Sexuality and Slavery

RECLAIMING INTIMATE HISTORIES IN THE AMERICAS

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CHAPTER 4

As if She Were My Own

Love and Law in the Slave Society of Eighteenth-Century Peru

BIANCA PREMO

This chapter is intended to both evoke and provoke emotion.

The eighteenth-century Lima slave owner Petronila Vásquez deeply loved her slave María Antonia. Indeed, she said she loved her with “a tenderness more than if she were [her] daughter.” Here we might pause and gauge our reaction to this proclamation of maternal, masterly love. Perhaps like me, you regard this statement with discomfort. Certainly suspicion. Maybe even disgust. But let’s continue with the slave owner’s description of her relationship to María Antonia. Petronila recounted how she “raised and educated her from her earliest years as if she were my own daughter, feeding her and giving her whatever gifts she wants, dressing her in more than a luxurious manner, committing all my faculties, with no other aim than that she serve me by hand and accompany me through the discomforts of the many illnesses that I suffered, [and] in all this her correspondence [with me] was reciprocal.”1 Perhaps now some of our initial discomfort has subsided. It appears that Petronila might not be talking about “love” as we understand it today. Rather, it seems more akin to “interest” or “investment” in a material sense. Or, perhaps, it is something more like the resigned estimation of fealty that historians such as Lawrence Stone argued belong to a premodern history, before we loved each other, ourselves, and our property like we do today.2 Indeed, even though the scholarly fathers of theories of master paternalism such as U.S. historian Eugene Genovese and Brazilian sociologist Gilberto Freyre took for granted the sincerity of master-slave affection, they also suggested that such feelings were distinct from (and more desirable than) modern (capitalist) emotions and race relations.3

Petronila’s proclamation of love seems even more distant from us because her affective exchange with María Antonia was part of a swap also involving work and commodities. Consider, too, that her statements were produced in a civil lawsuit initiated by María Antonia’s uncle, who was attempting to force Petronila to accept 150 pesos for the woman’s freedom. Knowing this, we might feel safe in dis-
missing altogether the owner’s claims to love as the self-serving protestations of a person who held another human in bondage and who was motivated, above all, by an interest removed in both space and time from our own emotional universe.

In this chapter, I would like to think about feelings in slave history. Or, better put, I would like for us to feel about our thinking about slavery. I do so by working with evidence culled from an examination of over five hundred civil disputes involving slaves, and particularly slave children, in eighteenth-century Peru. At the most general level, I use these lawsuits to consider the legal history of slavery within the history of emotion.

Doing so involves, first, outlining the structures of our own contemporary emotional responses to questions of affection in bondage, placing them in historical and historiographical perspective. Next, the chapter explores a particular kind of emotion: the paternal/filial or familial feelings expressed in court cases brought by urban slaves against masters. Arguing that emotion was long part of the legal lexicon available to Spanish American litigants involved in contestations over slavery and freedom, I then explore various articulations of reciprocal emotion between master and slave and consider where, within these discourses, we can fit the desire for freedom. I want to encourage closer study of master-slave emotions not only to enrich our understanding of the history of law and bondage, not only to deepen our knowledge of the emotional lives of slaveholders and the enslaved themselves, but also to make us aware of our own interests in thinking and feeling about slavery.

This is a timely endeavor, for some argue that we historians are in the midst of an “emotional turn,” propelled in no small part by historian William Reddy, whose *Navigation of Feeling* has become a fast classic in the decade since its appearance. Reddy is perhaps best known for his formulation of “emotives,” a concept that permits scholars to sidestep the vexing question of whether language about emotion actually reflects some true inner state by reversing the order and proposing that the utterance of an emotion leads to its historical realization. Such a rendering releases the constraints imposed by the modern separation of “feelings” from “interests.”

