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Slave Laws in Virginia. Studies in the Legal History of the South

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Slave Laws in Virginia. Studies in the Legal History of the South

Philip J. Schwarz, 1996. *Slave Laws in Virginia. Studies in the Legal History of the South*. University of Georgia Press, Athens. xvi + 253pp. Bibliography and index \$40.00 (cloth).

Schwarz explores how the interactions between "African Virginians and European Virginians" (p. xiv) shaped the political and cultural landscape of the state and, in the process, helped to shape that state's laws during the era of slavery. This is not comprehensive survey of Virginia law during the slave regime, nor is it meant to be. It is, instead, a series of essays exploring how European Virginians set about the task of constructing a system of laws that would legitimize their domination of enslaved Africans.

Central to Schwarz's argument is the belief that, "it is useful to analyze the intersection or interaction of the behavior of owners and of the enslaved" (p. 5). Law, in this sense represents a codification of the day-to-day interactions of historical actors.

Schwarz focuses particularly on the ways the enslaved influenced lawmaking. He takes the position that Africans brought to America were not mere objects to be acted upon, but arrived with their own norms and values, and that their humanity constantly asserted itself. African responses to captivity intruded upon, and helped to shape, the expectations of those who enslaved them.

The interaction between masters and slaves gave rise to the "customary" laws of slavery, the informal rules of masters/slaves relations that also influenced relations among slaves. While these rules existed in the private sphere, and were dependent upon specific circumstances and the personalities of those involved, both master and slave were still subject to the formal laws of Virginia.

In this public realm, legislators and judges were concerned with protecting property and slavery as an institution. Even so, the everyday exigencies of managing the slave population resulted in laws conceived in response to European perceptions of, and reactions to, enslaved Africans' behaviors. In effect, the slaves acted, and the masters reacted.

The focus on agency among both free and enslaved is this volume's strongest feature. There is much here that might be used to inform archaeological analysis of enslaved African-American populations, and not just those of colonial Virginia.