The American Civil War (1861–1865): Its Impact on Slavery, and the Emergence of Slavery Abolition as Jus Cogens in International Law

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Introduction

The American Civil War of 1861–1865 continues to be one of the most revolutionary events in the history of the United States and more generally in the development of international human rights law. Familiarly recalled for its huge size, ideological fervour, and unheard-of casualties it generated, the war also produced a profound legal and moral legacy: the ending of slavery in the United States. But apart from its domestic success, the Civil War also spurred an international legal and moral awareness that assisted in grounding the abolition of slavery as a peremptory norm-or jus cogens-in international law. These are the highest norms of international legal order, those which allow no derogation under any conditions. On this understanding, the American Civil War is as much a tale of national emancipation as it is one of international legal importance, acting as a bridge between national legal change and the codification of universal standards of human rights.

Slavery as a legal institution had been well-established and normalized in civilizations. It went on from Ancient Greece and Rome to colonial powers of today's modern world. Owning and exploiting human beings was well-rooted in law, economy, and culture. The Atlantic slave trade, in particular, became the foundation of transnational capitalism between the 16th and the 19th century, making empires prosperous while dehumanizing millions of people. However, beginning in the late 18th century, Enlightenment ideals, religious movements, and grassroots activism began to question the morality and legality of slavery. The American Revolution, the Haitian Revolution, and Britain's abolition of the slave trade in 1807 all signalled cracks in the institution's global legitimacy. Still, by the mid-19th century, slavery was alive and entrenched, particularly in the Southern United States.

This essay contends that the American Civil War—and specifically its legal consequences such as the Emancipation Proclamation and the Thirteenth Amendment—were seminal events in establishing the course of international abolitionist law. While domestic U.S. processes are generally examined in isolation, this research tries to put them into the larger context of international legal evolution. The article presents how domestic legal transformation after the American Civil War contributed to informing anti-slavery conventions, formulated customary international law, and precipitated international acknowledgement of the opinion that slavery constitutes an indignity to the human person and an affront to international peace. The war, therefore, is simultaneously a case study of moral transformation by law and a vehicle for analysing how violent national reckonings can shape the development of binding international legal norms.

The Global and Historical Context of Slavery Before the Civil War

Slavery was not only legal in most of the world before the middle of the 19th century but was also thought to be an integral part of economic systems everywhere. Old civilizations like Egypt, Greece, and Rome had economies that were built largely on systematic enslavement of humans. Slaves in most societies were thought of as property with no rights under law or personal autonomy. Transatlantic slave trade in the 16th century radically increased the extent and violence of slavery. More than 12 million Africans were forcibly made to travel across the Atlantic Ocean to work on plantations, mines, and households, mainly in the Americas. The trade was made possible by European colonial powers and legitimized by laws, with seafaring nations legalizing the ownership and sale of enslaved individuals as routine business.

In the British Empire, religious and popular pressure against slavery mounted in the late 18th century, culminating in the end of the slave trade in 1807 and slavery proper in 1833[1]. The French ended slavery in their empire in 1794, reinstated it under Napoleon in 1802, and abolished it a second and final time in 1848. Despite these landmarks, slavery as an institution proved tenacious elsewhere, particularly in the American South, where it was tied up with beliefs of racial superiority, economic need, and constitutional guarantees. By 1860, all but four million African Americans were slaves in the United States, mainly based in the Southern states that relied on cotton and tobacco cultivation backed by slave labour.

It is against this international backdrop of partial emancipation and ongoing resistance that the American Civil War was fought. The South's determination to maintain slavery as both a social institution and economic necessity was the key cause of secession and of the war itself. While the other countries had succeeded in outlawing slavery either by parliamentary or revolutionary action, the United States alone fought a four-year civil war whose final answer was the complete constitutional ban on slavery[2]. By so doing, the Civil War was not merely an internal disturbance but an unprecedented historic turning point—a point that ensured the moral and legal repudiation of slavery as irreversible for not only the United States but also for the legal conscience of the world.

The Moral and Legal Debate on Slavery in Pre-Civil War America

In the years before the Civil War, the debate over slavery had been one of the most intractable and contentious legal and moral questions within American society. Southern slaveholders asserted constitutional guarantee for their prerogative of owning slaves through property rights and states' rights as fundamental maxims. They referred to such constitutional provisions like the Three-Fifths Compromise and the Fugitive Slave Clause as validating slavery within the federal order. Abolitionists in the North, on the other hand, considered slavery to be an extreme moral wrong that could not coexist with the Declaration of Independence's guarantee that "all men are created equal"[3]. The legal struggle was as intense as the political. Landmark decisions like Dred Scott v. Sandford (1857), where the court ruled that African Americans are not citizens and therefore had no right to sue in federal court, polarized the nation even further and exposed the complicity of the Supreme Court in sanctioning slavery as lawful.

