

Slave Law In The Americas

David Scott Clark



Slave Law In The Americas:

Slave Law in the Americas Alan Watson, 1989-01-01 In this book Alan Watson argues that the slave laws of North and South America the written codes defining the relationship of masters to slaves reflect not so much the culture and society of the various colonies but the legal traditions of England Europe and ancient Rome A pathbreaking study concerned as much with the nature of comparative law as the specific subject of the law of slavery *Slave Law in the Americas* posits an essential distance in the Western legal tradition between the tenets of law and the values of the society they govern Laws Watson shows often are made not by governments or rulers but by jurists as in ancient Rome law professors as in medieval and continental Europe and judges as in common law England Bodies of law often created without reference to particular social and political ideals are also often transferred whole cloth from one society to another Tracing the effects of the reception of Roman law throughout Europe excluding England and the Americas Watson reveals the enormous impact of this legal tradition on subsequent lawmakers operating under utterly dissimilar social and political conditions in the New World Slave law in the colonies Watson demonstrates had much to do with the mother country's relations to Roman law Spain Portugal France and the United Dutch Provinces all within the Roman legal tradition imposed on their colonies slave laws that were private and nonracist in character laws that interfered little in master slave relations and provided for the relative ease of manumission and the grant of citizenship to freed slaves England however did not ascribe to Roman law and colonists created rather than received slave law Public and racist slave law in the English colonies uniquely reflected local concerns involving every citizen in the protection and perpetuation of slavery strictly regulating education manumission and citizenship status Comparative legal history Watson writes is in its infancy Presenting the laws of slavery in ancient Rome and in the slaveholding colonies of America Watson demonstrates how comparative law can elucidate the relationship of law legal rules and institutions to the society in which they operate Investigating not the dynamics of slavery but of slave law he reveals the working of a legal culture and its peculiar history *Slavery in America* Dorothy Schneider, Carl J. Schneider, 2014-05-14 Presents the history of slavery in America from colonial times through the U S Civil War *Law and People in Colonial America* Peter Charles Hoffer, 2019-11-05 An essential rigorous and lively introduction to the beginnings of American law How did American colonists transform British law into their own What were the colonies first legal institutions and who served in them And why did the early Americans develop a passion for litigation that continues to this day In *Law and People in Colonial America* Peter Charles Hoffer tells the story of early American law from its beginnings on the British mainland to its maturation during the crisis of the American Revolution For the men and women of colonial America Hoffer explains law was a pervasive influence in everyday life Because it was their law the colonists continually adapted it to fit changing circumstances They also developed a sense of legalism that influenced virtually all social economic and political relationships This sense of intimacy with the law Hoffer argues assumed a transforming power in times of crisis In the midst

