

The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery

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In popular and academic discourse, the American Civil War has never really ended in the United States. For the first century or so after the resolution of the military conflict, most white Americans, including historians shaped by the resurrection of white supremacy, factored slavery as being somewhere between a negligible factor to one of many contributory variables that eventually pushed the nation to war. During the United States' Civil Rights era, as the American academic community began to more closely scrutinize its own racist proclivities, scholarship improved in both depth and breadth. The resulting work made plain that slavery was not solely one of many causal factors, but it was the cause - virtually everything that divided the North and the South to the point of war stemmed from slavery and debates about slavery.

Understanding slavery as the central issue was a vital shift in historiography. What, or rather who, was often lost in that shift was the enslaved themselves and the significance of their actions. Though historians finally centered the institution of slavery on the economic, political, and cultural stage of the antebellum United States, what the people enslaved by that institution did has only more recently begun to push onto center stage.

Over the last 20 years, starting with the 1999 publication of John Hope Franklin and Loren Schweninger's *Runaway Slaves*, historians' realization of the outsized impact of escaping slaves on national events has been growing deeper and broader. Kate Larson's *Bound for the Promised Land*, Stanley Harrold's *Border War* and Eric Foner's *Gateway to Freedom* are a few of the notable works that have laid a solid foundation for the case that Black people seeking to escape slavery shaped the course of the nation up to and through the American Civil War.⁽¹⁾

R. J. M. Blackett's *The Captive's Quest* is the latest and perhaps most detailed work that places enslaved African-American women, men, children along with their black and white allies centre stage. It would be easy to mistake this book as being primarily about the 1850 Fugitive Slave Law, which does indeed have a leading role. Much of the action and reaction revolves around whether to enforce it, how to enforce it, and how different actors responded to one another when enforcement was attempted. However, starting with the

first chapter, Blackett places the Fugitive Slave Law on a continuum of what escaping slaves and their allies did, and what their opponents did in response. The Law, undeniably important, ultimately was not the catalyst but rather a vehicle that exponentially accelerated a host of related events and tensions that lead to disunion. The title and subtitle, then, concisely point to the essential argument: enslaved African Americans' unrelenting quest for freedom combined with the law and politics of the antebellum era to produce a war that ended slavery.

Blackett notes early on that due to the deep political and economic ties between all the states, when African Americans chose to escape and were ensnared by the Fugitive Slave Law, 'every case that came to trial, and many that did not, were consequently freighted with wider national significance' (p. xiii). The subsequent 'crisis caused by escaping slaves was not enough to bring on the Civil War, but there is no doubt that it was a major contributing factor' (p. xv). The explicitness of the title and the preface in locating the decisions of enslaved people to pursue freedom as a crucial precipitating factor that led the nation to war and the end of legal slavery perhaps bear repeating more often through the book. Blackett, however, seems to have chosen to let the weight of their stories and the crisis they caused make their own case.

Chapter one begins the story by establishing the impact of the Fugitive Slave Law, a 'law with teeth' (p. 6). Blackett sees the Law not so much as a turning point as a significant escalation in the continuum of the saga of escaping slaves and the country's polemical responses to their escapes that began with the Fugitive Slave Law of 1793. By making it a part of a longer story, the implication is that the Fugitive Slave Law of 1850 was as significant as the issue of westward expansion of slavery, and that the politics of the country was the politics of slavery. Furthermore, African Americans, enslaved and free, helped lead the way in making the politics of slavery inseparable from the national conversation about the past, present and future of the country.

The complex range of responses to fugitives and the Fugitive Slave Law became an important dialogue within that conversation. Not all abolitionists opposed the Law, while many non-abolitionist white Northerners did oppose it. Some, though not many, white southerners did not think the Law was sufficient, and pushed for secession in 1850. A great number wanted the Law to sink its teeth in so that the Union could be preserved. The range of opinion across regions meant that passing the Law may have been a compromise, but making the law function would prove to be anything but a compromise.

In some respects, putting the Law to work proved perversely effective, but often not in ways its fashioners intended. The second chapter notes the daunting task of implementation. After an initial proliferation of appointments of commissioners, the men who would adjudicate fugitive slave cases, opponents slowed the growth in the number of commissioners by making their jobs increasingly unpleasant and at times dangerous. Another unforeseen outcome of implementing the Law was its rising financial costs, as allies of fugitives made it necessary to hire more deputies in order to prevent rescue attempts to liberate fugitives who had been caught. In one notable example, a Harrisburg commissioner charged \$262.91 to the federal treasury to pay for 20 men to ensure the return of two escapees less than 100 miles south into Virginia (p. 64). Though the title of this chapter is 'The Law does its work,' it could have been just as easily entitled 'The Law tries to do its work.' The actions to protect fugitives were considered 'quintessentially American' by some and, 'in the highly charged political atmosphere surrounding the law and its enforcement ... as nothing short of treason' by others (pp. 79-80).