The moral argument came to its climax with the 1860 election of Abraham Lincoln[4]. Although Lincoln never had called for immediate abolition, his determination to prohibit slavery from expanding into new areas was sufficient to mobilize the Southern states to leave the Union. The Confederacy in its own founding documents openly stated the defence of slavery as a mainstay. So, when war erupted in April 1861, it was no longer a war over territory or tariffs-it was a moral and legal struggle over the future of

[1] PRIOR, DAVID M., ROBERT E. BONNER, SARAH E. CORNELL, DON H. DOYLE, NIELS EICHHORN, and ANDRE M. FLECHE. "Teaching the Civil War Era in Global Context: A Discussion." Journal of the Civil War Era 5, no. 1 (2015): 126–53. http://www.jstor.org/stable/26039952.

[2] HAMMOND, JOHN CRAIG. "Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660–1860." Journal of the Civil War Era 4, no. 2 (2014): 264–98. http://www.jstor.org/stable/26062152.

[3] Equal Justice Initiative. "SLAVERY IN AMERICA." SLAVERY IN AMERICA: THE MONTGOMERY SLAVE TRADE. Equal Justice Initiative, 2018. http://www.jstor.org/stable/resrep30693.4.

[4] Armitage, David. "Civil War Time: From Grotius to the Global War on Terror." Proceedings of the Annual Meeting (American Society of International Law) 111 (2017): 3–14. https://www.jstor.org/stable/26628006.

human freedom in America. The rest of the world viewed it with great interest, and governments around the world were uncertain about whether to support the Union or the Confederacy, often wavering on the basis of their own economic interest in cotton and trade.

The Emancipation Proclamation and the Thirteenth Amendment: Legal Breakthroughs and Global Reverberations

One of the most characteristic aspects of the American Civil War was how it evolved from a dispute about union and secession into a moral battle against slavery. The key legal tool at the centre of this shift was two major legal documents: the Emancipation Proclamation of 1863 and the Thirteenth Amendment to the U.S. Constitution, ratified in 1865[5]. These instruments were not symbolic; they symbolized seismic legal changes that fundamentally redefined the moral and constitutional fabric of the United States and played a significant role in the codification of slavery's abolition in international legal consciousness.

The Emancipation Proclamation, signed by President Abraham Lincoln on January 1, 1863, proclaimed that all individuals held in slavery in the Confederate states "are, and henceforward shall be free." Although narrow in scope—it exempted slave-holding border states loyal to the Union, and it did not immediately free any slaves in Confederate-held territories outside of Union control—the proclamation was of enormous symbolic and strategic significance. Legally, it was based on Lincoln's war powers as Commander-in-Chief, permitting him to act against the war resources of the Confederacy. Morally, it redefined the war as a struggle against human bondage. Politically, it delayed foreign recognition of the Confederacy, particularly from Britain and France, where public opinion was becoming anti-slavery. European powers, particularly Britain, which had abolished slavery three decades earlier, could not easily align themselves with a slaveholding rebel nation when the Union had declared itself against slavery.

Globally, the Emancipation Proclamation was a courageous move toward universalizing principles of human rights. While it did not have the authority of an amendment to the constitution, it created precedent in declaring that freedom was a war goal supported by executive power. It was a message to the world that the new state could go to war not simply for land or sovereignty but for the defence of basic human rights. The Proclamation also served to change international diplomacy by unambiguously defining the Union and Confederacy's moral position in the eyes of foreign governments and peoples. In doing so, it contributed importantly to delegitimating slavery not only at home but also in foreign notions of legitimate state behaviour.

But it was the Thirteenth Amendment, which Congress approved in January of 1865 and ratified in December of that year, that actually eliminated slavery and involuntary servitude across the United States. It declares, in unambiguous language: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."[6] Legal precision and constitutional sanction of this amendment ensured that abolition of slavery could no longer be undone by legislative alteration or judicial reinterpretation. It institutionalized the concept of personal freedom into the highest law of the land and laid the legal basis for future civil rights safeguards.

The Thirteenth Amendment had far-reaching implications beyond U.S. borders. Its ratification came at a time when the global legal system was evolving, and the American example offered a powerful narrative of moral redemption through law. The Amendment was cited in various diplomatic discussions and was influential in framing the debates that would eventually lead to the League of Nations' 1926 Slavery Convention[7] and later the United Nations' conventions on forced labour and human trafficking. By

[5] Jeffrey Glover. "Witnessing African War: Slavery, the Laws of War, and Anglo-American Abolitionism." The William and Mary Quarterly 74, no. 3 (2017): 503–32. https://doi.org/10.5309/willmaryquar.74.3.0503.

[6] Lahav, Alexandra D., and R. Kent Newmyer. "The Law Wars in Massachusetts, 1830-1860: How a Band of Upstart Radical Lawyers Defeated the Forces of Law and Order, and Struck a Blow for Freedom and Equality Under Law." The American Journal of Legal History 58, no. 3 (2018): 326–59. https://www.jstor.org/stable/48545100.

