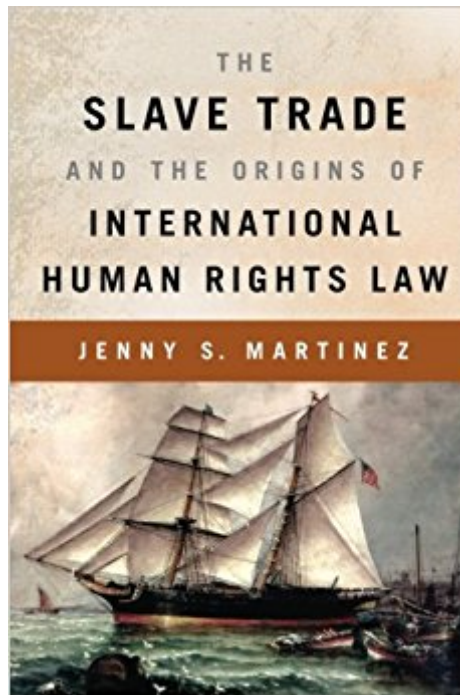




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# **The Slave Trade And The Origins Of International Human Rights Law**



## Synopsis

There is a broad consensus among scholars that the idea of human rights was a product of the Enlightenment but that a self-conscious and broad-based human rights movement focused on international law only began after World War II. In this narrative, the nineteenth century's absence is conspicuous--few have considered that era seriously, much less written books on it. But as Jenny Martinez shows in this novel interpretation of the roots of human rights law, the foundation of the movement that we know today was a product of one of the nineteenth century's central moral causes: the movement to ban the international slave trade. Originating in England in the late eighteenth century, abolitionism achieved remarkable success over the course of the nineteenth century. Martinez focuses in particular on the international admiralty courts, which tried the crews of captured slave ships. The courts, which were based in the Caribbean, West Africa, Cape Town, and Brazil, helped free at least 80,000 Africans from captured slavers between 1807 and 1871. Here then, buried in the dusty archives of admiralty courts, ships' logs, and the British foreign office, are the foundations of contemporary human rights law: international courts targeting states and non-state transnational actors while working on behalf the world's most persecuted peoples--captured West Africans bound for the slave plantations of the Americas. Fueled by a powerful thesis and novel evidence, Martinez's work will reshape the fields of human rights history and international human rights law.

## Book Information

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"A highly readable work that breaks new ground on human rights and international law." - CHOICE

## Reviews

Advance Praise for *The Slave Trade and the Origins of International Human Rights Law* "Scholars and citizens alike should be sure to read Jenny Martinez's compelling and memorable account of the roots of human rights law in struggles over the slave trade. *Reaching across Africa, the European colonial nations, and North and South America, Professor Martinez recovers a truly global accomplishment and demonstrates the roots of contemporary international human rights courts were no recent invention and instead vital demonstrations of the power of states and nongovernmental actors in advancing human security and dignity.*" -- Martha Minow, Author of *Between Vengeance and Forgiveness* and Dean of Harvard Law School "A fascinating and highly educational account of attempts in the 1800s to end slavery and to free slaves found illegally on ships crossing the high seas. It often reads more like a good mystery novel than a scholarly work and is impossible to put down." -- Kelly Dawn Askin, Senior Legal Officer, International Justice, Open Society Justice Initiative "We sail alongside the myriad frauds adopted by slave traders to evade detection by the British Navy. We watch as villainous captains put on and slip off an array of national flags to navigate the hidden shoals of the slave treaties. With Martinez at the helm, the promise and the challenges of changing the world through international law come into view." -- John Fabian Witt, Allen H. Duffy Class of 1960 Professor Law and Professor of History, Yale Law School "Not only a fascinating account of a secret pocket of history but also a thought-provoking analysis of the powerful interplay of international morality, national might and individual human persistence in furtherance of a just cause. Martinez's study is meticulously researched, sprightly written, and not to be missed by those who prefer to remember the past rather than to repeat it." -- Patricia M. Wald, former chief Judge, U.S. Court of Appeals and former Judge, International Criminal Tribunal for the Former Yugoslavia "A marvelous book that is a model of scholarship on history and international law. It is thoroughly and impressively researched, written in a thoughtful and engaging style that does not lose sight of real people in the midst of complex international developments, argued clearly and persuasively, and highly original in its ability to look back on history and at the same time to look forward into contemporary challenges of our own time and the future." -- Paul Gordon Lauren, author of *The Evolution of International Human Rights* --This text refers to the Hardcover edition.

