



CENTER FOR THE STUDY OF LAW AND SOCIETY
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CSLS SPEAKER SERIES

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“She had...a Womb Subjected to Bondage’: The Afro-Atlantic Origins of British Colonial Descent Law”

In December of 1662, Virginia’s legislators decided to pass an act which made the free or enslaved status of a child born to an “Englishman” and a “negro” woman in the colony contingent upon the free or enslaved status of their mother. Such a choice was and remains remarkable to scholars because it stood in direct contrast with the paternal descent laws that prevailed in England (except in cases of bastardy). In trying to explain Virginia’s decision to implement a maternal rather than paternal descent law, legal historians and slavery scholars have offered several theories. While they do not form a consensus, they generally contend that legislators codified local custom and/or drew heavily upon Roman slave law, canon law, British laws related to bastardy and animal husbandry, the law of nations, or laws governing Iberian systems of slavery. This paper proposes another possibility.

Rather than approach the questionable origins of British colonial descent laws from a strictly Anglo- or Eurocentric perspective, this paper seeks to determine the role that West African customs and laws may have played in shaping them. I take the hybridized, Afro-Anglo system of laws and customs that emerged on the West Coast of Africa during the Atlantic slave trade as my point of departure, and in so doing, I approach the issue of British slave descent laws from an Afro-Atlantic vantage point. After elucidating the complex nature of Afro-Anglo interactions around and across the Atlantic I use a range of sources to show how much the English knew about West African descent laws and customs, to chart how this information circulated among and between individuals in West Africa, England, and the colonies, and ultimately, to assess the possible impact of this knowledge on colonial lawmaking and laws pertaining to slave descent.

PLACE
TIME
INFO
EMAIL

Selznick Seminar Room, 2240 Piedmont Avenue
12:45 – 2:00pm. Coffee and water provided. Bag lunches welcome.
<https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>
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