[7] YEDIDYA, ASAF. "The Emancipation of Slaves and the Auto-Emancipation of the Jews: The Impact of the American Civil War and the Abolition of Slavery on the Precursors of Zionism." Jewish History 33, no. 3/4 (2020): 461–86. https://www.jstor.org/stable/48698829.

demonstrating that a constitutional democracy could overcome deep-seated institutionalized slavery through a combination of war and legal reform, the United States set a precedent for how law could be a tool for liberation rather than oppression.

Another significant feature of the Thirteenth Amendment was its contribution toward post-war Reconstruction and the development of civil rights. While the Amendment ended slavery, it did not at once establish racial equality. The Southern states, in "Black Codes" and subsequent Jim Crow laws, managed to bypass the spirit of the amendment. However, its legislative tools it provided—namely, its enabling clause in Section 2, authorizing Congress to make abolition enforcement law by statute—opened the door for epoch-making legislation like the Civil Rights Act of 1866 and the Enforcement Acts of the 1870s. These legislative milestones would later be followed in global law in conventions that emphasized both the abolition of slavery and prohibiting discrimination on account of race or status.

Also, the Thirteenth Amendment solidified the emerging principle that human dignity is a legal issue rather than a matter of moral or religious belief. This principle would form the basis in the development of international human rights law in the 20th century. The doctrine that all human beings are owed freedom and immunity from exploitation, no matter their race or standing, came to lie at the heart of the Universal Declaration of Human Rights (1948), specifically Article 4, which declares: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." This phrasing mirrors the Thirteenth Amendment, highlighting the impact of the American legal transformation on international standards.

The Amendment also contributed to redirecting the focus of international legal discussion toward the principle of peremptory norms (jus cogens), i.e., norms that are not susceptible to derogation under any circumstances. The absolute prohibition of slavery ultimately was established as a peremptory norm of international law—i.e., no state can derogate from this norm, even by agreement with other states. While the doctrine of jus cogens was not formally codified until the Vienna Convention on the Law of Treaties in 1969, its foundations were set by events over the course of history like the American Civil War and milestones of the law like the Thirteenth Amendment. Other legal experts like Jean Allain and William A. Schabas have posited that these legal developments were pivotal in the normative ascension of slavery's prohibition to a principal binding on all states.

In sum, the Emancipation Proclamation and the Thirteenth Amendment were not only milestones in American legal history—they were drivers in the creation of a world legal consensus that slavery constitutes a gross violation of human rights. They illustrated how domestic constitutional law could have a ripple effect on international legal norms and how a national struggle, once resolved in moral certainty, could help set the course for global legal thinking. These instruments provided the legal and ethical underpinnings of contemporary international conventions, treaties, and customary standards that outlaw slavery and other forms of human exploitation. They did so while helping to establish the notion that liberty from slavery is not a policy preference but a legal obligation, binding upon the consciences of states.

Reconstruction, Legal Aftermath, and the Globalization of Legal Consciousness

The conclusion of the Civil War in 1865 brought an era of extensive political experimentation and constitutional change in the United States called Reconstruction. This era, roughly between 1865 and 1877, was marked by radical efforts to insert formerly enslaved African Americans into the political, legal, and social structures of the nation. It was a chaotic and often contentious period, breeding both revolutionary legal reform and violent counterattack. Its significance cannot be exaggerated, not only for American law's passed but for broader developments in global legal norms across human rights and equality as a whole. Failures and creativities of law under Reconstruction helped teach the world about the temporary nature of liberty and the efficacy of institutional capacity to preserve the dignity of mankind.

One of the earliest great Reconstruction legislative enactments was the Civil Rights Act of 1866, which announced all persons born in the United States (other than Native Americans) to be citizens, with no regard for race, and entitled them to equal protection by the laws of the land. This was revolutionary thinking at its time. Even though the Thirteenth Amendment abolished slavery, the Civil Rights Act sought

to bring about legal and social equality in civilian life. However, the Act was brought into question as unconstitutional by its critics on the grounds that it overstepped federal jurisdiction. Congress responded by submitting and ratifying the Fourteenth Amendment in 1868, which created birthright citizenship and provided that no state shall deny "any person within its jurisdiction the equal protection of the laws."

The Fifteenth Amendment, enacted in 1870, further extended these assurances by barring federal and state governments from withholding the right to vote on account of "race, colour, or previous condition of servitude." Together, the Thirteenth, Fourteenth, and Fifteenth Amendments are referred to as the Reconstruction Amendments, forming the constitutional basis of American civil rights law. These reforms were one of the first systematic attempts to codify equality in a modern nation-state legally. While imperfectly enforced and frequently violently opposed, they set the stage for what would eventually become central principles of international human rights law.

