

Histories of the American Family and Defining Freedoms in the Public and Private Worlds of Nineteenth-Century Americans

Family, Slavery and Love in the Early American Republic: The Essays of Jan Ellen Lewis. Edited by BARRY BIENSTOCK, ANNETTE GORDON-REID and PETER ONUF (Chapel Hill, NC: University of North Carolina Press, 2022; pp. 432. \$39.95);

Happy Dreams of Liberty: An American Family in Slavery and Freedom. By R. ISABELA MORALES (New York: Oxford University Press, 2022; pp. 336. £26.49).

Conceptions of rights and freedoms in the United States have always been central to the histories of the nation. Historians' understandings of such ideals have been shaped by the contradictions presented to ideals of freedom in a country founded on the illusion that 'all men [*sic*] are created equal with certain unalienable rights of life, liberty and the pursuit of happiness'.¹ As the American historian Eric Foner surmised in his reflections on the meaning of freedom in the United States: 'When the story of American freedom is written, freedom is likely to turn out to be as contentious, as multi-dimensional, as American society itself'.² Importantly, Foner continues, 'freedom has never been a fixed category or predetermined concept ... Freedom has been invoked by those in power to legitimate their aims and seized upon by others seeking radically to transform society'.³ The two texts under review confront the very thorny relationship the American nation has with this concept of freedom. Both books focus on the intimacies of the domestic world of the family and relationships within it, and yet make clear how these private worlds were intimately related to public and political discussions around slavery, freedom and citizenship rights, with the intersections of race, gender and status always at the forefront of thinking.

In the mid-1980s there was a turn toward the writing of history with a focus on the social and cultural aspects of American life, with a particular emphasis on the so-called private sphere of the family, using gender as a primary conceptual framework. A number of scholars, including Jan Ellen Lewis, began reflecting on the post-Revolutionary

1. 'Declaration of Independence: A Transcription', *America's Founding Documents*, available online via the US National Archives and Record Administration, at <https://www.archives.gov/founding-docs/declaration-transcript> (accessed 17 Oct. 2024).

2. E. Foner, 'The Meaning of Freedom in the Age of Emancipation', *Journal of American History*, lxxxi (1994), pp. 435–60, at 437.

3. *Ibid.*

period as an era marked by the development of the rise of the American middle classes with their bourgeois sentimentality and concurrent ideals of family relationships based on love and affection.⁴ Yet this, such historians argued, was never mutually exclusive with the political systems of the new Republic. Such scholarship skilfully located the private worlds of white men and women—from elite statesmen, businessmen, merchants and their wives and children, to farming families and poor labouring classes—as inseparable from the political cultures of post-Revolutionary America into the early nineteenth century and beyond.

Separate from this were important historiographical shifts taking place in the late 1970s when scholars such as John Blassingame, Eugene Genovese and Herbert Gutman provided foundational analyses of resistance through the Black family and community under Southern slavery. All three historians drew their sources from the Black archive in addition to the usual source material employed by historians concerned with the slave South, such as correspondence written by enslavers and their white family members, plantation ledgers, slave schedules, enslavers' wills and census material. These scholars prioritised the voices of the enslaved and their descendants in their selection of source materials and subsequent analysis. By recounting the words of those who had actually experienced the traumas of the slave system at first hand, they were engaged in writing revisionist histories that up-ended historians' previous conceptions of the experiences of slavery.⁵ Herbert Gutman's groundbreaking work located the family as a central institution in the lives of the Black community both during enslavement and in the post-emancipation era. He contended that the Black family during slavery and freedom was often grounded in reciprocal feelings of love and affection. In addition, Gutman argued that, during slavery, the Black family provided much-needed emotional and physical support in the darkest of moments—such as the sale of family members, violent and gratuitous punishments at the hands of the enslaver, and the premature death of enslaved family members through enslavers' irresponsible modes of production and consumption.⁶

Gutman's understanding of the Black family under slavery in the United State as a means to provide emotional shelter and as a form of everyday resistance against the brutalities of the southern slave system subsequently developed into much more complex and nuanced explorations during the 1980s and 1990s. Historians such as Deborah

4. J. Lewis, *The Pursuit of Happiness: Family and Values in Jefferson's Virginia* (Cambridge, 1983). For examples of Lewis's influence, see C. Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (New York, 1980); S. Mintz and S. Kellogg, *Domestic Revolutions: A Social History of American Family Life* (New York, 1988).

