

Zitierhinweis

Lima, Bruno Rodrigues de : recension de : Edgardo Pérez Morales, *Unraveling Abolition. Legal Culture and Slave Emancipation in Colombia*, Cambridge ; New York : Cambridge University Press, 2022, dans : *Rechtsgeschichte*, 32 (2024), p. 218-219, téléchargé depuis Website



copyright

Dieser Beitrag kann vom Nutzer zu eigenen nicht-kommerziellen Zwecken heruntergeladen und/oder ausgedruckt werden. Darüber hinausgehende Nutzungen sind ohne weitere Genehmigung der Rechteinhaber nur im Rahmen der gesetzlichen Schrankenbestimmungen (§§ 44a-63a UrhG) zulässig.

Bruno Lima

The Still Raveled Legal History of Modern Abolition*

Unraveling Abolition. Legal Culture and Slave Emancipation is the latest book by Edgardo Pérez Morales, a professor of history at the National University of Colombia and author of the acclaimed *No Limits To Their Sway. Cartagena's Privateers and the Masterless Caribbean in the Age of Revolutions* (Vanderbilt University Press 2018). Following a similar approach to his previous book, *Unraveling Abolition* explores the struggles for freedom by subaltern agents during the tumultuous decades preceding Colombia's independence (1819). This time, however, the author expands the geographical scope of his analysis beyond the port city of Cartagena and its commercial connections with the Caribbean Sea, the Gulf of Mexico, and the southern United States, reaching into the interior of the former New Kingdom of Granada, specifically the gold-mining regions of Popayán and Antioquia. By expanding the geographical area of analysis to include more interior regions, the author is better able to observe the various local anti-colonial and anti-slavery struggles that redefined ideas of citizenship, freedom, and political belonging, leading to the founding of new countries, including Colombia, in the early 19th century.

To investigate violent social conflicts on the periphery of the global economy during the Age of Revolutions, Pérez Morales chooses the tools of Italian microhistory – «I draw theoretical inspiration from Carlo Ginzburg» (170) – and defines his central locus of analysis: the law, accurately considered by the author both as the ideas, principles, and theories, as well as social practices of multiple people and groups. At the same time, the author closely examines anti-slavery ideas from 18th-century European modern philosophy and local disputes between masters and slaves in a New World Spanish colony. More than examining legal ideas in

the abstract or analyzing isolated concrete cases, Pérez Morales attempts to connect both forms of legal knowledge production in a single »site of observation«, namely the »judicial forum« (5). According to him, the judicial forum »understands litigation, claims-making, and even criminal trials as instances of cultural exchanges« where »people proposed, debated, and co-constructed ideas about slavery, freedom, justice, and political belonging« (5). Indeed, the author's definition is illuminating and enriches research in legal history – even contributing to the much-needed enhancement of a theory of legal history. Many researchers dealing with past legal struggles in various arenas and instances may find in this concept an organizing axis for their respective studies.

Divided into six short chapters, the book begins with the intriguing question – which also serves as the title of chapter 1 – »Raynal in the New Kingdom?« Although the author does not substantiate with primary sources the direct influence of the French Enlightenment philosopher Guillaume Raynal on the ideas of the Comunero rebels of 1781, whose revolt functions as a paradigmatic political event for Pérez Morales, the chapter's title question illustrates the phenomenon of the circulation of republican ideas and the echoes of the French and Haitian revolutions in Cartagena, Antioquia, and Popayán. Even if the influence of Abbot Raynal – or Pufendorf, Grotius, and Montesquieu – is not clearly seen in the 1781 rebel movement, the author's intellectual effort moves in the right direction by attempting to *glocalize* the ideas of an era in a specific local context.

In the second chapter, »Landscapes of Slavery, Rumors of Freedom«, Pérez Morales successfully undertakes the challenging task of presenting readers with a detailed and nuanced picture of slavery in the former New Kingdom of Granada. Drawing

* EDGARDO PÉREZ MORALES, *Unraveling Abolition. Legal Culture and Slave Emancipation in Colombia*. Cambridge: Cambridge University Press 2022, xiv + 242 p., ISBN 978-1-108-83152-9

interesting parallels between the demographics, economies, and civil societies of each studied jurisdiction, he explores distinctions in legal statuses between slaves and former slaves and analyzes their expectations of freedom and rights during those pre-revolutionary times. However, as the chapter title suggests, the author has little more than rumors to examine a »slave's culture of expectation« (37). Although the cases analyzed hold undeniable historical significance, especially the discussion around collective testamentary manumission in La Honda, they do not seem to provide a solid basis for extracting general patterns of social behaviors and legal tactics of the enslaved – much less to categorically affirm what they believed, discussed, expected, or dreamed of.

Chapters 3, 4, and 5 adopt a different format: each centers on a single jurisdiction and is situated within the same revolutionary period that transformed the former colonies into independent republics. Additionally, each examines a specific legal issue. Chapter 3, »Popayán: Prudent Legislation«, primarily analyzes the proposal for the gradual abolition of slavery in the newly inaugurated parliament of Popayán; Chapter 4, »Cartagena: Equality and Natural Law«, deals with the semantics of natural law in the local constitutional process; and Chapter 5, »Antioquia: Free Womb, Captive Slaves«, studies the free womb law as an anti-slavery measure of the new republic. Finally, Chapter 6, »An Exegesis of Liberty«, articulates the revolutionary experiences of Popayán, Cartagena, and Antioquia to discuss central categories of modern political semantics, such as political belonging, equality, liberty, and republic, and revisits the foundations of the state of Colombia.

Although Pérez Morales mostly deals with social conflicts and debates specific to parliamentary or party politics, he strives to interpret them as strictly legal conflicts. At times, this approach works well – particularly due to the versatility of

the judicial forum concept – but it often seems to fail. The more Pérez Morales moves away from politics and shifts towards law, the more difficulties he seems to encounter. He often seems to be in slippery territory where it is difficult not to falter, and apparently stumbles when he takes for granted i) political rhetoric jargon devoid of normative force as binding normative acts (e. g., 30–32); ii) generic references by litigants or judges to fragments of natural law as the ultimate basis for their petitions or legal decisions (e. g., 85–86); iii) social rumors with little legal substance and minimal documentary evidence (e. g., 52–55); iv) oblique inferences by lawyers to legal doctrines as original theoretical formulations (e. g., 105–106); and v) common sense statements as seemingly universal and binding legal principles (e. g., 147–148).

There are countless examples of slips for each of the points listed above, and it would be counterproductive to detail them in this short space. Perhaps the narratives about the lawyer Félix José Restrepo encompass most of these tendencies. As a guiding character who spans the entire book, Restrepo appears in many passages, representing a model of a deeply erudite and idealistic man. His political speeches filled with metaphors are often taken as groundbreaking legal propositions, and his supposed anti-slavery moral sentiment was readily accepted as a kind of modern natural law philosophy (e. g., 59–67). Although the book thus has some quirks that weaken it from the perspective of legal history, it is still an important read. It synthesizes, like few others, the immense challenges social historians face when analyzing extraordinarily complex legal phenomena and shows how the current historiography of slavery often fails to recognize that the normative answers to a freedom claim in a Spanish colony were likely much closer to the *Siete Partidas* than to a fake Pufendorf.