The breakdown of Reconstruction, however, is an equally valuable lesson. In spite of these constitutional protections, the Southern states assaulted them systematically by imposing Black Codes, voter intimidation, racial segregation, and extrajudicial terrorism, most notoriously epitomized by the emergence of the Ku Klux Klan. The withdrawal of the federal government from the South in 1877 ended Reconstruction and the Jim Crow regime—a system of legalized racial subordination that lasted well into the 20th century. The abandonment of Reconstruction revealed a basic truth: legal reform, even constitutional reform, is not self-executing. In the absence of enforcement, institutional commitment, and societal will, rights can be symbolic.

This understanding had global applications. When other nations in Latin America, Africa, and Asia initiated their own struggles for independence and post-colonial self-rule, the American experience during Reconstruction offered a model as well as a lesson. It demonstrated how legal codes could be invoked to delineate and secure equality. Conversely, it laid bare the limitations of legal tools when confronted with social resistance and structural inequality. For most of the newly decolonized states of the 20th century , the Reconstruction era was a historical case study of the dilemmas of trying to impose legal equality in the presence of long-standing social hierarchies and economic inequalities.

Notably, Reconstruction Amendment language and philosophy were incorporated into international human rights instruments. The Universal Declaration of Human Rights (1948), Articles 1 and 2, incorporate Reconstruction-era values: "All human beings are born free and equal in dignity and rights" and "Everyone is entitled to all the rights and freedoms. without any form of distinction." These norms reflect the non-discrimination and equal protection provisions of the Fourteenth Amendment. In addition, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) include similar guarantees based on the conviction that the law has a duty to prevent discrimination actively and advance equality.

The international community also came to realize that eliminating slavery did not only need declarations of law but ongoing institutional controls. For instance, the Slavery Convention of 1926 under the League of Nations and its 1956 Supplementary Convention did not only require the ban on slavery but the establishment of systems to regulate and prevent it. These treaties were solidified by legal changes within the domestic law of most nations that adopted constitutions and codes on civil rights following the pattern of post-Civil War American legislation. In India, to take an example, the prohibition of untouchability and compulsory labour under Articles 17 and 23 of the Indian Constitution echoes Reconstruction ideals, but with the familiar modifications to suit local conditions. In the same vein, South Africa's post-apartheid constitution of 1996 attests to the power of international human rights discourse shaped in part by American constitutional experiences.[8]

The failures of Reconstruction also underscored the significance of judicial interpretation in upholding or undermining human rights. Landmark cases like Plessy v. Ferguson (1896), which legitimized racial segregation under the "separate but equal" doctrine, demonstrate how courts can institutionalize inequality even after constitutional amendments aimed at eradicating it. It took over half a century and massive social

[8] BASILE, MARCO. “Lincoln’s Commissioners on the International Slave Trade Courts at Sierra Leone.” Journal of the Civil War Era 10, no. 2 (2020): 160–84. https://www.jstor.org/stable/26977351.

mobilization before the U.S. Supreme Court overruled this doctrine in Brown v. Board of Education (1954). This extended struggle proved that even where texts of the law declare freedom, persistent legal activism and judicial honesty are necessary to make them effective. The international community did not forget these lessons, in which the international courts and the bodies monitoring treaties became the cornerstone for enforcing the new anti-slavery and anti-discrimination legislation.

Reconstruction is therefore a watershed moment in world-wide legal consciousness concerning slavery, civil rights, and human dignity. Its success testified to the strength of law in reshaping social relations, whereas its failure pointed to the importance of vigilance, enforcement, and civic engagement. In international law, Reconstruction offered the jurisprudential substance and historical precedent on which binding instruments of human rights must be developed. It illustrated that national systems of law might be locations both of great forward movement and harsh backward steps, and that international legal principles—especially those in relation to slavery, equality, and non-discrimination—must be built upon both moral rectitude and institutional strength.

Fundamentally, Reconstruction pushed the effects of the Civil War from a war victory on the battlefield to legal and ideological reconstruction on the national and international level. Reconstruction facilitated a turn toward altering the way the world conceived of the connection between state sovereignty, human rights, and international law. It set the stage for the subsequent development of the jus cogens doctrine, which would become the embodiment of the hardening of some non-derogable norms—such as the abolition of slavery—as cornerstones of the international legal system.[9]

The Influence of the American Civil War on International Treaties and Anti-Slavery Conventions

The transformation brought about by the American Civil War did not remain confined to the internal sphere of U.S. constitutional and civil rights law. As the 19th century advanced, the moral and legal momentum generated by the abolition of slavery in the United States reverberated throughout the world, influencing a series of international treaties, legal doctrines, and humanitarian norms. The legacy of the Civil War, and especially its abolitionist consequences, contributed to shaping the course of international anti-slavery movements. The diplomatic and legal spillover effects of this change provided a crucial basis for the emergence of international legal instruments committed to eliminating slavery and associated practices, and in so doing, directly contributed to the development of the prohibition on slavery as a jus cogens norm in international law.

