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Introduction

Sometimes a change in the weather announces itself. The skies darken, the wind shifts, lightning flashes, thunder rolls, and a downpour follows, washing away the dust, cleansing the air, and leaving the impression of dramatic change. Other times, the thick, cloying summer humidity turns imperceptibly into a rain shower that seems inevitable in hindsight. The subject of *The People and Their Peace* is the societal equivalent of a silent summer rain shower: changes that eased themselves into the nation's history with so little notification that, once they had been established, it appeared as if things had always been that way.

This metaphorical change in the weather involves fundamental developments in law and governance between 1787 and 1840. Here the term “law” refers to the body of ideas, customs, and practices that guided the determination of justice, broadly defined, according to the multiple, conflicting, and manifestly inequitable standards of the time. “Governance” denotes the institutional mechanisms, formal and informal, including, but not limited to, the legal system, through which decisions were made about legal cases and public issues. *The People and Their Peace* draws on detailed archival research in two slave states, North Carolina and South Carolina, to reconstruct legal culture at both the local and state levels. The state-level laws and legal institutions that so many historians assume to be authoritative emerged within the context of a profoundly decentralized system, rooted at the local level. Recovering the importance of localized law places ordinary people, rather than legal professionals and political leaders, at the center of law and governance in this period. It also recasts our understanding of key developments at the state and national levels, specifically the meaning of rights and presumption of the slave South's distinctiveness within narratives of U.S. history.

LOCALIZED LAW AND STATE LAW

Localized law and state law coexisted in two very distinct planes in the period between 1787 and 1840, operating simultaneously but largely apart. The situation was similar to the one described in Hendrik Hartog's clas-

sic article “Pigs and Positivism,” which explores the relationship between formal law and popular legal culture through the attempted regulation of pigs, the favored livestock of many New York City residents in the early nineteenth century. Custom allowed pigs to roam free and wallow about, a practice that New Yorkers with aspirations to refinement found distasteful. Challenged in court, the pigs and their owners lost. But that outcome made no dent whatsoever in customary practice: even as the prohibition against pigs entered into the law books, pigs remained on the streets.¹ That disconnect between the law of pigs as articulated by the courts and the law of pigs as practiced in the city streets illustrates a key element of the relationship between state law and localized law in the Carolinas. Even as state law acquired institutional mass over time in the form of statutes and appellate rulings, the people who tended localized law kept to their own paths, absorbed by what they encountered there and largely oblivious to events at the state level, despite efforts to attract their attention.

While occupying legitimate spaces within the structures of government, state law and localized law were fundamentally incompatible at a basic, conceptual level. Proponents of state law, who would have sympathized with the regulatory efforts of New York City officials, aspired to create a unified body of law and a centralized institutional structure to enforce it. Localized law, by contrast, recognized multiple sources and sites of legal authority, including customary arrangements as practiced, on the ground, in local communities. Where state law protected the rights of legally recognized individuals, localized law maintained the social order — the “peace,” a well-established Anglo-American concept that expressed the ideal order of the metaphorical public body. Legal professionals dominated at the state level, where they followed laws as specified in authoritative texts. Localized law depended on information conveyed orally by ordinary people — even subordinates without rights — who were all considered necessary to the legal process of maintaining the peace. When oral proceedings in localized law were reduced to writing, the resulting records did not have the authority of written legal texts produced at the state level: writing remained secondary, as a reminder of oral knowledge that had determined the process.²