I read the book. It is useful for those who do not have extensive knowledge on this specific aspect of world history. The book is not written in an affected or overly stylized way, and not in a scholarly

way, but in a way that is accessible to the ordinary reader. I would recommend it to others. What I always recall from the reading is that Britain became more and more forcefully involved in the effort toward abolition, and the British can be viewed historically as the most ardent opponents of slavery from the 1830s through the 1860s.

Martinez's book is a great pedagogical tool for upper level undergraduate and graduate courses in international history/international relations. The text provides an intriguing case study that blends and blurs the line between realist and liberal theories of international relations.

incredible book....well written...and supported throughout by many footnotes and citations....quite informative...if one has any interest in how gruesome the slave trade was, and how hard the abolitionists worked to change things as far trans-Atlantic transport out of Africa was concerned, this is a great resource

The Slave Trade and the Origins of International Human Rights Law sheds light on a piece of international law that is little known. Martinez, a human rights lawyer and Stanford law school professor explores international courts established in the early 1800s to help bring an end to the slave trade. Based in West Africa, the Caribbean and Brazil, these courts heard more than 600 cases and helped free some 80,000 Africans from captured slave ships. The book captures not only the legal issues involved in these early human rights tribunals, but the individual stories of courage and persistence in bringing an end to slave traffic. Martinez demonstrates that international human rights jurisprudence is not a recent creation of contemporary morality, but has deep roots. This is an important book for anyone seeking a deeper understanding of contemporary human rights issues.

Recommended for historians and law students. An excellent author. Amazing data on the US slavery "spike" just before slavery was outlawed.

This is an important book on the origins of international human rights law, as it shows how efforts to curb the transatlantic slave trade established the precursors to contemporary human rights courts and ideas of universal jurisdiction. The book has its shortcomings, though. First, it is highly state-centered, with no focus on abolitionist activists and how they contributed to (or learned from) the experiences of the courts established to try slave trading cases. Second, although the book is short (only 171 pages), it includes sometimes tedious recounting of particular historical episodes,

which detract from the broader narrative. The book reads like an article that was stretched into a book-length manuscript, with a straightforward central argument that does not necessarily require a book-length treatment. Nevertheless, the book presents an important subject for scholars and others interested in international human rights, and the concluding chapter in particular presents a worthwhile discussion of the argument's theoretical, historical, and policy implications.

This book is a worthwhile read for any student of history, human rights, international law, or foreign relations. In essence, this book is a story about the development of international law as it related to the slave trade, and the system of treaties, and military action that followed to finally end what, at that time, was widely recognized as an immoral action, but one which many felt there was no legal precedence to stop. We read about the development of law at the national level, as one by one, countries recognized the evils of slavery, about the development of treaties to stop the slave trade, and about the creative ways that international law needed to be developed, and worked, and sometimes, worked around, to allow various navies to stop, board, and seize slave traders. To tie it into a modern problem, this book discusses the way that the slave was essentially tied into piracy, to allow the development of law to stop the trade. This, in turn, makes the slave trade argument so relevant to today's modern piracy issues with the current coalition of international navies to combat problems on the high seas. Finally, if nothing else, this is worth a read for the human element of the story, and the people dedicated to stopping the slave trade. Although this book deals largely with foreign policy, treaties, and international law, expertise in these fields, or even familiarity, is not required. The author does an outstanding job of explaining the extent, and impact of these aspects of the slave trade.

Really insightful

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