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A New Perspective on Freedom Suits in the Transatlantic Abolition Movement

Nothing upset the boundaries of slavery and freedom like interstate travel in the pre-Civil War United States. Whether slave or free, black Americans faced a possible change in status by crossing state lines, and free blacks from throughout the Atlantic world took great risks by travelling to the United States. The fate of black seamen who travelled to South Carolina and faced immediate imprisonment and possible enslavement beginning in 1822 best illustrates this negative move from freedom to slavery. On the other side of the equation, American slaves who travelled into free territories with their owners had an opportunity to claim the status that resulted from their presence on "free soil." At first glance, this scenario seems unequivocally a positive gain, but as Edlie L. Wong shows in *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel*, freedom was actually much more complicated than it might seem. Wong traces the effects of the freedom suit throughout the Atlantic world, focusing first on the English case *Somerset v. Stewart* (1772) and then on important cases in Massachusetts, Pennsylvania, and Missouri. She concludes her study by examining what could be described as a reverse of the freedom suit–the imprisonment of free blacks through the Negro Seamen Acts passed in coastal states of the American South, particularly South Carolina.

Neither Fugitive nor Free offers an interdisciplinary and transatlantic approach, using literature, gender studies, social history, and legal history to examine the fate of enslaved blacks who travelled to free jurisdictions and free blacks who travelled to slave states and contested territories. By looking at freedom suits through court documents, press coverage, memoirs, slave narratives, law journals, and case books, Wong creates a multidimensional context that places these cases, the most famous of which was the *Dred Scott* case, into a cultural context that offers a fresh perspective. Essentially, she adds literary analysis and social history to the legal histories of Don Fehrenbacher and Paul Finkelman by placing the court records side by side with memoirs and slave narratives.[1] The result is a deeper analysis of the human stories behind the court cases as she considers questions such as why slaves and former slaves would return to the South and jeopardize their freedom and what price those who gained their freedom had to pay. Put simply, the answer is family ties, and this explanation leads to a gendered analysis that adds much to our understanding of the agency of slaves like Dred Scott and his wife Harriet. Looking at the freedom suit through the eyes of the plaintiffs also sheds new light on the role of "radical" abolitionists in the antislavery movement. Wong addresses these issues through a number of case studies that highlight both the complications of the freedom suit and the humanity of those who used them to fight for freedom for themselves and their families.

Wong begins by looking at landmark cases that set the overall tone for future freedom suits based on travel. She starts in Britain with the 1772 case of *Somerset v. Stewart* and the 1827 *Case of the Slave Grace.* She traces the realities and limits of the *Somerset* case and the resulting overly celebrated notion that simply stepping on English mainland soil rendered a slave free. Of course, many historians have examined this case and exposed the deliberately confusing ruling put forth by Chief Justice

Mansfield, but Wong adds to the story by placing it next to the *Grace* case and showing how the resulting collective conclusion, that even if a slave gained freedom when taken onto free soil by his or her master, he or she relinquished that freedom by voluntarily returning to slave territory. To examine this idea further Wong incorporates a number of slave narratives and autobiographies of slaves from various parts of the British Empire. She traces the effects of these cases back to the United States, using as her first example the 1836 Massachusetts case *Commonwealth v. Aves*, which freed slaves brought into the state by their masters and set a precedent soon followed by other free states.

Of course, once travel into a free state began to equal freedom, a number of new issues emerged. As Wong shows, it was rarely a simple matter of gaining freedom and moving on with one's life. This could be done if the freed had little to lose by never returning to his or her home, but, as Wong reveals, most had much to lose. As a result, many returned to slave jurisdictions hoping to use the law to free their families, or at least to live near their loved ones who remained in slavery. Slave states did not generally welcome the growth in the free black population, though, so it was often difficult to maintain the freedom won in other states. Wong uses Missouri as a focal point to tell this story, and she highlights the cases of Dred and Harriet Scott. While providing a new perspective on the *Scott* cases, she also tells the stories of a number of other similar cases.

Wong also traces the punitive measures taken by southern states to protect the system of slavery against the legislative challenges free states such as Massachusetts presented by repealing the sojourner laws that had guaranteed protection of slaveholders' "property" as they travelled. As she shows, just as Massachusetts was freeing slaves brought on free soil, South Carolina and other southern coastal states were imprisoning and, in some cases enslaving, free blacks who entered their ports through the Negro Seamen Acts. This move affected free blacks from the northern United States, England, and the Caribbean and resulted in an international outcry.

Finally, Wong includes case studies of free black Americans who sought to travel overseas but were denied passports. She traces this denial of citizenship into the post-Civil War years to show how "the contradictions of 'contract freedom' that emerged in the antebellum period continued to beleaguer the political ideologies of radical Reconstruction" (p. 17).

