



Fathers of Conscience: Mixed-Race Inheritance in the Antebellum South (Studies in the Legal History of the South)

Bernie D. Jones

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Fathers of Conscience examines high-court decisions in the antebellum South that involved wills in which white male planters bequeathed property, freedom, or both to women of color and their mixed-race children. These men, whose wills were contested by their white relatives, had used trusts and estates law to give their slave partners and children official recognition and thus circumvent the law of slavery. The will contests that followed determined whether that elevated status would be approved or denied by courts of law.

Bernie D. Jones argues that these will contests indicated a struggle within the elite over race, gender, and class issues--over questions of social mores and who was truly family. Judges thus acted as umpires after a man's death, deciding whether to permit his attempts to provide for his slave partner and family. Her analysis of these differing judicial opinions on inheritance rights for slave partners makes an important contribution to the literature on the law of slavery in the United States.

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