

ARTICLE

Granville Sharp's Ancient Constitution: Legal Argument and Antislavery Thought

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This article examines the role of legal argument in late eighteenth-century antislavery thought by subjecting Granville Sharp's legal writing to detailed scrutiny. Much scholarship on law and antislavery in the British context justifiably focuses on the meaning of Lord Mansfield's 1772 ruling in *Somerset's Case*. Adopting a different approach, this article reads Sharp's antislavery jurisprudence expansively, as an effort to fashion legal and political ideals. In so doing, it shows that Sharp's legal writing was part of a broader project aimed at associating antislavery with a particular conception of national identity. Examining Sharp's wide-ranging analysis of statute and common law, the article further argues that Sharp developed a form of natural-rights constitutionalism, melding the radical cause of abolition with the notion of tradition. Finally, the article explains how Sharp's jurisprudence promoted an ideologically important vision of abolitionism as a distinctively modern form of progress. In short, the article argues that Sharp's legal writing should be read not only in relation to *Somerset* but also as a means of understanding the character of antislavery thought and its relation to wider currents in eighteenth-century radicalism.

Legal argument played a central role in the eighteenth-century rise of antislavery in Britain. Before the formation of the Society for Effecting the Abolition of the Slave Trade, prominent antislavery critics cast doubt on the legality of slavery, making law and justice a crucial site of early debate. John Wesley's seminal tract, *Thoughts upon Slavery*, suggested that legal justifications for enslavement were false, and argued, more broadly, that slavery contravened "natural Justice."¹ Maurice Morgann, author of the first abolition plan published in Britain, introduced his work by arguing that slavery was incompatible with "the laws of England, and the genius of our constitution."² Perhaps no figure, however, exemplified the conjuncture between law and antislavery more than Granville Sharp, the prolific writer and advocate who would later become the society's first chairman.

¹ John Wesley, *Thoughts upon Slavery* (London, 1774), 31.

² Maurice Morgann, *A Plan for the Abolition of Slavery in the West Indies* (London, 1772), iii.

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