Reddy advances something else useful in the *Navigation of Feeling*: the concept of the “emotional regime,” or the normative order of emotions that facilitates the stability of a political structure. It might be, as Erin Dwyer points out in her foray into the history of emotions in the U.S. antebellum South, that “emotional regime” is too top-down a concept to capture the complexity of emotions in a slave system. But I propose that it is useful not so much to understand historical actors’ emotions toward slavery as much as our own feelings about slave history. Our impulse to dismiss the legal proclamations of love within At-
lantic slavery as inauthentic, outdated, or corrupted—our discomfort, disgust, and suspicion—is part of our own contemporary emotional regime. This regime is founded on liberal notions of agency, history, and humanity itself. Under its power, we assume that slave history was founded first and last on the repugnance of bondage, and that enslaved people directed all of their actions and feelings at being liberated from it, either through actual manumission or by means of psychological or sociological autonomy.\(^\text{10}\)

This, I admit, is a conceptual regime difficult to rebel against. In my two decades of research into slave lawsuits in the courts of the Spanish American colonies, I consistently have been astonished by the perseverance and creativity of enslaved litigants who used the legal system to keep their family members from being sold away, to seek new, more benevolent owners, to resist mistreatment, and, in some very moving cases to be explored here, to be freed.

Yet embedded in the appreciation, even admiration, for slaves’ legal perseverance is recognition or identification. Recognition is used here in a post-Enlightenment sense in which, in order to align oneself with a contemporary human rights regime, we must empathize with others and assume in them attributes that accord with modern notions of self. I return to this thought at the end of the chapter, but here I wish to remind us that the empathy, the recognition, and the identification that the modern observer feels for slaves have their own history.

After centuries of wrestling with the role of passion in moral understanding (more frequently than not, passion was something to be governed), seventeenth-century Europeans were moved to a philosophical interest in emotion as an amoral, autonomous state.\(^\text{11}\) From this, we get the rise of Enlightened sentiment in the eighteenth century, first as externalized sentimentalism, then as an internalized notion of self and a conceptualization of feeling as substance. Bound up in these last shifts in sentiment—in both their externalized and internalized varieties—was empathy. Empathy became constitutive of modern notions of humanity and rights, and in turn it was implicated in concepts of history and historical agency.\(^\text{12}\)

As scholars such as Susan Buck-Morss have pointed out, “history” has not always known what to do with slaves. “Free” and “slave” were key categories for historicist philosophies of the type Georg Wilhelm Hegel advanced, but they also were abstracted from the experiences of actual, living, breathing slaves.\(^\text{13}\) Contemporary slave historiography certainly has struggled against history’s abstracting impulse and the depersonification and decontextualization of the slave.\(^\text{14}\) Yet it remains true that, in our present emotional regime, our sympathies in history are predicated on veneration for individuals as agents and self as property. And they pivot centrally on a particular modern notion of liberty.
Modern freedom, so important to our present understanding of historical agency, is, according to Elizabeth Povelli, construed as “a state of social nondetermination.” Movement in time, we imagine, should be toward greater individual autonomy from the relationships and institutions that constrain. One can see the traces of this thinking in contemporary slave historiography, where there is a tendency to read the past as a progressive march to the triumph of the emancipated sovereign subject. This can make thinking of the relationships of enslaved people outside of the quest for liberty almost unnecessary.

Yet if we were to inventory the legal discourses employed in the hundreds of lawsuits involving enslaved litigants in Spanish America, we would find that in the overwhelming majority emotive language referred to relationships that did not necessarily strain toward freedom as non-determination. Actually, emotive language often did the opposite by supporting the larger social status quo of slavery. Many of the cases enslaved litigants brought before the end of the eighteenth century were not suits for freedom but rather what, borrowing from historian Frank Proctor, we might call “autonomy suits”—suits aimed at improving slaves’ lives by permitting them to find new owners or remain with family members, but not necessarily suits seeking freedom and certainly not overt challenges to the system of slavery itself. And even after Spanish American slaves began to very actively use the civil courts in individual freedom cases in the latter half of the eighteenth century, their legal arguments reveal a complicated but nonetheless connected emotional history with owners.

