

Legal Knowledge Episode 2 Interview

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—Musical Introduction—

Meggan Cashwell 00:11

This is Legal Knowledge, a podcast that chronicles the two-hundred-year history of the Law School at the University of Virginia. I'm your host, Meggan Cashwell. In this inaugural season, I'm sitting down with a group of scholars to discuss the first hundred years of UVA Law, from Thomas Jefferson's founding vision for the Law School in 1819, to coeducation in 1920. Each of these scholars is writing a chapter for the Law School's forthcoming volume on legal education at UVA, for which I'm an editor. In every episode, I'll chat with one of our authors to find out the approach they've taken in their chapter and the stories they've discovered along the way.

Meggan Cashwell 00:54

Last fall, I had an enlightening conversation with Justene Hill Edwards, an associate professor of history here at the University of Virginia. Justene's chapter explores the teaching of slavery at UVA Law, the ways that UVA law professors taught the laws of slavery to their white male students, and also how they imbued the same students with their own perspectives of the institution. Justene observes that slavery was always a part of Jefferson's vision for the University. Enslaved individuals built the Academical Village and the daily work Black bondsmen and women performed supported the academic experience of the white men who enrolled here. At the Law School, legal lessons of slavery and mastery were core to a curriculum centered on property law. Antebellum law faculty trained a generation of lawyers to uphold and defend the institution, not just legally but politically and socially. Professors John Minor and James Holcombe were enslavers and ardent defenders of the institution. They utilized legal texts to support slavery as a positive good. Minor and Holcombe remained steadfast in this view, inside and outside of the classroom, even as the South turned its sights towards a horrific civil war. On this episode, Justene will talk to us about the lived experience of slavery on Grounds, as well as the intersections of slavery and legal pedagogy at Virginia Law.

Meggan Cashwell 02:19

Well, Justene, welcome to the studio. We are so happy to have you here.

Justene Hill Edwards 02:23

Thank you for inviting me.

Meggan Cashwell 02:25

I like to begin these episodes with broader context. Why was the institution of slavery key to Jefferson's vision for UVA?

Justene Hill Edwards 02:33

Well, slavery in many ways was part and parcel of Jefferson's vision for a liberal arts university and a liberal arts education. The fact that the University of Virginia was founded during the time that it was, at the beginning of the nineteenth century, means that slavery in Virginia continued to be visible and important in so many ways. And so, even though it may not have been a class or directly part of the curriculum, the fact that students at UVA and faculty were invested in preserving the institution meant that slavery would continue to be a part of the broader education that students would receive when they matriculated here. Approximately five thousand enslaved men and women were crucial in constructing the University in what became known as the Academical Village. The fact that enslaved men and women were important and vital in actually laying the bricks for the foundation, for constructing the buildings and classrooms and kitchens and dormitories, for building the homes that would house faculty and the few administrators. It meant that enslaved labor was foundational, really, in constructing the University in the first stages, but really helping the University grow and continue to function into the antebellum period.

Meggan Cashwell 04:04

We know that while UVA did hold some individuals as property, in large part the University chose to lease Black bondsmen and women. Why is that?

Justene Hill Edwards 04:15

Really in the 1820s and 1830s, slave hiring in states like Virginia was increasingly popular. It meant that those people who wanted to employ enslaved labor didn't have to take on the debt to purchase an enslaved person. Now that shifted, by 1860 I believe that were six to ten enslaved laborers that were owned by the University outright. But the vast, vast majority of enslaved laborers were owned by enslavers in Charlottesville writ large.

Meggan Cashwell 04:50

What kind of work were they performing?

Justene Hill Edwards 04:53

We are talking about enslaved men and women who did everything from, again, building the foundation and the buildings, to cooking the food, to washing the laundry, to cleaning the rooms and classrooms, and maintaining Grounds, to tending livestock. What that meant is that enslaved men and women really

did all of the labor in not just constructing the University but helping it to run and function and ultimately grow.

Meggan Cashwell 05:23

As you put it, enslaved workers were both, quote “seen and unseen” at UVA. Would you unpack that for us?

