749 from Surat in western India to Reelig near Inverness with a large fortune and a fine collection of manuscripts and miniatures.<sup>3</sup> Recruiting men for the new Highland regiments to fight overseas was a highly commercialised activity on many estates.<sup>4</sup> Migrants from Elgin and Banff were particularly involved in the development of the Ceded Islands in the West Indies after 1763, as Inverness was later to be in Demerara after 1796.<sup>5</sup> General Grant reflected on this West Indian connection with northern Scotland in a letter of April 1792 which he wrote to his old friend Lord Cornwallis, telling him about the progress of the campaign against the slave trade, of which Grant thoroughly disapproved; he thought abolition would be 'contrary to the rights of men'. 'Petitions', he wrote,

have been pouring in from every part of the Island, and a great number indeed from Scotland, some of them from Highland Parishes, where the Fools who sign the Petitions at the Black Smiths shop, which is the Country Coffee House, never saw the Face of a Black, and there is not one of the parishes from whence there are not some

<sup>1</sup> See biography of him by Edith, Lady Haden-Guest in *The House of Commons: 1754-1790*, ed. Sir Lewis Namier and John Brooke (3 vols., 1964), 1, 531.

<sup>2</sup> David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community 1735-1785* (Cambridge, 1995), 48-59.

<sup>3</sup> See forthcoming article in *The New Dictionary of National Biography*.

<sup>4</sup> Andrew McKillop, 'Military Recruiting in the Scottish Highlands, 1739-1815: The Political, Social and Economic Context' (Ph. D. thesis, University of Glasgow, 1995).

<sup>5</sup> Douglas Hamilton, 'Patronage and Profit: Scottish Networks in the British West Indies, c. 1763-1807' (Ph. D. thesis, University of Aberdeen, 1999), 97, 106.

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of the better Farmers Sons sent to the West Indies and employed in the different plantations as overseers.<sup>6</sup>

This brief extract suggests two obvious conclusions. In the first place, that the eighteenth-century turning towards empire, at least in certain regions like the Highlands of Scotland, was intense, but that it was also an ambiguous one, taking forms which may be no easier for us to reconcile than they were for General Grant. How could the same kind of people seek employment in the West Indies and petition for the abolition of the slave trade?

Throughout the history of the British empire people have been able to take apparently contradictory positions about the empire because it meant different things to them and reflected different aspirations. Ambiguity of meaning and aspiration was inherent in the lack of precision in defining the British empire at any time in its existence. The essentials of the late eighteenth-century empire of rule, setting aside the East India Company's provinces about which much remained unresolved, were that it consisted of dominions of the king, acquired by conquest or cession or by right of discovery and first settlement. Those who lived in the king's dominions were his subjects; they owed allegiance to him and by the eighteenth century were deemed to be 'subordinate unto and dependent upon' the British parliament.<sup>7</sup> By common usage, the king's subjects were British subjects.

That apparently bald statement of the law, in essence derived from Calvin's case of 1608,<sup>8</sup> masked questions of a depth and complexity that were to be debated throughout the whole span of Britain's imperial experience. Could the concept of a British subject be stretched to include peoples whom the seventeenth-century lawyers, if they had been aware of their existence, never envisaged in their wildest imaginations as passing under British rule? Was British subject in any respects a uniform category? For instance, did this enormously extended body of British subjects have any obligations and rights in common beyond the obligation to obedience and the right to protection implied by allegiance to the British crown? Under what circumstances, if any, were British subjects who did not live in Britain to be regarded as 'Britons'? In particular, how far did the powerfully emotive concept of the 'rights of Englishmen' apply outside England?

Seen from a British point of view, was the extension of empire to be a process by which Britain exported its values and institutions throughout the world, assimilating more and more people to a common

<sup>6</sup> Letter of 22 April 1792, Public Record Office, PRO, 30/11/270, fo. 95.

<sup>7</sup> The Declaratory Act, 1766, 6 Geo. III, c. 12.

<sup>8</sup> *The Empire of the Breagnes, 1175 to 1688. The Foundations of a Colonial System of Government*, ed. F. Madden and D. Fieldhouse (Westport, Ct., 1985), 29-40.

