



PATRIOTS AND PIRATES: LAW IN THE ATLANTIC WORLD

WOH 3930-03 (13931) | Fall 2014

Tuesdays & Thursdays, 12:30pm - 1:45pm | BEL 0115

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The pirate is one of the quintessential characters in early modern Atlantic history, notorious for his violence and defiance of law and order. Yet the Atlantic world was not a lawless void. During the early modern era from roughly 1500-1800, Atlantic participants collaborated to forge civil societies based on new understandings of law and society, like colonial governments. European empires established law courts for use by indigenous peoples and Europeans as they expanded their

territorial reach. Law was also a tool for the oppressed: throughout the Atlantic world, enslaved people used law to petition for emancipation and contest mistreatment. How were global legal regimes created and contested? What are the origins of modern international law?²

In this course, we will think about the push and pull of loyalties both toward and away from Atlantic legal regimes, epitomized by patriots (who supported legal and political entities) and pirates (who subverted those entities). We will focus our inquiry on three areas: 1) legal repertoires 2) slavery and 3) piracy. Legal repertoires included both the substance of law in the Atlantic world and the patterns of legal practices exhibited by subjects. This unit introduces key concepts in the Western legal tradition. Legal repertoires can be fruitfully explored through families, who sought to claim and protect assets through legal regimes. Slave labor at once fueled the economic engine of the Atlantic system and raised critical challenges to legal regimes, which were forced to grapple with whether slaves could be property, persons, or both. Pirates operated at the margins of Atlantic legal regimes, for example capturing Spanish gold on galleons bound for Europe from the Americas. But pirates also sought legitimacy and sometimes even legality as they created pirate societies and negotiated with imperial authorities.

¹ Here are some pointers to help all of us manage our email. Make sure you are checking the mail at your Blackboard address. I'm a good email correspondent and you are welcome to email me, but note that I ask you to allow at least 24 hours for me to respond. Please don't email me with procedural and logistical questions unless you have asked your fellow students and consulted Blackboard first. You will get better quality feedback and substantive discussion by coming to office hours. All emails should include the appropriate form of greeting and be signed with your name. I will not reply to any emails that do not include these appropriate courtesies. In this course *and in life*, address the person you're writing politely, be clear, delete automatic signatures that aren't appropriate, and read your mail over before you send it!

² Image: Captain Edward Teach (1680-1718) otherwise known as Blackbeard. *Associated Press*.

Course Objectives

At the conclusion of this course, students will be able to:

- (1) identify and explain, orally and in writing, the key features of early modern Atlantic legal regimes;
- (2) evaluate the impact of slavery and piracy on those legal regimes;
- (3) assess historical arguments; and
- (4) analyze legal writing and sources, and develop conclusions about the practice of law.

Course Requirements

Books (*required*):

- Ekirch, A. Roger. *Birthing: The True Story That Inspired Kidnapped*. New York: W.W. Norton & Co., 2011.
- Peabody, Sue, and Keila Grinberg. *Slavery, Freedom, and the Law in the Atlantic World: A Brief History with Documents*. Boston: Bedford/St. Martin's, 2007.

All books are readily available at the bookstore, through online booksellers, etc. All other course readings will be made available online via Blackboard. It is up to you to acquire copies of the reading in advance. Plan ahead, collaborate with each other, note electronic resources where available, etc. to be sure you come to each meeting having done all of the reading. I have also placed a copy of each of the required books on reserve at the library.

Learning the basic material will be more difficult if you skip lectures. I don't post the PowerPoints, as I often adjust a lecture to questions and interests. If you miss a class, get the notes from a fellow student, and do the reading with those notes in mind. Missing more than 2 classes on a T-TH schedule will jeopardize your performance in the class (see Participation and #4 and 5 in Course Policies below). I assume you are present, paying attention to announcements, consulting with fellow students, and checking **your Blackboard email.**

If you have any questions about assignments or the material, please ask.