Justene Hill Edwards 05:31

The ways that enslaved men and women were occupying space on Grounds reflected the ways that enslaved labor was both visible, in kind of the broader American economy, and invisible. There were actually structures to shield students and faculty from viewing the enslaved. The serpentine wall is one of these examples of how structures were constructed to shield the work that the enslaved did. It was hard to ignore the fact that enslaved men and women were doing the very visible work of helping the University run and function. UVA does represent how slavery in the nation was structured, right, it was the labor of the enslaved that helped build the wealth of the slave South. And that wealth ultimately flowed to northern factories and industries, especially at the end of the antebellum period. But we often don't have access to the information to identify who these enslaved laborers were. We might have a name and an age, but to kind of flesh out their full stories and their full experiences, we may never have access to that information. I think it's fascinating to study the history of UVA because I think it helps us better understand and clarify the unseen, and perhaps unknowable, contributions of the millions of enslaved men and women who helped build the nation.

Meggan Cashwell 07:04

Well, we know many UVA students were also enslavers, which goes back to that idea of UVA really being a micro example of what's happening in the South. You mentioned that students could not bring the people that they held in bondage with them to Grounds, even though faculty could, but they did bring their ideas about mastery with them. Would you tell us more about that?

Justene Hill Edwards 07:26

As complicated a historical figure that Jefferson was, he was very clear about the type of education that he wanted students to receive upon matriculating here. One of the ideas that he stood firm on was that he did not want students to come here with their own personal enslaved laborers, and he wanted students to begin to develop independence and autonomy outside of their sole reliance on the enslaved.

Interestingly, Jefferson believed that relying on slavery and relying on slave labor could make a person lazy, could disincentivize them from hard work. But I think it's one of the reasons why historians continue to find Jefferson to be just a fascinating historical figure is because he continued to be full of contradictions. But yes, he did not want students to come here with their own personal slaves. He wanted students to really develop a sense of hard work and independence. It's interesting, right? Because students were really gaining this full and robust education, studying moral philosophy, studying law, but it was in these classes, it was in the classroom. And interestingly, it was through their engagement with

the enslaved laborers on Grounds where their ideas of mastery and their ideas of how to engage and interact with an enslaved person became honed.

Meggan Cashwell 08:58

The contradiction, I think, is very clear on this one, in that one cannot bring their own bondspeople with them to Grounds, but yet there are enslaved men and women who are serving them and who are supporting them in really every aspect of their educational experience. The difference between them and faculty is that faculty actually have a household on Grounds, and enslaved workers and women are required to make that household function.

Justene Hill Edwards 09:22

Exactly, exactly.

Meggan Cashwell 09:24

What do we know about the lives of enslaved Black laborers on Grounds beyond the coerced work that these individuals performed for UVA?

Justene Hill Edwards 09:33

It's clear from the historical records that students were constantly interacting with them and enslaved workers on Grounds were constantly interacting with students. Enslaved men and women were trying to eke out the best environment for them to thrive where they were coerced to work and labor. And so, there are these sometimes kind of funny instances where enslaved men and women would be asked to buy liquor for students. This suggests that there was this underground trade for illicit goods that actually revolved around the enslaved having access to these goods and students realizing this. But what it meant too, on the flip side of that, was that the enslaved were often subject to violence, to coercion. Their bodily safety and autonomy was oftentimes put in harm's way by students acting in whatever way they wanted. While the potential benefits of being hired out for enslaved people may have been there, there were most certainly opportunities for the enslaved to kind of make money on the side, for example, but their lives were kind of fraught with instability, and sometimes violence, because of the environment that they lived in on Grounds.

Meggan Cashwell 10:58

I think it's really interesting what you say about free time. When we as historians ask this question about what did enslaved laborers do on their own time. And I think what you've just pointed out to us is that even this, quote unquote, "free time" is, in many respects, still controlled, in this instance, by white students who are enveloping these enslaved people into the things that they desire to have—liquor, other goods—but then also the fact that this is an opportunity to make money for yourself as well.