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Britishness, so that the British became a worldwide people? Would empire fulfil the vision of its future enunciated by the Bostonian radical James Otis in 1766, when he hoped that the British empire 'may be prospered and extended till all men shall become truly free and rejoice as brethren in that Liberty which God has made them free and their right to which is indefeasible'?<sup>9</sup> Otis was expressing, if in an extreme form, an ideal of an 'empire of liberty' that was held by many colonial Americans and other radically minded people.<sup>10</sup> An alternative version was that of an extended empire based on a recognition of diversity and, perhaps inevitably, of hierarchy. In that case, would those who lived under British rule remain separately demarcated peoples, in spite of their status as British subjects, being treated in different ways thought appropriate to them by their rulers, according to gradations of civility or savagery or even to concepts of racial difference? If that version prevailed, would the Britishness of those who lived in the British Isles, instead of extending itself throughout the world, remain an exclusive category, perhaps becoming more sharply defined by empire?

Crudely simplified, great questions of uniformity or diversity, of equality or hierarchy, were raised in an acute form in the late eighteenth century and remained unresolved when the British empire disintegrated in the later twentieth century. While all historians of empire would surely accept that both of these simplistically identified trends were to influence British views of empire over the next two hundred years of imperial history, the established verdict is undoubtedly that hierarchy rather than equality generally prevailed. The majority of British people are assumed to have come to see their empire as marked by diversity and hierarchy and to have been extremely reluctant to extend, or no doubt in their view, to dilute concepts of an exclusive Britishness, which empire helped to emphasise. Moreover, such attitudes are seen to have been firmly in place by the beginning of the nineteenth century.<sup>11</sup> While there is undoubtedly strong evidence in support of such a conclusion, as General Grant discovered on his summer jaunts to Ballindalloch, British responses to empire in the late eighteenth century were by no means uniform or predictable. A debate was under way that was to last for at least another one hundred and fifty years. In the eighteenth century this debate was mainly conducted in terms of two great contemporary preoccupations, law and religion.

<sup>9</sup> Letter to D. De Berdt, 8 September 1766, University of Virginia, microfilm 1714, Lee family papers, reel I.

<sup>10</sup> Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766* (New York, 2000), 746.

<sup>11</sup> Notably in C. A. Bayly, *Imperial Meridian: The British Empire and the World 1780-1830* (1989).

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## II

In the mid eighteenth century the most enthusiastic exponents of the equality of British subjects throughout the empire were likely to be colonial Americans, white West Indians or British radicals. For them the legal basis of that equality must be the universal application of English law. All the peoples of the empire were entitled to benefit from 'the common law and such general statutes of England as are securative of the rights and liberties of the subject'.<sup>12</sup> Whites in the American and West Indian colonies had long insisted on this and British minorities living among newly conquered alien populations made the same claims. British merchants living in Quebec argued that to subject them to French law would be to make them 'slaves, when the inhabitants of all the other colonies are Freemen'.<sup>13</sup> The British in Calcutta claimed 'certain rights inherent in *Englishmen* ... which no Power on Earth can legally deprive them of'.<sup>14</sup>

The main trends in British legal thinking in the late eighteenth century were, however, against the indiscriminate extension of English law throughout the empire. As new peoples with diverse legal systems were brought into the empire, there was a marked tendency to accept this legal diversity and to allow new British subjects the continuing use of their own laws. This was particularly the view of Lord Mansfield. He insisted on the principle that conquered Christian peoples kept their own laws until the king specifically gave them new ones and believed that changes in the laws of conquered peoples ought to be avoided as far as possible. English courts must be willing to judge cases according to foreign law, which could be known 'as well as our own', if the judges had 'the law stated to them'. Englishmen living in colonies where the law of conquered peoples remained in force must conform to it.<sup>15</sup>

The clause in the Quebec Act of 1774 that guaranteed that 'the Laws of Canada' should still be applied in cases concerning 'Property and civil Rights' was a clear endorsement of Mansfield's view.<sup>16</sup> On the same principle, Spanish law was preserved in Minorca and Roman-

<sup>12</sup> Cited in Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States 1607-1788* (Athens, Ga., 1986), 28.

<sup>13</sup> Speech of counsel on Quebec Bill, 31 May 1774, *Proceedings and Debates of the British Parliaments Respecting North America*, ed. R. C. Simmons and P. D. G. Thomas (6 vols., Milwood, NY, 1982-9), 4, 498.

