

SLAVERY,
the
CIVIL LAW,
and the
SUPREME COURT
of
LOUISIANA



JUDITH KELLEHER SCHAFER

Slavery The Civil Law And The Supreme Court Of Louisiana

Ariela J. Gross



Slavery The Civil Law And The Supreme Court Of Louisiana:

Slavery, the Civil Law, and the Supreme Court of Louisiana Judith Kelleher Schafer, 1997-03-01 Winner of the Francis Butler Simkins Award for 1995 and the 1994 General L Kemper Williams Prize In what may be the most impressive research to date of state supreme court records this study analyzes the evolution of Louisiana's slave laws from the territorial period to the Civil War Schafer presents numerous concise case histories that are fascinating and at times heartbreaking in the particulars they reveal about slaves' existence Anyone interested in slavery will find Schafer's work riveting reading for it depicts in detail probably better than most fictional or narrative accounts what living in bondage could mean

Through the Codes Darkly Vernon V. Palmer, 2012 A path breaking and masterly study of Louisiana slave law this fascinating study offers an examination of the complex French Spanish Roman and American heritage of Louisiana's law of slavery and its codification a profile of the first effort in modern history to integrate slavery into a European style civil code the 1808 Digest of Orleans a trailblazing study of the unwritten laws of slavery and the legal impact of customs and practices developing outside of the Codes an analysis that overturns the previous scholarly view that Roman law was the model for the Code Noir of 1685 a new unabridged translation by Palmer of the Code Noir of 1724 with the original French text on facing pages A very useful addition to the growing literature on the law of slavery this book is particularly important in helping understand the complexity of the Louisiana Code Noir and its impact on American slave law Palmer's discussion of how the Code came to be written will surprise and educate those who read this book Paul Finkelman John Hope Franklin Visiting Professor of American Legal History Duke University School of Law and President William McKinley Distinguished Professor of Law Albany Law School When it comes to demystifying slave law in Louisiana Vernon Palmer is practically peerless It's probably because he is equally comfortable in the weeds of lived experience as he is poring over the pages of classical learning These masterful essays on the Code Noir's origins plus Louisiana's 150 year interplay between custom and legal practice belong on the shelf of anyone with the faintest curiosity about human bondage and the laws fashioned to make it work Lawrence N Powell Professor Emeritus Department of History Tulane University Slavery remains a current social and political problem and Vernon Palmer's brilliant work illuminates its history showing its legal and social complexity through a study primarily of Louisiana where slavery was included in the first civil codes Beautifully written humane and insightful this monograph will promote reflection on the fascinating legal history of Louisiana as well as on the famous Tannenbaum thesis John W Cairns FRSE Chair of Legal History University of Edinburgh Palmer has written a path breaking and splendid account of how Louisianians newly under American rule wrote the first modern codes that incorporated slavery in a systematic way into their civil law Until now ignored by scholars these codifications moved slavery from the edges of the legal system to the very center stage in Louisiana courtrooms The redactors of these codes implanted provisions about slavery into the law of persons property successions sales and prescription producing a unique Atlantic World slave law of incomparable richness

and complexity unseen in other legal systems Judith Kelleher Schafer author of *Slavery the Civil Law and the Supreme Court of Louisiana* and *Becoming Free Remaining Free Manumission and Enslavement in New Orleans 1846 1862* *Black Litigants in the Antebellum American South* Kimberly M. Welch, 2018-01-02 In the antebellum Natchez district in the heart of slave country black people sued white people in all white courtrooms They sued to enforce the terms of their contracts recover unpaid debts recuperate back wages and claim damages for assault They sued in conflicts over property and personal status And they often won Based on new research conducted in courthouse basements and storage sheds in rural Mississippi and Louisiana Kimberly Welch draws on over 1 000 examples of free and enslaved black litigants who used the courts to protect their interests and reconfigure their place in a tense society To understand their success Welch argues that we must understand the language that they used the language of property in particular to make their claims recognizable and persuasive to others and to link their status as owner to the ideal of a free autonomous citizen In telling their stories Welch reveals a previously unknown world of black legal activity one that is consequential for understanding the long history of race rights and civic inclusion in America **The Two Lives of Sally Miller** Carol Wilson, 2007 In 1843 the Louisiana Supreme Court heard the case of a slave named Sally Miller who claimed to have been born a free white person in Germany This text explores this legal case and its reflection on broader questions about race society and law in the antebellum South

