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HER PROPERTY TRANSACTIONS:
WHITE WOMEN AND THE FREQUENCY OF FEMALE OWNERSHIP
IN THE ANTEBELLUM ERA

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ABSTRACT

The traditional historical narrative claims that White women were rarely involved in market transactions for enslaved people in the antebellum United States. Using transaction records, notary statements, and runaway advertisements, we provide the first quantitative estimates of the extent of White women's involvement in antebellum slave transactions as owners of record. Contrary to the narrative, we find that White women were quite frequently noted as owners of record in transactions as both buyers and sellers. White women participated in more than 30% of the transactions in the largest market for enslaved people in the antebellum era. We also find that White women were especially likely to be owners involved in transactions with enslaved women, where they were listed as owners in nearly 40% of transactions. Linking transaction participants to the census, we find that White women owners were not more likely to be widows nor were they older than women in the general population. Overall, our results are consistent with the new historical narrative that White women were ubiquitous in enslavement transactions and this was a critical part of White women's economic activity in the antebellum era.

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Introduction

The gender dynamics of American enslavement remain an active area of historical interest. The historiography has typically asserted that White women had limited involvement with enslavement as a business enterprise. While some single women were known to be active enslavers, and other women assumed the role upon widowhood or advanced age, the presumption is that coverture, the common law legal structure where married women were prevented from assuming property rights, and patriarchal social conventions shielded White women from intimate knowledge of the economics of enslavement. While White women certainly interacted with the enslaved in household management and day-to-day tasks, they are assumed not to be active owners and are also assumed to have only limited involvement in transactions. This patriarchal view was commonly thought of as a reason why Southern White women supported the institution—they were assumed to be blind to its darker side. Jones-Rogers (2019) notes that: "in the view of more than a few historians of American slavery and the domestic slave trade, this [limited involvement of White women] was especially the case when it came to the business of buying, selling, and even hiring enslaved people. These scholars claim that the nasty and unseemly business of transacting for human beings was considered ill-suited to white ladies" (p. xii).

Historians now acknowledge that "slave-owning women rarely talked about their economic investments in slavery, and they wrote about them even less" (Jones-Rogers 2019, p. xx), making it difficult to estimate the extent of their total involvement in various aspects of the enterprise. Traditional historical sources do establish the role of White women at the extensive margin of enslavement. That is, we know they were sometimes owners and exercised "sole and exclusive use" of enslaved people within marriage. What is not known is the level of involvement at the intensive margin—the rate or proportion at which women were engaged in the normal, everyday market transactions for enslaved people that were the core of enslavement as a business. Knowing some women were involved in the market as owners does not establish that White women were unremarkable as owners of record in typical transactions that occurred in the market. In fact, the narrative of White women as reluctant and relatively uninvolved participants remains the most dominant in the literature, even new scholarship in the history of capitalism (Baptist 2014, Faust 1992, Fox-Genovese 1988, Sturtz 2002, Wood 2004).

This narrative has recently been challenged in the historical literature, most prominently by Jones-Rogers (2019). Through an innovative use of court documents, enslaved narratives, newspaper reports, Civil War administrative records, and other historical sources, she documents how regularly White women were seen in all aspects of American enslavement, in direct opposition to the passive role assumed by other historians. The specific condition of ownership of enslaved people necessitated unique institutional and legal structures to allow married women independent property rights in enslaved people which would be recognized formally. While several sources of enslaved transactions exist in the literature and have been used by economic historians, these sources have not been used to estimate the rate of White women's involvement in the business of enslavement. In particular, what is not known is the rate at which White women were participants relative to men, and additional demographic and socioeconomic characteristics of women active in the market.

This project adds a quantitative understanding of White women's role as enslavers in one important dimension: their active participation in transactions. We use three data sources to provide the first estimates of how frequently White women appear as owners of record of enslaved people. The first source, New Orleans sales data (1856-1861), uses all transactions as recorded in the largest market at the time in the United States. The second, notary statements (from 1830 "certificates of good character"), shows buyers and sellers from a time earlier in the antebellum era, allowing us to see some time dimensions of the transactions. Lastly, we use runaway newspaper advertisements to see who is listed as the owner of a self-manumitted slave. Each source has the given name of the parties involved (buyer/seller), and we use a conservative gender-name matching to determine the gender of those involved in the transactions. Specifically, any ambiguous name is assigned male, leading to an undercount of the extent of White women's involvement in the transactions inherent to the enterprise. We then use these data sources to estimate the rate at which White women were active in the buying, selling, or public announcement of enslaved ownership.

We find White women were quite prominent in market transactions. In New Orleans, White women were involved in 30.2% of all transactions as either the buyer or the seller of enslaved people. In the 1830 notary records they are involved in 15.8% of all transactions, and in runaway advertisements they are listed as the owner in 11.5% of the notices. This is a significant level of involvement for a group the narrative has claimed were passive about the institution. Also important, White women were equally likely to be buyers as sellers in the transaction data, so it is not the case that their involvement was disproportionately on one side of the market. Being equally as active as buyers or sellers is also inconsistent with White women being passive owners from, say, the death of a spouse, which would imply disproportionate rates of selling versus buying in the market if ownership was primarily transferred upon death of a spouse.

We also find that the involvement of White women in the market was itself highly gendered. White women were most likely to be involved in transactions of enslaved Black women. In New Orleans, White women were involved in 37.57% of transactions involving enslaved women. In notaries from more than twenty years earlier, they are involved in 23.33% of transactions. In runaway advertisements, they are listed as the owners of enslaved Black women in more than a quarter, 25.44%, of notices. While the market for enslaved people was concentrated on prime-aged enslaved men, we find here that the market for enslaved women was one where White women played a significant, outsized role. To our knowledge, this is the first quantitative evidence of the role that White women played in transactions involving enslaved women.

We further match the transaction records to census records to see if White women in enslaved transactions were more likely to be widows than women in the general population. After matching the women in our transaction data to the census, we further analyze them by birth cohort and compared the population marriage rates by age for White women in the South. The marriage rates from our matches show a similar age pattern, with only slightly more unmarried women as the cohorts age. The marriage rates for young and middle age women are only marginally different. Moreover, comparisons of the overall age distribution do not show that women in the transaction data are on average older than women in the population. Both the marriage rate and age distribution comparisons suggest that women matched to the census were not more likely to be involved in the markets due to being widowed. Overall, our results are consistent with several conclusions. First, the involvement of White women in transactions was not limited nor rare. Second, White women were more likely to be involved in transactions with enslaved women, a finding that has not been noted in the literature. Third, we find little evidence that White women were "incidental" or "ascribed" enslavers due to being widowed or of advanced age. In contrast, our findings are consistent with the ubiquitous nature of White women as active enslavers in the antebellum South.