<sup>14</sup> *Journals of the House of Commons*, 38, 97.

<sup>15</sup> See his judgements on *Fabrigas v. Mostyn* and *Campbell v. Hall*, both in 1774, *A Complete Collection of State Trials*, ed. T. B. and T. J. Howell (33 vols., 1816-26), 20, 231, 290, 323, and his letter to G. Grenville, 24 December 1764, *The Grenville Papers*, ed. W. J. Smith (4 vols., 1852), 2, 476-7.

<sup>16</sup> 14 Geo. III, c. 83, sec. 8.

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Dutch law would remain in force at the Cape and other colonies later taken from the Netherlands. The most acute problem of legal diversity within the empire was, however, presented by the acquisitions of the East India Company. It could be argued that these were not the dominions of the king either by conquest or by settlement, but had been entrusted to a private body, the East India Company, by the Mughal emperor, and that therefore their populations were not British subjects. An act of 1773 indeed made a distinction between the great mass of 'the inhabitants' and a tiny minority of 'British subjects', presumably those born in Britain.<sup>17</sup> The formal assertion of British sovereignty over India was to be delayed until 1813. Yet whatever its right to do so, there could be no doubt that from 1765 the East India Company possessed *de facto* power over the administration of justice in its provinces. In Calvin's case it had been laid down that 'infidel' laws automatically lapsed in any territory acquired by the king. There was, however, almost total unanimity in British opinion that there could be no question of the Company's setting aside the Hindu and Islamic law that the British had inherited in favour of any extension of English law. Existing law must be preserved even if the courts that administered it were reformed. Underlying such views were deeply engrained stereotypes about Indian society. Indians, especially Hindus, were taken to be the most conservative people on earth and their laws were presumed to be inextricably intermixed with their religion. Habituated to despotic rule, they would regard the principles of equality before the law and personal freedom embodied in English law as a violation of what was sacred to them. Even if this were not so, the publication in 1776 of the first English version of the so-called 'Codes' of Hindu law<sup>18</sup> suggested that Hindu law by the criterion of satisfying human needs had much to commend it.

Radicals might condemn any deviation from the full application of English law throughout the empire as evidence of compromises with despotism, but British opinion generally took pride in the way in which diverse legal traditions appeared to have been accommodated within the empire, even if the accommodations now appear to historians to have been rather limited ones. In the Indian case in particular, what was taken to be Hindu or Islamic law was applied with British assumptions about the sovereign power invested in the state, equality before the law, the nature of property rights or the appropriateness of punishments.<sup>19</sup> There were, moreover, clear assumptions of superiority

<sup>17</sup> 13 Geo. III, c. 63, secs. 14, 16.

<sup>18</sup> *A Code of Hindu Laws, or Ordinations of the Pundits*, trans. N. B. Halhed (1776).

<sup>19</sup> J. D. M. Derrett, *Religion, Law and the State in India* (1968); Jörg Fisch, *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769-1817* (Wiesbaden,

and inferiority underlying the accommodation of other legal systems within the empire. English law was seen as the law of an advanced, sophisticated, commercial society. Other societies incorporated within the empire had not evolved to the same degree and therefore laws appropriate to what was assumed to be their less advanced condition should remain in force.

For a large class of people within the eighteenth-century empire whether English law or another system prevailed was hardly material, since they remained virtually outside the protection of any form of law and few accorded them the status of British subjects. These were the slaves, whose numbers under British rule grew so rapidly in the later eighteenth century. Although slavery was found to have no basis in English law, there had been no effective use of the crown's prerogative powers against colonial slave laws and the position of slaves in Britain itself remained formally unresolved throughout the century. The most sympathetic recent scholarly treatment of Mansfield's approach to the *Somerset* case of 1772 and to other cases involving slaves suggests that he would grant redress for acts of injustice inflicted on individual slaves brought before him, but that he would not challenge the validity of slavery in Britain and thus precipitate a crisis for the commercial interests that would be at stake in such a challenge.<sup>20</sup> Those interests were later to be challenged by political rather than by legal action. Religious activists were to be the driving force behind that political challenge.

