COURSE DESCRIPTION: This course will explore the interaction of law, slavery and race in the United States, as well as from a comparative perspective. We will read original documents, including excerpts of trial transcripts, appellate opinions, treatises, codes, and first-person narratives. We will study the way law, politics and culture interacted to shape the institution of slavery and the development of modern conceptions of race. Course lectures and discussions will focus on questions such as: Did different legal regimes (Spanish, French, British) foster different systems of race and slavery in the Americas? How did/does law work “on the ground” to shape the production of racial hierarchy and creation of racial identities? In what ways did slavery influence the U.S. Constitution? How has race shaped citizenship in the U.S., and how can we compare it to other constitutional regimes? The course will begin with the origins of New World slavery, race and racism, and move chronologically to the present day.

EVALUATION AND EXAMINATION: All students will be required to read and to participate in classroom discussion and attendance is required. Students will prepare two questions for discussion for 10 out of 18 class meetings; participation and discussion questions together will count for 25% of the grade. Students may also choose to read and prepare a short (10 minute) presentation on the optional reading for a class, which will substitute for 4 class meetings' discussion questions. The presentation should integrate the optional and the required reading into an introduction to the themes for discussion. In Section (01) there will be a one-day take-home essay exam. Students taking the course to receive "R" research credit are required to write a research paper of approximately 26 pages in length on a topic that they choose (in consultation with the professor). After the term begins, students accepted into the course can transfer from section (01) into section (02), which meets the R requirement, with consent of the instructor.

TENTATIVE COURSE SCHEDULE AND READING ASSIGNMENTS:

1. January 6, 4:15 -5:30 p.m. Introduction: What Is Slavery? What is Race?

2. January 6, 6:00 - 7:15 p.m. Origins of New World Slavery, The Slave Trade, Race and Law

3. January 13, 4:15 - 5:30 p.m. Slave Codes and “Legal Transplants”
   Las Siete Partidas, Title XXI Concerning Slaves (1251-65).
   Code Noir (1685).
   Louisiana Black Code of 1806.
   Optional:
   Christopher Tomlins, Freedom Bound: Law, Labor and Civic Identity in Colonizing English America, 1580-1865, 405-509.

4. January 13, 6:00 - 7:15 p.m. Race in the Colonial Era

Optional:


5. January 20, 4:15 - 5:30 p.m. Slavery and Freedom: Manumission and Freedom Suits

Alejandro de la Fuente & Ariela Gross, "Slavery and Freedom: Manumission and Freedom Suits in Cuba, Louisiana, and Virginia, 1500s-1700s."

Optional:

Keila Grinberg, "Freedom Suits and Civil Law in Brazil and the United States."


6. January 20, 6:00 - 7:15 p.m. Race in the U.S. and Latin America, Nineteenth Century

Morrison v. White, Trial Transcript (1858).

Bryan v. Walton, Trial Transcript (1853, 1856, 1864).


Optional: Tanya Kateri Hernandez, "Spanish American whitening the race – the un(written) laws of 'blanqueamiento' and 'mestizaje,'" Racial Subordination in Latin America.

Ariela Gross, What Blood Won't Tell, Chap. 1.

7. January 27, 4:15 - 5:30 p.m. Slavery, Marriage and Family

Adrienne Davis, “‘Don’t Let Nobody Bother Yo Principle’: The Sexual Economy of Slavery.”


8. January 27, 6:00 - 7:15 p.m. Slavery, Race and Sexuality

State v. Celia, A Slave (trial transcript & online materials).

Optional: Materials from The Celia Project.

9. February 3, 4:15 - 5:30 p.m. The Law and Commerce of Slavery

Icar v. Suares (transcript).
Henry Bibb, Narrative of the Life of Henry Bibb, an American Slave, 101-11 (Chapter IX).
Solomon Northup, Twelve Years a Slave (1853) 78-88 (Chapter VI).
Gross, Slavery, Antislavery & The Coming of The Civil War, 280-98.

10. February 3, 6:00 - 7:15 p.m. Slavery and the U.S. Constitution, Part I: National Politics

Slavery-Related clauses of the U.S. Constitution.
Frederick Douglass, Speech on The Dred Scott Decision.
John C. Calhoun, Resolutions.
Ariela Gross, Slavery, Antislavery & The Coming of the Civil War, 298-312.

11. February 10, 4:15 - 5:30 p.m. Slavery and the U.S. Constitution, Part II: The Federal System

Somerset v. Stewart, Lofft 1, 98 Eng. Rep. 499 (K.B. 1772)
Dred Scott v. Sandford.

12. February 10, 6:00 - 7:15 p.m. Emancipation and the Meaning of Freedom

Mississippi "Black Code" (1866)
Congressional Joint Committee on Reconstruction (1866) -- Hearings on Mississippi
Henry Ravenel's Journal and selected WPA narratives.
Leon Litwack, Been In The Storm So Long, 263-74.
Letter from Jourdan Anderson to his former master.
The case of Andreas Queseda.
13. February 17, 4:15 - 5:30 p.m. Citizenship after Slavery
   Civil Rights Act of 1875.
   Plessy v. Ferguson.
   Rebecca Scott, Degrees of Freedom: Louisiana and Cuba after Slavery (2005), 253-269.
   Rebecca Scott, "Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge."

SKIP Civil Rights Cases, Gross, "Of Portuguese Origin"

14. February 17, 6:00 - 7:15 p.m. Race and Jim Crow in the Twentieth Century, Part I
   Tanya Kateri Hernandez, "Spanish American whitening the race – the un(written) laws of 'blanqueamiento' and 'mestizaje,'" Racial Subordination in Latin America.

   Optional: Angela Onwuachi-Willig, According To Our Hearts;
   Gross, What Blood Won't Tell, Chaps. 3-8.

15. February 24, 4:15 - 5:30 p.m. Race and Jim Crow in the Twentieth Century U.S., Part II
   A Sharecropper’s Contract (1882).
   Narrative of Leon Alexander, in Remembering Jim Crow.
   Ira Katznelson, When Affirmative Action Was White, chaps 1-2.
   Beryl Satter, Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America, chap. 2.

16. February 24, 6:00 - 7:15 p.m. Race and Jim Crow, Part III
   Walter Oshinsky, “American Siberia,” and “Parchman Farm,” Worse Than Slavery.

17. March 3, 4:15 – 5:30 p.m. Race & Affirmative Action Compared
   Daniel Sabbagh, "U.S. Affirmative Action in Comparative Perspective."
   Grutter v. University of Michigan.
18. March 3, 6 – 7:30 p.m. The Memory of Slavery, Reparations Movements and Racial Politics Today

Mary Frances Berry, My Face is Black Is True: Callie House and The Struggle for Ex-Slave Reparations, 6-49.

Ariela Gross, "'All Born to Freedom': Comparing the Law and Politics of Race and the Memory of Slavery in the U.S. and France."

Ta-Nehisi Coates, “The Case for Reparations.”