White Women as Enslavers

The historical literature has long noted the legal structure of coverture implies that Southern White women did not exercise an active and independent role as enslavers. Since coverture under common law disallowed married women independent property rights, it would follow directly that any enslaved people granted to them would revert in ownership to their husbands. Coverture assumed that women were under the control of their families of birth (more accurately, their fathers) until the time of marriage, when they would be subsumed with that of her husband, making her a *feme covert*.[1] All rights of ownership of any property transferred to the husband at the time of marriage. A natural extension of this is that any property in enslaved people would be treated the same way, giving White women a subordinate and indirect economic interest in the institution. Given the very high rates of marriage in the antebellum South—well above 90% (Hacker et al. 2010)— it would be reasonable to assume that very few women held independent authority over enslaved people.

Since the legal structure of coverture was not overturned until the late 19th century, many social science historians have paid little attention to women's property rights during enslavement. For example, Alshaikhmubarak, et al. (2019) note that coverture statutes passed before the Civil War were "known as debt statutes, merely granted a married woman a separate estate insulated from her husband's debts. They did not grant her the right to manage and control that estate. Debt statutes thus do not meet our definition of property acts" (p. 96). As such, social science historians have reified the claims of narrative historians that coverture left White women outside the machinery of American enslavement, since any antebellum establishment of property rights only concerned the narrow focus on debts.

[1] A *feme sole* was the legal status of an adult unmarried women. In 1850 the mean age at first marriage for Southern White women was 22.4, only 6.3% of White women were unmarried by the age of 45 (Hacker, et al. 2010).

While this may seem reasonable for a comprehensive measure of married women's access to property, claims about statutes being "debt shields only" ignores the fact that the earliest acts were passed in Southern states and were specifically about empowering the marital rights of White women over enslaved individuals.[2] For example, the earliest act passed in the United States was the Mississippi Married Women's Property Law of 1839. This law was explicit in awarding married White women ownership status over enslaved individuals. Section 2 of the act states "that hereafter when any woman possessed of a property in slaves, shall marry, her property in such slaves and their natural increase shall continue to her, *notwithstanding her coverture*; and she shall have, hold, and possess the same, as her separate property, exempt from any liability for the debts or contracts of the husband" and further noted additional property rights after marriage by stipulating "That when any woman, during coverture, shall become entitled to, or possessed of, slaves by conveyance, gift, inheritance, distribution, or otherwise, such slaves, together with their natural increase, shall ensure and belong to the wife, in like manner as is above provided as to slaves which she may possess at the time of marriage" (emphasis added). Similar acts were passed by Southern states in the antebellum era to shield married women from collectors of their husband's debts and also to allow independent asset accumulation during marriage.[3]

It is important to note that this act not only shields enslaved people owned by the wife from creditors, but it also creates a legal structure of independent ownership outside of coverture

[2] This contrasts with laws passed in New England which granted married women property rights if they had been abandoned or deserted by their husbands. Maine passed the first such act in 1823. These acts are different from Mississippi's and other Southern states because Mississippi's law applied to women who were married and currently living with their husbands in an intact marriage.

[3] See Priest (2021) for a legal history of credit and debt. Additionally, we highlight the features of property rights under common law, while some Southern states (particularly Louisiana) operated under civil law which allowed greater freedom when interpreting property rights. The review of the legal cases in Jones-Rogers (2019) establishes that in both systems the property rights of married women regularly defied the strictures of coverture.

by design.[4] Indeed, the coverture "notwithstanding" in this act is specific to the ownership of enslaved people. Moreover, the act does not simply allow married women independent ownership of enslaved people she had rights to before marriage, it applies the same independent ownership to enslaved people acquired *after* marriage, a further restriction on the application of coverture that was exclusive to enslaved people as outlined by the act. Finally, not only are the enslaved people themselves independently owned by the wife, but their natural increase accrue to her alone as well. The law further stipulates that a married woman's enslaved people transfer to her children, not her husband, upon her death. In each instance, this act not only shields enslaved people from creditors, but it also creates and codifies a distinct economic interest that White married women would have in enslavement as a means of economic independence.

The traditional social science history coding of "property acts" granting married women the ability to own property independently (and therefore undoing coverture), claims that Mississippi granted that right to married women in 1880, while the statute mentioned above specifies rights in enslaved people more than 40 years earlier. As another example, Alabama is considered to have never passed a property act for married women, but a statute relating to married women's right to own enslaved people independently was passed in 1841. This, indeed, is intentional—while married women were granted rights to property in the antebellum era, they were specific property rights in enslaved people. This was intended to protect them in a specific way that was related to the transfer of enslaved people that was common amongst wealthy White Southerners at the time. It is not the case that all property rights were intended to be protected, but the rights to enslaved people were specifically guarded as they were a specified wealth

[4] Breaks with common law in American legal history often concerned enslavement. For example, in 1662 Virginia colonial law established a matrilineal determination of enslaved status. This was done specifically to address the question "whether children got by any Englishman upon a negro woman should be slave or free."

transfer intended to be shielded from coverture. These acts worked to create a specified interest in a particular asset, as opposed to protecting married women's general property rights. At a time when credit and debt were increasing in their economic importance, and where the legal institutions around debt were in flux, this designation of the enslaved as a special asset in terms of coverture is remarkable (Priest 2021).

Why was this important? To understand why legal maneuvers to undue coverture were specific to enslavement, one must understand the nature of wealth transfers at the time. Jones-Rogers (2019) documents how parents used enslaved individuals as bequests to their daughters at the time of marriage. In this way, ownership of enslaved people uniquely empowered White women in the South, granting them access to an asset that was transportable and relatively liquid given the national market in enslaved individuals. Indeed, parents constructed legal documents stipulating that enslaved individuals gifted to their daughters were for "their sole and exclusive use" during marriage, a stipulation that would be further legitimated by court decisions and legislative acts such as Mississippi's Married Woman's Property Law.

Southern states would have reason to move to create a legal apparatus to protect the property rights of married women specifically for the purposes of rights to property in people. First, wealth in enslaved people was significant. Dray, Landais, and Stantcheva (2023) estimate that wealth in enslaved people was nearly half of all wealth in the South, noting that wealth in enslaved people was personal property. Second, transfers of wealth in enslaved people were highly liquid *and* mobile, and therefore a common form of intergenerational wealth transfers. Enslaved people were one type of wealth that could move with the recipient to a new location and one that could be liquidated with fewer transaction costs relative to other forms of property such as real estate held in a distant location or other state. The mobility of enslaved people was particularly important in a neolocal or virilocal culture, which was common in the South at the time. Third, the South had fewer and less developed financial institutions, and holding enslaved people as a source of wealth was less risky than bonds, stocks, bank notes, and other financial instruments that would have large discounts due to the immaturity of capital markets at the time.[5] This created not only a desire to use enslaved people as a source of wealth transfers, but also for creditors to target enslaved people as a source of payment for debts, creating the need to specifically protect them from potential creditors of the husband.