### III

The late-eighteenth-century empire prided itself not only on its toleration of legal diversity but on its increasing toleration of religious diversity as well. Lord North, Pitt or Dundas may seem unlikely candidates to be regarded as magistrates, worthy of being compared with the Antonines, who, in Gibbon's words, could not be 'actuated by a blind, though honest bigotry, since the magistrates were themselves philosophers',<sup>21</sup> but they presided over an empire in which all shades of Protestantism enjoyed freedom, in which the penalties against Catholics had been much relaxed, and which in India enforced Hindu and Islamic law, endowed *madrāsas* and Hindu colleges and supervised

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1983); Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi, 1998).

<sup>20</sup> James Oldham, 'New Light on Mansfield and Slavery', *Journal of British Studies*, 27 (1988), 45–68.

<sup>21</sup> *The History of the Decline and Fall of the Roman Empire*, ed. J. B. Bury (7 vols., 1896–1900), 1, 34–5.

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the administration of Hindu shrines, soon to include, much to the scandal of many British Christians, the great temple complex at Jagannath.

In spite of mounting tension between Anglicans and other Protestant denominations in much of North America, there was a wide consensus that Britain's Atlantic empire in the mid eighteenth century was sustained by a union of Protestants against its Papist enemies. For the Virginia Presbyterian, Samuel Davies, George II had been the patron of 'the Dissenter as well as the Conformist'.<sup>22</sup> The British Anglican John Brown agreed that, faced by a Papist threat even after victory in the Seven Years War, all Protestant denominations in the colonies should unite on 'principles of religious freedom', since 'the contending religious interests are nearly equal'.<sup>23</sup> Right up to the Revolution British ministers resisted all applications from colonial Anglicans to authorise the appointment of a bishop in America. It was reported that they were unwilling to alienate opinion in the colonies and thus that 'political considerations' were overriding 'religious ones'.<sup>24</sup>

To the mounting dismay of zealous Protestants on both sides of the Atlantic, political considerations were also inclining British governments to seek accommodations with the old enemy, Popery. Penal laws against Catholics were in force in Britain and in most colonies. After the Seven Years War, however, a sizeable Catholic population was incorporated into the empire in Quebec and Grenada. In the Act of 1774 the Catholics of Quebec got something more than a bare toleration: in Mansfield's words their clergy were given the right to 'a decent and moderate maintenance'.<sup>25</sup> The papers of ministers show that for them the religious settlement in Quebec was as much a matter of political calculation as resisting Anglican pressure for a colonial bishop had been.<sup>26</sup> Any link in the mind of the British government between the conciliation of French Canada in 1774 and the impending crisis in the thirteen colonies is yet to be substantiated, but within a year ministers were discussing the advantages to be gained from using Canadian troops against Americans.<sup>27</sup> By then the need to draw on Catholic manpower for the forces of the crown had become a major incentive

<sup>22</sup> *Sermon ... on the Death of his Late Majesty King George II* (Boston, [1761]), 22.

<sup>23</sup> *On Religious Liberty* (1763), iii.

<sup>24</sup> N. Rogers to T. Hutchinson, 2 July 1768, Massachusetts Historical Society, Hutchinson Transcripts, 25, 267.

<sup>25</sup> Cited in Philip Lawson, *The Imperial Challenge: Quebec and Britain in the Age of the American Revolution* (Montreal, 1989), 132.

<sup>26</sup> E.g. Alexander Wedderburn's Report, 6 December 1772, *Documents Relating to the Constitutional History of Canada, 1759-1791*, ed. A. Shortt and A. G. Doughty (2 vols., Ottawa, 1907), 1, 427-8.

<sup>27</sup> See letters between Suffolk and Germain, 15, [16] June 1775, William L. Clements Library, Germain Sackville MSS, 3.