of a war for independence American revolutionaries used their intimacy with the law to explain how their rebellion could be lawful while legislators wrote republican constitutions that would endure for centuries Today the role of law in American life is more pervasive than ever And because our system of law involves a continuing dialogue between past and present interpreting the meaning of precedent and of past legislation the study of legal history is a vital part of every citizen's basic education Taking advantage of rich new scholarship that goes beyond traditional approaches to view slavery as a fundamental cultural and social institution as well as an economic one this second edition includes an extensive entirely new chapter on colonial and revolutionary era slave law Law and People in Colonial America is a lively introduction to early American law It makes for essential reading *Slave Law in the American South* Mark V. Tushnet, 2003 Tying together legal historical social political and literary strands to show how the law itself was implicated in the persistence of slavery this work sheds new light on slavery and Southern history as it probes the conscience of a troubled jurist incapable of fully transcending his times **Slavery in America** Kenneth Morgan, 2005 Designed specially for undergraduate course use this new textbook is both an introduction to the study of American slavery and a reader of core texts on the subject No other volume that combines both primary and secondary readings covers such a span of time from the early seventeenth century to the Civil War The book begins with a substantial introduction to the entire volume that gives an overview of slavery in North America Each of the twelve chapters that follow has an introduction that discusses the leading secondary books and articles on the topic in question followed by an essay and three primary documents Questions for further study and discussion are included in the chapter introduction while further readings are suggested in the chapter bibliography Topics covered include slave culture the slave based economy slavery and the law slave resistance pro slavery ideology abolition and emancipation The essays by such eminent historians as Drew Gilpin Faust Don E. Fehrenbacher Eric Foner John Hope Franklin and Sylvia R. Frey have been selected for their teaching value and ability to provoke discussion Drawing on black and white male and female experiences the primary documents come from a wide variety of sources diaries letters laws debates oral testimonies travelers accounts inventories journals autobiographies petitions and novels *American Comparative Law* David Scott Clark, 2022 Historical Comparative Law and Comparative Legal History Legal history and comparative law overlap in important respects This is more apparent with the use of some methods for comparison such as legal transplant natural law or nation building M. N. S. Sellers nicely portrayed the relationship The past is a foreign country its people strangers and its laws obscure No one can really understand her or his own legal system without leaving it first and looking back from the outside The comparative study of law makes one's own legal system more comprehensible by revealing its idiosyncrasies Legal history is comparative law without travel Legal historians perhaps especially in the United States have been skeptical about the possibility of a fruitful comparative legal history preferring in general to investigate the distinctiveness of their national experience Comparatists however content with revealing or promoting similarities or differences between legal

systems by their nature strive toward comparison Some American historians especially since World War II see the value in this

Fugitive Slaves and American Courts Paul Finkelman, 2012-11 Reprinted from the series Slavery Race and the American Legal System 1700 1872 this set contains facsimiles of 56 rare pamphlets relating to court cases involving fugitive slaves As in the companion set Southern Slaves in Free State Courts some pamphlets were part of the public debate over judicial decisions Others used cases to promote the antislavery cause or in some instances support or justify slavery These volumes belong in every library used for research and in particular at all law school libraries They will prove valuable to historians lawyers law teachers and students and all persons interested in the problems of slavery and race in American experience William M Wiecek American Journal of Legal History 33 1989 187

The Many Legalities of Early America Christopher L. Tomlins, Bruce H. Mann, 2012-12-01 This collection of seventeen original essays reshapes the field of early American legal history not by focusing simply on law or even on the relationship between law and society but by using the concept of legality to explore the myriad ways in which the people of early America ordered their relationships with one another whether as individuals groups classes communities or states Addressing issues of gender ethnicity family patriarchy culture and dependence contributors explore the transatlantic context of early American law the negotiation between European and indigenous legal cultures the multiple social contexts of the rule of law and the transformation of many legalities into an increasingly uniform legal culture Taken together these essays reveal the extraordinary diversity and complexity of the roots of early America's legal culture Contributors are Mary Sarah Bilder Holly Brewer James F Brooks Richard Lyman Bushman Christine Daniels Cornelia Hughes Dayton David Barry Gaspar Katherine Hermes John G Kolp David Thomas Konig James Muldoon William M Offutt Jr Ann Marie Plane A G Roeber Terri L Snyder and Linda L Sturtz

Indian Slavery in Colonial America Alan Galloway, 2009-01-01 European enslavement of American Indians began with Christopher Columbus's arrival in the New World The slave trade expanded with European colonies and though African slave labor filled many needs huge numbers of America's indigenous peoples continued to be captured and forced to work as slaves Although central to the process of colony building in what became the United States this phenomena has received scant attention from historians Indian Slavery in Colonial America edited by Alan Galloway examines the complicated dynamics of Indian enslavement How and why Indians became both slaves of the Europeans and suppliers of slavery's victims is the subject of this book The essays in this collection use Indian slavery as a lens through which to explore both Indian and European societies and their interactions as well as relations between and among Native groups

