history of crime. Academicians, politicians, practitioners, and students at the graduate and undergraduate levels will learn much about homicide and the prospects of success of our current "war on violent crime" by reading this exceptional study.

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In this short collection of five essays, Philip Schwarz raises fascinating questions about the official and customary laws touching the lives of slaves in the Old Dominion. Schwarz introduces these short takes with the welcome suggestion that students of the legal history of slavery should attend to the lessons of social and cultural history, paying closer attention to law from the perspective of enslaved African Americans themselves. He raises an important challenge, which parallels the perspective of newer historians of slavery like Walter Johnson, as well as the approach taken by a number of anthropologists, such as Mindie Lazarus-Black. These essays are a bit uneven, however, in fulfilling the promise of the introduction. Although there is wonderful material in most of the essays about the operation of legal institutions at a local level, the theme of slaves' perspective and influence on the law does not always carry through.

Schwarz begins with an introduction setting forth his "theoretical underpinnings," explaining that he approaches history from "the top down" as well as "from the bottom up," examining "the intersection or interaction of the behavior of owners and of the enslaved" and particularly the ways they both influenced legal development (p. 5). His model of legal development, which emphasizes the influence of "customary law," and of social, political and economic factors more generally, on the development of both statutory and common law, should be familiar to American legal historians, for it shares the spirit of much of the writing in this field.

Schwarz was one of the pioneers in the legal history of slavery in going beyond statutory law and appellate cases to look at the work of trial courts in his important 1988 work, Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865, as well as in these essays. Unfortunately, he has not extended that pioneering spirit to go beyond the criminal law, despite the more general title of this book. In the introduction, he raises tantalizing questions about slaves' impact on civil law, but he does not answer them in the essays. He might have looked to trials of civil disputes such as breach of warranty cases for such evidence. Indeed, overlooking the civil side of court dockets is a disappointing omission, because in most jurisdictions, civil cases far outnumbered criminal ones, and by far the most common occasions for trial courts to settle disputes involving slaves were matters of debt and warranty.¹

The most interesting essay, and the most speculative, is the first, entitled "Lawlessness," in which Schwarz hypothesizes that what appeared to European

Americans as African slavery and lawlessness was in fact simply cultural dissonance between the assumptions Africans brought from African legal systems and the system they faced in the colonies. Schwarz suggests that transplanted or "reblended" African legal values may have influenced African American slaves' customary laws as well as their reaction to the laws of Virginia (p. 15). This is a fascinating subject for future study. Surveying all of West Africa, however, leaves Schwarz's conclusions necessarily very general and speculative.

Two of the essays tread rather familiar ground to the student of slavery in the United States: The second essay in the book, a study of "Thomas Jefferson's relationship to the law of slavery in Virginia," argues that Jefferson committed himself to the law of slavery by his ownership of slaves, and that his commitment was in tension with his republican beliefs; the last essay looks at the laws regarding fugitive slaves in Virginia, showing the way legislators reacted to the growing threat of abolitionism with attempts to protect Virginians' ability to retrieve human property that could "steal itself."

The third and fourth essays, however, introduce important information about capital punishment and transportation of convicted slaves from Virginia to other states. With some data for the eighteenth century, and very good data for the years 1785 to 1865, Schwarz attempts to explain the statistical decline of capital punishment in terms of slaveholders' interests in saving the costs of execution; judges' interest in legitimating the rule of law by giving due process to enslaved people; slaves' changing behavior influencing both legislation and prosecution of crime; lighter punishments for whites allowing courts more freedom to give slaves more lenient penalties while still maintaining inequality; as well as humanitarian considerations of "mercy." Yet, Schwarz notes, none of these reasons can explain why there were fewer executions for "major stealing," which was on the increase in the nineteenth century, "suggest[ing] that white leaders concluded that capital punishment could not reduce crimes against property" (p. 83). In the last few pages of the essay, Schwarz speculates about the reactions of slaves to capital punishment. This is the most interesting part of the essay, despite the relative paucity of sources Schwarz has found for this subject—which perhaps explains why more legal historians have not succeeded in capturing their subject from the slaves' perspective.

The essay on transportation brings to light a subject most historians have ignored, which brings together questions of criminal law and punishment with issues of comity between the states. Schwarz shows that transportation as an official penalty grew out of its practice as part of the "customary law," in which "selling to Georgia" was renowned among both whites and blacks as a punishment (p. 101). Both the essays on capital punishment and on transportation would be useful in classroom teaching as brief introductions to the intersection between social and legal history in the study of slavery.

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This innovative study explores American legal culture at the end of the nine-