Slavery could be nourished with love in the legal system because written law in the Spanish American colonies ensnared slave, slaveholder, and judge alike in a tangle of affective ties. Some of those ties abetted slaves’ attempts to elevate their own chosen relationships over their obligations to their owners. In ecclesiastical lawsuits in Spanish America, love reigned as a legal discourse because slaves could sue masters on canonical grounds to prevent being separated from their spouses. In civil courts, love reigned as rhetoric because of the high frequency with which Latin American masters manumitted slaves based on slaves’ integration into family relationships. The result was to legally make freedom and slavery part of the same system of affective relationships rather than to set them in opposition.

Put differently, social determination served as the plot line for legal narratives for both master and slave, even in slaves’ struggles to better control their own fate. Thus Petronila’s claims to have loved her slave were far from unique, and they were accompanied by slaves’ own statements—though often more brief and formulaic in character—of having served their masters with “love” in turn.

Of course, as this volume shows, relationships between slaveholding men
and enslaved women were often violently sexualized and some, more controversially, might be labeled as “romantic.” I wish to set aside those particular relations for now, in part because there are excellent works on Lima that detail the labor-love-sex-violence nexus among adult slaves and explore the ramifications for the offspring of such unions. But I also want to shift attention away from those relationships because, in eighteenth-century Spanish American lawsuits, affection between slave owners and slaves was more frequently cast as paternal and filial rather than as romantic or sexual.

To be clear, these expressions are typically found in cases of urban slavery, where domestic rather than plantation work predominated, and where slaves and masters lived cheek by jowl. Thus the language corresponded to the lived experience of residential intimacy between master and slave, making it doubtful that it was “just talk” devoid of any content at all. In particular, freedom lawsuits frequently involved slaves raised in the “house and power” of their masters—a position of intimacy that at once socialized slaves and masters emotionally and, as we see later, simultaneously raised some slaves’ expectations concerning their own value and ability to determine how and where they or their family members lived and worked.

Conflicts within such households provide historians of Peru an opportunity to rethink the place of law in Peruvian slavery. Slaves developed a kind of customary law of slavery based in the intimacies of the slaveholding household. They countered masters’ property rights by exposing private matters, including extralegal manumission arrangements, to judges. As we follow these scholars in seeking to understand love and law in slaves’ lives, we might note that even as slaves began to contrast the unwritten promises that made slavery work with owners’ formal property rights, it was not necessarily slaves’ membership in the household and access to family secrets that was extralegal or beyond the law. In fact, these were fundamental to Spanish American slave law.

The language of affection and intimacy between slaves and masters drew on medieval codes in which slaves were considered as part of the “family” or the “private” domain. During the Middle Ages in Europe, legal formulations of familial reverence and debt to caregivers created what one medievalist refers to as an “economy of care.” Medieval Castilian law, which remained in force even as Spanish kings amassed an increasing body of law specifically for the New World, followed suit. As a legal construct, slavery relied precisely on the creation of quasi-familial bonds between owners and slaves, particularly if slaves were children. If, as Povelli tells us, modern ideas of subjectivity turn on freedom as non-determination, early modern Spanish law advanced a hyper socially determined notion of legal subjects, including slaves.
The laws that governed the American colonies codified the notion that master authority derived from naturalized patriarchal authority. The slave was envisaged as a man with a family and so, too, was his master. For example, a slave owed both his master and the master’s family “obedience” and was even beholden to give his life in their defense. In turn, masters were prohibited from killing or seriously injuring not only his slave but also the slave’s wife and children.\textsuperscript{25}

As laws represented enslavement as a family in bondage to another family, it created a nested situation in which the power and obligations of elders and masters coexisted with the power and obligations of servants to the children they reared. Every child was said to be subordinate to his or her parents by nature, termed as owing a “natural debt.” Yet children also owed the “natural debt” of obedience to anyone who raised them, presumably even servants.\textsuperscript{26} In turn, servants owed a special filial debt to masters who cared for them from birth, a debt described as “the honor and reverence that they should have toward their father.”\textsuperscript{27}

