THE LAWYER AS HISTORIAN: PROFESSOR HENRY RICHARDSON AND THE *ORIGINS OF AFRICAN AMERICAN INTERESTS IN INTERNATIONAL LAW*

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I. INTRODUCTION

Professor Henry Richardson is well known for his extensive, provocative, and groundbreaking work on international law and legal theory. His book, *The Origins of African-American Interests in International Law*,[1] shows his skills as a historian and represents a valuable addition to the literature of history, international law, and American constitutional law.

The central theme of this work is that Black people in the United States (U.S.), denied their rights to freedom and equity under domestic law, sought to claim these rights by demanding to be governed by a better "outside law" which defined and protected these rights.[2] Using the analytic techniques developed by Professors Myres McDougal and Harold Lasswell and their "New Haven School" of law, science, and policy jurisprudence,[3] Professor Richardson examines the development of the claims to "outside law" through a well-researched and carefully crafted historical approach. This approach lays out Black people's conception and articulation of these human rights of freedom and equality in the U.S.[4] Richardson also shows the effect of and the reaction to this articulation of

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1. HENRY J. RICHARDSON, III, THE ORIGINS OF AFRICAN-AMERICAN INTERESTS IN INTERNATIONAL LAW (2008) [hereinafter ORIGINS].

2. *Id*. at xxi.

3. *Id*. at 94. As Professors McDougal, Lasswell, and Chen explain, "[i]n the comprehensive social process . . . individual human beings, affected by constantly changing environmental and predispositional factors, are continuously engaged in the shaping and sharing of all values, with achievement of many different outcomes in deprivation and fulfillment. It is these outcomes in deprivation and fulfillment in the shaping and sharing of values which constitute . . . the human rights which the larger community of humankind protects or fails to protect." Myres S. McDougal, Harold D. Lasswell & Lung-chu Chen, *The Social Setting of Human Rights: The Process of Deprivation and Non-Fulfillment of Values*, 46 REV. JUR. U.P.R. 477, 477 (1977). In order to examine and understand these processes, an analyst must consider the individual and group actors involved, their perspectives and base values, the geographic and other situations in which these interactions take place, the strategies they employ, and the outcomes of these interactions. ORIGINS, SUPRA NOTE 1, at 95.

4. In this frame of reference, human rights are conceived as the factual demands of community members for participation in different value processes and emphasizes that the human rights demanded and protected within any community are a function of many unique cultural and environmental variables. This approach provides a framework for the realistic and contextual examination of situation in which the protection of human rights is being challenged. Myres S. McDougal, Harold D. Lasswell & Lung-chu Chen, *Human Rights in World Public Order: Human Rights in Comprehensive Context*, 72 NW. U. L. REV. 227, 281–283 (1977).

rights by the white power structure both in colonial and post-colonial America. This interaction had a substantial effect in the drafting of the Constitution and in the development of the American legal system. Moreover, it resulted in the creation of an African-American international tradition and jurisprudence.[5] As these claims matured through continued and repeated assertion, they were institutionalized into an African-American claim to international law tradition and jurisprudence that continues to this day.[6]

This thesis is developed by a comprehensive examination of four principal topics. First, Richardson examines the origin of the North American slave trade and its treatment under domestic and international law.[7] Second, Professor Richardson describes and analyzes the origins and nature of the invocation of, and claims by, Blacks to a superior "outside law" as a source of rights denied to them by domestic law during the colonial period.[8] Third, as international law evolves, he examines the growing assertion and institutionalization of these claims during the late colonial period and the Revolutionary War, and the domestic reaction to these claims.[9] Lastly, Professor Richardson examines the influence of international law (and Black claims thereunder) in the drafting of the Constitution and in the early development of the American legal system.[10] In developing his thesis, Professor Richardson identifies, explains, and analyzes a number of critical historical events whose significant effect on American history is little known and understood.

In the next sections, we will consider Professor Richardson's examination of these topics.