Justene Hill Edwards 11:29

Grounds, especially in the nineteenth century, especially during the period of slavery, was kind of a very complicated and sometimes dangerous place for the enslaved. The kind of legal ramifications of slave hiring were always there, right? Who takes responsibility if an enslaved person is hurt, or if an enslaved person is charged with some crime? And this was particularly fraught among a population of young white men who were enslavers who may not have had to reckon or deal with the real-life consequences of their acts.

Meggan Cashwell 12:04

On that note, I think we will take a break. And when we come back, we'll talk about Law School faculty and the individual stories of enslaved persons at UVA.

—Musical Break—

Rebecca Barry 12:23

Want to learn more about the history of the University of Virginia School of Law? Consider stopping by the Arthur J. Morris Law Library, located within the Law School in Charlottesville, Virginia. Explore the library and check out our rotating exhibits or come to the Special Collections reading room to dig deeper into some of the sources we reference in our episodes. You can also visit the Special Collections website at archives.law.virginia.edu, where you'll find digitized archival material, oral histories, and online exhibitions covering topics like UVA's first law library, the Scottish Court of Session papers, law student activism during the 1970s, and student organizations, including Virginia Law Women and the Black Law Students Association. Again, that's archives.law.virginia.edu.

—Musical Break—

Meggan Cashwell 13:17

We're back with Justene Hill Edwards. And we're now transitioning to talking about the Law School specifically. All of our antebellum law faculty, which included a total of six professors between 1826 and 1860, were enslavers. I'm wondering, what did it mean to be a professor who taught the laws of slavery to your students, and also as an individual to have a vested interest in the institution?

Justene Hill Edwards 13:48

What it meant for these Law School faculty was that their understandings of the law overlapped with their oftentimes very clear support of slavery as an institution. In many ways, their perspective on slavery was infused in their pedagogy on the law. We can go through student notebooks, and really track how faculty introduced slavery as a legal concept, and then worked through legal texts to find supports for slavery as an institution. I think it's fascinating, and a really important part of this work. But all of that means that the legal education at UVA, especially during the period of slavery, what faculty did was find a legal justification for their investments in the institution. And students were taking notes on this, students were kind of grappling with these legal questions, especially as it related to laws of property.

One of the strongest proponents of slavery in the law faculty was Holcombe. Interestingly enough, he came from a family who owned slaves early in his life, but started to think critically about the moral implications for their investments in slavery. When he came to UVA in 1851, he had experienced his family actually divesting themselves of slavery, selling the enslaved laborers that they owned and actually moving to Indiana, so that he would not inherit any of the wealth that his family may have gained from their investments in slavery. Interestingly enough, ideologically he moves in the opposite direction. He becomes what I would deem as being the most pro-slavery of the law faculty in the nation. He teaches law at the same time as John Minor. Both of them together really create this environment where the legal justifications for slavery are front and center. He essentially says that secession is a valid legal strategy to pursue the maintenance of slavery as an economic and political institution. He joins the Virginia secession group and becomes a staunch advocate of, not just secession, but putting slavery front and center in the political platform of the Confederacy. It is kind of an interesting time to examine the history of UVA and legal education, because it's clear that increasingly, especially as the nation marches towards war, that Holcombe in particular becomes the person who is the most pro-slavery in the law faculty.

Meggan Cashwell 16:42

If you look at the stories of our other faculty members, at their backgrounds, they are coming from families where there is a long line of holding people as property. And in many instances, they're inheriting some of those individuals. They are enslavers in their own right. They're bringing some of these individuals to Grounds. So, Holcombe, really, in many respects, stands apart from the law faculty in how public and how staunch he is even though they all really agree with him at the end of the day, right? But then also in having this anti-slavery background.

Justene Hill Edwards 17:13

I think it's worth saying, too, that he is so staunchly supportive of slavery that he actually resigns in 1861 to fully dedicate himself to secession and to the Confederacy. I think he stands out in that way.