The enslavement of Africans in the New World only intensified these medieval legal discourses of affective exchange within the Spanish slaveholding family.\textsuperscript{28} The idea that familial relationships bound masters as well as slaves never faded, even as the scale and brutality of human bondage became almost inconceivable. For example, in 1563 one of the earliest individual laws concerning the increasing enslavement of Africans issued for the Spanish American colonies gave the fathers of slave children a kind of right of first refusal to buy children when owners wished to sell them.\textsuperscript{29}

Legal emphasis on master paternalism accelerated just as slaves were making increased use of the civil courts to challenge masters at the end of the eighteenth century. Carlos IV’s 1789 Instruction on the Education, Treatment and Employment of Slaves essentially emphasized the responsibilities of masters rather than the obligations of slaves.\textsuperscript{30} The single reference to the debt that slaves owed to their masters presented their obligation as filial. Slaves were to “obey and respect the Owners and Overseers, carrying out the tasks and labors that they are given according to their ability, and venerating [their masters] as Padres de familia [paterfamilias].” Some interpretations of slave owners’ obligations had become so legally exacting that one lawyer could argue in a 1797 freedom suit that any owner who did not protect and care for slaves violated slaves’ fundamental “natural rights.” “Those Masters who do not fulfill their obligation should not, in a rigorous sense, be considered true Lords of their servants . . . for the inhumanity with which they treat them reaches the extremes of annihilating and destroying the sacred Rights of Nature.”\textsuperscript{31}

Thus late eighteenth-century discourses of inhumanity and natural rights
served slaves well. But rather than use this language to counter notions of affective obligation outright, Peru’s enslaved litigants frequently extended these obligations to judges, drawing on similarly codified language about justice as paternal. Take, as one of many examples, the words of Francisca Suazo, a freed morena, who litigated against the owner of her daughter, Jacinta, by claiming that “Humanity has an interest in the patronage of the indigent slave, and in providing the means [for him] to improve his lot [. . .] Your highness, in his pious love, cannot be indifferent to the delay of this benefit, not even for an instant.” 32 Thus both the letter and practice of law could reinforce love language, building affective obligation into both master-slave relations and the very practice of slave law.

Even if some slaves were ready to spill household secrets in court to improve their condition, in many instances it was owners who discussed the emotional intimacies of the household in court. Love language was especially pronounced among female owners of female slaves. 33 The gendered and generational transference of affection forces us to take seriously, if not at face value, the ubiquitous claims of affection in slave cases. The mixed-gender labor practices that urban slavery inspired, which often involved slaves rearing masters’ children as well as female masters overseeing the rearing of enslaved children, was a rich medium for the growth of affective reciprocity. (I found at least one case of a female slave master who suckled a newborn slave baby.) 34

As was obvious in the opening quotation in which Petronila quickly elided caring as affection and caring as labor — first for her own “rearing and educations” of María Antonia as a child and then her expectation that María Antonia would, in turn, care for her in her illness — labor and emotional companionship were part of the same complex. Slave owner Doña María Antonia Collasos imagined a chain of affective and labor reciprocities between women and children in households with slaves. She freed both the enslaved Victoria and Victoria’s child, Baltazar, in “attention to the good service and the love the cited Victoria has professed to me, and for having raised for me various children at her breast.” 35

I do not want to suggest that this love talk precluded discussions of property rights and the occasional insistence by a master that slaves were not legal persons but mere possessions. The owner who in 1790 likened the enslaved Juana Portocarrero to a possession like “furniture” should confirm our modern suspicion that material interest could be dehumanizing. 36 And some owners could be openly cynical even when discussing their love for or benevolence toward slaves. Consider a master’s reaction to the charges of excessive cruelty (sevicia) that the enslaved Antonio brought against him. Antonio complained not only of physical abuse and onerous work assignments but also that Don Pedro Escandón refused to sell him at the price his former owner had stipulated in his will (since Antonio
had served his dead master “with love”). Don Pedro countered by pointing out that he had always treated all of his slaves well, not only out of “Christian charity, but also in consideration of the fact that they are personal capital [caudal].” Cruel treatment, he explained, would only “dissipate them.”

