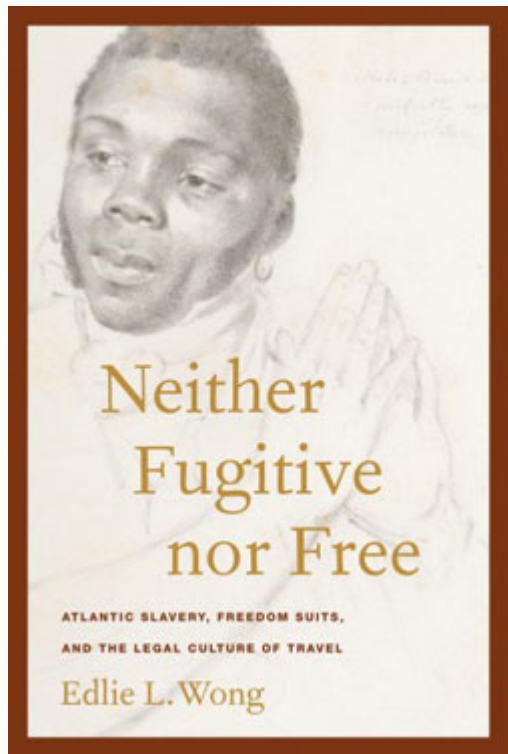


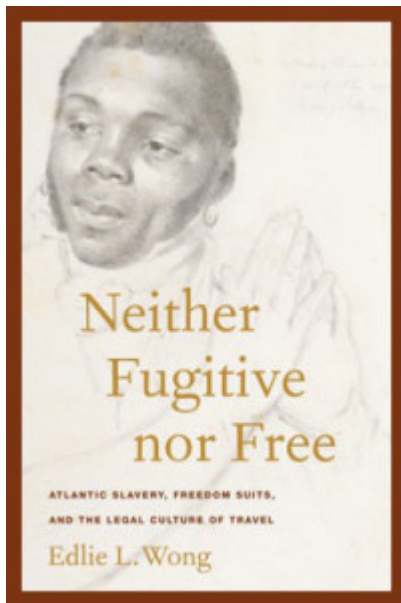
Freedom in Degrees



In the immediate aftermath of the American Civil War, white planters observed that recently freed men and women had an impulse for mobility, a long cherished expression of American liberalism. Edlie Wong's study of the pre-war period helps us understand just how precious unimpeded travel could be to peoples of African descent who—regardless of their status—found it especially difficult and even dangerous. The institution and customs of Atlantic slavery cast a very wide net over what Wong refers to as the “legal culture of travel” and particularly over those suing for freedom or navigating laws targeting the movement of free blacks. Though perhaps a challenging read for those accustomed to more linear historical accounts, *Neither Fugitive nor Free's* interdisciplinary and transatlantic approach usefully draws from literary criticism, critical race theory, legal history, and gender studies to provide sophisticated and revealing insights into Anglo-American understandings of and narratives about freedom and slavery.

The book begins by deconstructing an iconic event in British antislavery action, the landmark case *Somerset v. Stewart* (1772). Historians have long known that Judge Mansfield's decision in *Somerset* was purposefully limited and only indirectly challenged slavery by preventing the forcible deportation of slaves. What Wong nicely shows, however, is how abolitionist writers and lawyers successfully seized on this case to create an “invented tradition” that slaves who “breathed English air” became immediately free. This useful fiction positively affected white British liberal consciousness and increased opportunities for black freedom, but subsequent legal cases demonstrated a more restrictive reality. For example, in the 1827 *Case of the Slave Grace*, which is

examined in detail, Lord Stowell of the High Court of Admiralty ruled that Grace Jones, a domestic slave from Antigua who had lived in England for several years, “forfeited” her freedom the moment that she returned, allegedly voluntarily, to Antigua.



Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Legal Suits, and the Legal Culture of Travel*. New York: NYU Press, 2009. 368 pp., \$24.

Slave status, in short, could be reaffixed based on the assumption that a former slave’s “consent” to travel back home reflected an “implied contract” to re-enter slavery. These decisions created conditions whereby “choice” could become “another means to secure ... subjection” (53). Colonial slaveholders exploited that irony, leaving black Britons like Mary Prince and Ashton Warren lamenting the fact that their English rights were not transportable to their native lands. With the verdict of individual freedom suits—and symbolically the British antislavery movement more broadly—resting on questions of consent (rather than inborn natural rights), proslavery and antislavery writers and jurists contested the nature of the slave will, and especially, it seems, those of female slaves. Proponents of slavery, Wong argues, asserted the caricature of the “utterly willful” enslaved woman, while antislavery groups, paradoxically, turned to the idea of a “will-less” and totally “unprotected” woman whose victimhood prevented choice and required humanitarian aid and protection (56).

Such themes anticipated and shaped the developments in the United States where personal freedom suits occurred even more frequently, especially after an 1836 Massachusetts court case, *Commonwealth v. Aves*, declared that slaves voluntarily brought into that state by their masters automatically gained freedom. On the surface, this case and similar ones, along with the repeal of northern states’ sojourner laws that had long protected slaveowners’ rights while traveling, seemed to preserve the idea that freedom and slavery had clear geopolitical boundaries. Yet Wong, in arguably her best chapter, reveals how kinship ties and social pressures blurred this “territorial logic” and meant that any

freedom that slaves found was compromised and insecure at best, and in many instances quite costly. Indeed, for Med, the slave child at the center of the *Aves* case, freedom had depended on her presumed lack of will and resulted in her being permanently separated from her biological mother and placed in a chronically underfunded Boston Samaritan Asylum owned by the Boston Female Anti-Slavery Society (BFASS) which had instigated the lawsuit on Med's behalf.

