

## Freedpeople's Families in the Age of Emancipation

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In 1937, Zora Neal Hurston wrote an essay entitled, "My People, My People." In it, she tried to figure out who were "my people": who it was that constituted the black community. What struck me was a passage in which she talked about how Jim Crow segregation felt to middle-class African Americans. "Some sensitive souls," she wrote, "detest the forced grouping," and "When somebody else eats fried fish, bananas, and a mess of peanuts and throws all the leavings on the floor, they gasp, 'My skin-folks but not my kinfolks.' And sadly over all, they keep sighing, 'My People, My People!'" She concluded by saying that whenever you find two people gathered together "who won't agree on a thing, *those* are My People."<sup>1</sup>

Hurston's pithy phrase expresses my approach to the study of black families and black communities. I look at the black family and the black community as places where people both loved each other and argued, as places of solidarity and, sometimes, places of tension and conflict.

I want to take us back to 1864, to the height of the American Civil War. It was a time when thousands and thousands of enslaved African Americans were running away from southern plantations. Northern officers who saw them coming into Union lines began to call the African Americans

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“contrabands.” And the officers noticed, interestingly, that many of these people were organized into groups they called “families.”

But those families weren’t what Northern officers thought a family should look like. A Union Army colonel in Louisiana, for example, wrote in a report, “A ‘family’ of 205 persons came 30 miles to our camp” from a large sugar plantation. “They termed [their former master] ‘Old Cottonbeard’.” The colonel seemed to have expected all the members of a slave family to have the same occupation: all field hands, for example, or all carpenters or such. So he was puzzled because instead this family, he said, included “nearly every species of mechanic and artisan.”<sup>2</sup> These families seemed much too big and too diverse to be related in the way that northerners expected them to be.

Another example came from the Low Country, South Carolina, down on the sea coast near Savannah and Charleston. An elderly ex-slave named Roger went to the Superintendent of Freedpeople on behalf of a large group of ex-slaves, offering to forfeit their emergency rations. Now in 1864-1865, in the middle of the Civil War, this was a significant gesture. People were literally starving to death, and here was an extensive group of refugees offering to forfeit rations. Roger, the officer said, told him,

he had a family of sixty “parents”, that is, relations, children included. He asked permission to take part of the land on the Oaks [a nearby plantation] “to raise crop on.” He said they would not require houses, but put themselves upon “a camp,” that is, these little shelter-tents of palmetto, and walk to and fro from the village to the Oaks – nearly eight miles, through deep, sandy roads. Mr. Soule [the superintendent] gave his consent, and Roger’s “family” began to cultivate the fields...They

walked to and fro, except the old persons and children who often stayed in the tents, or else at the village a few nights at a time.<sup>3</sup>

What do you say about a family with sixty parents? Most whites at the time believed that black people had no family life at all or at least none worth speaking of, so to them, stories like this made sense only if they assumed that ex-slaves and the black community were one big family. And in fact many white Southerners thought that the black family was really just an extension of their own household; that is, the master's household. One Louisiana woman put it this way: "Without regard to class, age or anything else, they are nearly all of one family and my own negroes."<sup>4</sup> She lumped all kinds of people together into one family. White northerners who went south during the Civil War, like William F. Allen and Laura Towne, adopted similar ideas.

Historians today would see things differently. We know that family was enormously important to African Americans in the 1800s. We know that it helped them resist the oppression of slavery and Reconstruction. We also know that it often didn't fit the nuclear family pattern. But to a surprising extent, the scholarly literature is still vague about exactly what "family" meant to nineteenth-century African Americans, and how it related to other social groupings such as "church" or "community." "By the nineteenth century," according to one study, "kinship ideology and practices had extended to the larger Afro-American community," so that "for most slaves, family and communal relations were one."<sup>5</sup> Another study suggests that among Virginia slaves, "the [slave] quarter was virtually one extended family."<sup>6</sup> So the question

remains: How should historians interpret evidence of expansive kin relations such as black families with 205 members or sixty parents?

Looking for a new approach to the meaning of family, I have gone outside the assumptions and interpretative frameworks of American history by examining African anthropology and history. The interpretive frameworks developed by scholars of Africa help us illuminate the fascinating connection between family, on the one hand, and property, on the other. Far from being a fixed fact, African studies show, being one of the family was something to talk about, something to argue over; sometimes, even, something to hide away.<sup>7</sup> Family was often less about structure than about what we might call useful indeterminacy. Moreover, because in Africa it was often possible to be both a slave and a family member, examining slavery there opens up ideas about power, about property, and about conflict in a place that is usually difficult to see; that is, inside the walls of the family home.