Nonetheless, the argument that master kindness was an economic imperative was not slave owners’ only, or even most successful, legal tactic. Instead, owners defended themselves by likening slaves to their own children. Far more typical than Don Pedro’s raw reference to the value of his slaves were masters’ claims of emotional attachment as the basis for claims to legitimate ownership. Doña Agustina Sotomayor put it plainly in court when she said of a slave child whose mother was attempting to remove her, “this is a girl born in my house whom I have loved with distinction.”

Indeed, it is striking how often masters rejected slaves’ cases against them not with arguments about absolute rights as property owners or denials of slaves’ judicial personalities but rather by explaining, in detail, their feelings for them, with both affective and material referents. “I have given my slave a Christian owner and dressed her in noble garments” one master retorted when his slave sought a new owner, in a far more subtle reference to the economy of care than Pedro Escándon’s.

The obvious question is what slaves thought about this affective exchange. Their frequent, but often rote, references to having served their owners “con amor” (with love) do not offer us much deep insight into their feelings about the owners who claimed to love them as their own children. In part, this is to be expected since, to be in civil court in the first place, enslaved litigants often needed to convince judges of masters’ cruelty, tyranny, and special hatred. But in one common kind of suit—those in which they claimed that dead owners had freed them in their testaments—love almost always makes an appearance. For example, Toribio Sosa of Trujillo, Peru, claimed that he served his former owner with “love and loyalty” and, as a result, was promised eventual freedom in a will.

The arguments enslaved litigants advanced in their lawsuits sometimes contain even more expansive discussions of affective reciprocity, indicating that the master-slave relationship could endure past freedom. In 1738 María Josefa Balcazar’s lover indicated that she stayed on with her mistress, Doña Juana Balcazar, for years after she was unmanumitted because of “much love and favor and for having raised her.” As a father and a former owner battled over custody of a freed nine-year-old girl in Trujillo in the 1720s, both emphasized that if awarded guardianship, they would ensure that doting Spanish women who loved her would raise her. The father even claimed that the nuns he had selected to care
for his daughter were so affectionate toward her that the girl slept nightly in the same bed as one of them.\footnote{42}

Increasingly, however, freedom began to rest at the literal heart of enslaved litigants' references in court to affective exchanges. Lorenzo de Aguilar interpreted the intimacy he shared with his owner as an implicit promise of liberty. In 1755 he brought a suit for his freedom, claiming that he had been lovingly reared “from his earliest years” by his master. “Such was the love and the relaxed atmosphere [distensión] that I earned from him (although I am of this sphere),” Lorenzo explained, that it was clear his owner intended to free him. For Lorenzo, love was not merely a feeling but a state of social privilege. Lorenzo’s master, for his part, admitted a deep “love” for the slave and acknowledged having reared him with special care. But he denied ever signing papers to free Lorenzo and repeatedly expressed his disappointment at his slave’s “ingratitude” in suing for freedom.\footnote{43}

As in Lorenzo’s suit, masters’ sense of betrayal when slaves sued them abound in the increasing number of civil cases slaves brought before royal magistrates in the second half of the eighteenth century. Their disappointment reveals that, while the emotional regime in which slavery functioned facilitated a shared vocabulary of love, the interpretation of love diverged sharply.\footnote{44} For Lorenzo, as for us today, love should lead to liberty. But unlike for us, his legal rendering of liberty was earned, not inherent, and thus was embedded in the socially determined roles of master and slave.

Masters, for their part, saw love as a guarantee. They believed in something like a twisted version of a saying popular today: “if you love someone,” they thought, “you won’t have to set them free (at least not right away).” They conceived of exchanged affection as a preventive against freedom, and while they might have held out manumission as a reward for good service, they often were surprised that their slaves refused to be patient. Like Lorenzo’s owner, they openly marveled at what they perceived as betrayal when their slaves made legal moves against them. In at least two cases, masters in Lima in fact sued their own slaves in efforts to renege on grants of freedom because they felt that the slaves had not shown sufficient gratefulness for their love or benevolence.\footnote{45}

