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"Relative Property: Close-Kin Ownership in American Slave Societies"

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Relative Property

Close-Kin Ownership in American Slave Societies

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Abstract

Most historians of slavery in the Americas treat masters of color who owned their own kin as an oddity, a scribal error, or as a topic to evade. Most others conclude that ruthlessly capitalistic owners reserved such behavior for slaves unrelated to them, and owned their own kin as slaves in name only, with the intention of providing protection and eventual manumission. This article considers several cases of close-kin ownership, particularly in Suriname, and explores the role of coercive economy in families emerging from enslavement, arguing that the capitalistic values of slaveholding pervaded families approaching freedom, often informing both their economic behavior and their interpersonal relations.

Keywords

Suriname – Brazil – U.S. – slavery – slave society – close-kin ownership – kinship slavery – elective kinship

Roza Judia, alias Roza Mendes Meza, was a prosperous free woman of color and estate owner living in eighteenth-century Suriname. By the 1760s and 1770s,

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Judia owned houses in Paramaribo and three timber manors in the hinterland, including a 1,335-acre plantation named Rosaland and almost three dozen slaves.[1] Judia's status as a free person of color and property owner may have been unusual at the time, but decreasingly so. Nearly one third of all free persons living in Suriname were freeborn or liberated Blacks and Mulattoes by the 1790s, a proportion that was to nearly double by 1811 (Wolbers 1861:442, 565). What seems most striking about Roza Judia is not so much her status as an African-origin property owner, but rather that among her slaves were her own relatives: nieces Ajaja and Fenchy, as well as Mistress Roza's own grandniece, Hana, daughter of Fenchy. These three females, Ajaja, Fenchy, and Hana, were heritable property. In her will, unsealed in 1771, Roza Judia legated them to her nephew Abraham Ismael, making him proprietor of his own sisters and niece. Furthermore, she stipulated that they were given to her nephew to "enjoy" as slaves during his lifetime, and were to be manumitted only after his death.[2]

The strategic enslavement of family members also informed the decisions of the free Jan Jacob van Paramaribo, who in 1780 arranged for the manumission of Daniel and Esther, probably his children, to whom he bequeathed their own mother, the "negro" girl or maid (*neger meyd*) Martha, who should remain enslaved for "their use" and to take care of them (*tot hun gebruyk en oppassing in slaverney moet blyven*).[3] Francina van Bossé was a freedwoman who tried to discourage the imposition of subservience onto relatives. In her 1825 will she legated to the "mustee" boy Frans his own mother, the Mulatto Amimba, under condition that he release her from captivity once he came of age. She emphasized, however, that Amimba should remain free and unhindered both before and after her manumission, without Frans being empowered to dispute this.[4]

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1 NAN (Nationaal Archief Nederland), SONA (Suriname Oud Notarieel Archief), inv. nr. 218, p. 625; inv. nr. 234, pp. 439–447, November 13–14, 1771 and pp. 573–78, December 3, 1771. Her name in the documents appears variably as "Roza" and "Rosa." In this article, the archival terms *neger*, *mustice*, and *mulat* are literally translated as "negro," "mustee," and "mulatto." My archival research, too extensive to discuss here, confirms that these terms as used in Suriname were not denotations of "somatic" traits or precise ancestry, but rather indications of socioeconomic status.

2 NAN, SONA, inv. nr. 61, will of "de vrije" Abram Ismael Judeo, March 15, 1780 (unsealed June 5, 1789), p. 302.

3 NAN, SONA, inv. nr. 44, will of "de vreije Jan Jacob van Paramaribo," 1780, pp. 38–39.

4 NAN, SONA, inv. nr. 823, will of "de vrije" Francina van Bossé, January 17, 1825, p. 22.

I have termed the American phenomenon of fraternally-owned slaves "close-kin ownership." Parents, in-laws, children, grandchildren, spouses, siblings, aunts and uncles, nieces and nephews, and cousins are all represented in the documents as family members possessed. Scholars have given much attention to the overlapping of slavery with kinship as it has existed in indigenous West African societies. They tend to agree that the majority of slave institutions there were "open" systems that existed as a mechanism to gradually incorporate outsiders into communities of kinship, while drawing on their productive and reproductive labor.[5] The primary architects of this idea, anthropologist Igor Kopytoff and historian Suzanne Miers, argue that slavery in most of these indigenous communities operated on a continuum that propelled a person forward from slave/outsider to kinship/insider status (Kopytoff & Miers 1977). In the West African context, scholars commonly term the phenomenon "kinship slavery."