II. THE NORTH AMERICAN SLAVE TRADE AND INTERNATIONAL LAW

Professor Richardson begins by establishing that slavery, an institution involving various ethnic groups that had been established for centuries,[11] developed a particular set of characteristics in response to the economic consequences of the discovery and colonization of the Americas. In order to be profitable, the economic development and exploitation of these vast new territories required massive numbers of laborers to engage in hard manual labor, and there were simply not enough colonists available to do so.[12] Initial attempts to meet this labor shortage through use of indentured servitude were not successful as they were expensive and hard to recruit.[13] Similarly, using the involuntary labor of the native inhabitants was not perceived to be an alternate solution because they were not available in

5. ORIGINS, SUPRA NOTE 1, at 472.

6. *Id*. at xxxi–xlii.

7. *Id*. at xv–xvi.

8. *Id*. at xvi.

9. *Id*. at xviii.

10. *Id*. at xix.

11. *See id*. at 4 (discussing the history of both Muslim and African slavery beginning around 1100 A.D.).

12. ORIGINS, SUPRA NOTE 1, at 3–16.

13. *See id*. at 13 ("Several factors were inconvenient to sovereign and settler economic objectives relative to European indentured service.").

sufficient numbers or suited to the work.[14] The European solution to this problem was to rapidly import large numbers of Blacks kidnapped in and imported from West Africa as slave labor.[15] Although Professor Richardson is careful to distinguish, enumerate, and describe the different experiences of the various European powers who participated in the slave trade, the end result in all cases is the same: the importation of vast quantities of enslaved human beings into the Americas. By the 17th and 18th centuries, slavery was a very big and profitable business.[16]

Professor Richardson then carefully traces how the treatment of slavery by law in general, and international law in particular, evolved.[17] Clearly, the morality and possible legality of slavery itself was controversial.[18] Moreover, natural law, whether arising out of the law of God or principles of right and universal reason found throughout the human community, applied to all people inherent to their existence, and all of whom were equal in the sight of God.[19] How, then, could slavery be legally justified? By classifying African slaves as "savages," or as "others" who were inferior and not really human.[20] Indeed, the debate about the humanity of Africans continued even into the 19th century.[21] Moreover, as modern international law, as articulated by Grotius and others, began to shift from a natural law perspective to one based on territoriality,[22] the principle arose that individual sovereigns had unlimited and absolute power to legislate within their realms.[23] Accordingly, they could, if they wished, impose slavery therein. As a matter of fact, Grotius, in his writings, concluded that slavery was permissible, although within limits.[24]

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14. *Id*.

15. *See id*. at 16–20 (discussing significant resistance from Africans subjected to attempted capture). Professor Richardson, in a masterful passage, utterly demolishes the argument that, because of their perceived "cooperation" with European slavers, West African peoples were responsible for the institution and conduct of African slavery.

16. *See id*. at 5–16 (discussing the tremendous growth of the African slave trade into a global industry by the 18th century).

17. *See id*. at 22–30 (discussing how the evolution of law undergirds any historical chain of events, slavery being no exception).

18. Professor Richardson notes how Spanish legal writers in the 16th century argued that it was immoral and wrong to enslave prisoners of war or individuals who had been born free or who had been captured by fraud or violence, even if they had been bought at a legally constituted slave market, and how the Portuguese crown seemed to adopt these arguments. ORIGINS, SUPRA NOTE 1, at 24–25.

19. *Id*. at 90.

20. *See id*. at 25 (describing the perception of African slaves as lesser, non-human beings). Fray Francisco de la Cruz articulated this argument by noting "that an angel had told him that the 'blacks are justly captives by reason of the sins of their forefathers, and that because of that sin God gave them that color.'" *Id*.

21. *Id*. at 119.

22. *Id*. at 110.

23. *See id*. at 111–12 ("[T]he permissibility of generally trading in African slaves in the New World . . . represented the extraterritorial extension of the law of dominant sovereigns.").