It is important to note that Lorenzo, who saw himself as earning his freedom as he earned his master’s favor, in many ways was a harbinger of things to come, not a representative of “slavery” as an unchanging legal or social institution. In fact, as slaves increasingly brought civil lawsuits against owners at the end of the eighteenth century, they began to make owners second-guess longstanding principles of affective reciprocity. Doña Ventura Alzamora recounted in court how she had taken pity on her slave, Francisco, who “convinced her” to purchase him
from the bakery where he was incarcerated, telling her he would “punctually give me daily wages.” It was because of this that “I left him free to work wherever he wanted.” She recounted the details of her treatment of him: giving him money to go out with his wife and celebrate the day of San Francisco (the slave’s namesake), even providing him a cape and Castilian hat, which were sartorial signs of free status. Yet it was clear that she was beginning to regret these actions since they only made Francisco more desirous of liberty.

Still, even as they increasingly sued for freedom, slaves’ justification for lawsuits rested on laws and principles of notions of familiarity within slavery rather than notions of individual rights and non-determination, as we might today imagine. One woman seeking liberty for herself and her daughter based a civil case against her owner on her disapproval of her owner’s choice of caregiver for her four-year-old. When she could no longer maintain her daughter on her own, the enslaved woman turned her child over to her master but was disappointed to find that the white woman he found to care for the girl was not part of a larger family network but instead someone the slave mother labeled an “outsider” (agena). This freedom suit, like many other cases, drew not from the proposition that a freed slave would be launched alone into the world, possessed of her own individual liberty, but rather on the implication that there were other, more suitable family networks awaiting the slave after manumission.

Slaves also referred to the affective arrangements of rearing in freedom cases to expose masters’ blatant double standards of loyalty. Antonina Guillén had taken her master’s wife to court over her liberty in 1797, and when confronted with a request to find someone to guarantee that her owner would receive daily wages in compensation for the loss of Antonina’s labor while the suit made its way through court, her lawsuit creatively threw the charge of ingratitude back onto her owners: “Scandal and amazement would be caused in any tribunal upon hearing that a slave suing for liberty who is nursing a child would have to guarantee her daily wages—not nursing a slave child but the child of the Master himself.”

As eighteenth-century slaves mined the veins of affective reciprocity rather than “rights” alone to enrich their cases for freedom, they established ever more direct legal connections between a wide array of legal kinships and the master-slave relationship. One enslaved woman, in explaining her flight from a mistress whom she accused of constant cruelty, invoked canon law on the separation of spouses, claiming it was a model for the union between master and slave. Because of her mistreatment, “this union,” her argument went, “is separated and broken, for there is [no union] in slavery when the Master cannot contain his temper.”

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Keeping in mind these references to “unions” and affective ties both binding
and broken, we might revisit our feelings about Petronila Vásquez and María Antonia, with whom we began. In particular, we might consider how the owner Petronila conceived of their arrangement as one that involved “committing all her faculties to the aim” of acquiring something from her slave, “giving her whatever gifts she wants.” There is nothing in Petronila’s statement that should lead us to believe that her emotional claims to love María Antonia were insincere or false because they accompanied a material exchange. Instead, I wish to suggest that the brutal context in which masters expressed love, betrayal, and sacrifice makes these emotions no less worthy of historical consideration than is slaves’ desire for freedom.

Indeed, if we reflect long enough on our discomfort with these emotions, and if we interrogate closely our own tendency to empathize with slaves’ quest for freedom while recoiling from slave owners’ materially interested emotional attachments to the humans they held in bondage, a more disturbing underside of our own, modern emotional regime might be exposed. A slave owner in 1790s Lima understood that there was more to the emotional world of slavery than the desire for freedom. Clinging doggedly to his dominion over another human being, he argued that “if the principle of liberty consisted only . . . in the desire [gana] of slaves to be free, then slavery would already be extinguished.” Beyond desire there were the emotional and material exchanges, or the “gifts,” as Petronila put it, that made slavery work.

