

Slavery Freedom And The Law In The Atlantic World A Brief History With Documents Bedford Cultural Editions Series

Shows that the law of freedom, not slavery, determined the way that race developed over time in three slave societies.

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

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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.

Fractional Freedoms examines paths to liberty forged in the slaveowning household, and legal claims brought by slaves in colonial Lima.

A brilliant and surprising account of the coming of the American Civil War, showing the crucial role of slaves who escaped to Mexico. The Underground Railroad to the North promised salvation to many American slaves before the Civil War. But thousands of people in the south-central United States escaped slavery not by heading north but by crossing the southern border into Mexico, where slavery was abolished in 1837. In *South to Freedom*, historian Alice L. Baumgartner tells the story of why Mexico abolished slavery and how its increasingly radical antislavery policies fueled the sectional crisis in the United

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States. Southerners hoped that annexing Texas and invading Mexico in the 1840s would stop runaways and secure slavery's future. Instead, the seizure of Alta California and Nuevo México upset the delicate political balance between free and slave states. This is a revelatory and essential new perspective on antebellum America and the causes of the Civil War.

Studies lawsuits to gain freedom for slaves on the grounds of their having traveled to free territory, starting with *Somerset v. Stewart* (England, 1772), *Commonwealth v. Aves* (Massachusetts, 1836), *Dred Scott v. Sanford*, and cases brought questioning the legitimacy of Negro Seamen Acts in the antebellum coastal South. These lawsuits and accounts of them are compared to fugitive slave narratives to shed light on both. The differing impact of freedom obtained from such suits for men and women (women could claim that their children were free, once they were judged free) is examined.

During the era of revolution, independence, and emancipation in the north Atlantic, "slavery" and "freedom" were fluid and contested concepts. Individuals and groups turned to courts of law to define and enforce the status of indigenous Americans, forcibly imported Africans, and colonizing Europeans -- and their progeny. Legal institutions of the state manufactured and mediated a new, dynamic concept of freedom, inventing categories of race and codifying white

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privilege. In this collection of documents from the French, British, Spanish, and Portuguese empires, Peabody and Grinberg introduce the voices of slaves, slaveholders, jurists, legislators, and others who struggled to critique, overturn, justify, or simply describe the social order in which they found themselves. Discussion questions, illustrations, a glossary, and a bibliography allow students to analyze these rich documents and discern their lasting influences.

A New York Times Notable Book Selection Winner of the Mark Lynton History Prize Winner of the Anisfield-Wolf Book Award Winner of the Lionel Trilling Book Award A New York Times Critics' Best Book "Excellent... stunning."—Ta-Nehisi Coates This book tells the story of America's original sin—slavery—through politics, law, literature, and above all, through the eyes of enslaved black people who risked their lives to flee from bondage, thereby forcing the nation to confront the truth about itself. The struggle over slavery divided not only the American nation but also the hearts and minds of individual citizens faced with the timeless problem of when to submit to unjust laws and when to resist. The War Before the War illuminates what brought us to war with ourselves and the terrible legacies of slavery that are with us still.

In these absorbing accounts of five court cases, Jason A. Gillmer offers intimate glimpses into Texas society in the time of slavery. Each story unfolds along

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boundaries--between men and women, slave and free, black and white, rich and poor, old and young--as rigid social orders are upset in ways that drive people into the courtroom. One case involves a settler in a rural county along the Colorado River, his thirty-year relationship with an enslaved woman, and the claims of their children as heirs. A case in East Texas arose after an owner refused to pay an overseer who had shot one of her slaves. Another case details how a free family of color carved out a life in the sparsely populated marshland of Southeast Texas, only to lose it all as waves of new settlers "civilized" the county. An enslaved woman in Galveston who was set free in her owner's will--and who got an uncommon level of support from her attorneys--is the subject of another case. In a Central Texas community, as another case recounts, citizens forced a Choctaw native into court in an effort to gain freedom for his slave, a woman who easily "passed" as white. The cases considered here include *Gaines v. Thomas*, *Clark v. Honey*, *Brady v. Price*, and *Webster v. Heard*. All of them pitted communal attitudes and values against the exigencies of daily life in an often harsh place. Here are real people in their own words, as gathered from trial records, various legal documents, and many other sources. People of many colors, from diverse backgrounds, weave their way in and out of the narratives. We come to know what mattered most to them--and where those

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personal concerns stood before the law.