Southern Slavery and the Law, 1619-1860 Thomas D. Morris, 2004-01-21 This volume is the first comprehensive history of the evolving relationship between American slavery and the law from colonial times to the Civil War As Thomas Morris clearly shows racial slavery came to the English colonies as an institution without strict legal definitions or guidelines Specifically he demonstrates that there was no coherent body of law that dealt solely with slaves Instead more general legal rules concerning inheritance mortgages and transfers of property coexisted with laws pertaining only to slaves According to Morris southern lawmakers and judges struggled to reconcile a social order based on slavery with existing English common law or in Louisiana with continental civil law Because much was left to local interpretation laws varied between and even within states In addition legal doctrine often differed from local practice And as Morris reveals in the decades leading up to the Civil War tensions mounted between the legal culture of racial slavery and the competing demands of capitalism and evangelical Christianity **Appealing for Liberty** Loren Schweninger, 2018-09-03 Sweeping in scope *Appealing for Liberty* gives voice to the enslaved African Americans who appealed for their freedom in court drawing from more than 2 000 suits and the testimony of more than 4 000 plaintiffs from the Revolutionary era to the Civil War Through the petitions evidence and testimony introduced in these court proceedings the lives of the enslaved come sharply and poignantly into focus as do many other aspects of southern society

The Logic of Slavery Tim Armstrong, 2012-08-27 In American history and throughout the Western world the subjugation perpetuated by slavery has created a unique culture of slavery That culture exists as a metaphorical artistic and literary tradition attached to the enslaved human beings whose lives are owed to another

who are used as instruments by another and who must endure suffering in silence Tim Armstrong explores the metaphorical legacy of slavery in American culture by investigating debt technology and pain in African American literature and a range of other writings and artworks Armstrong's careful analysis reveals how notions of the slave as a debtor lie hidden in our accounts of the commodified self and how writers like Nathaniel Hawthorne Rebecca Harding Davis Booker T Washington W E B Du Bois Ralph Ellison and Toni Morrison grapple with the pervasive view that slaves are akin to machines

Slave Country Adam ROTHMAN, 2009-06-30 *Slave Country* tells the tragic story of the expansion of slavery in the new United States In the wake of the American Revolution slavery gradually disappeared from the northern states and the importation of captive Africans was prohibited Yet at the same time the country's slave population grew new plantation crops appeared and several new slave states joined the Union Adam Rothman explores how slavery flourished in a new nation dedicated to the principle of equality among free men and reveals the enormous consequences of U S expansion into the region that became the Deep South Rothman maps the combination of transatlantic capitalism and American nationalism that provoked a massive forced migration of slaves into Louisiana Alabama and Mississippi He tells the fascinating story of collaboration and conflict among the diverse European African and indigenous peoples who inhabited the Deep South during the Jeffersonian era and who turned the region into the most dynamic slave system of the Atlantic world Paying close attention to dramatic episodes of resistance rebellion and war Rothman exposes the terrible violence that haunted the Jeffersonian vision of republican expansion across the American continent *Slave Country* combines political economic military and social history in an elegant narrative that illuminates the perilous relation between freedom and slavery in the early United States This book is essential reading for anyone interested in an honest look at America's troubled past

Re-Interpreting Blackstone's Commentaries Wilfrid Prest, 2014-12-01 This collection explores the remarkable impact and continuing influence of William Blackstone's *Commentaries on the Laws of England* from the work's original publication in the 1760s down to the present Contributions by cultural and literary scholars and intellectual and legal historians trace the manner in which this truly seminal text has established its authority well beyond the author's native shores or his own limited lifespan In the first section *Words and Visions* Kathryn Temple Simon Stern Cristina S Martinez and Michael Meehan discuss the *Commentaries* aesthetic and literary qualities as factors contributing to the work's unique status in Anglo American legal culture The second group of essays traces the nature and dimensions of Blackstone's impact in various jurisdictions outside England namely Quebec Michel Morin Louisiana and the United States more generally John W Cairns and Stephen M Sheppard North Carolina John V Orth and Australasia Wilfrid Prest Finally Horst Dippel Paul Halliday and Ruth Paley examine aspects of Blackstone's influential constitutional and political ideas while Jessie Allen concludes the volume with a personal account of *Reading Blackstone in the Twenty First Century* and the *Twenty First Century through Blackstone* This volume is a sequel to the well received collection *Blackstone and his Commentaries Biography Law History* Hart Publishing 2009