Even as abolitionist groups like the BFASS wrapped themselves in the sentimental ideals of "republican motherhood" and celebrated their victory in the *Aves* case, they also "found themselves baffled by slave petitioners who stubbornly refused to relinquish kin for the 'gift' of northern freedom" (80). Indeed, slaveholders adapted to evolving rules by strategically exploiting kinship connections back home in order to minimize the risk of flight while in the North. In one instance, such kin networks led an adult slave, Catharine Linda, to not only chose to return South with her master, but (likely at her masters' behest) to use her temporary rights as a free woman of Massachusetts to sue the anti-slave activist who had issued a writ of habeas corpus on her behalf for allegedly kidnapping her (97). Unable to fit such incongruous behavior into what Wong sees as antislavery's "sentimentalized" paradigms of freedom, they went largely ignored or, in her sometimes semi-Freudian analysis, "repressed" into literary reflections of sexual violence such as E.R. Pickard's *The Kidnapped and the Ransomed* (114). Wong's special attention to the gender dynamics of these female petitioners "challenges the masculine trajectory of fugitive individualism found in the [more widely known fugitive] slave narrative genre and illustrates the complex ways in which enslaved women and children negotiated the unexpected predicaments that the law of freedom created in their lives" (80-81). This discussion alone, along with the book's analysis of the turn towards the motive of "theft" in antislavery writings, makes this a valuable contribution to our historical understanding of how the forces of slavery and antislavery worked, one that joins other historical scholarship in highlighting the degree to which the interest and needs of abolitionists and those of individual slaves often diverged.

Less clear or convincing, however, is how this gendered analysis should transform our understanding of other legal battles, including the context and meaning of the infamous *Dred Scott* decision, a subject taken up in chapter 3. Wong suggests that previous cases such as *Julia v. McKinney* and *Rachel v. Walker*, wherein enslaved mothers successfully sued for their and (by the doctrine of *partus sequitur ventrem*) their children's freedom, might have inspired *Dred* and *Harriet Scott*'s to do the same. Yet it is not entirely clear that success in these earlier cases had rested on the gender of the plaintiffs. Indeed, if that were the case, why did *Scott*'s lawyers decide to drop *Harriet*'s presumably stronger case and proceed forward with *Dred*'s? Nevertheless, by looking South and West, Wong nicely shows the diverse and often paradoxical ways that the laws of freedom and slavery intersected to provide confined—but sometimes tangible—avenues for black maneuverability within a slave state. For example, the mere existence of slaves filing freedom suits required at least a temporary suspension of that status, a fact which "held up an egalitarian ideal

of the law” while also “strengthening the racial ideologies” by temporarily substituting racial terms like “negro” or “mulatto” for status (157).

The final chapter of the book takes up the interesting but understudied Negro Seamen Acts, whereby free black mariners of British and northern birth found themselves subjected to confinement when docked in southern ports. In these situations, southern states and supportive courts and politicians “denationalized” black citizens, proffering racial categorization over any rights and privileges gained by birth or political attachment—concepts Wong elsewhere describes as “modern fictions” (248). Close readings of F. C Adams’s *Manuel Pereira*—based on a Portuguese born, British sailor jailed under the act—and the story of John Glasgow—a free-born British subject sold into slavery under South Carolina’s law—highlight that the perceived needs and laws of slavery continued to reverberate throughout the broader Atlantic.

Despite Wong’s generally pessimistic story, she suggests that the perniciousness of these acts and the dissemination of information about them contained the seeds for their own destruction by creating the conditions for an “unexpected alliance” between various groups that helped to radicalize the political landscape against South Carolina. A much needed closer look at the history of these laws, however, might problematize the conclusion that these “peripatetic struggles” directly threatened slaveholders’ position. Even by Wong’s own account, British officials in southern ports deemed the issue largely closed on the eve of the Civil War, and despite considerable frustration from black groups, northern merchants and politicians seem largely willing to accommodate slaveholding sensibilities, a point that actually boosts Wong’s larger claim about slavery’s wide-reaching influence. An informative conclusion highlights the U.S. State Department’s move in the late 1840s to stop granting passports to free blacks (though interestingly not for slaves accompanying whites), for fear that doing so would indicate a sign of national citizenship. African-Americans like Frederick Douglass generally found ways around this, but the denial of official documentation “confirmed the statelessness of all free black Americans” (242).

Neither Free nor Slave is a highly ambitious book and in places the rapid movement from often narrowly determined legal decisions to broad literary motifs are not always as clear or as historically contextualized as they could be. In addition, one wonders if and how the presumably large, but here largely ignored, number of freedom suits brought by men comported to Wong’s gendered analysis. Still, this is a very impressive work that historians stand to gain a great deal from. It vividly reinforces that “the line between slavery and freedom was far less clearly demarcated,” both geographically and practically, than either nineteenth-century abolitionists or subsequent historians have tended to think (8). It highlights the need to continue to view the complicated struggles between slavery and freedom within a broader national and international lens. Finally, it shows, in compelling ways, how cross-disciplinary approaches can help peel away layers to the complicated and interrelated Anglo-American stories of liberalism and bondage.

Brian Schoen is associate professor of history at the Ohio University, the author of *The Fragile Fabric of Union: Cotton, Federal Politics, and the Global Origins of the Civil War* (2009), and co-editor of *The Old South's Modern Worlds: Slavery, Region, and Nation in the Age of Progress* (2011).