Evaluation

- 10% Participation
- 5% Map Quiz
- 20% Exam 1
- 30% Exam 2
- 35% Comprehensive Final Exam

Participation: I expect you to keep up with the reading, which is marked on the syllabus, and to be prepared to discuss it. We will have small and large group discussions, and we expect respectful, informed, and intelligent participation in those discussions. We will have informal writing assignments in class. Those cannot be made up if you miss class. Discussion of the assigned readings (see above) will be an important element of this class: you will learn more effectively when you take an active part in the analysis of the material to be covered. Consequently you must expect to read every reading assignment very carefully and thoughtfully. You should come to each class ready to ask questions and contribute observations. You will need to demonstrate mastery of the readings to do well on the exams.

Participation will be assessed on a point scale: you will earn one (1) point per class attended, two (2) points per class discussion participation, and up to five (5) points per in-class writing assignment submission. Your percentage of points attained out of the total possible will become the basis of your participation grade (10% of your total grade as noted above). Absence from class without an approved excuse will inevitably have a serious impact on your grade because you cannot participate if you are not present. Please note that if you are absent, then you can't earn these points. In-class writing assignments on dates of excused absences can be made up following consultation with the instructor. Each of you may have two (2) unexcused absences with no penalty.

Quiz and Exams: The Map Quiz will be multiple-choice and based on a pre-circulated map (available on Blackboard). Exams 1 and 2 will cover material on Units 1 and 2 respectively. The Final Exam will be comprehensive. Exams 1 and 2 will consist of five (5) identifications and one (1) long essay question. The Final Exam will consist of five (5) identifications and two (2) long essay questions. Identification terms will come from lecture in class: for each term you must provide a definition and a short explanation of why it is significant for the course (2-3 sentences). Essay questions will ask you to use both lecture material and readings to analyze major themes that we have covered. Possible exam questions will be pre-circulated one week before the exam is given and I will roll a die to determine which one(s) will appear on the exam. Essay evaluation depends primarily on content (90%): how well you have answered the question (by addressing it specifically, by giving a thoughtful answer) and the quality of your evidence (from both lecture and course readings). Writing matters for these essays, as mechanics and style affect how clearly you convey your analysis. It will count for 10% of your grade for each essay.

* All exams will be blue book exams during the class period for which they are scheduled. You are required to supply your own blue book and pen or pencil.

Grade Scale

A = 100-93	B = 86-83	C = 76-73	D = 66-63
A- = 92-90	B- = 82-80	C- = 72-70	D- = 62-60
B+ = 89-87	C+ = 79-77	D+ = 69-67	F = 59-0

Final grade percentages ending in a decimal of “.5” or greater will be rounded up to the next whole number.

Attendance Policy

Excused absences include documented illness, deaths in the immediate family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. Accommodations for these excused absences will be made and will do so in a way that does not penalize students who have a valid excuse. Consideration will also be given to students whose dependent children experience serious illness.

See items #4 and #5 below. Make-up examinations will not be given to accommodate your travel plans or non-emergency family events, etc. Please plan accordingly.

Americans with Disabilities Act

Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Student Disability Resource Center; and (2) bring a letter to the instructor indicating the need for accommodation and what type. This should be done during the first week of class. This syllabus and other class materials are available in alternative format upon request.

For more information about services available to FSU students with disabilities, contact the Student Disability Resource Center, 874 Traditions Way, 108 Student Services Building, Florida State University, Tallahassee, FL 32306-4167; (850) 644-9566 (voice), (850) 644-8504 (TDD); sdrc@admin.fsu.edu; <http://www.disabilitycenter.fsu.edu/>

ACADEMIC HONOR POLICY: The Florida State University Academic Honor Policy outlines the University's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy and for living up to their pledge to ". . . be honest and truthful and . . . [to] strive for personal and institutional integrity at Florida State University." (Florida State University Academic Honor Policy, found at <http://fda.fsu.edu/Academics/Academic-Honor-Policy>.)

You are also expected to know the definition of plagiarism. You must do your own work and make sure that your work is not being plagiarized by others. I will report any plagiarism to the Vice President for Faculty Development and Advancement's office. Failure to abide by the honor code could result in a "0" for the assignment, an "F" for this course and/or possible dismissal or suspension from the University.