5. J. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1972); E. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974); H. Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York, 1976).

6. Gutman, *Black Family*.

Gray White and Jacqueline Jones focused on enslaved women as mothers and wives in the context of Black family and community life under slavery, emphasising enslaved women's status and assumed roles beyond that of 'labourer'.⁷ By the mid-1990s and early 2000s, scholars such as Brenda Stevenson, Emily West, Frances Smith Foster and Rebecca Fraser would consider the ways that Black love within the family operated in the context of slavery, both as a form of resistance but also within a system where enslaved people faced the challenges of enslavers' authority over their selection of a partner, the legal framework that denied enslaved people's unions on the basis of property laws, and sale in the domestic slave market, leading to inevitable separation.⁸

The legal strategies employed by Black people—enslaved and free—in antebellum America to maintain their intimate lives and their campaigns to resist the denials of full citizenship have become central to historical scholarship in more recent years. For example, Emily West's *Family or Freedom* (2012) focuses on residency requests from free people of colour who faced restrictions on living in several southern states, primarily over fears of their influence over enslaved peoples.⁹ These petitions, West argues, were made, first and foremost, in order to maintain familial ties, and several Black men and women proposed re-enslavement to their existing family's enslaver in order to stay close to loved ones. As West argues, 'Placing their families first, enslavement petitioners offer illuminating insights into marital and other familial ties across the slave-free divide'.¹⁰ Martha S. Jones also considers the ways that free Blacks engaged in the legal systems of the United States during the 1840s and 1850s to argue for, or defend their rights, of citizenship, in *Birthright Citizens* (2018).¹¹ Like West, Jones employs the legal and political rulings and discourses at both federal and state level to develop a more nuanced understanding of the tensions between race and rights, both in a public and private context.

The books by Jan Ellen Lewis and R. Isabela Morales under review here can be positioned as integral to the historical scholarship outlined above. These two books are markedly brilliant in both their breadth and depth of research. Importantly, their analysis locates the concept of freedom in the United States not only in the larger political and

7. D.G. White, *Ar'n't I A Woman? Female Slaves in the Plantation South* (1985; rev. edn, New York, 1999); J. Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York, 1986).

8. B.E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York, 1996); E. West, *Chains of Love: Slave Couples in Antebellum South Carolina* (Urbana, IL, 2004); R.J. Fraser, *Courtship and Love among the Enslaved in North Carolina* (Jackson, MS, 2007); F.S. Foster, *'Til Death or Distance Do Us Part: Love and Marriage in African America* (New York, 2010); H.A. Williams, *Help Me to Find my People: The African American Search for Family Lost in Slavery* (Chapel Hill, NC, 2012).

9. E. West, *Family or Freedom: People of Color in the Antebellum South* (Lexington, KY, 2012).

10. *Ibid.*, p. 2

11. M.S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York, 2018).

legal structures of the nation, but also as deeply rooted with the private sphere of the family, the two worlds of the 'public' and 'private' being mutually entwined. The collection of essays by Jan Ellen Lewis (1949–2018) in *Family, Slavery, and Love in the Early American Republic* is a fitting tribute to a scholar whose work was at the vanguard of changing the nature of what was considered 'worthy' of study in American history, namely women's and gender history and the intimate dynamics of the American family.¹² Edited by Lewis's husband, Barry Bienstock, a history teacher, and the distinguished scholars and close colleagues of Lewis, Annette Gordon-Reed and Peter Onuf, *Family, Slavery and Love* contains thirteen of Lewis's most significant essays, demonstrating her progressive understandings of the ways in which the early American Republic and the people who inhabited this world should be understood. The collection demonstrates how Lewis's work transformed understandings of the early national period of the histories of the United States, introducing new methodological frameworks to enhance conceptions of the ways in which the public and private lives of men and women intersected and were articulated in these early years of the new nation. The collection also showcases the ways in which Lewis boldly introduced the reader to new—at the time at least—fields of research, such as the history of gender and the emotions. Importantly, it serves to highlight how she provided an important legitimacy to these emerging fields, insisting that they should be understood as integral to the conditions of the founding of the new Republic, intertwined with politics and Constitutional debates, and entangled with concepts such as slavery and freedom for those who inhabited this world.