Between 1787 and 1840, state law developed alongside the localized system, but never completely displaced it. Even as state institutions and laws assumed more importance, they did not provide the only, or even the primary, legal site or conceptual framework for addressing public matters. Although the evolution of law and legal institutions in this period has been

largely unnoticed by scholars because they are so difficult to see in the sources.³ Systemic legal change of any kind is virtually undetectable in the local court records, the body of sources on which social historians have relied, particularly for information about white women, poor whites, free blacks, and slaves. These materials mark neither the radical decentralization of government in the Revolutionary era that produced the localized system nor the later elaboration of state law. Cleaving to custom, with all the violence and inequality that pass as custom in a slave society, local proceedings convey the impression of a society stuck in the past, stubbornly resistant to change and richly deserving of its reputation for backwardness. In many ways, the processes of change are no more discernible in the materials that historians traditionally use to study law and politics. Newspapers, appellate decisions, statutes, political pamphlets, legal treatises, and the papers of the political elite actively promoted the systematization and centralization of law at the state level. But they wrapped the discussion of these “reforms” in the rhetoric of progress, with strong Whiggish undertones of inevitability. As a result, these sources read as a negation of any human agency in the conception or direction of change: law and government simply assumed the form they were always intended to have, aided by those who had access to the plan. At both state and local levels, we thus find an archival record saturated in images that obscure dynamic change — hardly an invitation for further investigation.

The images are misleading, because change marked the history of law and government at both the local and state levels between 1787 and 1840. Dismantling the centralization of imperial rule during the Revolution, white Carolinians reframed their governments to localize the most important functions, drawing on Revolutionary ideology, undercurrents of political unrest in the rural population, and established elements of Anglo-American law. These changes dramatically altered the existing structures of imperial rule by placing government business in local legal venues — not only in circuit courts, but also in magistrates’ hearings, inquests, and other ad hoc forums. This localized system had no use for distinctions that would later become so important at the state level, allowing local custom, politics, and law to mingle freely and blurring the demarcation between “local administration” and “state government.” In the context of post-Revolutionary government, local legal practice was not some quaint, folksy exception to a formalized, rational body of state law, as is commonly assumed. Local decisions officially shared space with legislation and appellate decisions as central components of state law, precisely because state governments were

relatively weak and delegated so much authority to local jurisdictions. In fact, the state level was largely dependent on local jurisdictions.

Not all areas of law were equally localized. Even before the Revolution, professionally trained lawyers had taken control over private matters involving property — what we now know as the civil side of the system. That area of law was the first to be systematized and centralized at the state level. Local areas, though, maintained authority over public matters, which included all crimes as well as a range of ill-defined offenses that disrupted the peace.

Although many historians have associated the South with “localism,” this approach to law and government was not peculiarly “southern” at the time. In this regard, the Carolinas illustrate broader trends in the legal culture of the post-Revolutionary era. As recent scholarship has emphasized, localism characterized both the theory and practice of law and government throughout the United States, even at the national level, in the post-Revolutionary period.⁴ The fact that the two states were very different in matters other than law underscores the power of those legal currents. South Carolina was British North America’s premier colony, with close ties to England and continental Europe and a thriving economy based in staple crop culture and slave labor. In the early nineteenth century, the cotton boom kept the state’s economy buoyant. But expansion in that period masked underlying weaknesses that led to long-term economic stagnation, the effects of which became apparent in the 1830s. By contrast, colonial North Carolina was something of a backwater, with a reputation as a refuge for misfits and failures. The colony’s lack of distinction in the British Empire, however, served it well later. Unfettered by dependence on staple crop production, antebellum North Carolina developed a relatively dynamic, mixed economy, in which slavery played a significant but less determinative role than it did in other slave states. Later, in the 1860s, those social and economic differences determined the two states’ paths, on the way to the Civil War. South Carolina’s political leaders led the Deep South out of the Union in the first wave of secession, following the election of President Abraham Lincoln. North Carolina’s leaders held back, anchored by economic and political ties to the North and the presence of a large block of white voters who, while neither opposed to slavery nor even openly Unionist, had little in common with slaveholding planters in the Deep South. North Carolina finally joined the Confederacy in the second wave of secession, after Lincoln’s call for troops made it clear that the federal government would use military force to resolve the crisis and that the slave states remaining in the Union would have to choose sides.⁵

But it was the fallout from the American Revolution, not the anticipation of the Civil War, that framed the development of law and government in the early republic. The localized system that emerged in the 1770s blended the new and the old, bringing Revolutionary ideals of participatory government and local control to established legal practices, namely, the multiple traditions and overlapping jurisdictions so well mapped by early modern British historians. This new, hybrid system emphasized process over principle: each jurisdiction produced inconsistent rulings aimed at restoring the peace. The peace constituted a hierarchical order that forced everyone into its patriarchal embrace and raised its collective interests over those of any given individual. Beyond that, the content of the peace remained purposefully vague, because it both governed and was constituted by relationships and practices that varied from locality to locality.