The passage of Mississippi's Married Woman's Property Law was preceded by a legal case involving Betsy Love Allen, a mixed-race daughter of a Chickasaw chief, who married James Allen under Chickasaw custom. James Allen had accrued debts and one of his creditors, John Fisher, sought to claim the enslaved man Toney as payment of the debt. Toney had been bequeathed to Betsy Love Allen by her father, and she subsequently deeded him to her daughter in 1829. Fisher sued for his rights to Toney as payment of James Allen's debt under coverture. The Mississippi Supreme Court decided the case in 1837, specifying that two questions sat before them. First, did James Allen have interest in the enslaved man Toney, such that he could be transferred to Fisher for the payment of his debt? Second, did Betsy Love Allen have legal standing to transfer Toney to her daughter, which would also imply that she held independent property rights in Toney? The court declared that since the Allens had married under Chickasaw tribal custom, Mr. Fisher had no rights at all in Toney and could not claim him. Further, since James Allen had no rights to an enslaved person owned by his wife, the second question of the validity of the transfer to Allen's daughter was moot—James Allen had no interest in the property and any legal transfer made by his wife was therefore valid.

[5] This is not to say that there were no risks in holding enslaved people as assets, only that they could be easily collateralized and transferred with fewer transaction costs and frictions relative to other assets.

The confluence of tribal relations and indigenous customs for marital property is important. While Mississippi was a state in 1817, it was not until 1830 that state laws were applicable to the indigenous population. At the time of this extension of Mississippi law over the indigenous population, the legislature declared that all marriages performed under tribal custom were valid as if they had been performed under Mississippi state law. This included explicit concessions to and acknowledgement of tribal custom regarding property ownership. In Chickasaw marriages, husbands were not granted any rights to the wife's property at the time of marriage. Mississippi's Supreme Court's decision in *Fisher v. Allen* affirmed the independent ownership for women who were married under tribal custom, but this right would not hold for others. Mrs. Allen had bequeathed the enslaved man in question, Toney, to her infant daughter and the court held that she had the legal right to do so. (Note that bequeathing her independently owned property to another meets the definition of "managing and controlling an estate," making the legal distinction between debt statues and property acts tenuous at best.) Allen had performed the transfer independent of her husband and the court affirmed its legality.[6]

The implications of the *Fisher v. Allen* decision were acute in Mississippi and other Southern states that had large indigenous and mixed-race populations. The relatively common intermarriage of White and Chickasaw at the time posed a problem in creating a class of married women with independent property rights in enslaved people and another who did not. As such, Mississippi's legislature enacted Chickasaw tribal custom as state law in the 1839 statute,

[6] The final section of Mississippi's 1839 Act formally stipulated that "the slaves owned by a feme covert under the provisions of this act, may be sold by the joint deed of husband and wife, executed, proved, and recorded, agreeably to the laws now in force in regard to the conveyance of the real estate of feme coverts, and not otherwise," which leads to some confusion as the second section of the act formally establishes slaves as "her separate property." In practice, the legal and economic independence of married women with respect to enslaved people was enforced. For example, Jones-Rogers (2019) notes that parents frequently used contracts granting enslaved people to their daughters for their "sole and exclusive use," and courts interpreted this to be independent ownership with rights to purchase and sell enslaved people independent of the husband. Regardless of its legal interpretation, the requirement that sales be jointly deeded established property rights for married women specific to enslavement.

granting all White women some of the property ownership rights that Chickasaw women enjoyed, but legislatively restricting these rights to enslaved persons, and thereby creating a legal framework ending coverture as it pertained to enslaved people.

While both court practice and legislative act moved to codify the rights of married women to independent slave ownership, additional narrative evidence shows the commonality of the practice. As a compliment to the legal history, the enslaved themselves noted how the gender of ownership in marriage was affirmed in daily practice and norms. For example, enslaved people themselves understood their ownership to particular members of the married couple, belonging to the "mister" or "mistress" and noting as such in narratives. Similarly, married women understood the independence of their ownership as well, in such acts as disciplining enslaved people they owned and threatening them with sale for misbehavior by "putting them in their pocket" (sale and conversion of the enslaved into cash). These types of statements and threats reveal not only a tacit acknowledgement of ownership, but also an ability to act upon that ownership in the market by making transactions in one's own name.[7]

Legal ownership is one matter, and the practical matters of acts of ownership are another. The traditional historiography has maintained that irrespective of whatever role women played in day-to-day management or technical legal ownership status, married women were largely absent from the domestic slave trade. The selling, buying, and hiring-in or -out of enslaved people is seen as the purview of men alone (Johnson 1999, Schermerhorn 2015, Gudmestad 2003, Martin 2004). This presents us with a question: if women were not involved in transactions for enslaved people, why would the legal record and legislative acts uniquely concern themselves with

[7] Some state acts required the consent of the husband for the sale of an enslaved person owned by the wife, but case law shows that in instances of dispute about the right of title or approval of sale, the property rights of the married women to her enslaved property took precedence over the interest of her husband (Jones-Rogers 2019).

granting married women ownership rights in enslaved people? If the practical matters of ownership were rarely pursued by women, why was securing their legal access so important? The answer to this question hinges on whether the claims of the infrequent appearance of women in the transaction market is empirically justified.

What remains unexplored is the regularity of White women's appearance as owners in the transaction records that have been used by historians to describe the enslavement experience. Beginning with the earliest economic histories of American enslavement (Phillips 1918), historians and economists have used data on transaction prices to describe the market in numerous ways. Data from traders, markets, and administrative records have been used for decades by economic historians to describe pricing, selection, interregional trade, westward expansion, and the impact of political events. The data have not explored dimensions of gender and ownership in any large extent, perhaps owing to the historiography that has assumed the answer to the question. Given the new evidence from the narrative record, this paper uses this existing data to explore the extent to which White women are featured as primary agents in transactions. In doing so, we seek to add a necessary quantitative dimension to the arguments based on the narrative record.

Data

We use several sources to estimate the rate of White women's involvement in enslavement as owners of record. Our sources come from the existing historical evidence, as we consider this work the first stage in establishing the basic descriptive facts surrounding White women's involvement with enslavement. Below, we describe our data sources and the key information they contain allowing us to analyze gender and enslavement.