Classroom Policies

- 1) Laptops are permitted on the condition that they do not create a distraction for yourself or others. I reserve the right to bar laptops from the classroom if off-topic uses become a distraction. To save yourself the temptation, simply turn off your WiFi when you arrive as you won't need the internet during class.
- 2) No cell phones or texting in the classroom.
- 3) All the assignments are required, even if you are taking the course pass-fail.
- 4) I check attendance at the beginning of class, either by going through the roll or by collecting an in-class writing activity. Please do not disrupt class by talking, wandering in late, or leaving early. If for some reason you have to leave class early, do so quietly and let me know beforehand.
- 5) Each of you may have two (2) unexcused absences with no penalty.

Free Tutoring from FSU: On-campus tutoring and writing assistance is available for many courses at Florida State University. For more information, visit the Academic Center for Excellence (ACE) Tutoring Services' comprehensive list of on-campus tutoring options at <http://ace/fsu/edu/tutoring> or contact tutor@fsu.edu. High-quality tutoring is available by appointment and on a walk-in basis. These services are offered by tutors trained to encourage the highest level of individual academic success while upholding personal academic integrity.

Syllabus Change Policy: Except for changes that substantially affect implementation of the evaluation (grading) statement, this syllabus is a guide for the course and is subject to change with advance notice.

Course Schedule

26-Aug | 1.1 Introductions

- Keith Johnson, “Who’s a Pirate? In Court, A Duel Over Definitions.” *Wsj.com*, August 14, 2010, sec. Law.

UNIT 1: LEGAL REPERTOIRES

28-Aug | 1.2 Legal Regions and Repertoires

- Birthright, pp. 1-38

2-Sep | 2.1 Subjecthood and Citizenship

- Birthright, pp. 39-96

4-Sep | 2.2 Families and Children

- Birthright, pp. 39-96
- ***MAP QUIZ***

9-Sep | 3.1 Property

- Birthright, pp. 97-120

11-Sep | 3.2 Advocacy

- Sally Hadden and Patricia Hagler Minter. “A Legal Tourist Visits Eighteenth-Century Britain: Henry Marchant’s Observations on British Courts, 1771 to 1772.” *Law and History Review* 29, no. 01 (2011): 133–79.

16-Sep | 4.1 Jurisdiction, Sovereignty, and Legal Geography

- Birthright, pp. 121-end.

18-Sep | 4.2 Constitutions

- Birthright, pp. 121-end.

23-Sep | 5.1 Jurisdictional Complexity

- Birthright, pp. 121-end.

25-Sep | 5.2 ***EXAM 1***

UNIT 2: PARADOXES & HYPOCRISIES: SLAVERY

30-Sep | 6.1 Slavery under Different Legal Regimes

- Introduction, Sue Peabody and Keila Grinberg. *Slavery, Freedom, and the Law in the Atlantic World: A Brief History with Documents*. Boston: Bedford/St. Martin’s, 2007, 1-28. (Hereafter P&G)

2-Oct | 6.2 Slavery and Property: Defining Chattel

- P&G, *The Code Noir* (1685), 31-6; *Leeward Treaty, Jamaica* (1739), 65-7; *Las Siete Partidas* (1265), 102-3; *Portuguese Slave Laws* (1603, 1734), 134-7; 139-41.

7-Oct | 7.1 Masters and Slaves

- Edward B. Rugemer, "The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century." *The William and Mary Quarterly* 70, no. 3 (July 1, 2013): 429–58.

9-Oct | 7.2 Families

- James H. Sweet, "Defying Social Death: The Multiple Configurations of African Slave Family in the Atlantic World." *The William and Mary Quarterly* 70, no. 2 (April 1, 2013): 251–72.

14-Oct | 8.1 Crime & Punishment

- Diana Paton, "Witchcraft, Poison, Law, and Atlantic Slavery." *The William and Mary Quarterly* 69, no. 2 (April 1, 2012): 235–64.

16-Oct | 8.2 Slave Resistance: On the Plantation

- Malick W. Ghachem, "Prosecuting Torture: The Strategic Ethics of Slavery in Pre-Revolutionary Saint-Domingue (Haiti)." *Law and History Review* 29, no. Special Issue 04 (2011): 985–1029.