The 1850 Fugitive Slave Law, which mandated action to aid in the recovery of runaway slaves and denied fugitives legal rights if they were apprehended, quickly became a focal point in the debate over the future of slavery and the nature of the union. In *Making Freedom*, R. J. M. Blackett uses the experiences of escaped slaves and those who aided them to explore the inner workings of the Underground Railroad and the enforcement of the Fugitive Slave Law, while shedding light on the political effects of slave escape in southern states, border states, and the North. Blackett highlights the lives of those who escaped, the impact of the fugitive slave cases, and the extent to which slaves planning to escape were aided by free blacks, fellow slaves, and outsiders who went south to entice them to escape. Using these stories of particular individuals, moments, and communities, Blackett shows how slave flight shaped national politics as the South witnessed slavery beginning to collapse and the North experienced a threat to its freedom.

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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

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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.

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 on 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

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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

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1905.

This “superbly researched and engaging” (The Wall Street Journal) true story about five boys who were kidnapped in the North and smuggled into slavery in the Deep South—and their daring attempt to escape and bring their captors to justice belongs “alongside the work of Harriet Beecher Stowe, Edward P. Jones, and Toni Morrison” (Jane Kamensky, Professor of American History at Harvard University). Philadelphia, 1825: five young, free black boys fall into the clutches of the most fearsome gang of kidnapers and slavers in the United States. Lured onto a small ship with the promise of food and pay, they are instead met with blindfolds, ropes, and knives. Over four long months, their kidnapers drive them overland into the Cotton Kingdom to be sold as slaves. Determined to resist, the boys form a tight brotherhood as they struggle to free themselves and find their way home. Their ordeal—an odyssey that takes them from the Philadelphia waterfront to the marshes of Mississippi and then onward still—shines a glaring spotlight on the Reverse Underground Railroad, a black market network of human traffickers and slave traders who stole away thousands of legally free African Americans from their families in order to fuel slavery’s rapid expansion in the decades before the Civil War. “Rigorously researched, heartfelt, and dramatically concise, Bell’s investigation illuminates the role slavery played in

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the systemic inequalities that still confront Black Americans” (Booklist).

In *Force and Freedom*, Kellie Carter Jackson provides the first historical analysis exclusively focused on the tactical use of violence among antebellum black activists. Through tactical violence, argues Carter Jackson, abolitionist leaders created the conditions that necessitated the Civil War.

The story of the longest and most complex legal challenge to slavery in American history For over seventy years and five generations, the enslaved families of Prince George’s County, Maryland, filed hundreds of suits for their freedom against a powerful circle of slaveholders, taking their cause all the way to the Supreme Court. Between 1787 and 1861, these lawsuits challenged the legitimacy of slavery in American law and put slavery on trial in the nation’s capital. Piecing together evidence once dismissed in court and buried in the archives, William Thomas tells an intricate and intensely human story of the enslaved families (the Butlers, Queens, Mahoneys, and others), their lawyers (among them a young Francis Scott Key), and the slaveholders who fought to defend slavery, beginning with the Jesuit priests who held some of the largest plantations in the nation and founded a college at Georgetown. *A Question of Freedom* asks us to reckon with the moral problem of slavery and its legacies in the present day.

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"There Are No Slaves in France": The Political Culture of Race and Slavery in the Ancient Regime examines the paradox of political antislavery and institutional racism in the century prior to the French Revolution. Black slaves who came to France as domestic servants of colonial masters challenged their servitude in courts. On the basis of the Freedom Principle, a judicial maxim granting freedom to any slave who set foot in the kingdom, hundreds of slaves won their freedom.

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

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of a growing trend toward democracy in the mid-nineteenth-century Atlantic community.