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for relaxing the penal laws in Britain and Ireland. Military needs have been clearly shown to have been behind the North government's prompt- ing of the 1778 Irish Relief Act and a proposed bill to relieve Scottish Catholics.<sup>28</sup> In the 1790s even more urgent reasons were leading to fresh instalments of conciliation in Ireland. The Catholics of Ireland must be preserved from the contagion of French republicanism. Henry Dundas's letters about the extension of the Irish franchise in 1793 show how far British ministers had departed from any idea of a Protestant empire. It was an inescapable fact, he wrote, that Catholics were 'the majority of the Irish nation'. In the past that inescapable fact had been the rationale for the penal laws; now it was the rationale for relief from them.<sup>29</sup>

Hindus were assumed to constitute the vast majority of the population of the Company's Indian provinces with Muslims as an important minority. As men like Warren Hastings were well aware, an ecumenical distribution of religious patronage had been one of the ways in which the Indian rulers of the successor states to the Mughal empire as well as the emperors themselves had consolidated their authority. It behoved the British successors to them to do the same. A considerable body of writing was also making the case that Hinduism at least merited sympathetic toleration, since it was based on sophisticated philosophical beliefs and instilled admirable moral precepts.<sup>30</sup>

Underlying policies that sought to accommodate a diversity of laws and religions within the empire was a clear sense of imperial insecurity. Toleration was needed to consolidate precarious new dominions, especially in India and Canada, and to mobilise resources to the full for desperate struggles against Bourbon and Revolutionary France. The limited changes in religious matters that had official sanction were also aimed at shoring up a precarious empire: that is by instilling principles of order in British people overseas by Anglican church establishments in Nova Scotia and Quebec and later in the West Indies and British India. There were, however, increasingly powerful unofficial pressures for the most part from British dissenters and evangelical Anglicans, that sought not just to preserve the empire through toleration but to change it fundamentally by transforming it into an instrument of God's purposes on earth through the propagation of Protestant Christianity in all parts of it.

This vision of a truly Protestant British empire went much further than the mid-eighteenth-century ideal of a transatlantic empire of free

<sup>28</sup> Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Dublin, 1992), 84-6; Robert Kent Donovan, 'The Military Origins of the Roman Catholic Relief Programme of 1778', *Historical Journal*, 28 (1985), 79-102.

<sup>29</sup> Cited in Bartlett, *Irish Nation*, 171.

<sup>30</sup> *The British Discovery of Hinduism in the Eighteenth Century*, ed. P. J. Marshall (Cambridge, 1970).

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Protestant communities. It embraced the non-European peoples of the empire: native Americans and Africans and later Indians and the peoples of the Pacific.

To many British people, victory in the Seven Years War seemed to be a clear sign that the British empire was especially favoured by God and that much was to be expected in return. Expectations were at first focused principally on the conversion of the native Americans, who seemed for so long to have fallen under the machinations of Catholic missions from New France. These aspirations mostly perished with the war against revolutionary America. Yet even before the outbreak of that war attention was shifting to Africans. They too must be gathered to Christ, both in America and in Africa itself. To a new generation of committed Christians, slavery and the slave trade were the great obstacles to this. They were increasingly seen as crimes by which Britain and its empire were negating God's providential purposes for them and for which they would be judged and suffer divine retribution. The British empire must be purged of those great sins.

Although the attack on the slave trade attracted support from large sections of the political elite and was ultimately to succeed in 1807 as a government measure, it was driven by the commitment to it of individual activists and of a great popular following. The country-wide network of committees set up after 1787 has been seen as a crucial stage in the establishing of a claim by the middling orders of British society to a role in public life.<sup>31</sup> These committees used the press or public meetings to incite the mass signing of petitions to parliament. The evidence of their success is overwhelming. Nearly 400,000 people are estimated to have put their names to 519 petitions in 1792, the year in which General Grant saw petitions being signed at Highland blacksmiths' shops and in which they were also being signed by a wide band of urban working people throughout Britain.<sup>32</sup> Historians have interpreted opposition to the slave trade as symbolic of wider aspirations and discontents. It has been linked to a whole series of largely middle-class reform movements and to working men's sense of the violence being done to their way of life by the rise of new industries.<sup>33</sup> Such arguments are cogent, yet, whatever its underlying impulses, abolitionism still constituted a massive popular attempt to transform an empire which enslaved Africans.

<sup>31</sup> J. R. Oldfield, *Popular Politics and British Anti-Slavery: The Mobilisation of Public Opinion Against the Slave Trade, 1787-1807* (1998 edn), 118-19.

<sup>32</sup> Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (Basingstoke, 1986), 80-6.

<sup>33</sup> E. g. Oldfield, *Popular Politics*; Drescher, *Capitalism and Antislavery*; David Brion Davis, 'Reflections on Abolitionism and Ideological Hegemony', *American Historical Review*, 92 (1987), 797-812.