The earliest international law reaction to the emerging consensus against slavery was the Brussels Conference Act of 1890, a multilateral treaty signed by several colonial and maritime powers. Although its main purpose was to prohibit the African slave trade, particularly in countries under the European colonial domain, the Act recognized the necessity for universal legal action against slavery. Notably, the treaty represented a transition from moral denunciation to international legal codification. The Brussels Act underscored that signatory countries not only were morally obligated but legally required to implement and enforce anti-slavery legislation in their jurisdictions and colonies. The moral exigency and precedent set by the Civil War heavily influenced the diplomatic terminology and legal argument of the treaty.[10]

When the 20th century started and the world was headed towards an organized international legal system, the League of Nations signed the Slavery Convention of 1926, one of the first multilateral treaties that legally defined slavery. Article 1 of the Convention defined slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." The definition summed up the view of slavery as an infringement of personhood and freedom—a view which had been given force by the abolitionist campaign in the United States. The American Civil War had established that slavery was not merely an ethical evil but legally unviable in any system that professed justice and

[9] Anti-Slavery Conference (1867 : Paris). Special Report of the Anti-Slavery Conference, Held in Paris.... Pamphlets. published by the Committee of the British and Foreign Anti-Slavery society., 1867. https://jstor.org/stable/60228078.

[10] NEIER, ARYEH. "International Human Rights Law." In The International Human Rights Movement: A History, NED-New edition., 39:94–116. Princeton University Press, 2020. https://doi.org/10.2307/j.ctvqsdxrw.8.

liberty. Although the United States was not a member of the League of Nations, its legal tradition had contributed overwhelmingly to the international knowledge of what slavery was and why it needed to be prohibited across the world.

The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which was adopted under the auspices of the United Nations, extended further the reach of the law of anti-slavery. The Convention prohibited not only the classic forms of slavery but also so-called "modern" forms, including debt bondage, serfdom, and forced marriage. The Convention also reaffirmed that states should take legislative and administrative action to eliminate all such practices. Once more, the American legal abolition model—characterized by constitutional amendment, legislative enforcement, and judicial supervision—provided a model for international processes[11]. The vocabulary of these conventions was infused with values produced by the Civil War: liberty, equality, and acknowledgment of inalienable human dignity.

The reception by the international community of slavery abolition as an irreducible norm of law came to its fruition in the increased awareness of prohibition of slavery as a jus cogens norm. Jus cogens or peremptory norms are norms of international law which are binding upon all states without consent. They constitute the most superior level of obligation in law and cannot be derogated by treaties, custom, or national law. The principle, while not completely codified until the 1969 Vienna Convention on the Law of Treaties, had been in gestation in prior decades, with the abolition of slavery its most commonly cited precedent. Article 53 of the Vienna Convention provides that any treaty inconsistent with a jus cogens norm is void ab initio. Prohibition of slavery is most commonly referred to in textbooks of international law and court decisions as the prototype of such a norm.

The development of slavery from a common, legally accepted practice to a globally rejected peremptory norm needed both moral change and legal codification. It marked a turning point in that progression. It proved, through war and legislation, that a state could not have legal slavery within it without detracting from the legitimacy and worldwide moral reputation of the state. The combination of the Emancipation Proclamation, the Thirteenth Amendment, and subsequent civil rights enactments created a moral and constitutional precedent that conditioned international anti-slavery conventions to include those adopted by the UN system.

This change was also solidified by judicial rulings at domestic and international levels. International tribunals, including the International Court of Justice (ICJ), have established the ban on slavery as a fundamental tenet of international law. Regional human rights forums like the European Court of Human Rights and the Inter-American Court of Human Rights have also deemed slavery and slave-like practices to be jus cogens violations. For example, in Siliadin v. France (2005), the European Court held that domestic servitude was a breach of Article 4 of the European Convention on Human Rights, relying on the international ban on slavery as a peremptory norm.[12]

In this way, therefore, the international legal denunciation of slavery is greatly indebted to the historical break symbolized by the American Civil War. Although abolitionist opinion had been gathering momentum for several decades beforehand, the Civil War and its consequences gave an actual legal and constitutional proof that slavery was not only immoral but also legally unsupportable. It galvanized a march towards the universalization of anti-slavery norms, translated moral injunctions into obligatory legal ones, and furnished the jurisprudential framework on which contemporary human rights law constructed itself.

[11] Camara, Mohamed. "JURISDICTIONAL RESTRAINT: RESCUING THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS." Columbia Law Review 124, no. 7 (2024): 2105–52. https://www.jstor.org/stable/27346348.

[12] Simmons, Beth. "Civil Rights in International Law: Compliance with Aspects of the 'International Bill of Rights.'" Indiana Journal of Global Legal Studies 16, no. 2 (2009): 437–81. https://doi.org/10.2979/gls.2009.16.2.437.