Modern international criminal law typically traces its origins to the twentieth-century Nuremberg and Tokyo trials, excluding the slave trade and abolition. Yet, as this book shows, the slave trade and abolition resound in international criminal law in multiple ways. Its central focus lies in a close examination of the often-controversial litigation, in the first part of the nineteenth century, arising from British efforts to capture slave ships, much of it before Mixed Commissions. With archival-based research into this litigation, it explores the legal construction of so-called 'recaptives' (slaves found on board captured slave ships). The book argues that, notwithstanding its promise of freedom, the law actually constructed recaptives restrictively. In particular, it focused on questions of intervention rather than recaptives' rights. At the same time it shows how a critical reading of the archive reveals that recaptives contributed to litigation in important, but hitherto largely unrecognized, ways. The book is, however, not simply a contribution to the history of international law. Efforts to deliver justice through international criminal law continue to face considerable challenges and raise testing questions about the construction – and alternative construction – of victims. By inscribing the recaptive in international criminal legal history, the book offers an original

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contribution to these contentious issues and a reflection on critical international criminal legal history writing and its accompanying methodological and political choices.

This book examines emancipation after the Emancipation Proclamation of 1863. Focusing on the making and meaning of the Thirteenth Amendment, *Final Freedom* looks at the struggle among legal thinkers, politicians, and ordinary Americans in the North and the border states to find a way to abolish slavery that would overcome the inadequacies of the Emancipation Proclamation. The book tells the dramatic story of the creation of a constitutional amendment and reveals an unprecedented transformation in American race relations, politics, and constitutional thought. Using a wide array of archival and published sources, Professor Vorenberg argues that the crucial consideration of emancipation occurred after, not before, the Emancipation Proclamation; that the debate over final freedom was shaped by a level of volatility in party politics underestimated by prior historians; and that the abolition of slavery by constitutional amendment represented a novel method of reform that transformed attitudes toward the Constitution.

A Pulitzer Prize-winning history of the mistreatment of black Americans. In this 'precise and eloquent work' - as described in its Pulitzer Prize citation - Douglas

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A. Blackmon brings to light one of the most shameful chapters in American history - an 'Age of Neoslavery' that thrived in the aftermath of the Civil War through the dawn of World War II. Using a vast record of original documents and personal narratives, Blackmon unearths the lost stories of slaves and their descendants who journeyed into freedom after the Emancipation Proclamation and then back into the shadow of involuntary servitude thereafter. By turns moving, sobering and shocking, this unprecedented account reveals these stories, the companies that profited the most from neoslavery, and the insidious legacy of racism that reverberates today.

As Louisiana and Cuba emerged from slavery in the late nineteenth century, each faced the question of what rights former slaves could claim. "Degrees of Freedom" compares and contrasts these two societies in which slavery was destroyed by war, and citizenship was redefined through social and political upheaval. Both Louisiana and Cuba were rich in sugar plantations that depended on an enslaved labor force. After abolition, on both sides of the Gulf of Mexico, ordinary people--cane cutters and cigar workers, laundresses and labor organizers--forged alliances to protect and expand the freedoms they had won. But by the beginning of the twentieth century, Louisiana and Cuba diverged sharply in the meanings attributed to race and color in public life, and in the

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boundaries placed on citizenship. Louisiana had taken the path of disenfranchisement and state-mandated racial segregation; Cuba had enacted universal manhood suffrage and had seen the emergence of a transracial conception of the nation. What might explain these differences? Moving through the cane fields, small farms, and cities of Louisiana and Cuba, Rebecca Scott skillfully observes the people, places, legislation, and leadership that shaped how these societies adjusted to the abolition of slavery. The two distinctive worlds also come together, as Cuban exiles take refuge in New Orleans in the 1880s, and black soldiers from Louisiana garrison small towns in eastern Cuba during the 1899 U.S. military occupation. Crafting her narrative from the words and deeds of the actors themselves, Scott brings to life the historical drama of race and citizenship in postemancipation societies.

The author begins with the birth of civil rights - the circumstances, acts and legacy of the 39th Congress, constitutional origins, passage and structure of the Act, moves through the Fourteenth Amendment and into restrictive interpretations and quiescent years, and finishes with a chapter on discerning the future from the past and the contemporary significance of the Act.

“A masterwork [by] the preeminent historian of the Civil War era.”—Boston Globe
Selected as a Notable Book of the Year by the New York Times Book Review, this

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landmark work gives us a definitive account of Lincoln's lifelong engagement with the nation's critical issue: American slavery. A master historian, Eric Foner draws Lincoln and the broader history of the period into perfect balance. We see Lincoln, a pragmatic politician grounded in principle, deftly navigating the dynamic politics of antislavery, secession, and civil war. Lincoln's greatness emerges from his capacity for moral and political growth.

