

Michelle A. McKinley. *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600-1700.* Studies in Legal History Series. Cambridge: Cambridge University Press, 2016. 294 pp. \$99.99, cloth, ISBN 978-1-107-16898-5.

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The historical examination of slavery in colonial Spanish America has undergone a revolutionary transformation during the last thirty years. Early histories that focused narrowly on Spanish colonies in the tropical plantation zone have been supplemented by a wave of new research that makes clear that the Atlantic slave trade distributed slaves into nearly every corner of Spain's American empire and into nearly every sector of the colonial economy. Each new generation of scholars has extended the field into new regions and new periods while exploring new archives and methods. In this progression, historians have also successfully adapted the tools of ethnohistory, gender studies, and economics to the exploration of this ubiquitous and foundational Spanish American institution.

The result has been transformative. The volume and periodization of the slave trade as well as the importance of slave labor across the colonial economy is now revealed with a depth and clarity that seemed impossible to earlier generations of historians. More important still, the history of Spanish American slavery has been a major beneficiary of the explosive expansion of social historical research. The employment of these methods and archival sources has allowed us to il-

luminare the lives of slaves and plebeians in rich detail. Michelle McKinley's *Fractional Freedoms* is an impressive contribution to this literature. Her careful analysis of previously underutilized ecclesiastical archives and her empathetic evocation of the slave experience should establish *Fractional Freedoms* as a model for future research.

McKinley begins with an exploration of the complicated legal frontier that separated the enslaved from the free in colonial Lima. She is not the first historian to explore the ways in which individual slaves used Spanish law and colonial courts to mitigate their condition or litigate their claims of liberty. Early histories of manumission in the Iberian colonies led naturally to an examination of Spanish laws, colonial judicial institutions, and, ultimately, to the actual documents that granted manumission. These studies produced a nuanced appreciation of the complicated and conditional nature of freedom as experienced by the manumitted in Spanish America. Manumission seldom conferred freedom unencumbered by future obligations and, often, humiliating obligations of deference and service. Instead, many grants of manumission imposed years, if not decades, of legally enforceable subordination on freed men and women. Some, once "freed," found

themselves pushed back into service when a will granting liberty was contested by heirs.

While McKinley's conclusions broadly affirm current scholarly opinion on the topic of manumission, she has propelled us forward by demonstrating that "legal action was part of a lengthy, protracted process in the fight for liberty that was mostly waged outside of court" (p. 61). Her illumination of the church's role in these cases of contested freedom will prove very valuable as we move forward. Also useful is her reminder that, in addition to initiating legal action to assert freedom, slaves fled abusive owners, found allies among both the free and enslaved, pursued sanctuary, and, importantly, sought out and utilized ecclesiastical authorities in their efforts establish their freedom. For individual slaves and for Lima's slave population, the quest for liberty commonly had the character of trench warfare, with gains measured in inches.

Among the ecclesiastical practices most useful to slaves, as well as to the free women and men of Lima, was the use of *censuras hasta anatema*, a publicly stated demand issued from the pulpit during Mass that required individuals with knowledge of an event or action to provide truthful testimony on pain of excommunication and, ultimately, damnation. As utilized by slaves in their unequal legal contests with powerful slave owners, *censuras* could compel helpful testimony before both secular and ecclesiastical courts, even from the owner's kinsmen and neighbors. These were typically efforts to find corroboration for promises of manumission, baptismal grants of freedom, or claims of freedom based on a mother's status as a free woman. McKinley's discovery and instructive analysis of these sources alone would make this an important book. I cannot imagine a future study of slavery in Spanish America that will fail to follow her path into ecclesiastical archives.

These sources prove particularly useful in McKinley examination of slave marriages. Church

policy and Spanish law both permitted, even encouraged, marriages among slaves and, as a result, slaves married at rates similar to or greater than those found for free men and women. But slave marriages were often subverted or threatened by the willful actions of slave owners who sought to separate husbands and wives to pursue private profit or disrupted slave family life to punish or discipline a recalcitrant servant. McKinley demonstrates, in response, that slaves fiercely defended their marriages in both secular and ecclesiastical courts, despite the determined efforts of owners to defend their property rights. She also confirms that the church's defense of this elemental sacramental right was routine in most cases.

McKinley also explores a smaller number of cases in which slaves sought to use the courts to exit from unhappy, abusive, or unsuitable marriages. These cases make clear that slaves often had a sophisticated understanding of both legal and ecclesiastical options and, once committed to ending a marriage, shopped across jurisdictions to locate the path of greatest efficacy. The slave litigants demonstrate a remarkable familiarity with the key elements of Spanish law, ecclesiastical doctrine, and juridical expectations, a familiarity that had to depend on the slave community's collective commitment to discover and disseminate these tools.

McKinley is at her best when exploring the intersection of competing legal and cultural boundaries, contested locations produced by differing legal statuses of husband and wife or parent and child—or, more common still, the inclination of masters to retain lifelong power over their slaves even as they consented to manumission. She has a wonderful ability to select illuminating examples and the narrative skill to bring representative cases, like that of María Albina, to life. Although freed at baptism, María Albina's parents remained slaves. When she was still a minor her family was donated to a woman entering a Lima convent, without her status being unambiguously

defined. Despite her nominal freedom she remained in the service of this nun for eighteen years. Following her marriage to a well-to-do free *pardo*, María Albina's husband sought to clarify her status but faced one difficulty after another. By the time the case was resolved, twenty-three years later, the legal status of six children and two grandchildren had been put in jeopardy. Even though María Albina lived as free woman once married, the threat of reenslavement hung over her family for decades. How was freedom and slavery defined in her complicated life?

McKinley's analysis culminates in an exploration of redhibition cases, legal actions where a dissatisfied buyer alleged that a seller had hidden a slave's defects contrary to legal requirements. Typically, the buyer sought to force a lower price on the seller or compel a full refund. Unhappy buyers complained that physical ailments, rebelliousness, and histories of flight had been hidden by the seller prior to the transaction. Examined collectively, these are some of the most compelling cases in this valuable book, especially the cases where slaves repeatedly ran away or physically resisted their masters. In a standalone inquiry this subset of cases might guide us into an exploration of the effective limit on a master's power unconnected to the many examples of slaves who turned to secular and ecclesiastical courts to assert their liberty and autonomy. McKinley sees these cases as complementary to those pursued through litigation. For her, both categories are manifestations of persistent slave resistance as well as indicators of the Lima slave community's ability to gather intelligence about colonial law and ecclesiastical practice and employ them on behalf of individual slaves.

This is an important book that will serve to guide future inquiries in our field. I congratulate Michelle McKinley on this achievement.

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