***New Orleans Slave Sale Data*:**

The New Orleans Slave Sale (NOLA) Data is a compilation of sale records of 15,654 transactions in the New Orleans slave trade and auction sites.[8] This data is looked upon as a representation of the national slave trade data, as New Orleans contained the largest slave market in the United States in the late antebellum era (Fogel and Engerman 1974). The New Orleans slave sales data were compiled by Pritchett and described in Calomiris and Pritchett (2016). Those authors collected data on over 15,000 enslaved people sold between 1856 and 1861.[9] Unlike states with a common law tradition, Louisiana treated the enslaved like real estate, and slave sales had to be recorded and notarized in order to establish title (Louisiana 1806, section 10). As stated by Calomiris and Pritchett (2016), this data represents the national prices because slave traders brought slaves to auction in New Orleans from relatively distant locations. Another important part of this data is that it contains the first and last names of the buyers and sellers separately. This gives us the opportunity to assign gender based on given name and calculate the rates of transactions for buyers and sellers of different genders.

This dataset is organized in a way that shows data from each individual sale, with 49 specific pieces of information on each sale (or purchase). This includes notary name, sale date, seller name, county of seller, state of seller, agent for seller (if applicable), buyer name, county of buyer, state of buyer, agent for buyer (if applicable), slave name, slave sex, slave age, slaves' children (if applicable), price, and payment method.[10]

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[8] The data is individualized to every unit sold. For the purposes of calculating the rate of women in transactions, this biases downward the estimate as males were more likely to participate in multiparty sales.

[9] The unit of observation is the enslaved individual enslaved person. Under Louisiana law, children aged ten years or less were to be sold with their mothers. These mother/children bundles are recorded as a single observation as they were bundled by law.

[10] In rare cases, multiple parties were involved in transactions, and we analyze only the first buyer and seller here. This will lead to an undercounting of the prevalence of women if women are party to multigroup sales and they are not listed as the first buyer or seller. The same would apply to men acting on their spouse's behalf. Similarly, some

This dataset is by far the most in depth to analyze gender of enslavers on both sides of sales transactions. Within the dataset, the slave sex was already listed, but the sex of the buyer or seller was not, so the key addition of our work is to add gender assignment to buyers and sellers. The methodology behind denoting male or female sex is listed in the methodology section. Once gender was determined for all individuals, the relationship between gender of buyers (sellers) and the gender of the enslaved could be determined.

Notary Data: 1830 "Certificates of Good Character"

The Notary Data comes from information in certificates of good character from 1830, as described in Pritchett and Smith (2013). In 1829, Louisiana legislature passed a law which required an out-of-state slave to have a "certificate of good character." This dataset is built from those certificates, which came with additional information on the notary statement itself. This data is similar to the NOLA data in that it shows the sellers name, buyers name, and slaves name and gender. Again, interpretation of the buyer and seller names was required to determine the gender, and this methodology was the same as for the NOLA data. Other useful information in data includes the county of seller, state of seller, county of buyer, state of buyer, price of the slave, and age of the slave. Once gender analysis of the buyer and seller of each transaction was completed, the relationship between all individuals included could be completed.

Many of the slaves listed in this data were purchased from farms and plantations by slave traders, who would eventually bring the slaves to Louisiana to resell them. Therefore, much of the buyer side is dominated by slave traders, in the business of reselling slaves for profit, but much of the seller side was owners of farms and plantations. This is exemplified by the fact that

sellers used agents to handle their transactions, and these agents were exclusively men. This will also lead to an undercount of the number of women involved in transactions.

185 separate slave traders purchased slaves from 1,698 different slaveholders and shipped them to New Orleans for their eventual sale. Most of the slaves purchased by slave traders (for their eventual resale in New Orleans) were teenagers or young adults, and less than 10% of the adult females were sold with a child.

Runaway Advertisements:

The Runaway slave data was compiled by the abolitionist William Still before 1872. This data had 995 runaway listings and it includes names and aliases of runaway slaves, the slaves' gender, age, date of escape (or date of runaway slave listing), city of escape, county of escape, and state of escape. Also included in the data were indicators for if the slave ran away with a child, if the slave was literate, and if the slave was armed. Further, the data included enslaver information, although this did not include the enslaver's gender, and the reward for the slave, if one was offered.

This dataset was different from the two previously described in that some of the enslaver names were left blank.[11] In keeping with a desire to have a conservative estimate, empty names were assumed to be male (274) but through matching information about the runaway slave, such as date of escape (or date of runaway listing), name, and location, some missing enslaver information was linked to the owner. The final number of missing enslaver names was 261. Once the possible missing enslaver names were determined to the greatest possible extent, gender was assigned.

[11] Jones-Rogers (2019) notes that advertisements of this sort may understate the rate at which White women were owners due to missing owner information. For this reason, we focus on the rate of ownership for those who have owner information in the advertisement.

Methodology: Determining Gender from Given Names

While the gender of the person transacted is recorded, the gender of the buyer and seller are not. As such, we adopted a method to determine female names that is equal parts general knowledge of name demographics, research on the origins of names in the nineteenth century, and historical records of names and name demographics. We defined common female names as names that are included in the Hacker report of the top 100 female forenames of native-born women by birth cohort, where 100% of the time these names were assigned to women. Similarly, common male names were 100% of the time coded as male—these names were from the 1850 and 1860 censuses for those born between 1801 and 1840. If the gender of a name in question was not represented on the list of most common female or male names from the census it was initially determined to be gender neutral and the name underwent further investigation. An important caveat is that some names were represented on both the list of most common male names and most common female names. These names were researched to find out if there were common discrepancies in spelling. An example of this was Francis and Frances-- Francis being commonly male, and Frances being the common female spelling. These names were assigned gender as specified by the spellings in the transaction record. If gender was still indeterminant after noting spelling variations by gender, the name was assumed male to give us the conservative estimate of females' involvement in enslavement.

For uncommon names, defined as names that have no common historical record or known contemporaneous gender assignments, having very few occurrences, or names from different languages which belong to immigrants and did not have a well-established historical gender assignment, the name was searched in the 1860 census record to determine if owners of said name commonly self-reported as being male or female. If a name was heavily self-reported as female (as it would be assigned in the Hacker table), the name was assumed female in the data. If the name had any significant variation in the rate of self-assignment the name was assumed to be male to ensure the estimated rates remained conservative. If no high-quality demographic data or origin information was found, or a name was not spelled closely to a known or common female name, the name was assumed male. There were several examples of names being spelled differently than the common female spelling—these were assumed to be female. Examples of this include Aime, Aimee, and Aimie for the common spelling of Amy or Bridgett, Bridgette, and Brigitte for the common spelling of Bridget.