One of Wong's most interesting points lies in her assessment of the contradiction between what well-meaning abolitionists sought for these travelling slaves and what these slaves wanted for themselves. Seeing the promise of freedom given to those who travelled in states like Massachusetts, "radical" abolitionists were eager to seize opportunities on behalf of slaves and initiate freedom suits. What they often overlooked, however, was that in speaking for those they hoped to free they often overlooked the practical situations and resulting desires of those whose freedom they sought. This analysis speaks to the question of why a slave who had been on free soil would ever willingly go back and risk that freedom. The answer was that many had spouses, children, and parents still in slavery at "home." In some of the case studies Wong presents, it becomes clear that abolitionists, though using the argument that slavery separated families and broke important emotional ties, often ignored this same truth when fighting for a slave's freedom. For example, in *Commonwealth v. Aves*, abolitionists fought to free an enslaved child named Med who had been brought to Massachusetts by her master. In the end, the child's freedom was granted, but she was left to spend the remainder of her childhood in an orphanage, far away from the mother who awaited her return. Newspapers such as the *Boston Transcript* and the *New York Courier and Enquirer* responded by accusing the abolitionists of kidnapping. This story shows just how complicated freedom could be. To the abolitionists, who wore blinders and saw only one end goal–freedom–they had won a major victory for the now free child. To the child, however, this freedom was not necessarily such a blessing. By considering cases like Med's (and others that were very similar) Wong forces the reader to appreciate the "contradictory logic by which abolitionists often disregarded the slave's express desire to remain with a master and in many cases argued for the very sorts of separations from kin that usually figured so large in abolitionist attacks on slavery" (p. 12). Of course, as Wong clearly reveals, slave owners knew full well the potential for such contradiction and used it to their advantage by using familial connections to "tether enslaved servants to slavery" (p. 13).

Wong has a knack for bringing her subjects to life and showing the agency of slaves who negotiated their own freedom and, in some cases, the freedom of their families. She also does a nice job of complicating the story of "radical" abolition and slave rescues, and her telling of the Dred Scott story reshapes that narrative in interesting and exciting ways. Her writing is generally clear and, for the most part, free of jargon.

Neither Fugitive nor Free is well grounded in literary

studies, cultural studies, American studies, and legal history, but less so in other fields of history. The most obvious example is abolition studies. For example, Wong sets out to reveal "that freedom in a partially free world was far more constrained than the 'official' story of abolition has led us to believe," but she does not tell what sources she is referring to or who exactly she is arguing against. She also does not really explain what this "official story" is. Abolition has a long historiography, and many historians have disagreed over a number of key points, including the constrained nature of freedom. A few paragraphs to show exactly how this work fits in with, or argues against, the standard works on abolition would have helped to clear this up.

Along the same lines, she does refer to the "radical" abolitionists in a few places, but it would have been helpful if she had defined exactly what that means. In fact, those who have followed the field of abolition studies in the past decade, especially after Richard Newman's path-breaking *The Transformation of American Abolition* (2002), know that "radical" abolition implies something very specific, referring to the abolitionists who called for immediate and uncompensated freedom for all slaves through a social revolution of sorts. These abolitionists were quite different than "gradual" abolitionists, who wanted just as strongly to end slavery but believed that emancipation had to occur through the legal system. The reason this is interesting in the context of *Neither Fugitive nor Free* is the fact that the gradualists, primarily lawyers associated with the Pennsylvania Abolition Society (PAS), the New York Manumission Society, or the American Convention of Abolitionists, had fought long and hard through the courts to win freedom for slaves on an individual basis. Given their legal focus, it would seem that the PAS, at least, should have figured somehow in a book on slavery and law. While Wong's main focus on the United States is after the rise of the immediatists in the 1830s, it would be interesting to see if any of the PAS cases had helped to set a precedent for the cases she focuses on.

Along the same lines, Wong makes good use of her sources, but she often uses secondary works to get to primary sources, and her use of archives is limited. She uses the Rutgers archives to examine correspondence between E. R. Pickard and Peter Still, but there is likely much more in the Pennsylvania Abolition Society records (which also holds the records of the American Convention of Abolitionists) at the Historical Society of Pennsylvania.

All in all, *Neither Fugitive nor Free* is well written and makes clear and strong arguments that will greatly enhance the study of transatlantic antislavery. It is indeed a refreshing union of legal studies and social/cultural history that adds much to the analysis of gender in slavery and antislavery studies.[2]

Notes

[1]. Don Fehrenbacher, *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective* (New York: Oxford University Press, 1978); and Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1981).

[2]. For another examination of slavery, print culture, and the law, see Jeannine Delombard, *Slavery On Trial: Law, Abolitionism, and Print Culture* (Chapel Hill: University of North Carolina Press, 2007).

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