Comparative Abolition Movements and the Unique Legal Contribution of the U.S. Civil War

In order to truly understand the international legal importance of the American Civil War, it is essential to put it comparatively in context to other traditions of abolition. Slavery was not begun or ended by the Civil War; instead, the war was a period within an unfolding history where societies were trying to expel frameworks of slavery and unfreedom. Each movement—whether legislative, revolutionary, or negotiated—provides a unique model of legal and moral transformation. However, the American Civil War is unique in its combination of military warfare, constitutional amendment, and global relevance, making it an especially impactful enabler in the globalizing of slavery abolition as a legal norm.
In the British Empire, slavery ended by a process of legislative measures and not by war.

Slavery was outlawed by the British Parliament in 1807 and abolished across its colonies in 1833 through the Slavery Abolition Act. This process through law was instigated by constant pressure from religious groups, such as the Quakers and Evangelicals, as well as increased industrialization, which rendered slavery less economically productive in Britain. Notably, the British government paid slave owners for their "loss of property"—a far cry from the American system, in which slaveholders were not paid anything and abolition was preceded by a civil war. Britain's model of abolition, as successful as it was, remained wedded to a colonial structure, and enslaved people were frequently re-subjugated through mechanisms such as indentured servitude.

Slavery in Haiti was abolished directly due to revolutionary violence. The Haitian Revolution (1791–1804), orchestrated by formerly enslaved individuals under the leadership of Toussaint Louverture, overthrew French colonial rule and created the first Black republic. Abolition of slavery in Haiti was radical and systematic, but also internationally isolated. Western powers, such as the United States, denied recognition of Haitian independence for decades because it would cause similar rebellions. While Haiti was the first to invent the concept of a post-slavery state, its model was rejected and ostracized by the international legal order of the day, which was still Eurocentric and racially hierarchical.

Some other instances, including the Latin American struggles for independence, tended to provide for the gradual emancipation of slaves, particularly in states such as Mexico (abolition 1829), Colombia (1851), and Brazil (1888). Such movements, though, were predominantly elite-initiated and hesitant. Brazil, for example, was the Western Hemisphere's last slave-holding country to end slavery and did so through a protracted, piecemeal process culminating in the Lei Áurea (Golden Law) of 1888. The case of Brazil demonstrates how abolition can be postponed when there is no clear political or legal break.[13]

Against this background, the American Civil War stands as a singularly influential event. It took not only legislation, but a full-scale war, partially fought for the cause of emancipation. It created not only the legal emancipation of slaves but also the constitutional apparatus to secure civil rights, even if imperfectly attained. Above all for international law, it was followed by a constitutional amendment—the Thirteenth Amendment—codifying abolition in the highest form of law. This convergence of military, moral, and legal solution rendered the American example particularly powerful in world discourse. It showed that abolition could be inscribed into the DNA of a democratic constitution, and it encouraged both newly independent nations and international institutions to do the same.

Postcolonial Critiques and Third World Approaches to International Law (TWAIL)

While the global abolitionist movement has traditionally been depicted in popular culture as a humanitarian success story, postcolonial thinkers and Third World Approaches to International Law (TWAIL) provide a more complex perspective. Under these approaches, international law has traditionally

[13] Breckinridge, Robert J. (Robert Jefferson), 1800-1871, Burleigh, Charles Calistus, 1810-1878, The Johns Hopkins University Sheridan Libraries, Thompson, George, 1804-1878, Breckinridge, Robert J. (Robert Jefferson), 1800-1871, and Burleigh, Charles Calistus, 1810-1878. Discussion on American Slavery, between George Thompson, Esq. [and] Rev. Robert J. Breckinridge, Holden in the Rev. Dr. Wardlaw's Chapel, Glasgow, Scotland, on the Evenings of the 13th, 14th, 15th, 16th, 17th of June, 1836. With an Appendix. Documents. Boston, I. Knapp, 1836. https://jstor.org/stable/community.35007155.

been a tool of Western states and colonial powers, even as it pursues ostensibly universal objectives such as abolition. The American Civil War case and internationalization of slavery prohibition then have to be understood not only as a legal victory but also in terms of global power asymmetries and legal imperialism.

TWAIL scholars like Antony Anghie, Makau Mutua, and B.S. Chimni contend that most of the central principles of international law—including human rights—were formulated in accordance with Western empires' geopolitical agendas. Abolition of slavery, in this context, was not always done with purely moral intent but tended to be a means of spreading Western influence. As an example, the British Navy's defeat of the Atlantic slave trade following 1807 permitted Britain to spread its naval power under the guise of humanitarian intervention, which secured imperial dominance of Africa and the Caribbean. Equally, abolitionist discourse became a standard polemical technique for the justification of colonizing and "civilizing" African people, representing non-Western societies as morally regressive and in need of Western legal tutelage.