Making implementation even more challenging was the response of African Americans who fled multiple times. Blackett describes how significant numbers of those who had run once before were, as the Fugitive Slave Law began its work, now running to refuge further north away from the Mason-Dixon line, including sometimes leaving the country entirely by crossing into Canada. This is ground well covered by other historians, but Blackett does cast their flight in a somewhat different light. Instead viewing them as simply fleeing further north or leaving the country, Blackett sees them head on: they more frequently armed themselves, stood their ground and ratcheted national tensions higher.

Nonetheless, overall, the Fugitive Slave Law was enforced despite unrelenting resistance. But oddly, the Law's implementation and enforcement appears to have had no detrimental effect on escape attempts. Blackett notes advertisements for escapees jumped 42 per cent from 1850-9 (p. 50). Though he does not account for other possible contributing factors such as increases in population or slaves taking advantage of instability during periods like the panic of 1857, his argument isn't necessarily weakened in any significant manner by these omissions (and it is unlikely those variables could explain an increase of over 40 per cent.) Regardless, there were certainly more reported escapes, which in turn produced increased calls for enforcing the law. This made the role of the commissioners, the justices of the peace and other law enforcement officials more important and contested. And often made their jobs undesirable, though some seemed to relish the chance to send black men and women into slavery. African Americans in response devised often ingenious ways to fool or circumvent commissioners, though they were usually unable to escape judgment. In virtually all cases, though, black resistance drove up the financial costs of making the law try to do its work, something its proponents had not anticipated. Resisters also amplified debates over whether they were treasonous or upholding Revolutionary values of freedom fighting; the 1851 Christiana riot was just one example of how that debate could explode into violence and death.

At the heart of the resistance were free black communities in the North. They were 'the extraneous substance that irritated the social system of America' (p. 89). Specifically, in the third chapter, they proved a major irritation for colonizationists, black and white. Logic or intuition might suggest that the Fugitive Slave Law would increase black support for colonization. Blackett notes Nicholas Guyett's argument (2) that there was a direct causal link between renewed colonization and the Fugitive Slave Law: colonizers wanted free black people out because they created too much agitation, especially in helping fugitives. Much of what is summarized in this chapter is familiar to historians, but Blackett notes that this causal link was part of the compromise: the divisive issue of slavery would be resolved with the help of colonization because it would supposedly make slaveowners more likely to manumit slaves, knowing they would go to Liberia or elsewhere. But black opposition skewered that hope in two ways: African Americans consistently opposed colonization, and some of those freed only because they were supposed to emigrate abroad ended up becoming fugitives - and thus actually challenging the Fugitive Slave Law, the very compromise their manumission was supposed to prop up. Blackett, as he does in many parts of the book, weaves together familiar history and well known primary sources to generate fresh insightful arguments.

Part one's three chapters, just over 130 pages, are the heart of the argument, which is thickly supported by Blackett's extensive research in state and national legislation, court records, files of various organizations, individual correspondence and especially newspapers. The heavy use of newspaper articles and editorials opens up one critique. There is virtually no explicit analysis of how representative the material appearing in newspapers was; how widely read or shared this information was between newspapers or the public in general; how prominently displayed the articles were or how much space they occupied. Were they typically on the first page? Did they take up one column or three? For example, Blackett recounts the furore generated when Vermont's state legislature not only condemned the passage of the Fugitive Slave Law, but declared fugitive slaves who came into the state would be considered citizens. This 'generated widespread condemnation, accusations of nullification and a coupling of the state with South Carolina as the twin evils of extremism that endangered the future of the nation' (p. 36). The evidence in the footnote, however, for the condemnation being 'widespread' is limited to three upstate New York newspapers. Similarly, Blackett notes that 'debate over [the law's] merits dominated the editorial pages of newspapers' (p. 75). The lone example: the Lawrenceburg, Ohio *Independent Press*. The critique here is not that Blackett is wrong - in fact, there's ample evidence that debates over the Fugitive Slave Law were indeed prolonged, heated, and national in scope. The critique is that if words such as 'widespread' and 'dominated' are employed, more explicit support should be offered.

