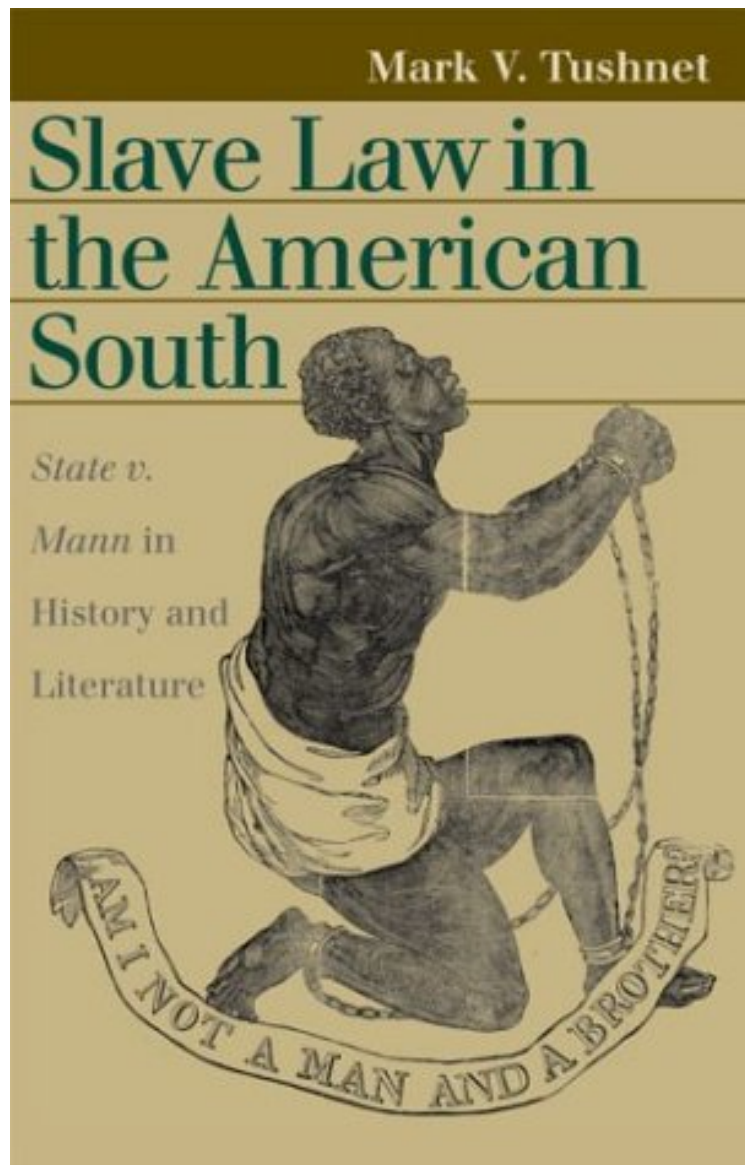


[E-BOOK] Slave Law in the American South: State v. Mann in History and Literature (Landmark Law Cases American Society)

Slave Law in the American South: State v. Mann in History and Literature (Landmark Law Cases American Society)

Mark V. Tushnet

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Mark V. Tushnet : Slave Law in the American South: State v. Mann in History and Literature (Landmark Law Cases American Society) before purchasing it in order to gage whether or not it would be worth my time, and all praised Slave Law in the American South: State v. Mann in History and Literature (Landmark Law Cases American Society):

0 of 0 people found the following review helpful. Five StarsBy Gene FletcherGreat book

Slavery in the American South could not have existed without the authority of law defining slaves as the property of their masters. But the fact that slaves were also human beings placed limits on this harsh reality. When the rigor of the law and the complex bonds of sentiment linking master and slave came into conflict, masters looked to the courts. In one such case, *State v. Mann*, North Carolina Supreme Court justice Thomas Ruffin ruled that masters could not be prosecuted for assaulting their slaves. In articulating the legal basis for his decision, Justice Ruffin also revealed his own view of the "logic of slavery," in which he sanctioned the owner's rights even as he expressed his own horror at the mistreatment of the slave. Legal historian Mark Tushnet, one of the foremost living authorities on antebellum slave law, now shows how studying such a simple case can illuminate an entire society. For those who detested slavery, the case represented all that was intolerable about that institution; for those who defended it, it raised vexing and persistent issues that could not be wished away. As further testament to the importance of *State v. Mann*, Harriet Beecher Stowe even made it central to her second antislavery novel, *Dred*. Tushnet discusses the opinion's place in the novel—in which she quoted liberally from Ruffin's decision—and evaluates other historians' interpretations of both the opinion and Stowe's provocative novel. Tushnet provides a finely detailed analysis of Ruffin's opinion, portraying the judge as a man compelled by law to uphold the slave-owner's right while moved as a Christian by the slave's maltreatment and ever hopeful that communal morality and a deep-seated sense of honor would moderate the excesses of slave owners. As Tushnet shows, however, slave law was a means for maintaining the ideological hegemony of the Southern master class. *Slave Law in the American South* paints a broad picture of a landmark case, tying together legal, historical, social, political, and even literary strands to show how the law itself was implicated in the persistence of slavery. It sheds new light on slavery and Southern history, as it probes the conscience of a troubled jurist incapable of fully transcending his times.

“While losing neither objectivity nor moral compass, Mark Tushnet skillfully navigates the murky waters of Southern judicial and legal logic. His inspired study highly deserves close and serious attention.”—Bertram Wyatt-Brown, author of *The Shaping of Southern Culture: Honor, Grace, and War, 1760–1880s* “More than two decades ago, Tushnet ignited the field of slave law studies with his provocative and thoughtful overview of the subject, *The American Law of Slavery, 1810–1860*. Now he has given us the first book-length study of a classic American slave case. Comprehensive and insightful, it merits the attention of legal scholars, historians, and non-specialists alike.”—Timothy S. Huebner, author of *The Southern Judicial Tradition*From the Back Cover“While losing neither objectivity nor moral compass, Mark Tushnet skillfully navigates the murky waters of Southern judicial and legal logic. His inspired study highly deserves close and serious attention.”--Bertram Wyatt-Brown, author of *The Shaping of Southern Culture: Honor, Grace, and War, 1760-1880s* "More than two decades ago, Tushnet ignited the field of slave law studies with his provocative and thoughtful overview of the subject, *The American Law of Slavery, 1810-1860*. Now he has given us the first book-length study of a classic American slave case. Comprehensive and insightful, it merits the attention of legal scholars, historians, and non-specialists alike."--Timothy S. Huebner, author of *The Southern Judicial Tradition: State Judges and Section Distinctness, 1790-1890*About the AuthorMark V. Tushnet is Carmack Waterhouse Professor of Constitutional Law at Georgetown University Law Center. A former law clerk to Justice Thurgood Marshall, he is the author of numerous books including *Taking the Constitution Away from the Courts* and *Red, White, and Blue: A Critical Analysis of Constitutional Law*.