Slave Codes: Crash Course Black American History #4

Crash Course: Black American History
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Hi, I'm Clint Smith, this is Crash Course Black American History.

There are all sorts of ways that societies restrict people's movement. For example, people can put gates and fences around their homes and communities, or there are traffic cones that tell us where we can and can't drive...evennnnn though sometimes I might accidentally run over them.

I'm working on it. But some methods that society uses to restrict the movements of people, are far more sinister, far more serious, and--based on distorted beliefs--have no sincere interest in the safety of those people, what I'm thinking of in this case, are something called slave codes. Slave codes were based on the belief that Black Americans were an economic investment.

They were purposefully designed to condone harming Black Americans and keep them enslaved. Though some textbooks on slavery and slave codes refer to enslaved people simply as workers, they were not just workers. They were treated as an underclass, and the legal system perpetuated that underclass status for economic and prejudicial reasons.

Learning about slave codes makes this all profoundly clear. INTRO Slave Codes were laws and policies developed during the colonial period to restrict the movement and freedoms of Black people. Though they were called slave codes, many times they were applied to free Black people as well.

Remember that the distinction between "negro" and "enslaved" was essentially meaningless during this time. The primary reason the slave codes were implemented was to explicitly and legally reinforce the racial hierarchy within the colonies. Slave codes were a method of protecting the investment of white enslavers by restricting the lives of enslaved people in almost every imaginable way.

The codes restricted enslaved people's ability to move around, or engage in commerce that could make them financially independent - they restricted the very opportunities that would allow them to live with even relative freedom.. When there were hints of enslaved people questioning their status or even the possibility of someone planning a revolt, new slave codes were quickly passed to prevent such a thing from happening. Virginia was the first of the 13 colonies to implement large scale slave codes.

Since the United States was not quite the "United States" yet, each colony had their own version of these codes. At the time, they were not yet even referred to as "slave codes" but even without the formal title, their purpose remained the same--to fundamentally restrict the rights of Black. Americans, free and enslaved, and to explicitly deny them the rights afforded to white members of society.

Let's look at an example. In 1662, Virginia passed this statute: "Whereas some doubts have arisen whether children got by any Englishman upon a negro woman should be slave or free, Be it therefore enacted and declared by this present grand assembly, that all children borne in this country shall be held bond or free only according to the condition of the mother. And that if any Christian shall commit fornication with a negro man or woman, hee or shee soe offending shall pay double the fines imposed by the former act." After Elizabeth Key's case in 1656, which we talked about last episode, the Virginia.

House of Burgesses passed this official law. It mandated what's known as partus sequitur ventrem – determining one's enslaved status based on their mother's labor status – as the legal method to determine whether an individual is enslaved or not. Some scholars, such as Jennifer L. Morgan, posit that it was actually Key's freedom suit that drove the Virginia House of Burgesses to create this law in the first place. A law that was also designed to discourage intimate interracial relations between Black and white people in the colonies. Virginia didn't just stop there.

In 1705, Virginia passed another law dedicated to regulating the movement and behavior of enslaved people. It was called 'An Act Concerning Servants and Slaves.' This act banned Black people from owning White servants and penalized those that presided over the marriage of Whites and Blacks with fines. It banned enslaved people from owning weapons.

Other laws from the same time banned Black people - regardless of their servitude status - from testifying against Whites in court. You might think that in a country where the colonists would soon be demanding freedom while espousing the importance of liberty and equality for themselves, that those people would be a bit more - I don't know- concerned about liberty and equality for everyone. But America's promise and America's actions are very often inconsistent.

Let's go to the Thought Bubble In 1671, Maryland passed a law stating that even if enslaved people converted to Christianity, that conversion did not change their servitude status. This was important because of the legal debate around whether Christians could be enslaved. Now South Carolina built a whole society around slave codes.

They did it for economic reasons, and for societal reasons. These codes banned Black people from engaging in any kind of trade, did not allow for enslaved folks to travel without notes from their enslaver, banned enslaved Black Americans from keeping loud instruments like drums and horns, and gave law enforcement the authority to search enslaved black people and whip them if they appeared to be engaging in what was deemed "disorderly behavior." Many of these codes showed up after slave rebellions, when enslavers were particularly interested in protecting themselves and their property from enslaved people who wanted their freedom. And slave codes weren't just in the Southern Colonies.

New York had their own set of these laws, too. A 1702 Slave code in New York banned people from trading with enslaved people at all. It also prohibited three or more enslaved people from meeting together at the same time.

From 1703 to 1704, Rhode Island banned the enslaved from being out after 9 o'clock at night unless they had what was deemed a lawful excuse. Pennsylvania also had infamous discriminatory slave codes. And as a result, punishment for offenses committed by white and black people could be deeply, and even lethally unequal.

While a certain offense committed by a white man might result in them being whipped or branded, a black man charged with committing a similar offense, might be killed. Thanks, Thought Bubble – and oh THANKS Legal Gremlin. White colonists worked overtime with the Legal Gremlin to make sure that the law was used to hurt and constrain Black Americans, just because of the color of their skin and their place in the American economy.

In early colonial history, white indentured servants and Black enslaved people had somewhat similar positions in society. But as we've seen in this episode, that wouldn't last. Colonial governments created specific laws that would clearly and legally demarcate what rights a white person could have, and which right a Black person could have, or perhaps more appropriately, which rights they couldn't have.

I’m sure that many people look at these laws and are appalled that such things were ever passed. But it’s important to note that, while today such discrimination might not be explicitly stated in the language of the law itself, laws across the country have different implications, and are often enforced differently, based on someone’s race. This impacts jobs, housing, our criminal legal system, our schools, the list goes on.

Looking back, it can be hard to stomach that our country did this to people. But it’s important to note that, as is the case throughout Black history, people pushed back against these laws, because they knew they were wrong. Later in this series, we’re going to learn about the myriad ways that Black people have resisted these injustices over time .

Thanks for watching, I’ll see you next time. Crash Course is made with the help of all these nice people and our animation team is. Thought Cafe.

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