Charles River Editors

SLAVERY AND THE LAW

The History of the Legal Systems and Cases that Enabled Slavery in the United States

Slavery And The Law

Thomas D. Morris

Slavery And The Law:

    Southern Slavery and the Law, 1619-1860 Thomas D. Morris,1996 Specifically Morris 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   **Slavery & the Law** Paul Finkelman,2001-12-17 Central to the development of the American legal system writes Professor Finkelman in Slavery the Law is the institution of slavery It informs us not only about early concepts of race and property but about the nature of American democracy itself 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 What emerges from this multi faceted portrait is a complex legal system designed to ensure the property rights of slave holders and to institutionalize racism The ultimate result was to strengthen the institution of slavery in the midst of a growing trend toward democracy in the mid nineteenth century Atlantic community

    Slavery & the Law Paul Finkelman,2001-12-17 Central to the development of the American legal system writes Professor Finkelman in Slavery the Law is the institution of slavery It informs us not only about early concepts of race and property but about the nature of American democracy itself 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 What emerges from this multi faceted portrait is a complex legal system designed to ensure the property rights of slave holders and to institutionalize racism The ultimate result was to strengthen the institution of slavery in the midst of a growing trend toward democracy in the mid nineteenth century Atlantic community   People Without Rights (Routledge Revivals) Andrew Fede,2012-07-26 First published in September 1992 the book traces the nature and development of the fundamental legal relationships among slaves masters and third parties It shows how the colonial and antebellum Southern judges and legislators accommodated slavery s social relationships into the common law and how slave law evolved in different states over time in response to social political economic and intellectual developments The book states that the law of slavery in the US South treated slaves both as people and property It reconciles this apparent contradiction by demonstrating that slaves were defined in the law as items of human property without any legal rights When the lawmakers recognized slaves as people they burdened slaves with added legal duties and disabilities This epitomized in

legal terms slavery s oppressive social relationships The book also illustrates how cases in which the lawmakers recognized slaves as people legitimized slavery s inhumanity References in the law to the legal humanity of people held as slaves are shown to be rhetorical devices and cruel ironies that regulated the relative rights of the slaves owners and other free people that were embodied in people held as slaves Thus it is argued that it never makes sense to think of slave legal rights This was so even when the lawmakers regulated the individual masters rights to treat their slaves as they wished These regulations advanced policies that the lawmakers perceived to be in the public interest within the context of a slave society **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 **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 **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 **The Slave Catchers** Stanley W. Campbell,2012-12-01 In this thoroughly researched documentation of a historically controversial issue the author considers the background passage and constitutionality of the Fugitive Slave Law The author s relation of public opinion and the executive policy regarding the much disputed law will help the reader reach a decision as to whether the law was actually a success or failure legally and socially Originally published in 1970 A UNC Press Enduring Edition UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print These editions are published unaltered from the original and are presented in affordable paperback formats bringing readers both historical and cultural value *The Fugitive Slave Law and Its Victims* Samuel May,1861 **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   <u>Slave Laws in Virginia</u> Philip J. Schwarz,2010-05-01 The five essays in Slave Laws in Virginia explore two centuries of the ever changing relationship between a major slave society and the laws that guided it The topics covered are diverse including the African judicial background of African American slaves Thomas Jefferson s relationship with the laws of slavery the capital punishment of slaves nineteenth century penal transportation of slaves from Virginia as related to the interstate slave trade and the changing market for slaves and Virginia s experience with its own fugitive slave laws Through the history of one large extended family of ex slaves Philip J Schwarz s conclusion examines how the law shaped the interaction between former slaves and masters after emancipation Instead of relying on a static view of these two centuries the author focuses on the diverse and changing ways that lawmakers and law enforcers responded to slaves behavior and to whites perceptions of and assumptions about that behavior   **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   *The Laws of Slavery in Texas* Randolph B. Campbell,2010-02-01 The laws that governed the institution of slavery in early Texas were enacted over a fifty year period in which Texas moved through incarnations as a Spanish colony a Mexican state an independent republic a part of the United States and a Confederate state This unusual legal heritage sets Texas apart from the other slave holding states and provides a unique opportunity to examine how slave laws were enacted and upheld as political and legal structures changed The Laws of Slavery in Texas makes that examination possible by combining seminal historical essays with excerpts from key legal documents from the slave period and tying them together with interpretive commentary by the foremost scholar on the subject Randolph B Campbell Campbell s commentary focuses on an aspect of slave law that was particularly evident in the evolving legal system of early Texas the dilemma that arose when human beings were treated as property As Campbell points out defining slaves as moveable property or chattel presented a serious difficulty to those who wrote and interpreted the law because unlike any other form of property slaves were sentient beings They were held responsible for their crimes and in numerous other ways statute and case law dealing with slavery recognized the humanness of the enslaved Attempts to protect the property rights of slave owners led to increasingly restrictive laws including laws concerning free blacks that were difficult to uphold The documents in this collection reveal both the roots of the dilemma and its inevitable outcome   *People Without Rights* Andrew Fede,2011 First published in September 1992 the book traces the nature and development of the fundamental legal relationships among slaves masters and third parties It shows how the colonial and antebellum Southern judges and legislators accommodated slavery e tm s social relationships into the common law and how slave law evolved in different states over time in response to social