Any forename was not marked female unless it was, within conservative reason, shown to belong to a woman. With these high expectations of proof for a name to be marked as female, the estimates of female involvement discussed here are conservative by construction, and a lower bound of the rate of true female involvement in transactions as owner of record. The NOLA data allowed straightforward differentiation between buyer and seller and use of an agent in the transaction. Since the transaction data identifies buyers, sellers, and the use of agents, once gender of those involved in the transactions is known we can determine the respective roles played.

Estimating the Rate of Female Ownership in Transactions

We begin with the New Orleans Slave Transaction Data in Table 1. This data series has the largest number of transactions available. Of the more than 15,000 transactions recorded, women were listed as the buyer or seller in 30.19% of all transactions. For transactions that included only enslaved women, women were listed as the buyer and/or seller in 37.57% of the transactions. This contrasts with the fact that women are listed as the buyer or seller in less than a quarter (22.24%) of the transactions involving male slaves alone. As such, White women were nearly 68% more likely to be involved in transaction for females as for males. It is important to note that we found no evidence that women were more likely to be involved in one side of the market than the other. For the New Orleans Slave Transaction Data, women took part in 16.51% of transactions as sellers and 17.22% of transactions as buyers.[12]

Turning to the Certificate of Good Character ("Notary") Data in Table 2, which comes from more than 20 years before the New Orleans Data, we have a relatively smaller number of transactions due to the data originating from a single year. It is also important to note that the legislative acts protecting women's property rights had yet to be passed, so we would expect fewer women owners given ill-defined property rights. Nevertheless, women are involved as buyers or sellers in 15.81% of all transaction. Even more, the gender disproportionality remains, with women being involved in 23.33% of transactions involving enslaved women, but only around 10% of the transactions involving enslaved men (10.27%). Women were more than 40% as likely to be involved in transaction for females as for males.

Like the New Orleans Slave Transaction Data, the Certificate of Good Character Data showed that women were not significantly more likely to take a passive role in the market. In the Certificate of Good Character Data, women took part in 4.94% of all slave sales and 11.74% of all slave purchases. In the Certificate of Good Character Data, women were more likely to be buyers than sellers in the data, similar to the New Orleans sales data. If women were the "passive" or "fictive" owners that the traditional narrative has asserted, they would be less likely to be buyers in transactions, as this reflects the direct accumulation of property. We find no

[12] From this we also see that women were rarely involved in transactions on both sides of the market simultaneously. That is, while women were buying and selling in roughly equal rates, they were not especially likely to be purchasing from or selling to other women.

evidence that women were passive participants in the market through only appearing on one side of transactions.

The data from the Runaway Slave Advertisements is not transaction data, but it does allow us to infer the gender of the owner of record since the advertisement identifies the ownership of the runaway. Looking over all advertisements in Table 3, women are listed as the owners more than 10% of the time (11.46%). As with the transaction data, women are disproportionately listed as owners of enslaved women. Nearly a quarter of all female slaves from this data are owned by women (23.27%). Women are listed as owners of enslaved women at twice the rate of their overall ownership. The general pattern of gender disproportionality of ownership is seen in all three data sources.

Geography of Ownership

Earlier, we noted that some states moved to protect the economic interest of married women during enslavement. This should result in greater involvement of women in the market from those states given such explicit legal protection. The home state of buyers and sellers are noted in the transactions, and we used this to see if the location of buyers and sellers differed geographically between men and women. Since men had legal protection in every state by default, differences in gender proportion could reflect the role of legal institutions in the market transactions above and beyond differences in a states' residents' likelihood to participate in the market generally.[13]

In Table 4 we estimate the proportion of total transactions originating with residents of each state. The proportions for males and females are reported as a ratio. There are stark

[13]To eliminate noise in the data we excluded transactions from Louisiana, as the markets were in Louisiana, yielding a majority of buyers and sellers residing in this state per those records.

geographic differences in where men and women from outside of the local area were located. As the table shows, the rate of female involvement as sellers in the New Orleans slave trade (Panel A) was much higher than males for those from California, Florida, Illinois, Massachusetts, New York, and Texas. For buyers in the New Orleans slave trade, females were more involved than males in Alabama, Mississippi, and Pennsylvania. The data also shows that women were particularly underrepresented in states that did not explicitly protect female involvement in enslavement, such as South Carolina, while states such as Mississippi and Alabama, which did protect legal interest for married women, saw a larger share of transactions. While it is certainly true that women in South Carolina would have easier access to markets in places such as Charleston, the gender difference between the involvement of men as sellers from South Carolina versus women from South Carolina makes it doubtful that distance from the market is the only factor involved in explaining this difference.

Similarly, in the Notary data (Panel B) women were more active sellers than men from the states Alabama, Mississippi, and Missouri. Women buyers were more active than male buyers from Mississippi. It is important to note that the Notary data comes from a time before any legal protections of married women's property rights, so changes from the Notary data to the New Orleans transactions reflects not only the passage of time and changes in the market for enslaved people, but also changes in the legal protections that married women, in certain states, enjoyed.

Overall, the results by geography show that the legal environment protecting married White women's property rights in enslaved people appears to be related to the presence of women from states which granted protection. We believe that the results here should spur further work into the relationship between the legal institutions protecting rights in enslaved people outside of coverture and the gender dynamics of enslaved ownership. In particular, the geographic variation is most acute for buyers, which is consistent with legal protections being associated with a larger number of White women in the market procuring enslaved people as their own property.

Evidence from Census Links: Age and Marriage

Once gender was assigned to each name in the New Orleans Slave Sale data and the Notary data, we matched the data to the census (either 1850/1860 for the New Orleans data or 1830 for the Notary data) to determine the age at the time of the transaction of record in addition to marital status. While census links are far from complete and are prone to error, this matching is the first attempt to investigate an issue related to the narrative of passive ownership: that women involved in the market were either older women acting out of necessity or women who were unmarried. If women in the market were more likely to be single and/or aged, it would imply that their involvement was more likely due to the absence of a male household head to partake in the transactions.

In this analysis we retained the earliest transaction record for a name that was matched, giving us the earliest age of a woman being active in the market. In the case of multiple potential matches, we kept the highest possible age to bias our results to find the oldest possible match to census records. For example, if multiple potential matches were found but one match listed the woman as 36 years old and the other listed the woman as 10 years old, we retained the 36-year-old as the matched record. After matching, we built an age distribution and estimated the marriage rates by age.

Names were matched to the census by searching the names and hometowns as noted in transaction records. If a match was returned, then the information in the census file was analyzed to assess if the match was probable or not. This included age, net income, and race. Another set of distinctions were made using household reported income. To bias our results again in terms of wealthier owners, who would be more likely to be older and household heads, we also chose the wealthiest of possible matches in the instances where multiple matches occurred. Since we were matching to women with higher net worths this also means that we are more likely to get an older sample of women for our matches.