The legacy of the American Civil War similarly provokes such a charge. Though the U.S. ended slavery by war and constitutional amendment, it also maintained concurrent policies of Native American removal and expansionism, challenging the selectivity of its human rights agenda. In addition, Reconstruction after the war did not end white supremacy, and systems of racial domination were re-established in new legal structures—like Black Codes, sharecropping, and convict leasing. For TWAIL, this contradiction underscores the limitations of formal legal emancipation when not coupled with substantive social and economic justice.[14]

In the global context, the legal standard of prohibition of slavery was institutionalized when most of the world remained under colonial control. Anti-slavery conventions like the 1926 Slavery Convention were being signed by imperial powers themselves, who were administering territories that were riddled with forced labour, land dispossession, and racial hierarchy. In this regard, TWAIL contends, the emergence of jus cogens norms against slavery took place within an international legal order that was still structurally unequal. Abolition, though universal in theory, was not uniformly applied in practice.

However, TWAIL does not discard the abolition of slavery as a norm of law. Instead, it demands a more comprehensive and context-specific interpretation of what abolition entails in practice. It underscores the necessity to destroy not just formal legal slavery but its legacies as well: economic exploitation, racial discrimination, and neocolonial dependency. In this regard, the legacy of the American Civil War must be viewed as beginning point rather than an end point. It demonstrates the force of law to overturn deep-rooted oppression but also the dangers of equating formal legal change with emancipation.

Moreover, some postcolonial countries in the Global South were substantial players in the anti-slavery legal order and recontextualized it within their specific constitutional context. For instance, Ghana, Nigeria, and South Africa all had explicit anti-slavery provisions in their post-independence constitutions. India abolished bonded labour and caste discrimination, and Brazil's post-dictatorship constitution enshrined robust labour rights. These developments show that Global South nations did not merely adopt Western ideals; instead, they reinterpreted and reaffirmed them in terms of their own repressive histories.

Overall, TWAIL and postcolonial criticisms do not undermine the significance of the American Civil War in international legal history. Rather, they enrich our knowledge by placing abolition within a larger context of global inequality. They encourage us to consider whether the abolition of slavery through law has ever, in reality, equated to freedom for everyone, and how global law can yet rectify contemporary forms of servitude, coercion, and structural marginalization. These issues continue to be urgent today, as millions remain subject to situations closely akin to slavery, even if most countries have ratified anti-slavery conventions.[15]

[14] Gathii, James Thuo. "Promise of International Law: A Third World View (Including a TWAIL Bibliography 1996–2019 as an Appendix)." Proceedings of the Annual Meeting (American Society of International Law) 114 (2020): 165–87. https://www.jstor.org/stable/27131223.

[15] Gathii, James Thuo. "Promise of International Law: A Third World View (Including a TWAIL Bibliography 1996–2019 as an Appendix)." Proceedings of the Annual Meeting (American Society of International Law) 114 (2020): 165–87. https://www.jstor.org/stable/27131223.

Contemporary Relevance: Modern Slavery, Human Trafficking, and the Legacy of Abolition in International Criminal Law

Though slavery in the classical sense has been outlawed throughout the world, contemporary slavery still exists in most disturbing forms. They are human trafficking, debt bondage, forced labour, child labour, domestic work, and sexual exploitation. The International Labour Organization (ILO) estimates that there are over 40 million victims of modern slavery worldwide, the majority of them women and children. These, practices flourish in the face of international bans, demonstrating that the heritage of the American Civil War—and the legal instruments it gave rise to—is robust and incomplete.

The legal tools established in the aftermath of the Civil War, such as the Thirteenth Amendment and the 20th-century international anti-slavery conventions, laid the basis for responding to these abuses. Yet the distance between law and enforcement is still enormous. This gap reinforces the Reconstruction lesson: that rights secured by law must be positively asserted, interpreted, and enforced by institutions, public debate, and international alliance.

One of the most significant advances toward closing this gap has been the development of international criminal law. The Rome Statute of the International Criminal Court (ICC), which came into existence in 1998, also categorically acknowledges enslavement as a crime against humanity under Article 7. Enslavement has been defined as "the exercise of any or all of the powers attaching to the right of ownership over a person." This definition, which has ancestry in the 1926 Slavery Convention and the American legal understanding of slavery, is a continuity in thinking in law and guarantees an accountability framework on the international level. The jurisdiction of the ICC, while circumscribed to member states and particular referral scenarios, is a huge step forward in making perpetrators of mass enslavement—conflict areas, war economies, and trafficking chains—accountable for their crimes.

Along with the ICC, regional human rights courts have likewise examined contemporary slavery. The European Court of Human Rights (ECtHR), in cases including Siliadin v. France and C.N. and V. v. France, reaffirmed that states have positive obligations to guard against slavery-like conditions and provide protection to victims. The Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights have also made similar rulings that demand states to inquire about and correct cases related to forced labour and trafficking. These trends mark the coming of age of the world's legal order as it grasps slavery—not only as a historical atrocity but as a persistent affront to human dignity.