The American Law of Slavery, 1810-1860 Mark Tushnet, 2019-02-19 In an examination of Southern slave law between 1810 and 1860 Mark Tushnet reveals a structured dichotomy between slave labor systems and bourgeois systems of production Whereas the former rest on the total dominion of the master over the slave and necessitate a concern for the slave's humanity the latter rest of the purchase by the capitalist of a worker's labor power only and are concerned primarily with economic interest

Focusing on a wide range of issues that include contract and accident law as well as criminal law and the law of manumission he shows how Southern slave law had to respond to the competing pressures of humanity and interest Beginning with a critical evaluation of slave law the author develops the conceptual framework for his own perspective on the legal system drawing on the works of Marx and Weber He then examines four appellate court cases decided in three different states from civil law Louisiana to commonlaw North Carolina at widely separated times from 1818 to 1858 Professor Tushnet finds that the cases display a continuing but never wholly successful attempt at distinguish between law and sentiment as modes of regulating social interactions involving slaves Also the cases show that the primary method of accommodating law and sentiment was an attempt to use rigid categories to confine the law of slavery to what was thought its proper sphere Mark Tushnet is Professor of Law at the University of Wisconsin Originally published in 1981 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

A Companion to American Legal History Sally E. Hadden, Alfred L. Brophy, 2013-02-22 *A Companion to American Legal History* presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas

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

Mixed Race America and the Law Kevin R. Johnson, 2003-02 This ground breaking anthology examines the mixed race experience and the impact of law on mixed race citizens in America

The Law of American Slavery Kermit L. Hall, 1987 This work is a collection of articles on the operation of the law or slavery in the American South before the Civil War The reliance of the law to define the condition of the slave under the American slavery system is analyzed in these articles

Reader's Guide to American History Peter J. Parish, 2013-06-17 There are so many books on so many aspects of the history of the United States offering such a wide variety of interpretations that students teachers scholars and librarians often need help and advice on how to find what they want The Reader's Guide to American History is designed to meet that need by adopting a new and constructive approach to the appreciation of this rich historiography Each of the 600 entries on topics in political social and economic history describes and evaluates some 6 to 12 books on the topic providing guidance to the reader on everything

from broad surveys and interpretive works to specialized monographs The entries are devoted to events and individuals as well as broader themes and are written by a team of well over 200 contributors all scholars of American history

Understanding the African Diaspora Henry M. Codjoe, 2025-12-05 Understanding the African Diaspora offers a clear and engaging introduction to the global movements histories and cultural experiences of African and African descended peoples from ancient times to the present The book traces the wide reaching impact of the African diaspora shaped by both forced and voluntary migrations including the transatlantic slave trade colonialism and more recent waves of movement It explores how African descended communities have contributed to and reshaped societies across the Americas Europe the Middle East and Asia while maintaining enduring ties to the African continent Each chapter presents key historical developments cultural expressions and political struggles supported by maps timelines and infographics that help bring complex topics into focus Students are introduced to major debates in the field and regional case studies that highlight the diversity and resilience of African diasporic life Designed especially for courses in African Diaspora Studies this textbook is also well suited for African and African American history and related programmes Its accessible structure and interdisciplinary approach make it ideal for undergraduate students educators and general readers seeking a strong foundation in one of the most significant and far reaching movements in global history

British Unitarians Against American Slavery, 1833-65 Douglas C. Stange, 1984 This study of the British Unitarians is the story of this group's thirty year war against the master sin of the world American slavery Focusing on the group known as the Garrisonians the author examines their racial views their attitudes toward the Civil War their relations with the American antislavery movement and the difficult problem of the relation between religious commitment and social activism