That perspective helped me comprehend how African Americans understood family and community, and how that understanding changed in the years after slavery ended. Between about 1862 and 1880, family and kinship in general became extremely important to ex-slaves, not only as a means of resisting white people's oppression but also for their relationships with each other. And, in a time of war and mass migration, those negotiations became more crucial than ever, as black people claimed their relatives and brought home their cousins and uncles and sisters from their old masters. They drew upon older understandings about the ties and obligations between

children and parents, for example, or between husbands and wives, even while emancipation changed the conditions under which those understandings had been forged.

In the two examples above, kinship was both a way of claiming people as part of a family and a way of claiming resources; that is, land and groups of people to work the land. The growing link between claiming kin and claiming property and labor provided new options and new protections for a lot of freed people in the South, especially children and married women.

But it also came with certain costs. In the late 1860s, former slaves began to accumulate more property than had been possible under slavery, when of course masters claimed the lion's share of their working hours, and they began to assert claims to their kin members in a new way. Along with the tremendous expansion of kinship came uncertainty and sometimes conflict, both between freedpeople and their former masters and among freedpeople themselves. What was a family? Who belonged to it? What claims and obligations went along with being one of the family? With so many ex-slaves trying to unite or reunite divided families and with so much labor and property coming under the control of the newly reunited families, the shape and the meaning of family became a contested issue, something that got played out in innumerable court cases all over the South. In other words, ex-slaves in the 1860s and 1870s argued with one another not *in spite of* property's links to kinship but *because* of them.

The great expansion of kinship during the Civil War did not make freedpeople into one big family any more than slavery had done for the “quarters.” Throughout the 1860s and 1870s, freedpeople took each other to court over a whole range of issues, from domestic abuse to stolen property and “knocking his horse down without any provocation.”<sup>8</sup>

My focus here, however, is on cases between husbands and wives. For women, the expansion of kinship was an ambiguous opportunity. Emancipation created new opportunities for men and women to earn property as a family. At the same time, however, it upended the arithmetic of household labor and claims to household property that they had relied on during slavery. While slavery had swallowed up most of black women’s working hours, it also allowed them to claim small amounts of property - not just against their masters, but against their husbands as well. They did it by displaying their property publicly and by securing acknowledgment of their claims. Many a married man stored the bulk of his property at his wife’s house, which enabled black women to assert claims not just over the things they earned but over their husband’s property as well. That certainly led to arguments during slavery. But after emancipation, as couples began to accumulate more property, the obligations and the definition, the very meaning of marriage, became uncertain. That in turn contributed to a number of disputes between black men and black women.

The speed and depth with which the ex-slaves’ social world was transformed during the 1860s created a good deal of tension between black

men and women. On the surface, what was at stake in the disputes was resources: who's going to work and who will get the product of that work. What was at stake under the surface, in these disputes, however, was both resources such as work and property and the marriage ties that gave them claims on one another.

Many disputes resulting in violence focused on property that black men and women had accumulated jointly. The military court records indicate that although passion may have struck the spark, the tinder for violence between ex-slave men and women was supplied by a basic shift in power relations within their marriages and questions about who would control women's labor and its products.<sup>9</sup> The number of wife-beating cases suggests that some black men felt they had a right to beat their wives in order to make them work and to seize control over the property that spouses accumulated jointly.

A man named Prince Kennedy, for example, whipped his wife with a wooden switch two weeks after her confinement for pregnancy. He explained to the court, "I whipped her...for jawing me. That was the only time."<sup>10</sup> George Robinson whipped his wife Lavinia because, he said, "She had not attended to [the] crop...Wife went off Sunday & did not come back till Tuesday 1/2 hour of Sun."<sup>11</sup> Paul Frierson testified that Lavinia "is not an obedient wife. Don't obey orders. Don't humble her self or civil her self. Don't go to work when George tells her."<sup>12</sup>

The law seems the obvious choice for anyone who is being subjected to this kind of abuse. But the law actually offered ambiguous options for black people. Since formal laws and institutions like the Southern Claims Commission usually designated a man as head of household, bringing a property claim to such a forum tended to give black men legal claims to property that women, men and children had actually produced together. But the law also created some opportunities for black women to reshape their relationships with men and strengthen their claims to property somewhat.