North and South Carolinians regularly called on the authority of the peace to resolve what they regarded as serious problems, drawing law into the entire range of personal conflicts and community disorders. Wandering livestock and quarrelsome neighbors shared legal quarters with gamblers, drinkers, wife beaters, and even planters who committed offenses against their slaves. Everyone participated in the identification of offenses, the resolution of conflicts, and the definition of law. Even those without rights—wives, children, servants, and slaves, all of whom were legally subordinated to their household heads, as well as free blacks, unmarried free women, and poor whites, whose race, class, and gender marked them as subordinates—had direct access to localized law. They also had some influence over it, but only through the relationships that subordinated them within families and communities, not through recognition of their individual rights. Nevertheless, it was this same subordination that gave them legal access through their specified places within the peace. Similarly, white patriarchs exercised domestic authority at the behest of the peace, not in their own right. When their actions disturbed the peace, whether through inadequate or excessive use of authority, they experienced censure. Keeping the peace meant keeping everyone—from the lowest to the highest—in their appropriate places, as defined in specific local contexts.

Local courts focused on the resolution of these highly personal, idiosyncratic disputes. Judgments rested on the situated knowledge of observers in local communities, in which an individual's "credit" (also known as character or reputation) was established through family and neighborly ties and continually assessed through gossip networks. Local officials and juries judged the reliability of testimony based on an individual's credit as

well as on impersonal, prescriptive markers of status, such as gender, race, age, or class. In this system, the words of subordinates could assume considerable legal authority. A slave's well-placed remarks about his master's financial difficulties or a wife's pointed complaints to neighbors when begging for essential supplies acquired resonance as they moved through local gossip networks. Such information shaped the terms of legal matters before they even entered the system. How subordinates exercised influence in law without being able to change or even challenge their legal subordination constitutes an important strand of the analysis. Another strand considers the implications of a legal system in which any one person's experience was not transferable to another person of similar status (defined by such characteristics as gender, race, or class) or predictive of any other case's outcome. These disparate outcomes coexisted as options and alternatives, rather than contradictions requiring rationalization. The result was a legal system composed of inconsistent local rulings, which offered future courts various options rather than precedents; there was no uniform "law" to appeal to.

The importance of localized law is often overlooked, because the state leaders who opposed it have dominated the historical narrative. These white men, most of whom were professionally trained lawyers, were part of a national network that applied Revolutionary ideals to very different ends: they wished to create a rationalized body of law based on the protection of individual rights, particularly property rights, and to centralize the operations of government to regularize the creation and dissemination of that body of law. Recognizing the importance of history to that task, they compiled documentary sources and crafted narratives that cast localized law as an archaic throwback, which inevitably gave way to progressive change as laws were standardized and rights were uniformly defined and applied. Their voices acquired resonance over time, as historians relied on their archive, followed their lead, and ignored — even dismissed — legal localism.⁶

State leaders' accounts are accurate in the sense that state law became more elaborate, sophisticated, and influential between 1787 and 1840. At the end of the Revolution, there was no coherent body of law at the state level to deal with public matters. But neither was there anything inherent in the decentralized, localized system that precluded the development of such laws within state-level institutions. So reformers set about creating a body of state law based in rights. Beginning with the area of property law, they created the necessary institutional structure at the state level. By the end of the 1820s, state leaders had made considerable progress in rationalizing

the legal system at the state level, even in the realm of public matters. Then they secured popular support for that project through highly visible political campaigns: the nullification campaign of 1827–32 in South Carolina and the 1835 state constitutional convention in North Carolina.