Meggan Cashwell 17:29

Absolutely. And he never comes back, actually, he leaves the University permanently. You were talking about Holcombe's teaching, and I want to come back to the Academical Village a bit. Pavilion III, and also Pavilion X, these were the homes of law faculty throughout the nineteenth century and into the twentieth. This is where law classes were taught until the Rotunda classrooms were constructed, I believe in the 1850s. But then professors, they maintain an office in these spaces, students are constantly traversing in and out of them, and also their families reside there. This is a space of domesticity as well. And knowing that it's a residence, it's a site of learning, it's a site of the exchange of legal ideas in our scenario. But could you also talk about these spaces as sites of enslavement?

Justene Hill Edwards 18:18

I love what you just said about these being sites of education and sites of domesticity. And I think it's important to note that yes, even though these were spaces that held classes, these were spaces where faculty lived, that the enslaved existed in these spaces as well. Insofar as students were learning about moral philosophy, for example, they were also learning about how this Jeffersonian ideal of mastery could be used on a daily basis in their interactions with the enslaved. That was another layer of this education. They were learning how to be benevolent masters, for lack of a better term, this idea of benevolent mastery was one that Jefferson espoused, was an idea that some of the law faculty espoused, too, and surely infused in how they taught the law. But students were really imbibing these ideas through their informed interactions with the enslaved.

Meggan Cashwell 19:20

It's fascinating to think about the fact that these law lectures are happening as there are actual enslaved workers who are serving the family, who are serving the students, who are surrounded by this education and, as you put it, are watching this liberal arts education unfold and they have no access to it themselves.

Justene Hill Edwards 19:37

Exactly, exactly.

Meggan Cashwell 19:39

In thinking about our law faculty, I want to bring up John Tayloe Lomax, who is our first faculty member, he serves from 1826 to 1830. John A.G. Davis, who we refer to as JAG Davis, follows him and is our law professor from 1830 to 1840. They both, at various points in their respective tenures, were faculty chairmen. Would you tell us about this rather unique role on Grounds and how it was a key component of surveillance of students and also of enslaved people here?

Justene Hill Edwards 20:11

Faculty chairman was essentially the disciplinarian. The two men in this position, Lomax and Davis, were essentially responsible for ensuring that the young men who matriculated to campus focused on their studies as much as possible, and essentially didn't get into too much trouble. But where this intersects with the lives and experiences of the enslaved was that the faculty chairman was supposed to model how students were supposed to interact with enslaved laborers. This was an aspect of the education of how to be a benevolent master that Jefferson espoused when he envisioned the University. I think it is fascinating that the two faculty chairmen were law faculty, because in many ways they were infusing their ideas about discipline and responsibility with their understanding of the law, and really using these ideas to enforce how they believe students were supposed to behave, especially with the enslaved.

Meggan Cashwell 21:15

The chairman journals, you and I have both used these, are really important because they tell us a lot about the lives of the enslaved on Grounds, because a number of these infractions do involve students and enslaved workers. I was hoping that you could share with us the stories of Albert and William.

Justene Hill Edwards 21:33

So, Albert was an enslaved man. During the 1830 and 1831 school year, he and another enslaved person was playing a game of cards, a gambling game. And gambling was strictly prohibited among the students. It was of course prohibited among the enslaved. The enslaved person accused him of cheating and stealing money that belonged to his enslaver, named Fendall Carr. This moment kind of comes up because the enslaved man essentially reports him to Lomax, and Lomax has to decide what he's going to do with Albert, with this enslaved person, and essentially with this instance of gambling. He does find a playing card in Albert's room, and another enslaved person corroborates his story. And Lomax essentially decides to write it down, report it, but does nothing. This event in particular tells us a couple things. One, it tells us the types of cases that the faculty chairman oversaw but, importantly, it also tells us just a snippet about the daily lives of the enslaved. It should not at all be surprising that we find an enslaved person gambling, trying to find pleasure or excitement in a fairly mundane activity. And they were gambling for money. One of my overarching interests is studying the experience of the enslaved with money. What did they do with it? How did they acquire it? What it meant for their status as being slaves. This incident, again, tells us about the purview of Lomax as the faculty chairman, but I think importantly tells us a little bit more about the kind of lives of the enslaved in this environment.