Double

Character Ariela J. Gross, 2021-07-13 In a groundbreaking study of the day to day law and culture of slavery Ariela Gross investigates the local courtrooms of the Deep South where ordinary people settled their disputes over slaves Buyers sued sellers for breach of warranty when they considered slaves to be physically or morally defective owners sued supervisors who whipped or neglected slaves under their care Double Character seeks to explain how communities dealt with an important dilemma raised by these trials how could slaves who acted as moral agents be treated as commodities Because these cases made the character of slaves a central legal question slaves moral agency intruded into the courtroom often challenging the character of slaveholders who saw themselves as honorable masters Gross looks at the stories about white and black character that witnesses and litigants put forth in court She not only reveals the role of law in constructing race but also offers a portrait of the culture of slavery one that addresses historical debates about law honor and commerce in the American South Gross maintains that witnesses and litigants drew on narratives available in the culture at large to explain the nature and origins of slaves character such as why slaves became runaways But the legal process also shaped their expressions of racial ideology by favoring certain explanations over others Double Character brings to life the law as a dramatic ritual in people s daily lives looking at trials from the perspective of litigants lawyers doctors and the slaves themselves The author s approach combines the methods of cultural anthropology quantitative social history and critical race theory

Runaway Slaves John Hope Franklin, Loren Schweninger, 1999-04-29 From John Hope Franklin America s foremost African American historian comes this groundbreaking analysis of slave resistance and escape A sweeping panorama of plantation life before the Civil War this book reveals that slaves frequently rebelled against their masters and ran away from their plantations whenever they could For generations important aspects about slave life on the plantations of the American South have remained shrouded Historians thought for instance that slaves were generally pliant and resigned to their roles as human chattel and that racial violence on the plantation was an aberration In this precedent setting book John Hope Franklin and Loren Schweninger demonstrate that contrary to popular belief significant numbers of slaves did in fact frequently rebel against their masters and struggled to attain their freedom By surveying a wealth of documents such as planters records petitions to county courts and state legislatures and local newspapers this book shows how slaves resisted when where and how they escaped where they fled to how long they remained in hiding and how they survived away from the plantation Of equal importance it examines the reactions of the white slaveholding class revealing how they marshaled considerable effort to prevent runaways meted out severe punishments and established patrols to hunt down escaped slaves Reflecting a lifetime of thought by our leading authority in African American history this book provides the key to truly understanding the relationship between slaveholders and the runaways who challenged the system illuminating as never before the true nature of the South s most peculiar institution

The Southern Debate Over Slavery: Petitions to Southern legislatures, 1778-1864 Loren Schweninger, 2001 A collection of 180 county court petitions designed to offer as

broad a selection as possible and include the voices of all participants black and white slave and free slaveholder and non slaveholder male and female **American Studies** Janice A. Radway, Kevin Gaines, Barry Shank, Penny Von Eschen, 2009-03-09 American Studies is a vigorous bold account of the changes in the field of American Studies over the last thirty five years Through this set of carefully selected key essays by an editorial board of expert scholars the book demonstrates how changes in the field have produced new genealogies that tell different histories of both America and the study of America Charts the evolution of American Studies from the end of World War II to the present day by showcasing the best scholarship in this field An introductory essay by the distinguished editorial board highlights developments in the field and places each essay in its historical and theoretical context Explores topics such as American politics history culture race gender and working life Shows how changing perspectives have enabled older concepts to emerge in a different context

Intimate Partner Violence in New Orleans Ashley Baggett, 2017-10-13 Ashley Baggett uncovers the voices of abused women who utilized the legal system in New Orleans to address their grievances from the antebellum era to the end of the nineteenth century Poring over 26 000 records Baggett analyzes 421 criminal cases involving intimate partner violence physical or emotional abuse of a partner in a romantic relationship revealing a significant demand among women the community and the courts for reform in the postbellum decades Before the Civil War some challenges and limits to the male privilege of chastisement existed but the gendered power structure and the veil of privacy for families in the courts largely shielded abusers from criminal prosecution However the war upended gender expectations and increased female autonomy leading to the demand for and brief recognition of women s right to be free from violence Baggett demonstrates how postbellum decades offered a fleeting opportunity for change before the gender and racial expectations hardened with the rise of Jim Crow Her findings reveal previously unseen dimensions of women s lives both inside and outside legal marriage and women s attempts to renegotiate power in relationships Highlighting the lived experiences of these women Baggett tracks how gender race and location worked together to define and redefine gender expectations and legal rights Moreover she demonstrates recognition of women s legal personhood as well as differences between northern and southern states trajectories in response to intimate partner violence during the nineteenth century The Carceral City John Bardes, 2024-04-02 Americans often assume that slave societies had little use for prisons and police because slaveholders only ever inflicted violence directly or through overseers Mustering tens of thousands of previously overlooked arrest and prison records John K Bardes demonstrates the opposite in parts of the South enslaved and free people were jailed at astronomical rates Slaveholders were deeply reliant on coercive state action Authorities built massive slave prisons and devised specialized slave penal systems to maintain control and maximize profit Indeed in New Orleans for most of the past half century the city with the highest incarceration rate in the United States enslaved people were jailed at higher rates during the antebellum era than are Black residents today Moreover some slave prisons remained in use well after

