



Making Race in the Courtroom: The Legal Construction of Three Races in Early New Orleans

Kenneth R. Aslakson

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No American city's history better illustrates both the possibilities for alternative racial models and the role of the law in shaping racial identity than New Orleans, Louisiana, which prior to the Civil War was home to America's most privileged community of people of African descent. In the eyes of the law, New Orleans's free people of color did not belong to the same race as enslaved Africans and African-Americans. While slaves were "negroes," free people of color were *gens de couleur libre*, creoles of color, or simply creoles. New Orleans's creoles of color remained legally and culturally distinct from "negroes" throughout most of the nineteenth century until state mandated segregation lumped together descendants of slaves with descendants of free people of color.

Much of the recent scholarship on New Orleans examines *what* race relations in the antebellum period looked as well as *why* antebellum Louisiana's *gens de couleur* enjoyed rights and privileges denied to free blacks throughout most of the United States. This book, however, is less concerned with the *what* and *why* questions than with how people of color, acting within institutions of power, shaped those institutions in ways beyond their control. As its title suggests, *Making Race in the Courtroom* argues that race is best understood not as a category, but as a process. It seeks to demonstrate the role of free people of African-descent, interacting within the courts, in this process.

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