The overall match rate goal, given the temporal nature of the data and the problems with duplicate matches, was 10% and a match rate of 10.47% was accomplished. This is a relatively high match rate considering the complications of matching on gender historically (Ager et al. 2021, Olivetti and Paserman 2015). From these matches we were able to find the age distribution and the marriage rate for those who could be matched to census data. The age was measured from the date of the reported transaction. As stated earlier, the date used for any unique woman was the earliest recorded transaction date we found for that name and location in the data. The age distribution of the matched sample and the total population is shown below in Figure 1. The average age of all census links is 36 years old, while the average age of white females from the South is 34 years old. The youngest woman in the transaction data was 14 years old and the oldest was 72 years old. In terms of summary, it is not the case that women in the transaction data were significantly older than women in the population.

Determining marital status is more difficult. We do not assume that women without husbands are widows, we code them only as currently unmarried. We determined if a woman was married by viewing her location on the household roster, the ages of other members of her household, and if the order of names on the census document would make her the head of household. We assume that a name first on the census roster implies that person is the head of household. If a woman's name we are attempting to match is first and there is no other male name within a similar age range, it is assumed the woman is not married since she is not listed as such and no husband is present. If the woman is the only person listed for the household, it is also assumed the woman is not married. Men with the same last names and an age in a similar range are assumed to be the woman's husband as long as there is no older male with the same last name in the household list, as this would give evidence that the female and male are siblings. Using this, we determined a marriage rate of 41.82% for the matched women in the transaction data. Given our methodology, this is a conservative, lower bound estimate of the marriage rate of White women active in the market for enslaved people. This rate of marriage is lower than the overall marriage rate for Southern women in 1860 as noted by in Hacker (2010), but consistent with the relatively young age distribution of women in the transaction records compared to the overall population.[14] Moreover, a marriage rate of this level is inconsistent with the argument that White women were involved in the market due to their being widowed or single—a considerable share of the women actively participating in the market were married while partaking in transactions. A conservative marriage rate over 40% is inconsistent with the assertion that women were fictive or passive owners whose involvement was necessitated by circumstance. These findings are, in general, consistent with Jones-Rogers (2019)'s claim that women were active participants in the market for enslaved people.

[14] Hacker (2010) estimates that the Southern marriage rate for women up to age 40 was around 85%, and the median age at marriage was in the early to mid 20s in the last decade of the antebellum era.

Conclusion

We used a simple, transparent, and conservative gender assignment approach to identify the rate of women's involvement in the market for enslaved people in the antebellum era using existing transaction-level data. This work builds on the counting approach revived by Cook, Logan, and Parman (2014, 2022), which was used to identify historical Black names. Their approach followed an earlier research agenda economic history, particularly the economics of enslavement, in establishing new facts to alter the antebellum historiography. Fogel (1975) noted that such methods form the backbone of rigorous quantitative historical work: "The most common method of direct measurement in history is counting. My reference to counting as a rigorous method of measurement is not to be taken derisively. I use portentous language for what appears to be an elementary operation partly because I want to emphasize the dramatic change in interpretation that may result merely by moving from an impression to an actual count" (p. 337). This paper adds to the narrative evidence on the extensive involvement of women in the transaction market for enslaved people, a market the previous literature had said that women were largely absent from. The narrative of passive, fictive ownership among women has been codified, with few attempts to verify it empirically. The actual counts show a large and active involvement among women in the market for enslaved people. Far from being passive, women were a significant fraction of those active in market transactions for the enslaved, participating in buying and selling in roughly equal proportion.

Not only do we discover that women were quite active in the market, but we also find that their activity in the market was itself gendered. The high rate of involvement of women in transactions with enslaved women could reflect a number of features of enslavement and gendered ownership in the past. First, women were more likely to be gifted female slaves, who could provide personal services and other forms of production. While this would explain the high rate of female ownership, it would not explain the rate of women appearing as buyers in transactions. Another possibility is that women were involved in enslaved trades that were specific to enslaved women, such as wet nursing services. Jones-Rogers (2019) establishes that enslaving women traded in wet-nursing services, which would make them more active in the market for women relative to others. A third possibility is the structure of inheritance, where legal institutions gave women not only rights of ownership but also the increase of those she owned. Since enslaved status of children was contingent on the mother's status and maternity is easier to define than paternity, owners of enslaved women had fewer problems securing their rights to the progeny of those they enslaved. While not as valuable as men in the spot market, enslaved women were able to produce additional enslaved people who would have value into the future. In this way, owning enslaved women was a means of engaging in the intergenerational transmission of wealth in the antebellum era. Economists have established that rights to enslaved progeny were independently valuable assets as birthrights (Bergstrom 1971). The data here, being transaction records, does not allow us to test these possibilities, but the disproportionate role of women in transactions involving enslaved women would be consistent with several hypotheses.

In contrast to the large and well-established literature on enslaved demography (e.g., Steckel 1979, Steckel 1980, Trussel and Steckel 1978), there has been significantly less attention to the demographic characteristics of enslavers.[15] There has been analysis of the extent and

[15] While the popular consensus is that a small fraction of White households in the South were enslavers as of 1860, new research highlights that inequality in ownership was increasing in the late antebellum era, whereas six-in-ten southerners lived in slave-holding households in 1830, far fewer did so as of 1860. Merritt (2017) attributes some of this inequality to the panic of 1837, which resulted in significant land and slave consolidation in the South. Brown (2020) notes that in states such as Mississippi and South Carolina well over 50% of all White households owned slaves in 1860, suggesting significant variation over the South as well.

inequality of slaveholding in the antebellum era and its political and economic effects, but this has been at the household level as opposed to individual-level analysis. The focus on aggregates has allowed narratives to form about who was and was not prominent in America's peculiar institution. Given legal customs and inferences about gendered social norms concerning business, economic independence, and family relations, the narrative has developed to assume a passive role for White women in American slavery. Similarly, work in social science history has investigated the long-term effects of enslavement on racial inequality and focuses on aggregate institutional features (Acharaya, et al. 2018, Althoff and Reichardt 2024, Baker 2022, Sacerdote 2005). The role of gender equity in property rights has not been featured as a potential mechanism for the persistence and continued explanatory power of these institutions. The political and social support for racially unequal policy from White women postbellum could be better understood as a continuation of racial antebellum institutions that were relatively egalitarian with respect to women's economic interests (Carruthers and Wannamaker 2015).