Meggan Cashwell 23:27

I think this is also another moment where this dynamic is really mirroring the way that the courts were operating in the South at the time, in the sense that this enslaved worker really had no right to appeal to Lomax since enslaved people could not technically be a part of this sort of legal process on Grounds, but this is, as you say, a very common occurrence. Again, even as enslaved people are denied access to this, they're still implicated in it, right? Because they are so a part of the fabric of UVA and a part of the lives of students. And maybe it's interesting to note that Albert is caught, later on, for another incident of gambling. You do see these individuals coming up over and over again in these chairman journals.

Justene Hill Edwards 24:12

Sure, exactly.

Meggan Cashwell 24:13

And I was thinking also of William, and the way that these instances also bring up the violence that is employed by white students against Black enslaved workers on Grounds. And could you tell us what happens to William?

Justene Hill Edwards 24:28

So, in December of 1835, a student assaulted William. The student was W. W. Harris, and he actually hit William. William was not owned by the University, he was leased out to his employer and her name was Mrs. Carter Gray, and she lived in Hotel E. And she filed a complaint against the student with JAG Davis on behalf of William. William was accused of insubordination by the student, Harris, probably talking back or behaving in a way that the student believed was disrespectful. Harris said that he would strike William whenever it pleased him. In addition to actually hitting him, he made a threat saying that he could hit William whenever he wanted. This was reported to Davis, who was the faculty chairman at the time. After meeting with other faculty and coming to a conclusion, the student was suspended for a week. This is important, again for a few reasons. Davis is essentially acting as an adjudicator, as a magistrate, really deciding how to deal with the incident and, importantly, how to deal with the student. This is an important lesson, I'm sure Davis believed, for the student in how to not just engage with an enslaved person, but the temperament required to engage with an enslaved person that would convey respect and deference, in a way, but to maintain a sense of stability in the environment. Davis and the other faculty essentially decide to suspend the student to show one, this is not how you're being trained to engage with the enslaved and, two, this is not the way that a benevolent master would let their emotions take over when engaging with an enslaved person.

Meggan Cashwell 26:28

And it's also my observation that this is about a power balance as well, right, and not benevolence on the part of JAG Davis towards this enslaved worker who was struck but telling the student, you know, you're not in charge here. You cannot behave this way on Grounds. This hotel keeper is in charge of you in this instance, and you can't just strike their enslaved person.

Justene Hill Edwards 26:52

And the hotel keeper is a woman. [Laughs]

Meggan Cashwell 26:54

Exactly. Yes.

Justene Hill Edwards 26:56

There are all of these power dynamics here at play that I think in an interesting way reflects how legal culture functioned in this period. We often think of laws as being a strict set of rules. But if you think about how laws infuse interactions, then a different understanding of the role and function of law kind of comes to the surface. And I think studying these interactions of race and slavery and gender really complicates that for us.

Meggan Cashwell 27:26

I think that's another good place to take a break. And when we come back, we will talk about the laws as taught by our faculty.

—Musical Break—

Meggan Cashwell 27:43

If you're enjoying Legal Knowledge, we've got even more content for you on our website, including short interviews, field recordings, photographs, and some of the archival materials we discuss with our contributors. For this episode, you can review UVA law student notebooks from the antebellum period and learn more about the role of faculty chairmen at UVA, all at legalknowledgepodcast.com. Now back to the episode.

—Musical Break—

Meggan Cashwell 28:16

We're back with Justene Hill Edwards. And I'd like to begin by discussing a body of sources that have been of immense value to this entire project, particularly chapters covering the nineteenth century, and that's student notebooks. These sources are, I think, in large part underused. It's often the case that when we talk about the antebellum classroom anywhere, not just at UVA, we think of professor lectures, which are often published, or the speeches that they gave. But I'm finding that a lot of repositories have these student notebooks. Justene, I was hoping that you could tell us about these notebooks as a key source in exploring the antebellum classroom.