The book is divided into four sections, 'Gender in the Early American Republic'; 'The History of Emotions'; 'Constitutional and Legal History'; and 'Jeffersonian Studies'; several essays pertaining to each respective theme are included. Each section is headed with a concise introductory chapter reflecting on the essays contained therein and the central historiographical context in which Lewis was writing. Each of these short pieces are written by eminent scholars with expertise in the field, including the wonderful Carolyn Eastman and Nicole Eustace who introduce Lewis's essays on gender and emotional history respectively. Similarly, David Waldstreicher offers an erudite reading of Lewis's take on constitutional and legal history. Annette Gordon-Reed and Peter S. Onuf, as renowned Jeffersonian scholars themselves, provide the concluding piece relating to Lewis's deep and abiding interest in the private world of Thomas Jefferson. As Eastman notes in relation to Lewis's contribution to the field of gender history in the late 1980s, 'More than many of her peers, Lewis demonstrated what gender analysis could achieve and how vitally it could alter the way

12. *Family, Slavery and Love in the Early American Republic: The Essays of Jan Ellen Lewis*, ed. B. Bienstock, A. Gordon-Reed and P. Onuf (Chapel Hill, NC, 2022).

we understand the past'.¹³ This statement reverberates throughout the whole volume. As Lewis's essays demonstrate, her work meaningfully shifted understandings of the ways that the founders of the United States and their families negotiated their private intimate worlds in the broader context of the formation of the new Republic.

For academics who, like me, were introduced to Lewis's work in their first few years of doctoral studies in the early 2000s, she was a revelation. Here was a historian who wrote in a compassionate tone about the eminent men of the American past. She made the 'Founding Fathers' of American history assume a human form, revealing the complicated and complex men they were, with all their public bravado and private anxieties. Lewis also introduced me, and I suspect many other scholars at the time, to the importance of the private family letter as a valuable historical source. One among several of a growing number of historians engaged in this transformation of the discipline, especially for the early national period, Lewis asked her readers to consider the performative element of this correspondence: reading what was there but also what was implied, and even what was never said. In particular, her essays included in the collection relating to 'Jeffersonian Studies' reflect on the silences that echoed in letters around his relationship with one of his enslaved girls, Sally Hemings, just 14 years old when she arrived in Paris with Jefferson's daughter, Mary (known as Polly). The sexual relationship that began there between Sally and Jefferson, then 44 years old, was clearly based on his abuse of power and privilege as Sally's enslaver. His silence around the probable fathering of at least six of her children (four of them living until adulthood) and the subsequent fabrication of memories and family histories to keep up the pretence by his descendants is most clearly reflected upon in Lewis's later work contained in this collection. Her clear fascination with Jefferson and his complexities as a man who found solace in family life but was also keen to be remembered as self-sacrificing in his work in the nation's interests are only sharpened by her evident compassion for Sally Hemings and her children, who were, of course, as Lewis points out, 'the unacknowledged children of Thomas Jefferson'.¹⁴

The book's acknowledgements, written by Lewis's husband, Barry Bienstock, provide a wonderful backstory to its creation, detailing the full and varied professional life that Lewis had. However, they also recount her personal and intimate histories and those who she loved, suitably fitting for such a celebrated historian of the family. Lewis's deep and effective application of her learned scholarly understanding and her eloquent use of language to communicate it was, to paraphrase Bienstock, the measure of her life. While her gifts as a wordsmith were remarkable, as evidenced throughout the essays compiled for this book,

13. *Ibid.*, pp. 9–10.

