



THROUGH THE CODES DARKLY Slave Law and Civil Law in Louisiana

Vernon Valentine Palmer

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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.

VERNON VALENTINE PALMER is the Thomas Pickles Professor of Law and Co-Director of the Eason Weinmann Center for Comparative Law at Tulane University. He is the author of more than forty books and articles, including *Mixed Jurisdictions Worldwide: The Third Legal Family*, *Mixed Jurisdictions Compared: The Private Law of Louisiana and Scotland*, *The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction*, *Strict Liability in Europe* (coedited with Franz Werro), *Pure Economic Loss in Europe* (co-edited with Mauro Bussani), *Louisiana: Microcosm of a Mixed Jurisdiction*, and *The Paths to Privity: The History of Third Party Beneficiary Contracts at English Law*.

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 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.

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*

Vernon V. Palmer's probing investigation into the world of an unexpected series of French lawmakers offers a new and insightful response. This book is a must read for anyone interested in the French legacy of slavery and law in the Americas.

Jean M. Hébrard
Ecole des Hautes Etudes en Sciences Sociales, Paris

This elegantly written book will take a prime place among those that should be consulted on the institution of slavery and its lasting imprint on Louisiana. Professor Palmer's important new book clarifies the subject of Louisiana slave law. Palmer's comprehensive English translation of colonial Louisiana's Code Noir of 1724 will be particularly useful to researchers. A practical feature is a timeline outlining the progression of slave law from colonial times through the end of slavery in Louisiana.

Georgia Chadwick
Director, Law Library of Louisiana

This comprehensive study analyzes the successive legal codes that framed life under slavery as the result of dynamic interactions among custom, doctrine, and experience. Professor Palmer makes it clear that the drafting and evolution of these codes reveals key structures of power and presumption, continually confronted by challenges to such formal rules by masters and by slaves themselves.

Rebecca J. Scott
co-author of Freedom Papers: An Atlantic Odyssey in the Age of Emancipation

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