We note that the acceptance of the previous narrative of women being absent from the market obviated the need to consider how they entered the market. The gender disproportionality of women's involvement should stimulate new scholarship to uncover the mechanisms behind this fact. Similarly, the fact that women were equally active on both sides of the market implies another corrective to the idea that women were fictive or reluctant owners, as they appeared in the market as both buyers and sellers in equal proportion. That is, women were as likely to acquire enslaved people through purchases as they were to sell enslaved people, which is inconsistent with the historiography that women mainly assumed ownership via passive means such as inheritance. At a minimum, the findings here trouble the linear narrative of women's economic gains from the nineteenth to twenty-first centuries, concentrating in gains in the middle of the twentieth century as women moved into professional occupations (Goldin 2023). They also further enhance histories of the persistence of the Southern elite, which has traditionally followed men in intergenerational transmission of wealth, and not women who were granted access to wealth via enslavement (Ager et al. 2021). The elimination of wealth in enslaved people would, therefore, had a specific effect on the wealth of White women relative to White men after the Civil War.

Our goal has been to establish the rate of women's participation in the market for enslaved people using the existing data that historians and social scientists have used to analyze the market. We consider this a baseline, establishing the importance of seriously considering gender in the business of enslavement in the antebellum era. Future work should seek out and incorporate additional data to uncover the full dimensions of the role of women in transactions for enslaved people. First, the market value of transactions should be analyzed, determining whether women bought and sold at prices similar to men. Estimates of total market value by gender of owner would be an important addition to the literature. Second, some conveyance records, such as those in the New Orleans data, include information on spousal consent to a sale in some cases. This would allow researchers not only to note the role of women in the market, but to more accurately estimate the marital status of women in transactions.[16] Unfortunately, this information has not been systematically collected for quantitative analysis, but doing so would

[16] Conveyance in Louisiana required noting the marital status of women if she was party to the transaction. As one example of the additional conveyance data: "Nicolas Adolph Rinck, of Orleans parish, sold Mimi alia Prescilla, a griff of about 25 years old. And by the said act Mrs. Marguerite Mohr, the wife of said Vendor, has renounced to all her rights and privileges." From this, we can deduce that Rinck and Mohr are married to each other and the wife has consented to the sale. Further, the wife's rights in the enslaved person are explicitly noted and renounced for the purpose of sale. We thank Jonathan Pritchett for bringing this example (and the possibilities of fully-transcribed conveyance records to shed additional light on this issue) to our attention. Another advantage of this data would be to check against the results from census linkages to estimate the rate at which census links give accurate estimates of marital status. For example, the data could be used to estimate the degree to which men and women were accurately noted as married in the conveyance records and whether or not spousal consent from men versus women was systematically required for sales.

allow for additional estimates of the nature of women's involvement in transactions above and beyond being the owner or purchaser of record and how that activity related to socioeconomic factors.

The relatively high rate of involvement in transactions shows that the narrative of passive or fictive ownership does not imply lack of experience in the market and intimate knowledge of buying and selling. Women obtained greater and institutionally equal rights with respect to enslavement and exercised those rights regularly in their transactions. In addition to the narrative evidence in Jones-Rogers (2019), these quantitative findings call for a renewed focus on enslavement as a means of White women's economic independence. Despite the appearance of significant institutional barriers, women played a prominent and regular role in the market. The motivations, incentives, and returns to their involvement in enslavement should merit renewed interest among historians, economists, sociologists, and scholars of gender more generally.

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TABLE 1- New Orleans Sales, October 1856 to August 1861

	Number	Percent
Total Transactions	15654	-
Total Female Slaves	8132	-
Female Buyer, Seller, or Both	4725	30.19%
Transactions that include only enslaved females	8132	51.95%
Transactions that include only enslaved males	7522	48.05%
Female Slave, Female Enslaver (Buyer, Seller, or Both)	3055	37.57%
Male Slave, Female Enslaver (Buyer, Seller, or Both)	1673	22.24%

Notes: The data is compiled from transactions taking place at various New Orleans, LA slave auction sites between October 1956 and August 1861 (see Calomiris and Pritchett (2016) for additional details). Gender assignment of buyer/seller was performed by analysis of given name as described in the methodology section.

TABLE 2- Notary Data: 1830 "Certificates of Good Character"

	Number	Percent
Total Transactions	6280	-
Total Female Slaves	2666	-
Female Buyer, Seller, or Both	993	15.81%
Transactions that include only enslaved females	2666	42.45%
Transactions that include only enslaved males	3614	57.55%
Female Slave, Female Enslaver (Buyer, Seller, or Both)	622	23.33%
Male Slave, Female Enslaver (Buyer, Seller, or Both)	371	10.27%

Notes: The 1830 Notary Data is from Certificates of Good Character in Louisiana from 1830 (see Pritchett and Smith (2013) for additional details). These certificates were required by law for slaves from out of state. The methodology for assigning gender to buyers/sellers used given names in the certificates as described in the methodology section.

TABLE 3 - Advertisements for Runaways

Panel A - All Advertisements

	Number	Percent
Female Enslavers	114	11.46%
Male/Unisex Enslavers	881	88.54%
Female Slaves, Female Enslavers	29	25.44%
Male Slaves, Female Enslavers	85	74.56%
Female Slaves, Male Enslavers	205	23.27%
Male Slaves, Male Enslavers	676	76.73%

Panel B- Advertisements with Unknown Owners Removed

	Number	Percent
Female Enslavers	114	15.53%
Male/Unisex Enslavers	620	84.45%
Female Slaves, Female Enslavers	29	25.44%
Male Slaves, Female Enslavers	85	74.56%
Female Slaves, Male Enslavers	127	20.48%
Male Slaves, Male Enslavers	493	79.52%

Notes: Given names were at times not present in advertisements for runaways. Due to this, all unlisted names (Panel A) and unlisted names (Panel B) were assumed to be male to create the most conservative estimates of female ownership rates. Gender assignment of given names was as described in the methodology section.