Justene Hill Edwards 28:54

Notebooks are a surprisingly insightful source. When I started going through them, I was really surprised at how fruitful they would be. We do have to say you and I read nineteenth century handwriting, and that can be a challenge. [Laughs] But these notebooks really do help us understand how consistently certain themes and topics are being taught over time, and what the student is kind of imbibing or ingesting from these lectures. It is clear that legal ideas of slavery are being taught through common law, and ideas of property. Students are grappling with both on paper what these ideas mean, but practically what they could mean in their lives as enslavers.

Meggan Cashwell 29:43

Student notebooks are also unique as a source, let's say in comparison to published writing or even letters, because a student notebook, much like they are to us today or they were to you and I in college and in grad school, is that they're for you, they're for your individual use. This is really designed to be a reference source for them moving forward as they go into their careers. These notes on slavery and these notes on the law will also be of use to them when they're maybe representing enslavers in some of the cases that they will encounter as lawyers.

Justene Hill Edwards 30:15

Or too, one of the ideas that I've been thinking about quite a bit is that Jefferson really wanted students to study the law because he wanted to shape future members of Congress. So, having students write

down and ingest and really think about these ideas were intended to kind of help them shape their own politics that perhaps could look in a positive light in terms of the future of slavery in the nation.

Meggan Cashwell 30:42

How did law professors incorporate laws of slavery into their lectures? And what did these lectures entail exactly?

Justene Hill Edwards 30:50

These law professors were relying on some canonical texts in English legal history and thought to teach major ideas and concepts about the law and about how laws of slavery were both created and used on an everyday basis. They were thinking about the historical legacies of slave laws and structures of slave laws, but also they were lecturing on ideas such as the Three-Fifths Clause of the Constitution. Students were learning about, these kind of lofty, philosophical ideas. But they were also learning about the ways in which laws of slavery, both at the federal level and on the state level, were created and imposed. It's fascinating to see how these ideas changed and shifted over time, especially as law faculty, as a microcosm of pro-slavery thought in the antebellum period continued to evolve. We have professors like Lomax, who was really adopting the Jeffersonian idea of slavery being a necessary evil, that kind of influencing how he taught the laws of slavery, shifting to someone like Minor or even Holcombe, who saw slavery at the end of the antebellum period going into the war as being a positive good—that slavery was benefiting both people of African descent and the enslavers.

Meggan Cashwell 32:27

At the core of this law curriculum, it is a curriculum that is about property. If you teach about property, then you have to teach about inheritance. And if you teach about inheritance, you have to teach about slavery, you have to teach about the role of women, right? What I have come across in these notebooks, are these sort-of abstract examples of—If enslaver A is indebted to this other enslaver, can the people that they hold in bondage be seized from them to pay the debt to the other enslaver? They're giving them the kinds of cases that they're probably going to encounter as they practice the law, but then also what is going to be meaningful for them to know personally as enslavers themselves and what is their own debt liability in the nineteenth century, where the economy is all over the place to say the least.

Justene Hill Edwards 33:15

Or even in terms of criminal law, right? Who is liable if an enslaved person commits a crime? Who is liable if an enslaved person is hurt or quote unquote “damaged”? Is an enslaved person a person then? If the enslaved person is committing a crime, who is at fault, who is culpable? It gets at these questions of—When is an enslaved person a person, versus when is an enslaved person property? And all of these questions come out in these, again, very interesting notebooks from students as they are grappling with these ideas as professors are lecturing.

Meggan Cashwell 33:54

Let's talk about the legal texts that these students are reading, that our law professors were assigning. There's really nothing in the original curriculum that is specifically about slave law in the South.