As lawmakers extended the reach of state law, they imposed the rubric of individual rights on matters formerly governed by collective conceptions of the peace, as defined in local contexts. The logic behind the developing body of state law turned white men's patriarchal authority and civic participation into individual rights, akin to their already established property rights. White men's rights expanded at this level of the legal system, increasing their claims on the legal system and to state protection of their interests. In the political rhetoric of the 1830s, they became "freemen," legally recognized individuals who were the paradigmatic citizens, at least within the realm of state law. At the same time, dependents' legal status, particularly their lack of rights, became the rationale for their exclusion from law and government. State law defined them as altogether different categories of legal persons and subordinated them according to the abstract categories of race, class, and/or gender. White women, African Americans, and the poor found it difficult to make themselves heard and their concerns visible within the body of state law, because they were excluded from the category of people with rights the state was designed to protect.

The denial of rights to the vast majority of southerners and their exclusion from the polity masked even more profound inequalities at the state level. White men were constituted as freemen through their rights *over* those without rights. In extending this legal framework, state leaders applied the precepts of liberal individualism to the patriarchal structure of localized law. They abstracted the authority white men already exercised in social context, through their obligations to the peace in localized law, and individualized both its privileges and restrictions. By the 1830s white men could claim rights not just in their property and their own labor in state law, but also in the labor and bodies of their dependents and, through the abstractions of gender and race, in the lives of other subordinate people as well. Their authority in this body of law extended over all black persons, slave or free, and no black person fully possessed his or her own body or the product of his or her labor.⁷ The rhetoric of party politics construed rights broadly, linking them to freedom, liberty, and equality among white men, whether propertied or not. In practice, though, state leaders' vision of democracy did not include fundamental changes in the economic or social structure that would put all white men on equal footing. Legislators and

jurists defined rights narrowly, so as to affirm existing inequalities among white men and to protect the property interests of the wealthy, particularly slavery. By the 1830s freemen could look to the state to protect their rights, defined in the limited, abstract terms of law at that level of the system. But many of the white men included in this category could not count on those rights as a means to articulate, let alone promote, their interests.⁸

State leaders were less successful in practice than either their writings or their influence on later historians suggest. State law took up more institutional space by the 1830s, but it did not triumph over localized law: the legal system, which still included localized legal practices, did *not* work as state leaders wished and represented, particularly in the broad area of public law. Localized law continued to have considerable influence in the antebellum period and long afterward, because it was embedded in the culture in ways that made it very difficult to eliminate. To further complicate matters, localized law had always accommodated multiple — even conflicting — legal traditions, so it was possible for southerners to embrace rights discourse, as developed at the state level in the 1830s, while still adhering to conflicting tenets of the local system. People might represent their interests in local courts in terms of rights, but the localized system continued to incorporate their claims just as it had always done with other claims on the peace.

The development of state law is, nonetheless, a crucial and historically neglected story. Not only did it operate by a very different logic — the logic of individual rights — than did localized law; it also cast its subjects in a different relationship to law and the government. State law would become more influential over time, as this level of government became more entrenched and more powerful. But it is not so much the relative influence of state law as the timing of its emergence that is the important story. Although scholars usually treat state law as primary, it did not emerge in the broad area of public matters until the 1820s (in appellate law and statutes) and the 1830s (in the discursive realm of politics). This periodization changes our view not only of people's influence over governance and the development of rights within the nation's political culture, but also of the relationship of slavery and the South to the rest of the nation.