24. *See* ORIGINS, SUPRA NOTE 1, at 136 (stating that Grotius' writings gave a reason for

Another question that then arises is how slavery in the Americas could be codified into a legally permissive practice. The answer, as Professor Richardson notes, is complicated. Some colonial powers, such as Spain, directly regulated slavery and applied this legislation to its colonies.[25] England, on the other hand, did not exercise this authority and allowed its colonies to adopt their own slave codes.[26] As we shall see, the existence of these different norms regulating slavery throughout North America will become an important factor in Black claims of protection under outside law.

These norms changed through the years. In the 16th century, when the number of imported African slaves was small, they were regulated under the existing law of indentured servitude.[27] This meant that they had certain rights during their servitude, including the right to freedom and, once freed, the right to own property.[28] As the slaveholding system expanded and the number of slaves grew to the point that they outnumbered the colonial population, the principal issues for the colonial elites became one of preserving the property value of slave labor by characterizing them as chattel with no rights, treating them as property, and protecting the colony from slave revolts.[29]

III. THE ORIGIN, NATURE AND DEVELOPMENT OF BLACK CLAIMS TO "OUTSIDE LAW" PROTECTIONS

Professor Richardson argues throughout his book that Blacks brought to the Americas in slavery continuously invoked outside law to argue for freedom and equal rights.[30] In order to understand this claim, we must consider three issues: what these outside law norms were, how Blacks became aware of them, and how they asserted claims based on these norms.

The first source of outside law for African slaves was innate. These were the African tribal and customary law principles regarding personhood, freedom, and captivity that ruled Africans before they were forcibly kidnapped and taken from

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the existence of slavery as an institution under sovereign law). Indeed, Grotius, in his second book, concludes that slavery is permissible, although within limits if captured in an illegal war or born in captivity. *Id*. at 137–38. Professor Richardson notes, however, the inherent contradictions between Grotius' adoption of natural law principles (although based on principles of universal reason rather than divine inspiration) and the seemingly unlimited ability of sovereigns to ignore these principles within their territory. *Id*. at 90-92. In his writing about slavery, however, Grotius seems to be treating the subject of slavery as one that is *sui generis*, that is, of its own kind, and not necessarily connected with the other doctrines he is articulating. *Id*.

25. *Id*. at 28. The Spanish slave codes did recognize the humanity of slaves and afforded them some rights. *Id*. at 29.

26. *See id*. at 28–29 (comparing Spanish and Virginian slave codes).

27. *See id*. at 56 (noting that the Dutch, in the early 1600s, treated slaves similarly to indentured servants); *id*. at 38 (noting that twenty African slaves arriving in Jamestown, Virginia in 1619 were treated similarly to indentured servants or convicts).

28. *Id*.

29. *Id*. at 30. White colonists clearly understood that the majority of Africans hated, and would resist, their enslavement. *Id*. at 31. They feared slave revolts, and these fears were not unfounded. *See id*. at 67 (discussing the New York Slave Revolt of 1741).

30. *See* ORIGINS, SUPRA NOTE 1, at 57 (discussing Blacks' claims to outside law).

their land.[31] Professor Richardson argues for the proposition that Africans' legal status under their customary law travelled with them and bound them in the New World.[32] Indeed, if this is so, Africans exported their domestic customary law to the Americas and, in doing so, internationalized these principles. So, the first international outside law norm invoked by African slaves was their own domestic customary law.