TABLE 4 Geographic Distribution of Buyers and Sellers by State and Gender

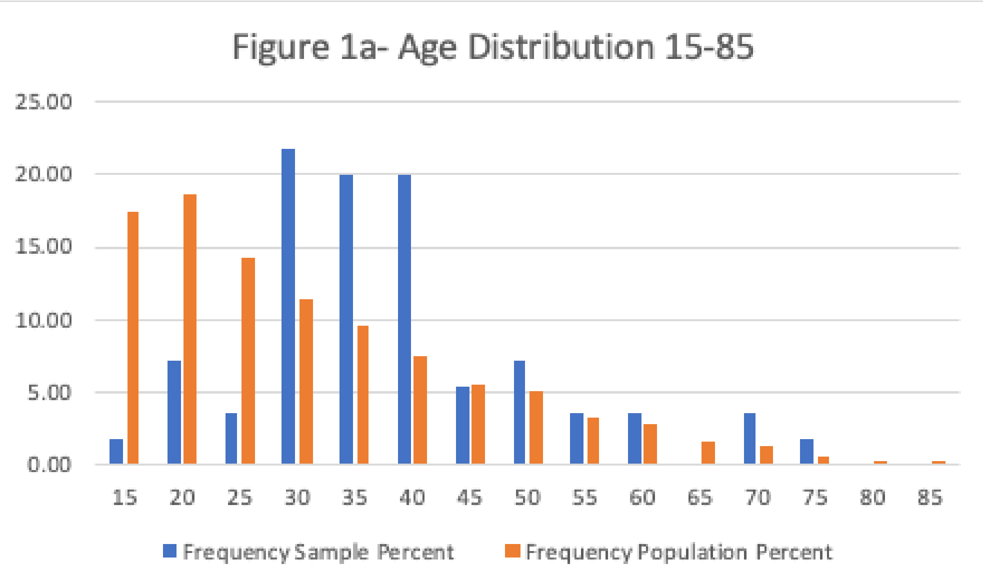
Panel A- New Orleans Slave Sales October 1856 to August 1861

Seller State	Female %	Male %	Female/Male Ratio	Buyer State	Female %	Male %	Female/Male Ratio
AL	3.20%	10.70%	0.30	AL	13.40%	4.20%	3.19
AR	3.20%	2.80%	1.14	AR	7.50%	9.90%	0.75
CA	1.90%	0.00%	71.73	CA	0.00%	0.10%	0.00
FL	6.40%	0.90%	6.83	FL	3.00%	13.50%	0.22
GA	1.90%	9.40%	0.20	GA	0.00%	0.80%	0.00
IL	1.30%	0.20%	6.83	IL	0.00%	0.50%	0.00
IN	0.00%	0.10%	0.00	IN	0.00%	0.10%	0.00
KY	3.80%	3.10%	1.24	KY	1.50%	1.20%	1.28
MA	0.60%	0.00%	23.91	MA	0.00%	0.00%	-
MD	29.90%	24.00%	1.25	MD	1.50%	3.60%	0.41
MN	0.00%	0.00%	0.00	MN	0.00%	0.00%	-
MO	1.90%	6.10%	0.31	MO	0.00%	1.40%	0.00
MS	19.70%	7.50%	2.62	MS	59.70%	45.00%	1.33
NC	0.60%	1.30%	0.51	NC	0.00%	0.10%	0.00
NJ	0.60%	0.00%	23.91	NJ	0.00%	0.00%	-
NM	0.00%	0.00%	0.00	NM	0.00%	0.00%	-
NY	7.60%	0.20%	31.88	NY	0.00%	2.50%	0.00
OH	0.00%	0.20%	0.00	OH	0.00%	0.20%	0.00
PA	0.60%	0.00%	23.91	PA	1.50%	0.10%	12.76
RI	0.00%	0.00%	0.00	RI	0.00%	0.00%	-
SC	0.00%	5.40%	0.00	SC	0.00%	0.00%	-
TN	3.20%	4.10%	0.78	TN	0.00%	3.40%	0.00
TX	7.60%	4.30%	1.79	TX	11.90%	9.90%	1.20
VA	5.70%	19.60%	0.29	VA	0.00%	3.40%	0.00

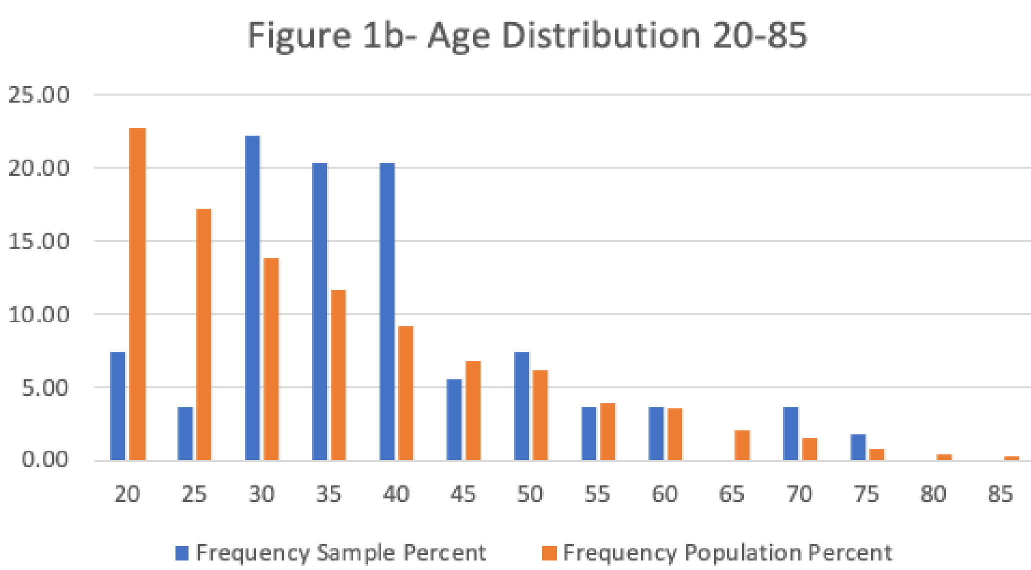
Panel B- Notary Data: 1830 "Certificates of Good Character"

Seller State	Female %	Male %	Female/Male Ratio	Buyer State	Female %	Male %	Female/Male Ratio
AL	7.14%	1.87%	3.81	AL	0.00%	0.51%	0.00
DC	7.14%	2.28%	3.13	DC	0.00%	0.34%	0.00
GA	0.00%	6.83%	0.00	GA	0.00%	10.45%	0.00
KY	0.00%	5.60%	0.00	KY	0.00%	4.93%	0.00
MD	0.00%	14.42%	0.00	MD	0.00%	8.75%	0.00
MO	7.14%	0.36%	19.81	MO	0.00%	1.10%	0.00
MS	50.00%	3.75%	13.34	MS	14.29%	11.13%	1.28
NC	0.00%	9.57%	0.00	NC	0.00%	8.75%	0.00
TN	0.00%	16.82%	0.00	TN	0.00%	37.72%	0.00

Notes: Each panel includes a count of all transactions from each individual state. International locations and states without corresponding buyer/seller information are excluded. This data shows the proportion of transactions occurring outside of Louisiana.



Notes (Figure 1a): Data from Hacker (2010) and 1860 census. The sample group is all women from the New Orleans Transaction data and the Louisiana Notary data matched to the census manuscript files for determination of age at time of transaction. Methodology for removing duplicates and finding matches is stated in the methodology section.



Notes (Figure 1b): Same data sources as Figure 1a, excluding young ages (<20 years old).