14. *Ibid.*, p. 358.

this collection also serves to remind us of the significant role she played in the cultural turn of the discipline of history in the late 1970s. Jan Ellen Lewis was fundamental in the shift towards a focus on new fields of research and historical understanding. She will be sadly missed; this book is testimony to her profound influence in the discipline as a whole and her legacy will undoubtedly live on.

Lewis drew from the archives of white privileged men and women to evidence her arguments and provide further texture to the points she made about the importance of family life to the emerging public world of the newly formed United States. R. Isabela Morales draws on similar archives in her *Happy Dreams of Liberty: An American Family in Slavery and Freedom*.¹⁵ Yet she does this not to write about how the ideals of the 'pursuit of happiness' played out in both the public and private intimate worlds of white statesman and their families in Virginia or Washington, D.C. Rather, her work focuses on a specific enslaved family in Alabama from the late 1850s through the Civil War into Reconstruction and beyond. Morales charts the life stories of the enslaved Townsend family, who gained their freedom through the wills of their enslavers, the Townsend brothers, Samuel and Edmund. Neither brother had ever married, yet they held several enslaved women who they regularly used as 'concubines' and who had given birth to several children for each of them. Edmund died in 1853 but was prevented from giving freedom and his sizable wealth to his enslaved children, two boys and two girls, as his will requested, after successful legal opposition from members of the white Townsend family. However, Samuel's death three years later, in November 1856, began a process whereby he bequeathed freedom and a large part of his wealth to forty-five enslaved people, including the mothers of the children fathered by the Townsend brothers, their children, and other close relatives.

As Morales points out, however, such freedoms were not easily granted to enslaved people in Alabama, it being illegal to emancipate slaves by will in the state. It was with these thoughts in mind, that Samuel hired the attorney S.D. Cabaniss to guide him through the thorny legislation around enslavers' rights to free enslaved people by will, and to ensure that when he died, Edmund's desire to free his children and others in the enslaved Townsend family network would not be thwarted. Samuel redrafted his will several times in the last few years of his life, and as Morales notes, 'each new draft bore more of Cabaniss's stamp'.¹⁶ The final version removed any reference to freeing children or particular favoured servants and instead replaced references to those Edmund wanted to emancipate with the terms 'legatees of the first and second class'. These people included enslaved women with whom the

15. R.I. Morales, *Happy Dreams of Liberty: An American Family in Freedom and Slavery* (New York, 2022).

16. *Ibid.*, p. 50.

brothers had sexual relationships, the children they had borne as a result, and subsequent descendants of these liaisons.¹⁷ Instead of Samuel even attempting to emancipate any of these individuals directly through his will, he would leave this act to his executors, who would include Cabaniss and Samuel's nephew and namesake, Samuel C. Townsend. To ensure his nephew's loyalty to his wishes, Samuel Townsend left his namesake 'the Home place, slaves worth more than \$10,000 total, and an additional \$20,000 with the possibility of "further compensation"', which would be given only at the 'successful probate of his uncle's will'.¹⁸

After his death on 19 November 1856, Samuel's will was challenged in court by his other nephew, Samuel C.'s brother, John E. Townsend, and a number of other white nieces and nephews. This was not unexpected; Samuel had prepared for this opposition from beyond the grave, through the election of the trustees whose responsibility it was to give liberty to the enslaved people Samuel had named in his will. Despite a protracted litigation process of over a year, a jury found in favour of the executors in January 1858. As Morales argues, 'By declaring the will valid under Alabama law, the Madison County probate Court made official what Samuel and Edmund had always insisted: that their children were more than slaves'.¹⁹ Despite their freedom, however, those who counted among the first and second class legatees in Samuel's will could not remain in Alabama. Residency requirements for free blacks were punitive in Alabama, and laws were passed over the first half the nineteenth century that made emancipation of slaves by their enslaver dependent on them leaving the state or being at risk of re-enslavement.²⁰ The process of fully finding their freedoms for the emancipated Townsend families began in the new year of 1858 and Morales charts the complex and complicated nature of securing these liberties through the Civil War years into Reconstruction and the beginnings of notions of 'separate but equal' towards the end of the nineteenth century. This was against the backdrop of a nation that remained committed to strict racial hierarchies, even in the post-Civil War era when racial slavery was legally abolished, and was contemptuous of African Americans—who overstepped the rigid markers of race in the United States.

