

Slave Law In The Americas

S Ben Porath



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

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 Dorothy Schneider, Carl J. Schneider, 2014-05-14 Presents the history of slavery in America from colonial times through the U S Civil War

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 distinguishing 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.

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.

The Law of American Slavery Kermit L. Hall, 1987. This work is a collection of articles on the operation of the law of 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.

Indian Slavery in Colonial America Alan Gallay, 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 phenomenon has received scant attention from historians. *Indian Slavery in Colonial America*, edited by Alan Gallay, 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

Slavery & the Law Paul Finkelman, 2002 In this book prominent historians of slavery and legal scholars analyze the intricate relationship between slavery race and the law from the earliest Black Codes in colonial America to the passage of the Fugitive Slave Law and the Dred Scott decision prior to the Civil War Slavery the Law s wide ranging essays focus on comparative slave law auctioneering practices rules of evidence and property rights as well as issues of criminality punishment and constitutional law

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

An Inquiry Into the Law of Negro Slavery in the United States of America Thomas Read Rootes Cobb, 1999 First published in 1858 and unavailable since the 1970s An Inquiry into the Law of Negro Slavery in the United States of America was the first and only treatise published by a southern author on slavery law Thomas R R Cobb often referred to as the James Madison of the Confederacy was an ardent secessionist and a prominent lawyer in antebellum Georgia The work based on extensive scholarship on the Roman law of slavery and racist to the core fully explicates the southern defense of slavery An important practical manual for legal practitioners and judges at the time of its publication and an essential tool for scholars and students of slavery and legal history ever since the work is also the most significant summary of proslavery legal theory

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

Encyclopedia of African American Society Gerald D. Jaynes, 2005-02 An encyclopedic reference of African American history and culture

A Bibliography of the Negro in Africa and America Monroe Nathan Work, 1928 Limited edition facsimile reprint T p verso

The American and English Encyclopædia of Law David Shephard Garland, Lucius Polk McGehee, James Cockcroft, 1905

American Civil Wars Alan Taylor, 2024-05-21 A Kirkus Reviews Best Book of 2024 A masterful history of the Civil War and its reverberations across the continent by a two time Pulitzer Prize winner In a fast paced narrative of soaring ideals and sordid politics of civil war and foreign invasion the award winning historian Alan Taylor presents a pivotal twenty year period in which North America s three largest countries the United States Mexico and Canada all transformed themselves into nations The American Civil War stands at the center of the story its military history and the drama of emancipation the highlights Taylor relies on vivid characters to carry the story from Joseph Hooker whose timidity in crisis was exploited by Robert E Lee and Stonewall

Jackson in the Union defeat at Chancellorsville to Martin Delany and Mary Ann Shadd Cary Black abolitionists whose critical work in Canada and the United States advanced emancipation and the enrollment of Black soldiers in Union armies The outbreak of the Civil War created a continental power vacuum that allowed French forces to invade Mexico in 1862 and set up an empire ruled by a Habsburg archduke This inflamed the ongoing power struggle between Mexico's Conservatives landowners the military the Church and Liberal supporters of social democracy led ably by Benito Juarez Along the southwestern border Mexico's Conservative forces made common cause with the Confederacy while General James Carleton violently suppressed Apaches and Navajos in New Mexico and Arizona When the Union triumph restored the continental balance of power French forces withdrew and Liberals consolidated a republic in Mexico Canada was meantime fending off a potential rupture between French speaking Catholics in Quebec and English speakers in Ontario When Union victory raised the threat of American invasion Canadian leaders pressed for a continent wide confederation joined by a transcontinental railroad The rollicking story of liberal ideals political venality and corporate corruption marked the dawn of the Gilded Age in North America Proceedings of the American Anti-slavery Society, at Its Third Decade American Anti-Slavery Society, 1864

Proceedings of the American Anti-Slavery Society at its third decade, held in the city of Philadelphia, Dec. 3rd and 4th, 1863, with an appendix and a catalogue of Anti-Slavery publications in America from 1750 to 1863 American Anti-Slavery Society (UNITED STATES OF AMERICA), 1864 *Slavery in the American Republic* David F. Ericson, 2011-10-27 Many scholars believe that the existence of slavery stymied the development of the American state because slaveholding Southern politicians were so at odds with a federal government they feared would abolish their peculiar institution David Ericson argues to the contrary showing that over a seventy year period slavery actually contributed significantly to the development of the American state even as a house divided Drawing on deep archival research that tracks federal expenditures on slavery related items Ericson reveals how the policies practices and institutions of the early national government functioned to protect slavery and thereby contributed to its own development Here are surprising descriptions of how the federal government increased its state capacities as it implemented slavery friendly policies such as creating more stable slave markets by removing Native Americans deterring slave revolts recovering fugitive slaves enacting a ban on slave imports and not enacting a ban on the interstate slave trade It also bolstered its own law enforcement power by reinforcing navy squadrons to interdict illegal slave trading hiring deputy marshals to capture fugitive slaves and slave rescuers and deploying soldiers to remove Native Americans and deter slave rescues and revolts Going beyond Don Fehrenbacher's *The Slaveholding Republic* Ericson shows how the presence of slavery indirectly influenced the development of the American state in highly significant ways Enforcement of the 1808 slave import ban involved the federal government in border control for the first time and participation in founding a colony in Liberia established an early model of public private partnerships The presence of slavery also spurred the development of the U S Army through its many slavery related deployments

particularly during the Second Seminole War and the federal government's own slave rentals influenced its labor management practices Ericson's study unearths a long neglected history connecting slavery influenced policy areas more explicitly to early American state development and more fully accounting for the money and manpower the federal government devoted to those areas Rich in historical detail it marks a significant contribution to our understanding of state development and the impact of slavery on early American politics Modern American Law Eugene Allen Gilmore, William Charles Wermuth, 1915 **History of the United States of America** Henry William Elson, 1917

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