Justene Hill Edwards 34:09

I think that mirrors the ways in which American laws of slavery evolved. If we understand the foundation of American law, one of the major texts of English legal history at this time was Blackstone's *Commentaries*. Blackstone gets into the topic of slavery through talking about property. But he's also creating and crafting and understanding for a general public, as literate as they were about what the common law was, how it evolved, and how it related to everyday life. The topic of slavery and the law can shift and change based on who's teaching it and their own perspectives coming to bear on the specific curriculum or lecture. And that's kind of what we see, even though, interestingly, Blackstone kind of stays in the curriculum. You find this one part where Blackstone talks about slavery and freedom copied verbatim across multiple notebooks throughout three decades of time.

Meggan Cashwell 35:15

It would be interesting to read an excerpt from one of these student notebooks as an example of what you just explained to us. I want to start out with an earlier example and then we can unpack it together. This is from John W. Stevenson's notebook from 1832 to '33. It is from JAG Davis' course. The notebook reads quote, "Before considering the several kinds of servants and the legal consequences of this relation, it is proper to define what master and servant mean, a master is one who by law has a right to personal authority over another, and the person over whom such authority may be exercised is a servant. Blackstone divides servants into four sorts, menial servants or domestics, apprentices, laborers, stewards factors or agents to which in this state we must add slaves. This last species of slaves does not exist in England and is unknown to the common law. Here they constitute a very large class in the community." In the same lecture, we see that Davis transitions from Blackstone's definition of servanthood, to what he personally considers the dangers of emancipation in the US. Stevenson writes, quote, "The total abolition of slavery by general emancipation, neither the rights of individuals acquired under the sanction of our laws nor policy permitted, for if all owning slaves had been willing to yield them up without consideration, what was to be done with them? When were they to be removed? And for them to live amongst us as free persons was entirely out of the question. In the language of Mr. Jefferson, we had the wolf by the ear, and to hold it or let it go would be attested with equal difficulty and danger." I think this is absolutely where you see in the 1830s, this instance of slavery being perceived as a necessary evil to society. The fact that they are invoking this very famous quote from Jefferson is so fascinating to me.

Justene Hill Edwards 37:06

It really is, I think especially because you see here, this student is really grappling with the reality that Jefferson was also grappling with. That however he felt morally, perhaps even spiritually, about holding enslaved men, women, and children in bondage, he wrote that he did not believe that free Blacks and whites could coexist. And that a path to emancipation would be dangerous, especially for white

Americans because of the generational memory that the enslaved had regarding violence and exploitation. I think that particular with Blackstone, one of the most poignant parts of his commentary on the relationship between master and servant is when he essentially says that slavery was beyond reason. He wrote that the “state of slavery is repugnant to reason and the principles of natural law.” Blackstone even writes that if a freeman were to enter into in England, that he would be free. I don't think that Blackstone was saying that freedom was going to happen, or that freedom was the aspiration, because he saw political inclusion and having property was the goal. The opposite of slavery, perhaps according to Blackstone was not freedom, but holding property. And yes, slavery was a steppingstone to holding property, because as a property holder you also had buy-in into the political system. But barring that, yes, you might not be enslaved as a free person, but did you have political capital? A political stake? Were you a political citizen? I think he would probably say—No. These are some of the ideas that these students were grappling with. I'm sure the faculty were incorporating in their lectures, especially as they were teaching, again, a new generation of enslavers how to think, not just theoretically, but practically, about what it means to own slaves in this society.

Meggan Cashwell 39:29

You mention that even as the laws are changing, what doesn't change is the use of Blackstone in these law classes. Even as we get into some of the notebooks in the early 1860s, as we're in the midst of Civil War, we are still seeing these same examples, the same chapter fourteen from Blackstone coming up. Is there anything that has changed in the law curriculum by the Civil War? Is there anything that has changed in their approach to Blackstone and how they're interpreting this? I'm thinking about this excerpt from another law student, Robert Hubbard's notes from 1860. You come across this quote that says, “Our slavery is justified by the necessities of society, we could not possibly get along or exist as a society if the slaves were emancipated.” He goes on to make note, that Minor makes this claim in class that, as of late in particular, slavery is just much more humane in Virginia.