After exploring the intricate nature of the Townsend family's journey to securing *de jure* freedom, Morales turns her attentions to what this freedom meant in practice. She does this in subsequent chapters by focusing on the Townsend family's relocations to places and spaces where they strove to claim the legal and civil liberties they were justly entitled to as citizens of the United States. Yet, given the continued power of the

17. *Ibid.*

18. *Ibid.*, p. 52.

19. *Ibid.*, p. 54.

20. *Ibid.*, p. 36.

trustees over them, the Townsend family of both the first and second class of legatees remained subject to their authority. This was especially so as regards decisions over where they should be relocated in the aftermath of the legal wrangling over Samuel's will. It was decided by the trustees that those in the class of first legatees would move to Ohio as 'the "most convenient" for the Townsends to settle—at least in the short term'.²¹ Cabaniss doubtless felt, given the state's history as a stronghold for abolitionist activity (it was part of the Underground Railroad which aided enslaved people's escape from slavery), that Samuel and Edmund's children, the main beneficiaries of this first class of legatees, could in this location potentially 'exercise the rights the Supreme Court and white Americans weren't bound to accept'.²² The second class of legatees were not officially freed until 1860, when finally a decision was made to relocate them to Kansas. After four years of waiting and continuing to labour in Northern Alabama serving their new master, Samuel C., twenty-eight enslaved people, and at least two generations of the Townsend family, were finally set on the road to freedom. Yet, as Morales notes, neither Cabaniss nor Samuel C. asked what the Townsend family themselves thought of this move or whether they agreed that this was the best place to settle. When Wesley, one of Samuel's children, raised concerns about Kansas as a destination for the first class of legatees to which he belonged and who were relocated there from Ohio, given the State's history of pro-slavery sentiments and racial hostilities, Cabaniss was not willing to compromise. In legal terms, given the clause in Samuel Townsend's will which gave his executors full power to choose his former slaves' new home, 'it was no one's decision, but [Cabaniss's]'.²³

As Morales tracks the often difficult and occasionally tragic 'dreams of liberty' for the Townsend family from slavery through emancipation, Civil War, Reconstruction and beyond, she delivers an engaging portrayal of the shifting balance of power between the trustees and the Townsend family, who, in the aftermath of Reconstruction, although still waiting for their full inheritance, were now demanding action from Cabaniss rather than just soliciting financial aid from their father's estate. Morales narrates moments of sorrow, such as the downfall and eventual death of Samuel's daughter, Susanna, despite her earnest attempts to make her way in the world, defining her freedoms through education and striving for financial independence.²⁴ Yet, Morales also recounts triumphs in the Townsend family history following their freedom. This was especially so for the two sons of Samuel, Charles Osborne and Thomas. Although settled in two different regions, Thomas moving back to his birthplace of Alabama and Charles Osborne settling in Colorado, and through very different means, each found a level of social and political equality,

21. *Ibid.*, p. 60.

22. *Ibid.*

23. *Ibid.*, p. 88.

24. *Ibid.*, pp. 100–110.

and a modicum of financial stability, in the places they eventually chose as home.²⁵ This is, as Morales so deftly underlines in her analysis, the story of an *American* family and the ways in which their former enslaved status, coupled with the colour of their skin, served to exclude them from the rights and privileges enjoyed by white Americans across the nation.