As pawns in an international trade that constantly moved them from place to place, and with the assistance of slave sailors that travelled the Americas, Blacks learned by word of mouth of a number of norms that were part of the international moral and legal debate regarding slavery and which developed through the years.[33] These norms were extensive and varied and included a number of different claims. They included, for example, the concepts that it was wrong to enslave someone who had been born free or who had been captured by fraud or violence,[34] and that an African slave who was baptized was entitled to freedom.[35] Similarly, Blacks captured in the high seas could claim to be subjects of another country (such as Spain), and therefore, be entitled to prisoner of war status, thus protected from enslavement and entitled to repatriation.[36] Another such norm was the notion that a slave could be manumitted in exchange for military service in wartime.[37]

Perhaps the most important of these norms, which was based on slaves' acquired knowledge of the Haitian Revolution and of numerous slave rebellions, was the notion that slaves who escaped captivity could become free by reaching free territory, or by establishing their own communities (such as the Republic of Palmares described by Professor Richardson) in otherwise unoccupied territory.[38] In fact, these escaped slaves were claiming the same rights to self-determination, secession, and nation building claimed by other peoples.[39] Professor Richardson also points out a critical fact that is not generally known: the colonial powers,

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31. *See id*. at 50–52 (discussing Africans' historical perception of slavery and how this perception impacted the beliefs of Black slaves in the early 1600s).

32. *Id*. at 451.

33. *See id*. at 66–69 (discussing how Black slaves spread information about the New York Slave Revolt of 1741); *id*. at 109–10 (noting that networks of communication among slaves widely spread stories of slave maroons and slave revolts); *id*. at 150 (noting that Black slave sailors transmitted news to black communities).

34. *See id*. at 24 (describing arguments posited by Spanish and Portuguese authors against slavery in certain circumstances).

35. *See id*. at 112–13 (discussing how baptism as a grounds for manumission was eventually repudiated).

36. *See* Geneva Convention Relative to the Treatment of Prisoners of War art. 118, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 (requiring the release and repatriation of prisoners of war without delay after the cessation of active hostilities). *But cf*. ORIGINS, SUPRA NOTE 1, at 4, 91 (indicating that prisoners of war were sometimes enslaved).

37. ORIGINS, SUPRA NOTE 1, at 116.

38. *See id*. at 81–86 (detailing the history of the Republic of Palmares, a community of Black ex-slaves in Brazil that defended its territory for sixty years).

39. *See id*. (noting the variety of possible claims the Republic of Palmares could make in establishing the legitimacy of its community).

fearing additional rebellions from their burgeoning slave populations, gave these so called "maroon republics" de facto, if not de jure, recognition and, more than once, actually concluded formal agreements with these communities.[40] In the 18th and 19th centuries, as European opposition to slavery arose and the slave trade was interdicted and prohibited, another claim arose. This claim was that, as human beings, slaves had a natural law right to freedom and that this right annulled any colonial law to the contrary.[41]

After explaining the nature and source of the norms that formed the basis for Black claims to freedom under outside law, Professor Richardson then explains how Blacks raised these claims through the years. From the beginning of their experience in the Americas, Blacks primarily raised these claims through resistance to slavery.[42] This resistance took many forms, from failing to cooperate with the system as much as possible (by, for example, working slowly),[43] to staging frequent rebellions,[44] to escaping and forming their own free communities.[45] Blacks also sought to assert these rights, both before and after independence from England, through litigation in domestic courts.[46] As the number of free Blacks increased and Black institutions formed, grew, and matured, Blacks also used these norms as the basis for direct petitions for freedom and political and civil rights.[47]

As Professor Richardson points out, all of these actions by Blacks were strongly resisted by the slaveholding establishment in the U.S., even in the face of mounting international opposition to slavery and the slave trade in the late eighteenth and early nineteenth centuries.[48] This resistance was based on slavery's substantial economic impact, since slaveholders faced massive economic consequences from limitations to, or the elimination of, the slave trade.[49]

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40. *See id*. at 42 (noting that the King of Spain granted liberty to those slaves that reached Gracia Real De Santa Teresa de Mosé in St. Augustine, Florida); *id*. at 81–84 (discussing the claims of sovereignty by the Republic of Palmares); *id*. at 117–18 (discussing how European countries accommodated maroon communities, including granting their freedom in exchange for them to stop raiding and to hand over future escaped slaves); *id*. at 126 (providing examples of treaties among colonial governments and local maroon communities).