THE SOUTH AND THE NATION

It is tempting to cast the narrative in terms of declension, whereby the status of marginalized southerners declined as a legal system based in rights became more influential, diluting the practices of localized law. Bad

weather became worse, as intermittent rain showers turned into a flood (to continue the opening metaphor). Did the development of a legal system at the state level, based in rights, work against ordinary southerners in this period? The question does not really have enough substance to carry the analysis, because it is so easily answered in the affirmative: a legal system based in individual rights is not particularly useful to people who cannot claim them or use them. The new legal order that emerged at the state level offered possibilities that localized law did not, but only if individual rights were extended more broadly within the population and only if their meanings were defined more generously so as to address fundamental social, economic, and political inequalities. In the political context of the slave South, state law reinforced, rather than challenged, the subordination of all those who were not rights-bearing individuals and even some who were. To focus on this one question, moreover, is to miss more important points that speak to other, central historiographical issues: the privileged position of individual rights within our historical narratives, the elevation of legal professionals and printed legal materials over ordinary people and cultural currents in our conception of law, and the assumption of southern distinctiveness in all aspects of scholarship on the nineteenth-century United States.

The rights of individuals provide a poor standard by which to evaluate changes in either law or government in the period between 1787 and 1840. This measure is not only utterly inadequate, but also hopelessly anachronistic because so much legal business was conducted within a localized system that maintained the collective order of the peace, not the rights of individuals. People regularly pursued their own interests in localized law. This system, however, did not treat their claims as expressions of rights. Nor did it treat the claimants as legally recognized, autonomous individuals who exercised agency on their own behalf through the possession of rights. To the extent that individuals figured in the process at all, they did so through hierarchical family and community relationships that connected them to the peace. It was those networks, built through relations of subordination that tied southerners to one another, that brought a wide range of southerners into the dynamics of localized law. Because access depended on those social relations, even those without rights had influence within the system. To understand a localized law system in terms of individuals or individual rights is to misconstrue its most basic dynamics, stretching the standards of a single, developing area of law at the state level not only backward, but well beyond its reach.⁹

Similarly, the textual legal authorities that defined state law did not describe localized law. From the perspective of customary practice, there was no need to identify a single location of legal authority or a definitive body of texts, because the logic of localized law sanctioned the coexistence of multiple sources of legal authority. It was only in the legal framework proposed by the state elite that legal authority was located in one body of law and in one place, namely, the state. State law was the province of the few: elite, professionally trained lawyers, who divined its direction through specially designated published texts, namely, statutes, appellate decisions, and legal treatises. That law's scope was also limited, reaching only to the minority of the population that had rights.

While the admonition against relying exclusively on state-level sources might apply generally to most periods in U.S. history, it takes on particular salience in the years between 1787 and 1840. State law, as envisioned by the elite, did not yet define the system, and the legal materials generated at this level were much less authoritative than they were to become later. In the legal system as it actually existed at the time, a wide range of practices and materials, written and unwritten, informed the law: not only the legal materials produced by professional lawyers, but also religious and popular writings as well as the cultural traditions and local knowledge of southerners — men and women, black and white, rich and poor — who did not have professional training. Ordinary people, even those without rights, influenced localized law in a basic, structural sense. Indeed, these people, and the body of knowledge upon which they drew, *constituted* localized law. Its fundamental content emerged through the lives of ordinary people on the ground in local communities in ways that were not the case at the state level, where the system was based on the protection of abstract rights.

Given the centrality of people to the content of law, the topics usually relegated to social history have direct implications for the field of legal history. Relations between slaves and masters, wives and husbands, and children and parents, as well as those among neighbors and extended families, all left a direct imprint on law and legal practice. So did the conflicts and aspirations, petty and profound, of people whose names never made it into legal histories of the era. The marginality of these southerners obtained only at the state level, where it existed more in theory than in practice for much of the period.¹⁰

Given the dynamics of the legal system, particularly in the immediate post-Revolutionary decades, localities actually provide the best place from

approach flies in the face of century-old historiographical conventions that consign local history to antiquarians, based on the assumption that provincial places were historically marginal in the past and therefore are inconsequential for understanding historical change. But the pejorative connotations so often applied to all things “local” are not applicable during the period between 1787 and 1840, particularly in legal matters. In fact, these connotations are but another legacy of the creators of state law. As part of their reform project, state leaders generated the expectation that the state would function as the final repository of legal authority. They not only separated “the state” from “the local,” but also insisted on the superiority of the former to the latter. But their rhetoric, so powerfully articulated in the archival sources, has led historians to conclude that the local level actually *was* subordinate to the state in matters of law.