Intellectual Origins of American Slavery John Samuel Harpham, 2025 A landmark account of the origins of American slavery revealing how ancient Roman ideas were used to defend the establishment of a slave empire in the English Atlantic world The period from 1550 to 1700 was critical in the development of slavery across the English Atlantic world During this time English discourse about slavery revolved around one central question How could free persons be made into slaves John Samuel Harpham shows that English authors found answers to this question in a tradition of ideas that stretched back to the ancient world where they were most powerfully expressed in Roman law These ideas in turn became the basis for the earliest defenses of American slavery The Roman tradition had located the main source of slavery in war enslavement was the common fate of captives who otherwise faced execution In early modern England this account was incorporated into studies of the common law and influential natural rights theories by the likes of Hugo Grotius and John Locke When Europeans started to publish firsthand accounts of Africa in the sixteenth century these reports were thus received into a culture saturated with Roman ideas Over time English observers started to assert that the common customs of enslavement among the nations of Africa fit within the Roman model Englishmen had initially expressed reluctance to take part in the Atlantic slave trade But once assured that the slave trade

could be traced back to customs they understood to be legitimate they proved keen to profit from it An eloquent account of the moral logic that propelled the development of an immoral institution The Intellectual Origins of American Slavery reveals the power of an overlooked tradition of ideas in the history of human bondage Race and Ethnicity in America Russell M. Lawson, Benjamin A. Lawson, 2019-10-11 Divided into four volumes Race and Ethnicity in America provides a complete overview of the history of racial and ethnic relations in America from pre contact to the present The five hundred years since Europeans made contact with the indigenous peoples of America have been dominated by racial and ethnic tensions During the colonial period from 1500 to 1776 slavery and servitude of whites blacks and Indians formed the foundation for race and ethnic relations After the American Revolution slavery labor inequalities and immigration led to racial and ethnic tensions after the Civil War labor inequalities immigration and the fight for civil rights dominated America s racial and ethnic experience From the 1960s to the present the unfulfilled promise of civil rights for all ethnic and racial groups in America has been the most important sociopolitical issue in America Race and Ethnicity in America tells this story of the fight for equality in America The first volume spans pre contact to the American Revolution the second the American Revolution to the Civil War the third Reconstruction to the Civil Rights Movement and the fourth the Civil Rights Movement to the present All volumes explore the culture society labor war and politics and cultural expressions of racial and ethnic groups

Encyclopedia of African American History, 1619-1895 Paul Finkelman, 2006-04-06 It is impossible to understand America without understanding the history of African Americans In nearly seven hundred entries the Encyclopedia of African American History 1619 1895 documents the full range of the African American experience during that period from the arrival of the first slave ship to the death of Frederick Douglass and shows how all aspects of American culture history and national identity have been profoundly influenced by the experience of African Americans The Encyclopedia covers an extraordinary range of subjects Major topics such as Abolitionism Black Nationalism the Civil War the Dred Scott case Reconstruction Slave Rebellions and Insurrections the Underground Railroad and Voting Rights are given the in depth treatment one would expect But the encyclopedia also contains hundreds of fascinating entries on less obvious subjects such as the African Grove Theatre Black Seafarers Buffalo Soldiers the Catholic Church and African Americans Cemeteries and Burials Gender Midwifery New York African Free Schools Oratory and Verbal Arts Religion and Slavery the Secret Six and much more In addition the Encyclopedia offers brief biographies of important African Americans as well as white Americans who have played a significant role in African American history from Crispus Attucks John Brown and Henry Ward Beecher to Olaudah Equiano Frederick Douglass Sarah Grimke Sojourner Truth Nat Turner Phillis Wheatley and many others All of the Encyclopedia s alphabetically arranged entries are accessibly written and free of jargon and technical terms To facilitate ease of use many composite entries gather similar topics under one headword The entry for Slave Narratives for example includes three subentries The Slave Narrative in America from the Colonial Period to the Civil War Interpreting Slave

Narratives and African and British Slave Narratives A headnote detailing the various subentries introduces each composite entry Selective bibliographies and cross references appear at the end of each article to direct readers to related articles within the Encyclopedia and to primary sources and scholarly works beyond it A topical outline chronology of major events nearly 300 black and white illustrations and comprehensive index further enhance the work s usefulness

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