More importantly, Professor Richardson notes that these agreements nullified the view that Black slaves were not really human and were not capable of effectively governing themselves. *Id*. at 132. He also considers the argument that, as self-governing autonomic entities occupying a specific territory, these communities could be considered as emerging states under international law. *See id*. at 115–121 (noting that the emergence of maroon communities nullified European title over the New World through the legal doctrine of discovery since this doctrine required there be an absence of competing governmental structures).

41. *Id*. at 155–69.

42. *Id*.

43. ORIGINS, SUPRA NOTE 1, at 43.

44. *Id*. at 19; *see also id*. at 66–69 (discussing the New York Slave Revolt of 1741).

45. *Id*. at 21, 42, 65, 81–86, 109, 126–31.

46. *Id*. at 143–44, 281–84, 312–28. For a further discussion of various claims by African-Americans under international law, see *id*. at 312–70.

47. *Id*. at 156–59, 187.

48. *Id*. at 157–67.

49. ORIGINS, SUPRA NOTE 1, at 125, 146.

IV. SLAVERY, THE DRAFTING OF THE CONSTITUTION, AND THE DEVELOPMENT OF AMERICAN LAW

Professor Richardson's most innovative and fascinating historical analysis involves the issue of how the political problems created by the conflict between international legal norms opposing slavery and American slaveholders' interests influenced the negotiating and drafting of the U.S. Constitution and the early development of the American legal system.[50] This analysis is based on the point of view and interests of a group that was not represented in the Constitutional Convention: Black Americans.[51]

Several issues relating to slavery came to the forefront at the time of the Constitutional Convention. First, the southern plantation economy had been facing economic difficulties since the 1790s and was facing international limitations on their ability to import new slaves.[52] Indeed, other nations in general, and international law in particular, were clearly heading toward the legal prohibition of slavery and the international slave trade.[53] At the same time, Blacks, both slave and free, were making increasingly explicit claims for rights and freedom based on outside law norms,[54] including the natural law principles that were the basis for claims of American independence.[55] Slaveholders therefore had a substantial economic interest in resisting and defeating any attempts to change the status quo.

Professor Richardson notes that three major issues relating to slavery permeated the Constitutional Convention. The first was, of course, whether and how slavery should be institutionalized in the Union, an issue of great interest to the southern states.[56] Given the growing international legal opposition to slavery, how the Union should engage in decision-making over foreign affairs and how, if at all, international law should become a part of the legal system of the Union were equally important considerations.[57] Who in the Union would make these decisions, and how they would be made, is, of course, a critical corollary.[58]

Professor Richardson examines these issues by analyzing the debate relating to six specific clauses of the Constitution: the Treaty Clause, the so-called 1808 Clause, the Interstate Commerce Clause, the Piracy Clause, the Supremacy Clause, and the Fugitive Slaves Clause. His analysis uncovers a little-known "secret history" of the Constitutional Convention.

In the Treaty Clause debate, the main issue was whether the Union was to

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50. *Id*. at 305; *see generally id*. at 181–302.

51. *Id*. at 192.

52. *Id*. at 304, 345–47.

53. *Id*. at 303–04.

54. *Id*. at 236–37.

55. ORIGINS, SUPRA NOTE 1, at 236–37.

56. *Id*. at 190–92.

57. *See id*. at 190 (indicating that in drafting the Articles of Confederation, the Union had to consider how it would improve national decision-making relating to both foreign affairs and international law).