More important, the way state leaders pitted “the state” against “the local” presumed a conceptual framework that posits a single, controlling view of law as the only viable option. They were so successful in perpetuating these presumptions that it is now difficult for us to imagine a system in which one body of law and one institutional arena—at some level, be it local, state, or national—was not definitive. As a result, our histories of legal systems tend to be about transitions or transformations that occur as one level becomes more important than another. But the narrative that state leaders imposed does not really work for the Carolinas or anywhere else in the United States during the period from 1787 to 1840. The logic of the system, as it actually existed at the time, resolutely ignored all the presuppositions necessary to a linear narrative of a transition from one coherent legal regime to another. After the Revolution, local jurisdictions had primary control over public matters, because multiplicity was accepted as the way things were and should be, not because local jurisdictions were identified as the “top” of the judicial hierarchy. In the logic of the localized system, state laws did not necessarily control local practice, define the needs of the peace in local areas, or constitute a definitive body of law uniformly applicable throughout the state. They were just laws generated in a different place—the state level, not other, local areas. In fact, because the state was a different place, its laws might not represent the practices of a given locality particularly well. Instead of following in the path of state leaders and viewing these multiple, conflicting legal traditions as problems that required reform, we need to create new conceptual frameworks that accept these dynamics as part of the nation’s past.

The emphasis on local legal arenas ultimately widens, rather than nar-

rows, the historical lens of this study, bringing connections between the Carolinas and the nation into focus. Studying southern states to shed light on national developments, particularly in the early nineteenth century, goes against the historiographical grain in much the same way as highlighting localities does. The South has long figured as a distinctive region in the popular imagination as well as in historical writing. It is a position forged in the political crisis of secession and the Civil War, shaped in the aftermath of Confederate defeat by white southerners who created a mythical slave South to service the Cult of the Lost Cause, and buffed to a fine finish during the Jim Crow era by fiction writers and professional historians who relied on southern regionalism for vibrant characters, gothic plots, and analytical meaning. For many writers, southern exceptionalism constituted a source of pride. It demonstrated the South's continued connection with a purer era of the nation's past and its innate superiority over the rest of the country. As the civil rights, labor, and feminist movements gained ground in the twentieth century, however, southern exceptionalism underwent a critical reassessment. As early as the 1920s, activists, writers, and historians were using it to explain the South's ills, from slavery and racism to class oppression and gender inequality and the region's persistent poverty and endemic underdevelopment. Southern exceptionalism became synonymous with backwardness of all kinds — economic, social, cultural, intellectual, and political. Above all, exceptionalism separated the South from the nation. Events in the South were presumed to be unique to that region; studies of southern problems spoke to regional dynamics, not national ones. Even the boldest and most significant historical lessons about slavery and racial discrimination stopped at the Mason-Dixon Line.

Like the negative qualities attributed to the term “local,” the concept of southern exceptionalism inappropriately imposes later developments on the past. In this instance, though, the elite who developed state law are not culpable. In the decades following the Revolution, they did not see themselves or their region as different or distinctive, let alone provincial or backward. South Carolina was the wealthiest state in the new nation. The state's elite moved in national and international networks, maintaining strong ties with other regions of the United States as well as the Caribbean and Europe. North Carolina's proximity to South Carolina and Virginia, two of the most influential states in the early republic, led to unflattering comparisons in which North Carolina invariably came up short. Yet even North Carolina looked outward to a wider, cosmopolitan world. The correspondence of backwoods merchants talked more of events in the commercial

centers of Europe than it did of local or even state and national dynamics. Local newspapers devoted an enormous amount of space to international news with good reason, since the actions of international powers directly affected daily life. At this time, localism did not denote a provincial outlook that took no cognizance of the outside world. The region's elite was thoroughly embedded in the networks of the Atlantic world and wedded to its political and intellectual currents. And even the localism of the local legal system did not take the form of extreme provincialism, the claims of state leaders notwithstanding. Legal localism represented a different logic for resolving disputes and determining justice; it did not connote ignorance.