Justene Hill Edwards 40:22

Yeah, and that underscores the idea that the enslaved were ill prepared for freedom. They were not prepared economically. That's what people like Minor and Holcombe believed. They were ill-prepared for freedom; they were ill-prepared for independence; they were ill-prepared for political autonomy. That's where this idea of the humane comes in. That to maintain slavery, to maintain the enslaved in bondage, to essentially expel free Blacks from a slave society would be the best way to maintain and protect the enslaved population.

Meggan Cashwell 41:03

I know that your research on this is ongoing, but what's a favorite source or two that you've come across in your research to date that has really stood out to you and where can we find it?

Justene Hill Edwards 41:13

I really enjoy perusing the JUEL website, and it stands for Jefferson's University ...the Early Life. It is searchable, and there are probably thousands of pages of records. I found them to be just so illuminating to help me better understand the culture and environment of UVA in the first decades, especially as my research looks at the history of slavery on Grounds. I think that together these sources weave an incredible story that we are just continuing to tell about the history of UVA.

Meggan Cashwell 41:50

While the book is still in progress, there is a lot of work out there right now that is chronicling the experiences of enslaved people on Grounds, is grappling with the University's relationship to southern slavery. And I was hoping that you could talk to us a little bit about some of the ongoing initiatives that we have here, such as the President's Commission on Slavery and the University, as well as the Memorial to Enslaved Laborers.

Justene Hill Edwards 42:19

The President's Commission on Slavery and the University is an outstanding ongoing project, where the University, in combination with local scholars and historians, are really dedicating time and energy and resources to literally and figuratively excavating the history of this institution. As a historian of slavery, I've found it to be just an incredible source in terms of my own work. I also oftentimes will direct my students to these wonderful sources that the University and this Commission has made accessible to help them really understand the campus on which they live and exist on. The Memorial to Enslaved Laborers is a triumph. It's such a brilliant and creative and beautiful way to acknowledge many of the enslaved laborers that I think, unfortunately, will be lost to history. And in combination with the President's Commission as they continue to find names of enslaved laborers, those names will be etched into the memorial, which I think is just a beautiful way to recognize the past, to help the public and our community understand that it is an ongoing process. These two projects together are just a brilliant and wonderful way for us to continue to do this work to bring the public and the community in recognizing the work that is being done by historians and scholars.

Meggan Cashwell 43:58

And I'll just add a couple of things to that. At the Law School, we have our slavery.law.virginia.edu site, which is where we have rewritten a number of the faculty bios to chronicle their relationship to the institution. We have a couple of profiles there on Pavilion X, Pavilion III. We have some of the student notebooks scanned and available, where you can go and flip through them online and learn more about some of these individual students. We'll post the links to this and to JUEL and to information about the President's Commission and the Memorial on the Legal Knowledge website. But Justene, I just want to thank you so much for being here. This was just such a wonderful conversation and I appreciate your insight.

Justene Hill Edwards 44:38

Thank you for having me.

—Musical Break—

Meggan Cashwell 44:51

For more on today's episode, please visit our website, legalknowledgepodcast.com, where you'll find show notes, a transcript, and bonus content. We'd also love to hear from you. So, if you have thoughts on the show, feel free to reach out to us via our contact us page, also at legalknowledgepodcast.com. I hope you'll join us for the next episode, as we continue to explore legal education at the University of Virginia. Thanks for listening.

—Musical Break—

Rebecca Barry 45:22

Legal Knowledge is a production of the Arthur J. Morris Law Library at the University of Virginia. The podcast is produced by me, Rebecca Barry, along with Meggan Cashwell and Addie Patrick. Special thanks to Loren Moulds for designing our website, Jane McBrian for assisting with transcription, and Randi Flaherty for supporting this podcast in countless ways. We also want to thank the staff at WTJU for use of their studio and the staff at the Albert and Shirley Small Special Collections Library at UVA for use of their materials. Our theme song is *Center of Gravity* by Phutureprimitive. Please rate and review Legal Knowledge on your favorite podcast app, and be sure to tell your friends about the show. We'll see you next time.

—Musical Outro—