

Zitierhinweis

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Nicole von Germeten

African-Descent Women and the Manumission Process in Viceregal South America*

In *Fractional Freedoms*, Michelle McKinley explores the agency, legal machinations, and emotional lives of enslaved and manumitting African-descent women in 17th-century Lima, the capital of the Viceroyalty of Peru. Readers of this book learn to view these women as active protagonists in a complex legal system. McKinley informs her readers of the manifold structures and processes of the Spanish imperial justice system, so we can grasp the subtle understandings needed to navigate manumission. The book's greatest strengths rest in its highly-informed historiographical and theoretical discussions, its deep dive into archival cases, and the author's meticulous presentation of Spanish justice and its effect on the women. *Fractional Freedoms* guides readers to the conclusion that freedom from slavery typically was not a definitive state, and that freedom and slavery did not exist as two clear extremes in legal status. Instead, McKinley explicates the states of »quasi emancipation«, an ongoing condition that she also calls »contingent« or »conditional« liberty (11). This significant grey area between the poles of liberty and freedom derives from the history, ideals, and basic day-to-day functioning of Spanish justice, which fitted very well into the baroque worldview and was also reflected in the art and religiosity of the era.

McKinley focuses on how slaves acted as protagonists who spread and took advantage of legal knowledge and expertise through their own social, familial, and patronage networks. Setting the stage, McKinley observes that, in the 17th century, African-descent slaves and free people represented a significant proportion of the population of Lima. As the seat of the Viceroy of Peru, this city had a fully developed Spanish infrastructure in terms of various levels of courts, crown administrators, a Holy Office of the Inquisition tribunal, and a wide

variety of ecclesiastical institutions. Spain regulated the slave trade to the Americas via licenses called *asientos*, but let other nations, especially Portugal, negotiate the trade and organize transport. Many 17th-century slaves in Lima were not in fact African-born.

Judicial functionaries and imperial subjects in the Americas envisioned an ideal king as the source of all justice. As an extension of the king, judges should act mercifully, and their contemporaries valued a rhetoric of mercy highly. Spanish court structures provided judicial resources for all ranks of American society, although navigating the system required insider knowledge, persistence, and expendable funds. Competing sources of authority (for example, in terms of marriage rights, masters versus the diocesan court) permitted litigants to empower themselves with a variety of legal stances within the viceroyalty. Ultimately, decisions made within the justice system almost always preserved race, gender, and class hierarchies.

McKinley superbly tracks the subtle niceties of internal judicial practices and customs, which, even at the micro level, had an enormous influence on the negotiation of freedom from enslavement. She explores a variety of cases, many of which targeted familial ties and affective bonds. McKinley begins with complaints made by enslaved spouses when masters forced a couple's separation. This section investigates the theoretical and practical usefulness of the institution of marriage in a society that had slaves. Another focus of the book are cases when an individual's enslaved status, racial designation, or even personal honor was amorphous, leading to complications as individuals litigated for marriage annulments. Conflicts also arose over the legal status of infants who were granted their freedom at the baptismal font. This could happen due to a fascinating relationship

* MICHELLE A. MCKINLEY, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700*, New York: Cambridge University Press 2016, 282 p., ISBN 978-1-316-62010-6

between the mother of the baby and her female owner (for example, a nun), which McKinley terms »maternalism« (156). In other examples, McKinley investigates enslaved individuals' use of perceived negative characteristics, such as running away, drunkenness, and injuries or ailments, in their interactions with the judiciary.

All of these judicial negotiations demonstrate that slaves did know their legal rights and creatively and energetically asserted them before the courts, using the appropriate rhetoric needed to achieve their goals. Perhaps even more engaging for the reader, the documentation resulting from the disputes offers historians an opportunity to understand the subjectivity of 17th-century enslaved men, women, and children, revealing the relationships both with their peers and even, surprisingly, their masters and mistresses. Despite their repetitive nature, or possibly because of it, records of manumission document the emotional communities of viceregal Lima, the ways that feel-

ings themselves, even expressions of compassion or respect, actually preserved the hierarchies of patronage in the slave system. Testamentary grants of freedom, which often included set terms of labor, even after the death of the owner, also involved performances of certain paternalistic or maternalistic emotions and ultimately a continuation of patronage.

This erudite book should become a reference work on the subject of negotiating freedom and slavery in the Spanish viceregal court system. It effectively brings to life the legal protagonism of enslaved women and their families, while at the same time offering a strong theoretical and historiographical structure that repositions slavery in the context of a long-term process towards manumission. It should be required reading for students of the early modern African diaspora as well as those interested in global histories of the law.



Otto Danwerth

Últimas voluntades y voces indígenas*

El testamento representa uno de los géneros de fuente archivística más ricos para el desarrollo de diversos temas de investigación en la época colonial hispanoamericana. Durante mucho tiempo la historia política, legal y social de las Indias solía tener en cuenta testamentos de individuos o grupos particulares, pero por lo general se trataba de españoles. Salvo algunas excepciones, como en el caso de ciertos miembros de la nobleza indígena, no había estudios etnohistóricos sobre los documentos de última voluntad referidos a la población autóctona. Sólo a partir de la década de 1980, comenzaron a ser trabajadas de una manera más sistemática este tipo de fuentes por parte de al-

gunos investigadores mesoamericanistas. Gracias, en particular, al interés lingüístico de la »New Philology« en este tipo de textos, a menudo redactados en náhuatl u otros idiomas prehispánicos (maya, mixteco), se han venido preparando ediciones críticas de un gran número de testamentos procedentes del México central. En los Andes coloniales, por el contrario, los escribanos registraron testamentos en castellano y no en idiomas indígenas (como quechua, aymara o guaraní). Aunque historiadores del virreinato peruano también analizaron y transcribieron testamentos indígenas en algunos de sus estudios, durante el siglo XX no se publicaron ediciones similares.

* MARK CHRISTENSEN, JONATHAN TRUITT (eds.), *Native Wills from the Colonial Americas. Dead Giveaways in a New World*, Salt Lake City: The University of Utah Press 2016, 256 p., ISBN 978-1-60781-416-0