political economic and intellectual developments The book states that the law of slavery in the US South treated slaves both as people and property It reconciles this apparent contradiction by demonstrating that slaves were defined in the law as items of human property without any legal rights When the lawmakers recognized slaves as people they burdened slaves with added legal duties and disabilities This epitomized in legal terms slavery e tm s oppressive social relationships The book also illustrates how cases in which the lawmakers recognized slaves as people legitimized slavery e tm s inhumanity References in the law to the legal humanity of people held as slaves are shown to be rhetorical devices and cruel ironies that regulated the relative rights of the slaves e tm owners and other free people that were embodied in people held as slaves Thus it is argued that it never makes sense to think of slave legal rights This was so even when the lawmakers regulated the individual masters e tm rights to treat their slaves as they wished These regulations advanced policies that the lawmakers perceived to be in the public interest within the context of a slave society   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   Slavery, Law, and Politics Don E. Fehrenbacher,1981-04-30 This is an abridgement of the Pulitzer Prize winning The Dred Scott Case making Fehrenbacher s monumental work available to a wider audience Although it condenses the original by half all the chapters and major themes of the larger work have been retained providing a masterful review of the issues before America on the eve of the Civil War   **Free Men All** Thomas D. Morris,2001 Examines the Impact of the Idealism of the Personal Liberty Laws of Pennsylvania New York Massachusetts Ohio and Wisconsin The Personal Liberty Laws reflected the social ethical commitment to freedom from slavery and as such were among the bricks that laid the foundation for the Fourteenth Amendment Morris examines those statutes as enacted in the five representative states Pennsylvania New York Massachusetts Ohio and Wisconsin and argues that these laws were an alternative to the violence allowed by the southern slave codes and the extreme abolitionist viewpoints of the north Thomas D Morris 1938 taught in the Department of History Portland State University and is the author of Southern Slavery and the Law 1619 1860 CONTENTS I Slavery and Emancipation the Rise of Conflicting Legal Systems II Kidnapping and Fugitives Early State and Federal Responses III State Interposition 1820 1830 Pennsylvania and New York IV Assaults Upon the Personal Liberty Laws V The Antislavery Counterattack VI The Personal Liberty Laws in the Supreme Court Prigg v Pennsylvania VII The Pursuit of a Containment Policy 1842 1850 VII The Fugitive Slave Law of 1850 IX Positive Law Higher Law and the Via

Stroud's Slave Laws George McDowell Stroud,2005-04 Stroud s Slave Laws had extensive influence upon national legal thinking on the issue of slavery In a blanket survey of slave codes of the period he analyzed the statutes of twelve slaveholding states Stroud s book exposed to the world through its publications in 1827 and 1856 the diabolical nature of legal enactments throughout the South that debased both African people and those who held them in bondage   The Bondsman's Burden Jenny Bourne (Professor of Economics),Jenny Bourne Wahl,1998 Were slaves property or human beings under the law In crafting answers to this question Southern judges designed efficient laws that protected property rights and helped slavery remain economically viable But by preserving property rights they sheltered the persons embodied by that property the slaves themselves Slave law therefore had unintended consequences it generated rules that judges could apply to free persons precedents that became the foundation for laws designed to protect ordinary Americans The Bondsman s Burden first published in 1998 provides a rigorous and compelling economic analysis of the common law of Southern slavery inspecting thousands of legal disputes heard in Southern antebellum courts disputes involving servants employees accident victims animals and other chattel property as well as slaves The common law although it supported the institution of slavery did not favor every individual slave owner who brought a grievance to court   **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

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Table of Contents Slavery And The Law

1. Understanding the eBook Slavery And The Law
    - The Rise of Digital Reading Slavery And The Law
    - Advantages of eBooks Over Traditional Books
2. Identifying Slavery And The Law
    - Exploring Different Genres
    - Considering Fiction vs. Non-Fiction
    - Determining Your Reading Goals
3. Choosing the Right eBook Platform
    - Popular eBook Platforms
    - Features to Look for in an Slavery And The Law
    - User-Friendly Interface
4. Exploring eBook Recommendations from Slavery And The Law
    - Personalized Recommendations
    - Slavery And The Law User Reviews and Ratings

13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development
    - Exploring Educational eBooks
14. Embracing eBook Trends
    - Integration of Multimedia Elements
    - Interactive and Gamified eBooks

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