In a book dedicated to the iconography of slave emancipation, Marcus Wood has reflected, pace Fanon and Hegel twice removed, that freedom can be viewed as a “horrible gift” bestowed by whites. His point is that the “gift” of freedom turns slaves into empty vessels to be filled with the magnanimity of their liberators. While still acknowledging the leading role that the desire for freedom began to take in slaves’ legal constructions of their emotional relationships with masters over time, while still recognizing that slaves had a hand in the production of modern historical notions of agency, we should also be wary of reducing these relationships to no more than an impulse or automatic urge to liberation. To do so, in the end, is to do the history of slavery no favors.

The denial, disgust, and discomfort that characterize our reaction to claims of affection in bondage can too easily conceal a smug comfort in our own identification with slaves rather than owners. What is more, it risks turning slaves into cyphers for our modern imaginings of the self—a being whose historical value is only realized in a relentless searching for totalized, individual autonomy. In the end, the title of this chapter, “as if she were my own,” can be read not only in reference to Petronila’s claim to a love that drew her slave María Antonia close enough to transform her into something like her own daughter. It also can be read as our
own insistence on recognizing the emotional history of slavery only if it is evacuated of any feelings and attachments that are not compatible with our modern desire for liberty and our own sense of ourselves.

NOTES

1. “Autos seguidos por Juan Manuel Belasunçe contra doña Petronila Vásquez, sobre que venda su sobrina, María Antonia,” Archivo General de la Nación, Perú (hereafter AGN-P), Real Audiencia (RA), Civil (Civ.), Legajo (Leg.) 323, Cuaderno (C.) 2918, 1794, folio (f.) 8.


4. For a broader study of the civil litigiousness of enslaved subjects in Peru during the period 1700–1799, I examined 209 cases from Lima in which slaves featured prominently as property and 17 in Trujillo, Peru; and 325 cases brought by enslaved litigants in disputes in Lima, and 94 in Trujillo, Peru. I also looked closely at 169 disputes involving slaves as both objects and litigants heard in Church jurisdiction in Lima. The language of intimacy varied little between jurisdictions, but the quest for freedom as the legal end result was more pronounced over the course of the century in civil disputes.


14. Notable in this regard is Michel Rolph-Trouillot’s work, particularly *Silencing the Past: Power and the Production of History* (Boston: Beacon, 1995).


16. A good example of an older kind of work that presents all interactions between enslaved people and masters as composed of artifice is Bertram Wyatt-Brown, “The Mask of Obedience: Slave Psychology in the Old South,” American Historical Review 93, no. 5 (1988): 1228–52. The piece concludes: “An essential self remained inviolable. Behind the mask of docility the slave was still himself and gave the lie to southern claims for ‘knowing’ their blacks... all the problems of betrayal and personal anguish that bondage created, strength and hope were only to be found in the love of family and friends” — family and friends who presumably were also slaves or freed people of color. For a reappraisal of Orlando Patterson’s famous pronouncement about the sociological cost of slavery, see Vincent Brown, “Social Death and Political Life in the Study of Slavery: Between Resistance and Oblivion,” American Historical Review 114, no. 5 (2009): 1231–49.


20. Christine Hinefeldt, Paying the Price of Freedom: Family and Labor among Lima’s Slaves, 1800–1854 (Berkeley: University of California Press, 1994). It is worth noting here that many historians have presumed that the offspring of slave-master sexual relations or rape might count on good treatment or manumission, but at least one colonial lawyer argued that animosity and hatred — “a greater captivity” was the more likely outcome. “Autos seguidos por María Gertrudis Montero contra doña Rosa Pérez su ama sobre su libertad por haber tenido ‘ilícito comercio’ con su marido [sic: padre] por el tiempo de tres años,” AGN PR A Civ., Leg. 251, C. 2188, 1785, f. 49 v.
21. Being “born” into the “house and power” of slavery was a critical, if today still not completely understood, dividing line in experiences of both master and slave. U.S. southerners viewed masters not “born” in the system but rather newcomers as slaveholders as overly cruel and lacking in the emotional nuance necessary. Dwyer, “Mastering Emotions,” 17–19.