Emancipation in these forgotten institutions lie the hidden origins of state violence under Jim Crow With powerful and evocative prose Barden boldly reinterprets relations between slavery and prison development in American history Racialized policing and mass incarceration are among the gravest moral crises of our age but they are not new slavery the prison and race are deeply interwoven into the history of American governance **Soul by Soul** Walter JOHNSON,2009-06-30 Soul by Soul tells the story of slavery in antebellum America by moving away from the cotton plantations and into the slave market itself the heart of the domestic slave trade Taking us inside the New Orleans slave market the largest in the nation where 100 000 men women and children were packaged priced and sold Walter Johnson transforms the statistics of this chilling trade into the human drama of traders buyers and slaves negotiating sales that would alter the life of each What emerges is not only the brutal economics of trading but the vast and surprising interdependencies among the actors involved

Becoming Free, Remaining Free Judith Kelleher Schafer,2003-05-01 Louisiana state law was unique in allowing slaves to contract for their freedom and to initiate a lawsuit for liberty Judith Kelleher Schafer describes the ingenious and remarkably sophisticated ways New Orleans slaves used the legal system to gain their independence and find a voice in a society that ordinarily gave them none Showing that remaining free was often as challenging as becoming free Schafer also recounts numerous cases in which free people of color were forced to use the courts to prove their status She further documents seventeen free blacks who when faced with deportation amazingly sued to enslave themselves Schafer s impressive detective work achieves a rare feat in the historical profession the unveiling of an entirely new facet of the slave experience in the American South *African American Slavery and Disability* Dea H. Boster,2013 Disability is often mentioned in discussions of slave health mistreatment and abuse but constructs of how able and disabled bodies influenced the institution of slavery has gone largely overlooked This volume uncovers a history of disability in African American slavery from the primary record analyzing how concepts of race disability and power converged in the United States in the first half of the nineteenth century Slaves with physical and mental impairments often faced unique limitations and conditions in their diagnosis treatment and evaluation as property Slaves with disabilities proved a significant challenge to white authority figures torn between the desire to categorize them as different or defective and the practical need to incorporate their disorderly bodies into daily life Being physically unfit could sometimes allow slaves to escape the limitations of bondage and oppression and establish a measure of self control Furthermore ideas about and reactions to disability appearing as social construction legal definition medical phenomenon metaphor or masquerade highlighted deep struggles over bodies in bondage in antebellum America **The Harvard Guide to African-American History** Evelyn Brooks Higginbotham,2001 This massive guide sponsored by the W E B Du Bois Institute for Afro American Research at Harvard University and compiled by renowned experts offers a compendium of information and interpretation on over 500 years of black experience in America The Sugar Masters Richard Follett,2007-02-01 Focusing on the master slave relationship in Louisiana s

antebellum sugarcane country The Sugar Masters explores how a modern capitalist mind set among planters meshed with old style paternalistic attitudes to create one of the South s most insidiously oppressive labor systems As author Richard Follett vividly demonstrates the agricultural paradise of Louisiana s thriving sugarcane fields came at an unconscionable cost to slaves Thanks to technological and business innovations sugar planters stood as models of capitalist entrepreneurship by midcentury But above all labor management was the secret to their impressive success Follett explains how in exchange for increased productivity and efficiency they offered their slaves a range of incentives such as greater autonomy improved accommodations and even financial remuneration These material gains however were only short term According to Follett many of Louisiana s sugar elite presented their incentives with a facade of paternal reciprocity that seemingly bound the slaves interests to the apparent goodwill of the masters but in fact the owners sought to control every aspect of the slaves s lives from reproduction to discretionary income Slaves responded to this display of paternalism by trying to enhance their rights under bondage but the constant bargaining process invariably led to compromises on their part and the grueling production pace never relented The only respite from their masters demands lay in fashioning their own society including outlets for religion leisure and trade Until recently scholars have viewed planters as either paternalistic lords who eschewed marketplace values or as entrepreneurs driven to business success Follett offers a new view of the sugar masters as embracing both the capitalist market and a social ideology based on hierarchy honor and paternalism His stunning synthesis of empirical research demographics study and social and cultural history sets a new standard for this subject

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