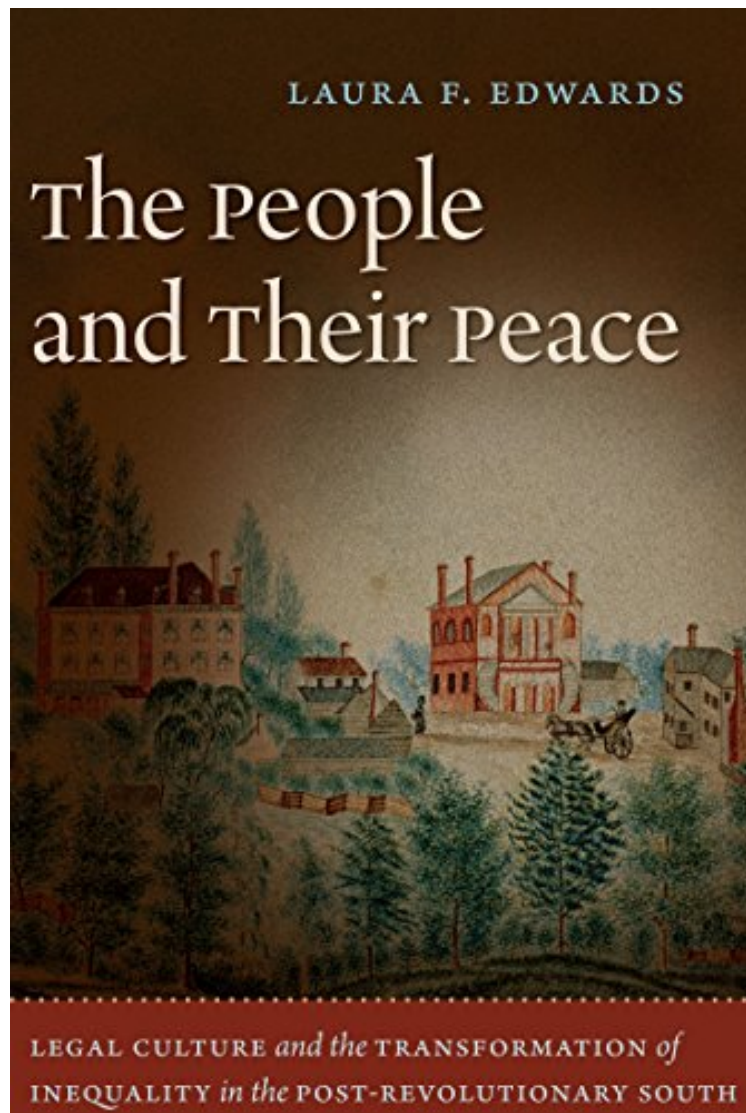


[Download free pdf] The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South

The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South

Laura F. Edwards

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Laura F. Edwards : The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South before purchasing it in order to gage whether or not it would be worth my time, and all praised The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South:

5 of 5 people found the following review helpful. Provocative and Suggestive AnalysisBy Gregory S. King-owenLaura F. Edwards' *The People and Their Peace* argues that between 1780 and 1840 the government that mattered most to ordinary people did not happen at the federal or even the state levels. To borrow from John Murrin, both federal and state governments were "midget" institutions in a giant land. Instead, ordinary people looked to local government within their county jurisdictions; here, magistrates (justices of the peace), utilizing local knowledge, the "credit" of individuals in the community, and a kaleidoscopic amalgam of legal principles, upheld the "peace" of the community. Legal decisions were designed to maintain the interpersonal relationships of the community, not to uphold some abstract notion of individual rights. In this system, dependents in the patriarchal household (women and slaves) exerted some pressure on the patriarchs in the name of the peace, though such pressure never guaranteed protection or ended their subordination. Preserving the peace did not require judicial consistency. By the 1820s, legal reformers began pressing for centralization of legal authority, codification of judicial decisions, and the creation of a "state" framework to impose consistency upon legal activities. In the context of the Nullification Controversy in South Carolina (1830-1833) and the revision of the North Carolina Constitution (1835), legal reformers were able to solidify the position of the state by linking the defense of freemen's liberties to the state. The result was some erosion, but not the effacement, of the localized legal world of keeping the peace. Winners were individualized, rights-bearing white men. Losers were women and slaves. This line of analysis poses several interpretive challenges to histories of early America. The old "states' rights" framework seems less central to the history of early America as Edwards elevates the truly local community to the center of analysis. Edward's insistence on the coexistence of these two legal worlds also deserves further parsing out -- to what extent did the "state" as a separate identity in the early American republic share space with the localized world? Would we see a blending of these two worlds in other areas of governance besides adjudication of criminal and civil matters? For example, what we would do with town petitions sent to North Carolina's General Assembly in the 1790s asking for a legislative stamp of approval of very specific local regulations? Edwards' provocative analysis has certainly caused me to rethink my own work on early national North Carolina, and, no doubt, I will have to think about her arguments as I finish my dissertation. This book will appeal to historians of law, those interested in the construction of patriarchy in the early republic, the legal lives of women and slaves, and students of governance in the early American republic.1 of 1 people found the following review helpful. Overall, Well DoneBy Kenny RoundyThe mere breadth of sources used in this comprehensive work is simply inspiring. Perhaps the author's purpose and/or goal was stated a bit too broadly, but overall this book is superb in its use of rather challenging source material and the difficult nature of the topic.0 of 4 people found the following review helpful. Just couldnt get into itBy Lou EvansThe amount of research is commendable, but the writing style and structure lacked. Too much focus on local courts vs. state courts.