Cora is a slave on a cotton plantation in Georgia. When Caesar, a recent arrival from Virginia, tells her about the Underground Railroad, they decide to take a terrifying risk and escape. Though they manage to find a station and head north, they are being hunted. Their first stop is South Carolina, in a city that initially seems like a haven. But the city's placid surface masks an insidious scheme designed for its black denizens. And even worse: Ridgeway, the relentless slave catcher, is close on their heels.

The Dred Scott suit for freedom, argues Kelly M. Kennington, was merely the most famous example of a phenomenon that was more widespread in antebellum American jurisprudence than is generally recognized. The author draws on the case files of more than three hundred enslaved individuals who, like Dred Scott and his family, sued for freedom in the local legal arena of St. Louis. Her findings open new perspectives on the legal culture of slavery and the negotiated processes involved in freedom suits. As a gateway to the American West, a major port on both the Mississippi and Missouri Rivers, and a focal point in the rancorous national debate over slavery's expansion, St.

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Louis was an ideal place for enslaved individuals to challenge the legal systems and, by extension, the social systems that held them in forced servitude. Kennington offers an in-depth look at how daily interactions, webs of relationships, and arguments presented in court shaped and reshaped legal debates and public attitudes over slavery and freedom in St. Louis. Kennington also surveys more than eight hundred state supreme court freedom suits from around the United States to situate the St. Louis example in a broader context. Although white enslavers dominated the antebellum legal system in St. Louis and throughout the slaveholding states, that fact did not mean that the system ignored the concerns of the subordinated groups who made up the bulk of the American population. By looking at a particular example of one group's encounters with the law—and placing these suits into conversation with similar encounters that arose in appellate cases nationwide—Kennington sheds light on the ways in which the law responded to the demands of a variety of actors.

Explores the legal relationships of enslaved people and their descendants during the sixteenth and seventeenth centuries in Spanish America Atlantic slavery can be overwhelming in its immensity and brutality, as it involved more than 15 million souls forcibly displaced by European imperialism and consumed in building the global economy. *Mastering the Law: Slavery and Freedom in the Legal Ecology of the Spanish Empire* lays out the deep history of Iberian slavery, explores its role in the Spanish Indies, and shows how Africans and their descendants used and shaped the

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legal system as they established their place in Iberoamerican society during the seventeenth century. Ricardo Raúl Salazar Rey places the institution of slavery and the people involved with it at the center of the creation story of Latin America.

Iberoamerican customs and laws and the institutions that enforced them provided a common language and a forum to resolve disputes for Spanish subjects, including enslaved and freedpeople. The rules through which Iberian conquerors, settlers, and administrators incorporated Africans into the expanding Empire were developed out of the need of a distant crown to find an enforceable consensus. Africans and their mestizo descendants, in turn, used and therefore molded Spanish institutions to serve their interests. Salazar Rey mined extensively the archives of secular and religious courts, which are full of complex disputes, unexpected subversions, and tactical alliances among enslaved people, freedpeople, and the crown. The narrative unfolds around vignettes that show Afroiberians building their lives while facing exploitation and inequality enforced through violence. Salazar Rey deals mostly with cases originating from Cartagena de Indias, a major Atlantic port city that supported the conquest and rule of the Indies. His work recovers the voices and indomitable ingenuity that enslaved people and their descendants displayed when engaging with the Spanish legal ecology. The social relationships animating the case studies represent the broader African experience in the Americas during the sixteenth and seventeenth centuries.

This magisterial study, ten years in the making by one of the field's most distinguished

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historians, will be the first to explore the impact fugitive slaves had on the politics of the critical decade leading up to the Civil War. Through the close reading of diverse sources ranging from government documents to personal accounts, Richard J. M. Blackett traces the decisions of slaves to escape, the actions of those who assisted them, the many ways black communities responded to the capture of fugitive slaves, and how local laws either buttressed or undermined enforcement of the federal law. Every effort to enforce the law in northern communities produced levels of subversion that generated national debate so much so that, on the eve of secession, many in the South, looking back on the decade, could argue that the law had been effectively subverted by those individuals and states who assisted fleeing slaves.

Providing a unique critical perspective to debates on slavery, this book brings the literature on transatlantic slavery into dialogue with research on informal sector labour, child labour, migration, debt, prisoners, and sex work in the contemporary world in order to challenge popular and policy discourse on modern slavery.