Blackett does offset this critique implicitly, particularly in part two. This section, which consists of two-thirds of the book's text, divides selected portions of the upper south and north of the country into seven regions, with a chapter for each region. The result is an impressively detailed recounting of how

communities in each region wrestled with the results of the decisions made by African Americans attempting to flee slavery. This starts west with Missouri and Illinois, a choice that appears to also implicitly challenge historiographies that maximize the role of the politics of westward expansion and minimize the impact of what escaping slaves set in motion, Blackett moves east and then north to end with Massachusetts, where due to cases like Anthony Burns and the subsequent removal of a federal judge from his position as a commissioner adjudicating fugitive slave cases, Boston 'had symbolically reasserted its claim to being both the capital of abolitionism and the major center of resistance to the Fugitive Slave Law', thereby transforming Massachusetts 'into a zone of freedom' (p. 439-40.) Though part two is only briefly summarized here, it not only makes for great reading, but is also a vital part of the book. The drama and ubiquity of the stories are important because they demonstrate how deeply and pervasively the Fugitive Slave Law touched communities and people from the frontier west to the northeast for over a decade. Of course, not all communities had direct experience with fugitive slaves along with their allies and opponents. But the wealth of incidences and responses Blackett details - and without even including Wisconsin, Michigan and western Pennsylvania in this geographical section - explain why just months before civil war broke out, President James Buchanan placed the question of expansion and the 'efforts of different States to defeat the execution of the fugitive-slave law' on par with one another (p. 454). And Buchanan went further: he blamed the constant agitation against slavery in the North for inspiring slaves' desire for freedom. Though Buchanan did not directly connect Northern agitation against the institution of slavery with resistance to the Fugitive Slave Law, the weight of Blackett's research makes the two inseparable.

It's hard, from the American side of the Atlantic, not to read *The Captive's Quest* through today's lens of what appears to be intractable political, social and cultural divisiveness marked by discourses of race, rights and freedom. As historians, we are supposed to avoid presentism. The past isn't the present. And yet. In *Between the World and Me* and *We Were Eight Years in Power*, Ta-Nehisi Coates's cyclical perspective toward history sees white supremacy and its maintenance as the constant - perhaps the one constant - in the United States' past, present, and future. Blackett's work here suggests Coates' perspective is on target. For example, despite the reality that the Fugitive Slave Law was, in general, enforced, the exceptions proved enough of a threat to the powerful slave holding elites that they kept up a steady drumbeat of fear - fear that these weren't exceptions, but a continual, persistent, widespread coordinated effort to ensure the Compromise of 1850 would be 'faithfully disregarded' (p. 457). The relatively few successful cases of defiance were used to scare white southerners who may have otherwise resisted secession into believing their well-being, their ability to earn a living, their rights, their so-called way of life and, crucially, their race were all inseparable and all at tremendous risk from the dangerous mix of enslaved African Americans seeking freedom, the 'extraneous substance' of free black northerners, and their white allies. In large part due to the black quest for freedom and the disproportionate white response, the fortress of white supremacy underwent a far more serious assault than its defenders foresaw when four million African Americans gained freedom and soon after citizenship and, for the men, the vote. What freedom seekers did not anticipate was just how quickly, thoroughly and intractably white supremacy would manage to reinforce itself, and how long it would last.

The Captive's Quest for Freedom convincingly demonstrates how a small, vocal, determined and above all persistent group of people - including those at the bottom of the social, political and economic ladder - can, given the right set of circumstances, have an impact far beyond what their numbers or status may predict. Because of Blackett's thorough, careful research and his ability to carry a reader through thick detail by simply telling good stories, it is an invaluable contribution to historiography and higher education.

Notes

1. Kate Clifford Larson, *Bound for the Promised Land: Harriet Tubman, portrait of an American Hero* (New York, NY, 2004), Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill, NC, 2010), Eric Foner *Gateway to Freedom: the Hidden History of the Underground Railroad* (New York, NY, 2015). Also see William Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill, NC, 2003), Matthew Mason, *Slavery and Politics in the Early American Republic*

- (Chapel Hill, NC, 2006), Keith Griffler, *Frontline of Freedom: African Americans and the Forging of the Underground Railroad in the Ohio Valley* (Lexington, IN, 2010), David Williams, *I Freed Myself: African American Self-Emancipation in the Civil War Era* (New York, NY, 2014).[Back to \(1\)](#)
2. Nicholas Guyett, “’Outskirts of Our Happiness’: race and the lure of colonization in the Early Republic’, *Journal of American History*, 95 (March 2009).[Back to \(1\)](#)
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