A typical case was that of Nancy and Titus Bacon, in South Carolina. The court found that they had “raised a large family of children together” during slavery but now, in 1867, “Titus had taken another woman and was depriving [Nancy] of the use of the better & greater part of four acres more or less of land purchased by their joint earnings.” So Nancy went to court, and enlisted white witnesses to testify that Titus “was domineering, unfaithful, & living upon the labor of his wife.” Titus agreed “to give up all the land purchased between them” if Nancy would give up her claims on him.<sup>13</sup>

Many white soldiers looking at these things laughed at freedpeople, saying that they were not really married; that blacks’ marriages were only “preten[d]ed.”<sup>14</sup> Many black women, however, discovered that they could get leverage for their claims by taking advantage of the Freedman’s Bureau’s preconceptions about women and intense concern over their sexual morality. If a woman could prove that she had been legally married to a man, she could sue him for desertion or alimony and the Bureau would help her get her



property back. Although black men also took their ex-wives to court,<sup>15</sup> black women's lawsuits represented a startling and brilliant use of the legal system's attitudes about gender.

It is probably no surprise that some image conscious black leaders - editors and politicians - were anxious about how all of this might play out in court. The *Richmond Planet*, a black-owned newspaper in Virginia, said, "Stay out of the Police court with your petty quarrels." The *Savannah Colored Tribune* complained that it was "intolerable" for "colored women [to]...arrest their husbands every time they have a family quarrel." As one black Alabama politician put it, "All that is wrong - you can settle it among yourselves."<sup>16</sup> It was better to keep the disputes inside the community, leaders believed, than to expose them to the racist lampooning of white supremacists.

But many black people needed no encouragement to stay out of court. In fact, rather than risk getting dragged into the white-run legal system, African Americans used a wide range of extra-legal practices to negotiate their disagreements. They often kept their options open, pursuing their interests in one setting and then going to another if it suited them. When their husbands tried to bully work out of them, some women just hit them back. Mary Ward's husband, said a witness in one case, "told her that she had to go home & stay there, that he was going to whip her after he got there, [but] she told him that she would not go home with him...that if they started home [together] she would Kill him before they got there." And she did.<sup>17</sup>

Women often called upon their kin ties, getting a brother-in-law to beat up an abusive husband<sup>18</sup> or going to live with their parents when their husbands beat them. One soldier stationed near Memphis complained to his superiors that his mother-in-law refused to move out of his house and that she was the “cause of much trouble between himself and his wife.”<sup>19</sup>

Sometimes, women’s families stepped in without being asked. A twenty year old woman named Frances Ross testified, “Charles Reddick my father came up while [my husband] was sticking me” [beating her with a stick] “& raised a hoe over William’s head & threatened to kill him, if he struck another blow.”<sup>20</sup> Charles Reddick recalled what happened then. “He was beating my daughter & I told him to stop...I told him not to beat her more, as he had beaten her Enough.” The provost judge asked Reddick if he was living with his daughter and son-in-law at the time of the beating.

A: I was not.

Q: Do you consider it your business to interfere between him & his wife?

A: I did.<sup>21</sup>

As the meaning of marriage changed during the 1860s, parents seem to have become the only people for whom it was socially acceptable to step in between a married couple. In contrast to Charles Reddick’s confident success, an ex-slave named Mike, for example, spoke rather gingerly when he tried to protect another man’s wife from her husband, and yet he ended up dead. According to witnesses, an ex-slave named Alexander Black was out looking for his wife that day and said that “if She did not go home he would whip her.

Mike [who was no relation to either of them] said he should not whip her and should not have a fuss there. [Black] asked Mike `if he “took it up.” Mike said No, he ‘did not get in between him and his wife, nor no other man and his wife’ but he [Black] `should not whip her.’” Black killed Mike, and told the court that he killed Mike for what he called “interference with my family relations.”<sup>22</sup>

Such testimony suggests that in many black communities, a woman’s family could “interfere between [a husband] and his wife,” but other people had to be careful when “get[ting] in between” them.<sup>23</sup> Women’s families helped them fend off men’s expansive and occasionally violent claims to their property and labor, but the same assumptions that allowed women to call on their relatives may have isolated them from other people who otherwise could have helped.

While nearly all former slaves counted on their families for protection and for assistance, ties to family sometimes reinforced familial discipline and created new sets of obligations. Black women who fled from violent husbands to protective families defined their power and their claims to property in terms of kinship. Where power was related to kinship, being one of the family provided protective allies against the outside world, but it also raised the possibility of subordination to insiders.