Pulitzer Prize-winning historian Eric Foner tells the story of how, between 1830 and 1860, three remarkable men from New York city - a journalist, a furniture polisher, and a black minister - led a secret network that helped no fewer than 3,000 fugitive slaves from the southern states of America to a new life of liberty in Canada.

In a rapidly changing New York, two forces battled for the city's soul: the pro-slavery New Yorkers who kept the illegal slave trade alive and well, and the abolitionists fighting for freedom. We often think of slavery as a southern phenomenon, far removed from the booming

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cities of the North. But even though slavery had been outlawed in Gotham by the 1830s, Black New Yorkers were not safe. Not only was the city built on the backs of slaves; it was essential in keeping slavery and the slave trade alive. In *The Kidnapping Club*, historian Jonathan Daniel Wells tells the story of the powerful network of judges, lawyers, and police officers who circumvented anti-slavery laws by sanctioning the kidnapping of free and fugitive African Americans. Nicknamed "The New York Kidnapping Club," the group had the tacit support of institutions from Wall Street to Tammany Hall whose wealth depended on the Southern slave and cotton trade. But a small cohort of abolitionists, including Black journalist David Ruggles, organized tirelessly for the rights of Black New Yorkers, often risking their lives in the process. Taking readers into the bustling streets and ports of America's great Northern metropolis, *The Kidnapping Club* is a dramatic account of the ties between slavery and capitalism, the deeply corrupt roots of policing, and the strength of Black activism.

Contrary to popular perception, slavery persisted in the North well into the nineteenth century. This was especially the case in New Jersey, the last northern state to pass an abolition statute, in 1804. Because of the nature of the law, which freed children born to enslaved mothers only after they had served their mother's master for more than two decades, slavery continued in New Jersey through the Civil War. Passage of the Thirteenth Amendment in 1865 finally destroyed its last vestiges. *The Ragged Road to Abolition* chronicles the experiences of slaves and free blacks, as well as abolitionists and slaveholders, during slavery's slow northern death. Abolition in New Jersey during the American Revolution was a contested battle, in which constant economic devastation and fears of freed blacks overrunning the state government limited their ability to gain freedom. New Jersey's gradual abolition law kept at least a quarter

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of the state's black population in some degree of bondage until the 1830s. The sustained presence of slavery limited African American community formation and forced Jersey blacks to structure their households around multiple gradations of freedom while allowing New Jersey slaveholders to participate in the interstate slave trade until the 1850s. Slavery's persistence dulled white understanding of the meaning of black freedom and helped whites to associate "black" with "slave," enabling the further marginalization of New Jersey's growing free black population. By demonstrating how deeply slavery influenced the political, economic, and social life of blacks and whites in New Jersey, this illuminating study shatters the perceived easy dichotomies between North and South or free states and slave states at the onset of the Civil War.

This book investigates the legal evolution of the "free soil principle" in England, France and the Low Countries during the Early Modern period (ca. 1500–1800), which essentially stated that, as soon as slaves entered a certain country, they would immediately gain their freedom. This book synthesizes the existing literature on the origins and evolution of the principle, adds new insights by drawing on previously undiscussed primary sources on the development of free soil in the Low Countries and employs a pan-Western, European and comparative approach to identify and explain the differences and similarities in the application of this principle in France, England and the Low Countries. Divided into four sections, the book begins with a brief introduction to the subject matter, putting it in its historical context. Slavery is legally defined, using the established international law definition, and both the status of slavery in Europe before the Early Modern Period and the Atlantic slave trade are discussed. Secondly, the book assesses the legal origins of the free soil principle in England, France and the Low

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Countries during the period 1500–1650 and discusses the legal repercussions of slaves coming to England, France and the Low Countries from other countries, where the institution was legally recognized. Thirdly, it addresses the further development of the free soil principle during the period 1650–1800. In the fourth and last section, the book uses the insights gained to provide a pan-Western, European and comparative perspective on the origins and application of the free soil principle in Western Europe. In this regard, it compares the origins of free soil for the respective countries discussed, as well as its application during the heyday of the Atlantic slave trade. This perspective makes it possible to explain some of the divergences in approaches between the countries examined and represents the first-ever full-scale country comparison on this subject in a book.

Freedom's Captives offers a compelling, narrative-driven history of the gradual abolition of slavery in the majority-black Colombian Pacific.

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