Moreover, the experience of the Revolution encouraged southerners, particularly those who had spearheaded the Patriot cause, to see themselves as the vanguard of progressive change. They took pride in their education, which they often received in Europe, and followed the political and intellectual currents of the Age of Reason with an enthusiasm that sometimes bordered on obsession. Moving in social networks that were not circumscribed by geography, they identified both with their states and with the new nation. They saw themselves as the architects of the new republic and its institutions, which would serve as guides for future progress. Their hubris knew no bounds; the fate of the world lay in their hands.¹¹

By beginning with local areas — not with the already constituted states that would eventually form a distinct region — we can see the dynamics by which states were transformed into centralized government institutions with rationalized bodies of law. These same changes have been found elsewhere in the United States, but historians have erroneously presumed that the South formed an exception. Reform-minded southerners drew on political principles usually associated with the liberal state in the North: private property, individual rights, and a limited but theoretically democratic government that protected those rights and encouraged individual initiative.¹² In the context of a slave society, those principles resulted in extreme legal inequalities and rigid political exclusions. Although those outcomes are usually considered unrepresentative of national trends, they in fact paralleled developments in the North, where recent historiography has emphasized growing inequality, expressed in categorical terms of race, class, and gender and linked to the spread of liberal individualism. The history of these two southern states provides insights into the origins and reconstitution of inequality in the nation as a whole.

Indeed, the southern experience sheds light on national issues that still resonate today. As the history of the Carolinas indicates, the extension

of rights to new portions of the population is only part of the story: the meanings given to individual rights were — and are — as important as their distribution.¹³ Although rights exist as abstractions in law, they are always applied in context. Without political backing and a strong commitment to democracy and equality, a government based in the protection of individual rights can lead in profoundly oppressive directions. In the Carolinas, the same principles that we usually associate with individual liberty, democracy, and equality were mobilized in defense of slavery, the nation's most potent symbol of tyranny and repression. We usually treat slavery as an exception that can be explained by its divergence from national principles, but the system of vesting some with rights in the labor and bodies of others was far more pervasive than many Americans like to recognize. The principles of equal rights were — and still are — extended in democratic directions only by political struggle.

MAPPING THE SOURCES, PLACES, AND ANALYSIS

The People and Their Peace is based on legal records and a range of other sources from both the local and state levels between 1787 and 1840. It draws on thousands of local court records from six specific areas in the Carolinas, chosen for the quality and completeness of their records as well as the variety of their social and economic circumstances: the counties of Chowan, Orange, and Granville in North Carolina and the districts of Kershaw, Anderson-Pendleton, and Spartanburg in South Carolina. The research then extends outward to other counties and districts to include divorce, apprenticeship, poor house, and church records, as well as other local materials. At the state level, the materials cover statutes, appellate decisions, and various published legal sources; state government documents such as governors' correspondence, legislative committee reports, pardons, and petitions; newspapers; and the diaries and letters of various leaders in state law and politics.

Chowan County, the first home of North Carolina's colonial government, lies on the state's east coast. Its major city, Edenton, was a busy commercial center. The county was also a center of the Patriot movement during the Revolution, led by a tight circle of Whig lawyers, merchants, and planters, including William Hooper, Samuel Johnston, and James Iredell Sr. While these men have been largely forgotten, relegated to bit parts in most histories of the Revolution, their womenfolk are more familiar, memorialized in a widely reproduced British cartoon lampooning their boycott of