21-Oct | 9.1 Slave Resistance: Beyond the Plantation

- Linda Rupert, "Marronage, Manumission, and Maritime Trade in the Early Modern Caribbean." *Slavery and Abolition*, 30/3 (2009), 361–82.

23-Oct | 9.2 Emancipation

- P&G, French emancipation cases (documents 2-7 in French Atlantic section), 36-56; "The Somerset Case: England's Freedom Principle," 1772, 68-74; Portuguese emancipation cases (documents 36, 38), 137-9; 141-44

28-Oct | 10.1 Slave Revolution & Abolition

- P&G, *The Haitian Revolution*, 57-64; "The Uprisings, 1791-1793," in Jeremy D. Popkin, *A Concise History of the Haitian Revolution*. Malden, MA: Wiley-Blackwell, 2012, 35-61.

30-Oct | 10.2 ***EXAM 2***

UNIT 3: PIRACY & THE LIMITS OF THE LAW

4-Nov | 11.1 The Common Enemies of Mankind

- Ch. 7 "To Extirpate them out of the World," in Marcus Buford Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age*. Boston: Beacon Press, 2004. 127-47; Colin Woodard, "The Last Days of Blackbeard." *Smithsonian*, February 2014.
<http://www.smithsonianmag.com/history/last-days-blackbeard-180949440/>.

6-Nov | 11.2 Piracy and the Law

- Anonymous. *The Tryals of Joseph Dawson, Edward Forseith, William May, [brace] William Bishop, James Lewis, and John Sparkes for Several Piracies and Robberies by Them Committed in the Company of Every the Grand Pirate, near the Coasts of the East-Indies, and Several Other Places on the Seas : Giving an Account of Their Villainous Robberies and Barbarities : At the Admiralty Sessions, Begun at the Old-Baily on the 29th of October, 1696, and Ended on the 6th of November.* London: John Everingham, 1696.

11-Nov | 12.1 VETERANS DAY HOLIDAY – no class

13-Nov | 12.2 A Pirate Code? Ordering among Pirates & Renegades

- Ch. 5 "To Do Justice to Sailors," in Marcus Buford Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age*. Boston: Beacon Press, 2004. 83-102; Owen Jarus, *LiveScience*. "Arrgh! Adventures of 17th-Century Pirate Alliance Uncovered in Ireland." <http://www.livescience.com/43696-17th-century-pirate-alliance-uncovered-in-ireland.html>.

18-Nov | 13.1 Negotiating with Pirates and Defining the Law of Nations

- Anne Pérotin-Dumon, "The Pirate and the Emperor: Power and the Law on the Seas, 1450-1850." In *The Political Economy of Merchant Empires*, edited by James D. Tracy, 196–227. Cambridge; New York: Cambridge University Press, 1999.

20-Nov | 13.2 Diplomacy and Captivity in the Mediterranean

- Linda Colley, "Going Native, Telling Tales: Captivity, Collaborations and Empire." *Past & Present* 168, no. 1 (August 1, 2000): 170–93.

25-Nov | 14.1 Complicity and Contraband: Illicit Trading

- Linda Rupert, "Contraband Trade and the Shaping of Colonial Societies." *Itinerario* 30:3 (Nov. 2006): 35-54.

27-Nov | 14.2 THANKSGIVING – no class

2-Dec | 15.1 No Peace Beyond the Line? Creole Legalism and Extralegality

- Conclusion, Shannon Lee Dawdy, *Building the Devil's Empire: French Colonial New Orleans*. Chicago: University of Chicago Press, 2008, 219-246.

4-Dec | 15.2 Conclusions and Final Exam Review

- Spencer Ackerman, "Somali Pirate Kingpin Calls It Quits as Hijackings Plummet" *WIRED*, January 10, 2013. <http://www.wired.com/2013/01/pirate-kingpin/>. *Other readings to be posted on Blackboard.*

***FINAL EXAM³: Thursday, December 11th 2014, 3-5pm**

³ Please note that per the University Final Examination Policy (http://registrar.fsu.edu/dir_class/fall/exam_schedule.htm), "All students enrolled in a course having a final examination, including graduating seniors and graduate students, are required to take the exam at the time scheduled...Approval by the appropriate academic dean is required for an individual undergraduate student seeking an exception to the examination policy."