58. *See id*. (discussing the critical decisions the Union's leaders had to make).

recognize any international legal duty arising out of treaties without specific domestication and who should make decisions regarding the adoption of international treaties.[59] From the point of view of slaveholders, whose economic well-being depended on the continuation of the slavery system, the concern was to protect domestic slavery from any legal challenge brought forth by the adoption of any international norms.[60] Their solution was to make ratification difficult, by either requiring ratification of international treaties by the states or by a supermajority of Congress.[61] For Blacks and their allies, the goal was to encourage the reception of international law principles that would create a direct duty to abolish slavery.[62] As we know, the end result was a compromise, with the power to adopt of treaties given to the President, with the additional requirement of Senatorial ratification.[63] This result shielded the U.S. from the direct duty to enforce international obligations without the support of a supermajority of the Senate.[64]

The so-called 1808 Clause, one of the two express references to slavery in the Constitution, prohibits the federal government from enacting any legislation to regulate, control, or abolish slavery or the slave trade for twenty years.[65] The slaveholding states saw any federal interference in the slave trade as an illegitimate limitation of their right to indefinitely import and hold slaves, and would oppose any constitutional document that would grant this authority.[66] Blacks and opponents of slavery supported a grant of federal authority to regulate slavery because they knew that slave-state legislatures would never change the status quo.[67] As was the case with many constitutional provisions, a compromise was agreed upon, which would grant the federal government the power to regulate the importation of slavery, but would postpone its enforcement.[68]

The Commerce Clause debate, Professor Richardson notes, was also closely related to the issue of slavery.[69] The southern delegates took a hard line on a federal power to regulate interstate and foreign commerce directly because of fears that

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59. *See id*. at 205–11 (discussing the expectations of U.S. constitutive leaders in their drafting of the Treaty Clause).

60. *See id*. at 208 (indicating that slaveholder elites considered the country's economy to be dependent on the continuation of the slave system).

61. ORIGINS, SUPRA NOTE 1, at 208–09.

62. *Id*. at 209–10.

63. *See id*. at 205–11 (detailing the process of ratifying a treaty); *see also* U.S. CONST. art. II, § 2, cl. 2 ("He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur. . . .").

64. ORIGINS, SUPRA NOTE 1, at 241 (noting that African-American litigants could utilize treaties similarly to federal statutes).

65. *Id*. at 211; *see also* U.S. CONST. art. I, § 9, cl. 1 ("The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight. . . .").

66. ORIGINS, SUPRA NOTE 1, at 212–13.

67. *See id*. at 215–24 (discussing the dynamic relationship between slavery regulation and the federal government).

68. *Id*. at 211–13.

69. *Id*. at 225.

federal control of states and foreign commerce would threaten their slavery right.[70] As a result, they sought to add a supermajority requirement of two thirds of the Senate and the House of Representatives for approval of any statute which sought to regulate interstate or foreign commerce.[71] Supporters argued that such a power would continue the chaos experienced under the Articles of Confederation.[72] In the end, the southern delegates lost, and Congress was given the right to legislate on matters involving interstate and foreign commerce without a supermajority requirement.[73]

The Piracy Clause became important because of the significant number of blacks who were found among privateers and pirates.[74] Were these Black sailors "pirates?" If so, could the states then define, regulate, or prescribe their status? Indeed, the failure of the national government to successfully interdict the Barbary pirate raids had underscored the weaknesses of the Articles of Confederation, which prevented it from fulfilling its international obligations to suppress piracy.[75] In the end, Professor Richardson notes, giving Congress the exclusive power to define piracy and prescribe punishments was directly linked to the resolution of the debates regarding the Treaty and Interstate Commerce Clauses.[76]

The Supremacy Clause debate involved the issue of whether Congress should have the authority to decide whether a state law was inconsistent with federal law or an international treaty and was therefore invalid, or whether the Constitution should simply declare the supremacy of federal law, which would leave the question of the inconsistency of a state statute with federal law to be resolved by the federal courts.[77] Blacks preferred the latter, since they trusted federal courts to enforce their rights and would make it easier for them to make their arguments against the validity of slavery.[78] Southern states preferred the former, since their numbers in Congress gave them leverage over the invalidation of a state statute.[79] The Constitutional Convention's choice of the latter offered opportunities for Blacks to directly and personally claim any evolving international human rights

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70. *Id*. at 225–26.