26. Ibid., 4:2:43.

27. Ibid., 4:2:3 and 8. For slaves, the natural debt was particularly binding if they were freed by their masters, 4:2:412.


29. The law was intended for Spanish fathers and reads “some españoles have children with black women, and want to buy them to give them liberty: We order that, if they are to be sold, the fathers who wish to purchase them shall be preferred.” Recopilación de leyes del reynado de las Indias, 7:55:8 (1687; rpt., Madrid: Antonio Pérez de Soto, 1774): 755:6. But by the late colonial period, nonwhite fathers often themselves freed slaves, interpreted the law as applying to them as well. See “Autos seguidos por José Llanos, padre de María del Carmen Marín, esclava de Doña María de la Daga, sobre que no la venda,” AGN, Cab., C. Civ., Leg. 16, C. 242, 1809.


31. “Autos seguidos por don Antonio Arburúa con su esclava, Andrea Escalanate [sic Arburúa], sobre la libertad de ésta [sic: su hija],” AGN-P RA Civ., Leg. 203, C. 2616, 1791, f. 28.


33. Note that Frank Proctor III followed up on the assumption that many manumitted children were the offspring of slaveholding fathers, finding instead that, in colonial Mexico, women frequently manumitted children who had been born into their households. See Frank Proctor III, “Gender and the Manumission of Slaves in New
34. “Auto seguidos por Marta del Carmen Breña contra Don Francisco Iturriko, sobre se le otorgó el instrumento de libertad y se le permita lactar a su hija en su propia casa,” AGN, RA, C. Civ., Leg. 132, C. 1345, f. 14, 1815. Also see Hünefeldt, Paying the Price, 119.

35. “Auto seguidos por Julián Cabeduzo en nombre de su hermana Victòria y su menor hijo sobre la libertad de ambos, otorgado por su anterior ama, María Antonia Collasos,” AGN, RA, C. Civ., Leg. 57, C. 582, 1805.


38. “Auto seguidos por María Antonia Oyague contra la Agustina Sotomayor sobre sevicia que practica contra la esclava María Ignacia, hija de la demandante,” AGN, RA, C. Civ., Leg. 36, C. 3366, 1798.

39. “ Expediente seguido por Vicenta Conde y Marín esclava, contra Doña Rafaela Moreno, mujer legitima de don Félix José de Xaramillo, sobre moderación del precio en que ha de pasar a servir a otro dueño,” Archivo Regional de la Libertad (ARL) Intendente, Causas Ordinarias (CO), Leg. 299, C. 115, 1788, 12 v.


44. See, for example, “Auto seguidos por Lorenzo de Aguilar contra Don Manuel de Orejuela sobre su libertad,” AGN-P, Cab., C. Civ., Leg. 37, C. 665, 1755; and “Auto seguidos por doña [sic] María Josefa Balcazar contra doña Juana de Balcazar sobre su libertad.”


47. "Autos seguidos por don Antonio Arbústos con su esclava, Andrea Escalante."
49. "Expediente seguido por Michaela Mina, esclava de doña Luisa Luxán Alfaro contra don Joseph Pessante, marido de esta última sobre que se le venda a otro amo por padecer de abuso excesivo e intolerable sevicia," ARL, Cab., CO, Leg. 44, C. 791, 1741, f. 16. This was not the only parallel drawn in the courts between slave and divorce cases. See "Autos seguidos por Rosa Montenegro," Archivo Arzobispal de Lima (hereafter AAL), Causas de Negros, Leg. 33, exp. 29, 1791–96, f. 2; and "Autos seguidos por María del Rosario Vega, mulata, esclava contra su amo, Don Juan Rodamonte, sobre sevicia y relaciones ilícitas a la que la obligó," AGN-P, RA, Civ., Leg. 292, C. 1607, 1790, f. 3.
50. "Autos seguidos por María Mercedes Olavide," AAL, Causas de Negros, Leg. 33, no. 9, 1792–1797.

51. The emotional regime of U.S. slavery also involved the master class giving "gifts and kind words" to their slaves, just as it turned slave children into "gifts" for white children. See Dwyer, "Mastering Emotions," 94.