Both Morales and Lewis employ an abundance of source materials to support the arguments they make in their respective work. Yet both are conscious of the lack of evidence from the enslaved themselves, in Lewis's case, Sally Hemings and her children, and for Morales, the Townsends—there is an absence of sources in which they spoke with each other, rather than through their father's white attorney. Just as Lewis stressed the performative nature of the letter as a historical source, Morales is painfully aware that letters from the Townsends to Cabaniss were 'carefully crafted documents written for a specific purpose', usually to plead for financial assistance.²⁶ Samuel Townsend's and S.D. Cabaniss's power over the Townsend family's letters determined what they wrote and what they chose to exclude and, as Morales is keenly aware, 'the Townsend family letters need to be read closely for what they hide as well as what they reveal'.²⁷ While these letters survived only fortuitously as part of an elite white Southern man's archive, they do ensure that some elements of the life experience of the Black Townsend family have been preserved. We, as historians, are required to read the silences in order to begin to develop an understanding of their experiences as a family, both in slavery and freedom.

Jan Lewis's understanding of the relationship Sally Hemings had with Thomas Jefferson, which is explored in the final section of *Family, Slavery, and Love*, is greatly hindered by the absence of any archival material from Hemings herself. DNA evidence in 1998 from Hemings and Jefferson's descendants provided near-conclusive evidence that at least one of her children was more than likely fathered by Thomas Jefferson. Yet the historian craves more than scientific proof for their analysis, helpful as this is, seeking to supplement it with primary source evidence in the words of Sally Hemings herself. Yet no such extant evidence exists, as far as is known. Like so many enslaved women in the United States, from the Revolutionary era of Jefferson in the 1770s and the birth of the New Republic through to 1865 and the official abolition of slavery, it is their voices which are most difficult to hear in the archives.²⁸ Morales points out that, while the letters from the Townsend children to Cabaniss should be approached with an awareness of the silences within, the absence of correspondence from the women within the Townsend family to Cabaniss or others resulted in their stories

25. *Ibid.*, ch. 5, 'Some of Us will Have it Good', pp. 121–49, and ch. 6, 'Who Hasn't Yearned to be Home', pp. 150–75.

26. Morales, *Happy Dreams of Liberty*, p. 190.

27. *Ibid.*

28. See M.J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia, PA, 2016); S. Hartman, 'Venus in Two Acts', *Small Axe: A Caribbean Journal of*

of freedom in the Townsend family drama being marginalised.²⁹ Yet employing alternative methodologies—ones based on speculation and the use of historical imagination—has led to a deeper understanding of Black women's lives and experiences, particularly enslaved women in the nineteenth century. While Stephanie M.H. Camp recognised the importance of written records as the primary 'medium through which the voices of the past come', she also acknowledged their limitations and insisted on more creative ways to approach the archives particularly in relation to the historical experiences of Black women:

[E]ven as we work with our written evidence—whether it remains in shards or linear feet—we can also employ the imagination, closely reading our documents in their context and speculating about their meanings.³⁰

What both Lewis and Morales underline in their work, then, is an awareness of the silences in the archives, particularly around marginalised people in history such as the enslaved and women. Consequently, historians need to read these silences too, and employ a certain level of historical imagination to account for the gaps and uncertainties. They are required to supplement the historical record, speculating on the thoughts and feelings of those historical actors who have been denied a voice. Only then can we really hope to hear enslaved women's experience—as mothers, wives, sisters and daughters—and their historical truths from slavery through to freedom.

As both Jan Ellen Lewis and R. Isabela Morales have made evident in the work reviewed here, the principles of freedom in the United States as enshrined in the Declaration of Independence, as 'life, liberty and the pursuit of happiness', have not been easily achieved by many within the nation. This was especially challenging when historical actors lacked agency and power owing to their race or gender. Between the publication in the early 1980s of the first of Lewis's essays included in *Family, Slavery, and Love* and Morales's *Dreams of Liberty* in 2022 there has been an immense shift in the way historians think and write about the intersections of the intimate world of the family and gender history with the structures of public life in the context of the United States. These two publications, reviewed side by side, demonstrate the long arc of this historiography, and are testament to how much this historical scholarship has developed and the compelling work that has emerged from it.

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Criticism, xii (2008), pp. 1–14; S.M.H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill, NC, 2004).

29. Morales, *Happy Dreams of Liberty*, p. 192.

30. Camp, *Closer to Freedom*, p. 95.