71. *Id*. at 226.

72. *See* ORIGINS, SUPRA NOTE 1, at 225–26 (explaining how international trade represented a major point of contention between states, amplifying various state rivalries due to weakness of the Continental Congress as established in the Articles of Confederation).

73. *Id*. at 225–28; *see also* U.S. CONST. art. I, § 8, cl. 1, 3 ("The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.").

74. ORIGINS, SUPRA NOTE 1, at 247.

75. *Id*. at 249–50. Prior to 1987, the Barbary pirates had plagued the U.S. by capturing cargoes and American citizens. *Id*. Under the Articles of Confederation, the U.S. was not able to effectively respond to the Barbary pirate raids. *Id*.

76. *Id*. at 246–54; *see also* U.S. CONST. art. I, § 8, cl. 1, 10 ("The Congress shall have the Power . . . To define and punish Piracies and Felonies committed on the high Seas. . . .").

77. ORIGINS, SUPRA NOTE 1, at 273.

78. *Id*. at 273–76.

79. *Id*. at 274.

norms included in treaties as sources of enforceable rights in federal courts.[80]

The Fugitive Slave Clause, which does not expressly mention slavery, is characterized by Professor Richardson as "a quietly vicious strike" by slaveholding state delegates, "acquiesced to by the entire Convention, to use mandated federal authority" for the protection and expansion of the slave system.[81]

Lastly, Professor Richardson seeks to show the interaction between Black claims to human rights and freedom and slaveholder opposition to these claims in the context of the new Constitution and a developing international law seeking the end of slavery. He does this by examining treaty negotiations, Congressional legislation, litigation in federal courts,[82] war, and territorial expansion.[83] He very deftly identifies a pattern involving Black claims of rights and institutional opposition and reaction thereto, that is instantly recognizable to modern readers.[84] This struggle, Professor Richardson underscores, continues to this very day.[85]

The valid claim that Blacks have been raising since their arrival in the Americas, Professor Richardson concludes, is that they should be governed by a better law than that which ruled them, one that recognizes their full rights as human beings.[86] He notes that international law was one, but not the only, candidate for a better outside law to govern them where they lived and grant them equal rights.[87] Other candidates, as shown throughout *Origins*, included the law of God, foreign law, (especially the law of countries such as Britain, which had abolished slavery and forbidden the slave trade), the norms and expectations created by the Haitian Revolution, African customary law, and natural law.[88] All of these norms became sources for repeatedly asserted Black claims to rights and freedom that were denied to them by domestic law.[89]

V. CONCLUSION

The Origins of African-American Interests in International Law is a remarkable work that examines a number of critical but little known events in the Black struggle for freedom and civil rights in the U.S. Most importantly, it convincingly places what has long been characterized as a purely domestic

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80. *See id*. at 269–275 (noting that the Supremacy Clause provided the potential for Blacks to use international human rights arguments against slavery in federal courts, due to the inclusion of human rights in treaties).

81. *Id*. at 287; *see also* U.S. CONST. art. IV, § 2, cl. 3 ("No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.").

82. *See generally* ORIGINS, SUPRA NOTE 1, at 320–70.

83. *See generally id*. at 374–430.

84. *Id*. at 472–74.

85. *See id*. (indicating that the continued Black struggles include becoming free from racism and providing the ability for Blacks to decide their own political destiny).

86. *Id*. at 472.

87. *Id*.

88. ORIGINS, SUPRA NOTE 1, at 472.

89. *Id*.

struggle squarely within the realm of international affairs and international law. Its identification, discussion, and analysis of a number of previously unrecognized Black self-determination and nation-building efforts in North America fills an important historical gap.

This work is a major contribution to the literature of history and political science and is a must-read for students and scholars of American history and politics. It establishes Professor Richardson, already a prominent international law scholar, as a masterful historian, as well.