In the half-century following the Revolutionary War, the logic of inequality underwent a profound transformation within the southern legal system. Drawing on extensive archival research in North and South Carolina, Laura F. Edwards illuminates those changes by revealing the importance of localized legal practice. Edwards shows that following the Revolution, the intensely local legal system favored maintaining the "peace," a concept intended to protect the social order and its patriarchal hierarchies. Ordinary people, rather than legal professionals and political leaders, were central to its workings. Those without rights--even slaves--had influence within the system because of their positions of subordination, not in spite of them. By the 1830s, however, state leaders had secured support for a more centralized system that excluded people who were not specifically granted individual rights, including women, African Americans, and the poor. Edwards concludes that the emphasis on rights affirmed and restructured existing patriarchal inequalities, giving them new life within state law with implications that affected all Americans. Placing slaves, free blacks, and white women at the center of the story, *The People and Their Peace* recasts traditional narratives of legal and political change and sheds light on key issues in U.S. history, including the persistence of inequality--particularly slavery--in the face of expanding democracy.

Based on deep research in local and appellate court records, statutes, and the papers of jurists. . . . Edwards' efforts to chart a new legal history of the South are admirable and her research is impressive.--*Journal of Southern History* Bold and deeply impressive. . . . Surely one of the very finest books ever written on antebellum legal history. It looks to important and neglected sources, is a very sophisticated study, and will repay multiple readings. Its bold thesis will keep scholars busy in the archives, rethinking our own work and generating new insights for decades.--*Journal of American Ethnic History* Offers provocative new insights into nineteenth-century southern society. . . . Scholars of slavery, the Old South, and late eighteenth- and nineteenth-century U.S. law ignore it at their peril.--*Georgia Historical Quarterly* An outstanding and groundbreaking study, one that will in all likelihood change the way scholars look at the law in the southern states for some time to come.--*North Carolina Historical* Proposes an alternative view of the Early National period, one based on records that most historians still do not use. . . . Well worth reading.--*Register of the Kentucky Historical Society* An important and profound reexamination of the legal culture of the 1789-1840 era. . . . Edwards's arguments are convincing and enlightening. . . . A seminal work that should stimulate further work and a

new school of interpretation of American history.--H-Net sThe author's prodigious research in the extant legal records of the Carolinas as well as the challenging interpretations that emerge from this research are the study's great strengths. . . . Where this study succeeds is in its sophisticated analysis of a broad range of records that reveal important insights about ordinary people and their place in the early nineteenth century.--The Journal of American HistoryThis book is destined to be a crucial work in American legal history, but its impact on other fields may be just as great.--American Historical Provides a richly textured portrait of a legal culture in which women, African Americans, and the poor played an important part. . . . Offers an important contribution to the literature on the history of the South.--H-Net sAn authoritative study on the legal culture of the plantation South. . . . A great book! Highly recommended.--Choice This extraordinary book, powerfully conceived and beautifully written, casts a brilliant light on the mysterious processes by which local discretionary justice in the early American republic was gradually overlaid--though never entirely supplanted--by a central, formal state law of rules and rights. From research in thousands of archives, Laura Edwards has brought to life the hierarchical yet communal world of local law in the Carolinas, where rich and poor, husbands and wives, masters and even some slaves brought their claims before courts committed to repair breaches of public order. This book is a pioneering contribution to legal history. It is also a deep and subtle commentary on the rule of law. Subordinate peoples may sometimes fare better in informal regimes that allow their participation than in formal legal systems of individual rights, from which, if they have no rights, they may be shut out entirely.--Robert W. Gordon, Chancellor Kent Professor of Law and Legal History, Yale Law SchoolThe People and Their Peace is a landmark book. Edwards recovers a whole world of ground-level activity, thinking, and assumptions about law, and then uses that yet unmapped legal world to rethink the legal history we do know--the world of 'the law' controlled by legislatures, jurists, and high courts. This profoundly significant analysis is grounded in a wealth of evidence and argued persuasively, often elegantly.--Dylan Penningroth, author of The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century SouthFrom the Inside FlapIn the half-century following the Revolutionary War, the logic of inequality underwent a profound transformation within the southern legal system. Drawing on extensive archival research in North and South Carolina, Laura Edwards illuminates those changes by revealing the importance of localized legal practice. Placing slaves, free blacks, and white women at the center of the story, Edwards recasts traditional narratives of legal and political change and sheds light on key issues in U.S. history, including the persistence of inequality--particularly slavery--in the face of expanding democracy.