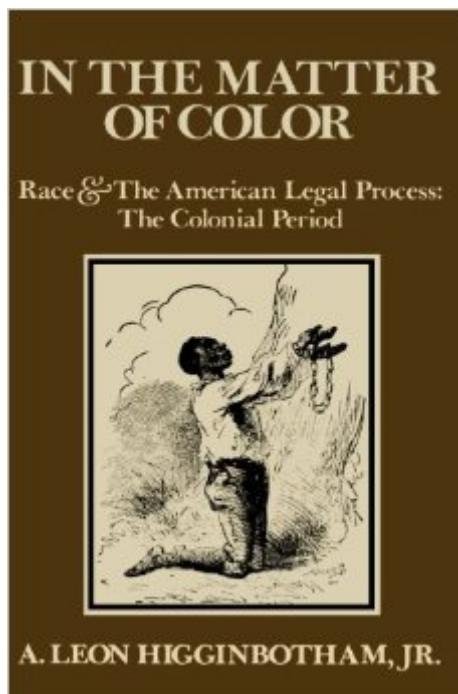


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# In The Matter Of Color: Race And The American Legal Process: The Colonial Period



## Synopsis

From Publishers Weekly Retired federal judge Higginbotham is one of the nation's most distinguished commentators on law and race. In 1978, he published his impressive *In the Matter of Color*, the first volume of a series charting racial progress and regress over the past three centuries. Now, Oxford is touting this as the "magisterial follow-up." But, though the period covered follows (loosely) that of the earlier volume, it hardly seems like the expected sequel. Perhaps because it is adapted from Higginbotham's law review articles, this book is uneven. Still, Higginbotham's conceptualization of the "Ten Precepts of American Slavery Jurisprudence" is an incisive tool for analyzing notorious cases that still echo through American law. Of these assumptions and premises that facilitated slavery, the most enduring is that of inferiority, which, says the author, persists, even as the laws regarding other precepts—such as the rights of African Americans to marry, to be educated, etc.—have evolved. He goes on to describe cases that limited the freedom glimpsed after the Civil War, culminating in the notorious *Plessy v. Ferguson* "separate but equal" decision. Shying away from the last five decades of Supreme Court decisions, the author offers a chapter on the Charles Evans Hughes court (1930-1941), which made tentative steps toward justice. The decision to end with reprints of Higginbotham's 1995 open letter to Newt Gingrich and two 1996 commentaries from the Boston Globe only emphasize the jury-rigged nature of the book. Copyright 1996 Reed Business Information, Inc. --This text refers to an out of print or unavailable edition of this title.

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## Customer Reviews

I highly recommend this book to anyone who wants to embark on the serious study of racial ideology here in America, especially as it pertains to the law. Higginbotham's work is widely quoted and referenced in other books that I've read. This book forms the bedrock and foundation for understanding "how" and "why" it was necessary to forge a wedge between poor whites and blacks, who together, often conspired to runaway from their master, and how black Americans gradually moved from a position of quasi-servitude to perpetual slavery. This book is phenomenal. It truly is the bedrock of my collection of works on the subject.

In a matter of color discusses the legalities of slavery in the states of Virginia, New York, South Carolina, Georgia, and Pennsylvania during the colonial period. It reveals how laws contributed to inflicting injustice on millions of Americans, solely on the basis of their color. The State of Virginia, a model of agricultural and economic success, a leader for all the colonies played a major role in the ultimate institutionalization of slavery. The State of Massachusetts after numerous trepidations abolished slavery in 1783. The State of New York though not steeped in slavery exuded certain prejudices. Although "Free Blacks" might join the militia and buy real estate, Jews were barred from both. In South Carolina, by 1708, less than 20 years after the decision to move from white indentured labor to black labor, black slaves out numbered white inhabitants. In the State of Georgia, the indentured slave system broke down. The need to increase the number of white residents and to assure an adequate and cheap labor supply caused the financing of transportation to Georgia of many free unindentured persons (called charity colonists) and granted them up to fifty acres of land. Another group of emigrants (called adventurers) paid their own passage and received up to 500 acres of land. In the State of Pennsylvania the destruction of slavery was achieved to a great extent through the private actions of Quakers and Germans freeing their slaves and cajoling their neighbors to act likewise. The book's contents are well researched, with cases and legislation written to be understood. For many readers, even those well steeped in African-American studies or American History, or the law....this book will stir new passions.

I bought this book on the recommendation of my professor for a class in African American History. In addition to being an excellent reference book, it expresses the subject matter in a truthful and honest way without being prejudice. It combines both the known history taught in school with the unspoken stories of the colonial period, shedding light on the legal system, and its origin in the colonies. This book is a must have for anyone interested in the Law or legal studies.

Only half way finished but the information is so important to the understanding of American history and there is excellent documentation that I will be rereading this work and continuing to learn from it

Higginbotham's work helped me understand modern racial tensions in the US as a story built into American systems. I read it almost 20 years ago and still refer to it mentally. It was that impactful to my thinking.

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