



Roadblocks to Freedom: Slavery and Manumission in the United States South

Andrew Fede

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Roadblocks to Freedom considers the law of freedom suits and manumission from the point-of-view of legal procedure, evidence rules, damage awards, and trial practice—in addition to the abstract principles stated in the appellate decisions. The author shows that procedural and evidentiary roadblocks made it increasingly impossible for many slaves, or free blacks who were wrongfully held as slaves, to litigate their freedom. Even some of the most celebrated cases in which the courts freed slaves must be read as tempered by the legal realities the actors faced or the courts actually recognized in the process.

Slave owners in almost all slave societies had the right to manumit or free all or some of their slaves. Slavery law also permitted people to win their freedom if they were held as slaves contrary to law. Fede provides a comprehensive view of how some enslaved litigants won their freedom in the court—and how many others, like Dred and Harriet Scott, did not because of the substantive and procedural barriers that both judges and legislators placed in the way of people held in slavery who sought their freedom in court.

From the 17th century to the Civil War, Southern governments built roadblock after roadblock to the freedom sought by deserving enslaved people, even if this restricted the masters' rights to free their slaves or defied settled law. They increasingly prohibited all manumissions and added layers of procedure to those seeking freedom—while eventually providing a streamlined process by which free blacks “voluntarily” enslaved themselves and their children.

The author of *People Without Rights: An Interpretation of the Law of Slavery in the United States South*, Fede now draws on his three decades of legal experience to take seriously the trial process and rules under which slave cases were decided. He considers how slave owners, slaves, and lawyers caused legal change from the bottom up, and in courts and legislatures. Fede further evaluates the U.S. pattern of legal change in relation to developments in other slave societies, and he analyzes the rich materials of legal history in light of their social, political, and religious contexts.

"*Roadblocks to Freedom* is a must read for anyone interested in the legal history of slavery in the American South. Exhaustively researched, the study picks apart, categorizes, and contextualizes hundreds of cases and statutes addressing the efforts and abilities of slaves to obtain their freedom and of masters to manumit those they held in bondage. Fede's comprehensive analysis is matched only by his careful attention to detail, painting a deeply nuanced picture of the competing social, political, economic, and legal interests at play when a slave's potential for liberty was at stake."

— JASON A. GILLMER, Professor of Law and John J. Hemmingson Chair in Civil Liberties, Gonzaga University

"*Roadblocks to Freedom* is the most comprehensive study of the law of manumission ever written. Fede has examined and analyzed hundreds of cases and statutes from the antebellum South, and provided a coherent framework for understanding the complex legal issues that arose when masters tried to voluntarily free their slaves. This book provides a solid and important resource for all scholars in the field. All of us in the field are indebted to Fede for this tremendous research and analysis."

— PAUL FINKELMAN, President William McKinley Distinguished Professor of Law, Albany Law School

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