The legacy of the American Civil War and its aftermath in law can be seen in all these trends. The vocabulary, moralities, and constitutionalism. developed in the United States from 1863 to 1870 set the terms for future international efforts. The non-derogable character of the ban on slavery—its jus cogens status—was informed in part by the example of a constitutional democracy that ended slavery at great expense and enshrined that transformation at the apex of its legal order.[16]

The United Nations has also embraced several instruments to fight modern manifestations of slavery. These consist of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, in particular Women and Children (2000), which is annexed to the UN Convention against Transnational Organized Crime, as well as the ILO's Forced Labour Convention (1930) and its 2014 Protocol. These conventions have all reiterated the unacceptable character of coercion in labour and personal freedom, bearing witness to the ongoing appeal of abolitionist values.

In recent times, national courts have also employed the jus cogens nature of slavery to punish human traffickers and crime syndicates. In a few instances, universal jurisdiction was used, i.e., crimes like enslavement can be prosecuted irrespective of where they took place and the nationality of the criminals. This development in international legal design reflects the common perception—first pushed forward by

[16] Gathii, James Thuo. "Promise of International Law: A Third World View (Including a TWAIL Bibliography 1996–2019 as an Appendix)." Proceedings of the Annual Meeting (American Society of International Law) 114 (2020): 165–87. https://www.jstor.org/stable/27131223.

occurrences such as the Civil War—that slavery is not a cultural norm to be endured but a transgression of humanity itself.[17]

Conclusion: The Enduring Legacy of the American Civil War in International Law

The American Civil War (1861-1865) was a tragic episode in the nation's life, but the fallout did not cross borders. What started as a conflict over secession and state rights ultimately resulted in the end of one of the most heinous institutions of human history: chattel slavery. The constitutional landmarks of the war, most notably the Emancipation Proclamation, the Thirteenth Amendment, and the Reconstruction Amendments, created a constitutional system that not only ended slavery but was also the basis of contemporary human rights law.

The Civil War reshaped American society, but more to the point for the purposes of international law, it reshaped the legal status of slavery from a domestic institution to an internationally condemned crime. It contributed to the development of the notion that some moral obligations—such as the abolition of slavery—need to be codified in peremptory norms of international law. These advances directly gave rise to a series of international treaties, from the 1926 and 1956 Slavery Conventions to the Rome Statute and UN anti-trafficking protocols.[18]

Comparative analysis of abolition campaigns shows that the American Civil War stood alone in its triad of moral, legal, and military inputs. It presented a constitutional model for post-colonial and post-war nations to follow, and showed how legal reform can issue from the fire of conflict and struggle. But as postcolonial and TWAIL analysts also caution, the eradication of slavery in law is no assurance of emancipation in reality. Freedom can only come about through the elimination of the remnants of inequality, exploitation, and imperial rule that have tended to survive formal legal transformation.

The modern slavery of all kinds undermines the wholeness of the abolitionist tradition. Tens of millions are ensnared in abusive regimes that replicate the ownership and control legitimated by law in the past. But the fact that there is a global legal norm—based on the experience of the Civil War—that proclaims slavery to be wrong in any form and in any circumstances, provides a strong potential instrument of legal action and moral opposition.[19]

In summary, the American Civil War not only ended the institution of slavery in America, but also transformed the international legal and moral perspective. It established the roots of contemporary international law's commitment to human dignity, equality, and the rule of law. In a world that continues to grapple with human trafficking, forced labour, and structural discrimination, the Civil War's lessons—and the legal framework that it produced—are no less necessary and relevant today. By remembering its legacy, we not only honour the past but also equip ourselves for the continued battle against unfreedom in all its forms.

[17] Nurse, Angus. “The Nature of Reparations.” In Reparations and Anti-Black Racism: A Criminological Exploration of the Harms of Slavery and Racialized Injustice, 1st ed., 97–110. Bristol University Press, 2022. https://doi.org/10.2307/j.ctv24cnsqg.13.

[18] Nurse, Angus. “Black Lives Matter: The Legacy of Slavery.” In Reparations and Anti-Black Racism: A Criminological Exploration of the Harms of Slavery and Racialized Injustice, 1st ed., 1–15. Bristol University Press, 2022. https://doi.org/10.2307/j.ctv24cnsqg.6.

[19] Allain, Jean. “Contemporary Slavery and Its Definition in Law.” In Contemporary Slavery: The Rhetoric of Global Human Rights Campaigns, edited by ANNIE BUNTING and JOEL QUIRK, 36–66. Cornell University Press, 2017. http://www.jstor.org/stable/10.7591/j.ctt1w1vjxf.6.