Such testimony reveals a complex world of negotiations among black people - one that overlapped their struggles with white people but was not subsumed by those struggles. African Americans worked hard in the first year of freedom to strengthen their families, buy land, and wrest control of their

working hours from the whites who had oppressed them for so many years. But the evidence of the military court records suggests that their lives after emancipation cannot be understood solely in terms of accommodation and resistance to white oppression, or as a shift from communal “African” cultural values to the individualism of the American mainstream.<sup>24</sup>

The reestablishment and expansion of family networks after the Civil War and the growth of property controlled by families meant that family became more important to African Americans than ever. The evidence of conflict among former slaves does not mean that their families were weak. On the contrary, such conflict reflects the expansiveness of kinship after emancipation, the strength of its claims on people, and the importance of kinship for people’s access to property and labor. For many African Americans, emancipation created new opportunities for strengthening their families, widening them to include dozens of non-blood kin and sparking myriad struggles over the meaning of kinship. Perhaps it was this coming together of claims to kinship and claims to property, as much as the ending of forced labor, winning civil rights and fighting in the army, that made the 1860s a turning point in African American history.

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<sup>1</sup> Zora Heale Hurston, “My People, My People!” in Hurston, *Dust Tracks on a Road* (HarperPerennial, 1991), pp. 215-218.

<sup>2</sup> Testimony of Col. Geo. H. Hanks, 15th Reg’t. Corps d’Afrique, Feb. 6, 1864, File 11, Louisiana, Records of the American Freedmen’s Inquiry Commission, File O-328 (1863), Entry 12, Letters Received, 1805-1889, Correspondence, 1800-1947, General Records of the Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C. (AFIC), p. 37.

<sup>3</sup> Laura Towne, *Manuscript Diary and Letters, 1862-1864*, typescript, Southern Historical Collection, University of North Carolina at Chapel Hill, pp. 126-127.

<sup>4</sup> Testimony of Mrs. J. Landry, p. 9, in *Workers, Laborers, and Wages*, Vol. 5, Entry 1758, Miscellaneous Records of District and Parish Provost Marshals, 1862-1866, Subordinate Provost Marshals in the Department of the Gulf, Provost Marshal Field Organizations of the Civil War, Part IV, Records of Military Installations, Records of United States Army Continental Commands, 1821-1920, Record Group 393 (National Archives, Washington, D.C.), p. 9.

<sup>5</sup> Ira Berlin, Steven F. Miller, and Leslie S. Rowland, "Afro-American Families in the Transition from Slavery to Freedom," 42 *Radical History Review* 89-121 (1988), p. 89.

<sup>6</sup> Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Low Country* (University of North Carolina Press, 1998), p. 511.

<sup>7</sup> Emancipation also sent many other social identities into flux. Frederick Cooper argues that ex-slaves in coastal Kenya, Zanzibar, and Pemba adopted and manipulated "ethnic" identities (such as "Arab" and "Swahili") in the wake of emancipation there. Frederick Cooper, *From Slaves to Squatters: Plantation Labor and Agriculture in Zanzibar and Coastal Kenya, 1890-1925* (Yale University Press, 1980), pp. 163-72, 288. In 20<sup>th</sup> century Africa, state-sponsored development projects have pressured family organization and family production in similar ways. See, e.g., Michael J. Watts, "Idioms of Land and Labor: Producing Politics and Rice in Senegambia," in Thomas J. Bassett and Donald E. Crummey, eds., *Land in African Agrarian Systems* (University of Wisconsin Press, 1993), pp. 157-193.

<sup>8</sup> Complaint of Virginia Barber, "List of Complaints," June 24, 1865, Vol. 4, Entry 1758, Prov. Marshals Gulf, RG 393, Part IV, p. 76; complaint of Asa Webster, *ibid.*; complaint of Elijah Sears, *ibid.*

<sup>9</sup> Writing of white-on-black rape, Angela Y. Davis argues that rape was both an expression and a foundation of economic domination. See Angela Y. Davis, *Women, Race, and Class* (Vintage, 1981), p. 175.

<sup>10</sup> Testimony of Prince Kennedy in *United States v Prince Kennedy*, Oct. 3, 1867, Prov. Court Sumter, South Carolina, Box 4, Entry 4257, RG 393, Part I. January Boyd, Jane Boyd's father, made the original complaint to the Sumter magistrate on Sept. 14, 1867.

<sup>11</sup> Testimony of George Robinson in *United States v George Robinson (alias Spears)*, Aug. 10, 1867, Prov. Court Sumter, South Carolina, Box 4, Prov. Courts North and South Carolina, 1866-1868, Entry 4257, RG 393, Part I.

<sup>12</sup> Testimony of Paul Frierson in *United States v George Robinson (alias Spears)*, Aug. 10, 1867, *op. cit.* See also Miscellaneous Records of the Provost Marshal, 1863-65, Fernandina, Fla., Towns and Posts, RG 393, Part IV; and *State v Charles White*, Dec. 11, 1867, Proceedings of Provost Court, Monthly Reports of Cases Tried, and Other Records of the Provost Court, 1867-1868, Berkeley District, South Carolina, Entry 1394, RG 393, Part IV.

<sup>13</sup> Decree in *Nancy Bacon v Titus Bacon*, March 31, 1868, Prov. Court Beaufort, South Carolina, Box 2, Prov. Courts North and South Carolina, 1866-1868, Entry 4257, RG 393, Part I.

<sup>14</sup> Testimony of Lt. Edwin J. Stivers in *United States v Susan a Contraband*, Sept. 22, 1864, Proceedings of a General Court-Martial, Nashville, Tennessee, MM 1902, RG 153. Interestingly, Stivers was an officer in a black regiment.

<sup>15</sup> See indictments ("true bills") in *State v Philip Brozile & Eliza Ann Clark*, October term 1877, folder 17, box 2, Criminal Cases, Circuit Court Papers, Warren County, Mississippi, OCHM; *State v Harrison [Brooks], a slave*, 1862-1866, folder 13, box 1, Warren County Court Papers, Criminal Court, OCHM.

<sup>16</sup> *Richmond Planet* (April 9, 1890), and *Savannah Colored Tribune* (April 22, 1876), both quoted in Elizabeth Pleck, "Wife Beating in Nineteenth-Century America," *Victimology* 4, no. 1 (1979), pp. 65-66; Holland Thompson (1867), quoted in Eric Foner, *Reconstruction: America's Unfinished Revolution* (Harper & Row, 1988), p. 88.

<sup>17</sup> Testimony of George R. Dudley in *State v Mary Ward*, n.d., 037.326.6, Criminal Action Papers, Edgecombe County, North Carolina, NCSA. See also testimony of Alonzo Porter in *State v Gray Thigpen*, Sept. 6, 1869, 037.326.4, Criminal Action Papers, Edgecombe County, North Carolina, NCSA; and indictment in *State v Jane Dupree*, fall term 1868, 037.326.4, Criminal Action Papers, Edgecombe County, North Carolina, NCSA.

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<sup>18</sup> Beating up an abusive husband: Statement of Andy Rawlins, Oct. 16, 1865, Provost Marshal, Memphis Tennessee, Entry 3545, RG 105.

<sup>19</sup> Capt. M. Mitchell to Major [A. T. Reeve], Dec. 20, 1865, reprinted in Ira Berlin et al., eds., *Black Military Experience* (Cambridge University Press, 1982), p. 671.

<sup>20</sup> Testimony of Frances Ross in *United States (Frances Ross and others) v William Ross*, Dec. 12, 1867, Proceedings of Provost Court, Barnwell District, South Carolina (Prov. Court Barnwell, South Carolina), Box 2, Prov. Courts North and South Carolina, 1866-1868, Entry 4257, RG 393, Part I.

<sup>21</sup> Testimony of Charles Reddick in *United States v William Ross*, Dec. 12, 1867, Prov. Court Barnwell, South Carolina, Box 2, Prov. Courts North and South Carolina, 1866-1868, Entry 4257, RG 393, Part I.

<sup>22</sup> Testimony of Jackson Black in *United States v Alexander Black, alias Cheek*, Proceedings of Provost Court, Clarksville, Tennessee, MM 1030, RG 153.

<sup>23</sup> Alexander Black to Brig. Gen. L. Thomas, Dec. 27, 1864, in *United States v Alexander Black, alias Cheek*, op. cit.

<sup>24</sup> Writing on the slavery era, Deborah Gray White argues that relations among blacks were "egalitarian," largely because they could not own property. Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (Norton, 1985), pp. 153, 158; Davis, *Women, Race, and Class*, 18-19. One historian who has addressed evidence of black-on-black conflict characterizes it as a "manifestation" of oppression by whites. Stevenson, "Distress and Discord in Virginia Slave Families, 1830-1860," 103-24.