By contrast, in the literature on New World slavery, there is no term for what I call "close-kin ownership." Masters and mistresses of African origin who owned their own kin are often treated as an amusing or eyebrow-raising oddity, dismissed as a scribal error, or outright ignored. The handful of historians who have focused on close-kin ownership tend to see masters and mistresses of African descent as philanthropists striving to achieve family unification and set their loved ones free or, in states that expelled freed persons, to retain their kin in protective slavery. Whether writing a century ago or in the past few decades, most scholars have framed their analysis around a binary that distinguishes between profit-driven enslaving and emancipatory behavior arising out of sentimental family solidarity and opposition to the institution of slavery. The overwhelming tendency is to view kin property as slaves in name only, and not as instruments of capitalism (Brana-Shute 1985:358–64; Koger 2006; Ribianszky, 2005:223, 241–42).

As a corrective, I offer the following observations. Close-kin ownership in the Americas was an unintended byproduct of the extension of ownership rights, as well as the power to manumit, to free people of African ancestry. Aside from Suriname, close-kin ownership has thus far been documented for

5 However, Joseph C. Miller slightly disagrees in that strangers acquired in Africa remained marginal even after they were integrated into their new societies. He sees the American and African practices as quite distinct. In Africa, social or political groups acquired strangers, while in the Americas, individuals owned persons biologically related to them or to their children. In Africa, newcomers were integrated through slaving, while in the Americas, certain individuals were released from slavery in order to be integrated into free societies. Personal communication to the author, February 18, 2015.

Barbados, Brazil, Curaçao, Trinidad, and in U.S. states stretching from Massachusetts to Mississippi.[6] There is compelling evidence that many kinship relationships that straddled the legal boundary between slavery and freedom involved strong-armed and exploitative tactics. This latter observation indicates that the acquisition, use, and sometimes disposal of kin-group members was a known and, for many, an acceptable practice among enslaved and free people of African descent in the Americas. But most scholars have associated such behavior with Western Africa, not with the Americas (Kopytoff & Miers 1977:11–12).

This article is the first attempt to consider close-kin ownership in the Americas as a category of analysis and within a transnational framework. The phenomenon of free people of African descent owning their close kin has been dealt with only sporadically in the literature, and mostly in the context of the antebellum U.S. South. Further research should nuance the present analysis based on distinctions of gender, occupation, region, and urban versus rural context, and examine more closely variations within national or colonial frameworks. Nevertheless, it is already possible, using previously unknown archival evidence as well as secondary sources, to demonstrate that close-kin ownership became one defining feature of the African-origin family, particularly in societies with sizeable free populations of African descent. Many of the cases here considered do point to emancipatory strategies, but others speak unmistakably to the key role of coercive economy in families emerging from enslavement. In both scenarios, the agency of families followed the exploitative logic of a slave economy.

My research and analysis present a challenge to the so-called "myth of the utopian slave community" that has dominated the historiography on slavery in the Americas since the 1972 publication of John W. Blassingame's *The Slave Community* (Forret 2008:552–53). Current scholarly norms lean toward portrayals of the slave family as a source of resistance and insulation from the horrors of bondage. They assume that the slave family "helped to protect slaves from the harshest aspects of a cruel, arbitrary, and frequently inhumane system" (Hudson 1997:141). Even historians who acknowledge the complexity of slave family formation envision these diverse social units as a source of "nurture, education," and "material support" that mitigated the "social chaos" imposed

6 Campbell 1999:48; Langenfeld 2007:78; Myers 2011:125; Phillips 1997:96; Ribianszky 2005:223; 241–42; Sweet 2003:79; Welch 2003:152; Wilson 1905:1912; Jared Hardesty to Aviva Ben-Ur, July 10, 2014 (Ezekiel Price's notary records, Boston Athenaeum, 1759 and 1761; both cases involved a free father of African origin in Boston who purchased his children from his enslaved wife's master). For incidences in the Cape see Shell 1994:49; 69; 92; 119.

by the slaveholder (Stevenson 1996: 325). In recent years, a handful of scholars have begun to regard this utopian paradigm as dehumanizing of slaves. These historians seek to fathom the social, emotional, and psychological complexities of bondpeople through an examination of social disruptions among slaves like theft and verbal, physical, and sexual violence, and posit that strife was no less constructive of culture and community than was the harmony most researchers assume to be characteristic of intra-slave relations (Brown 2009:1239; Forret 2008:588; Hudson 1997:165). Rather than argue that close-kin ownership was constitutive of slave culture and community, however, my main point is that the phenomenon of close-kin ownership can expand our understanding of how deeply the capitalistic values of slavery could permeate every sector of society, including the world of those who lived in or recently emerged from bondage.

Some of the most detailed cases of close-kin ownership were recorded in Suriname. In the 1760s, free people of African ancestry, generally categorized as *vrije negers* or *vrije mulatten*, were so small in number in Suriname that Philippe Fermin nearly overlooked them in his famous demographic assessment of the colony, and neglected to estimate their number (Fermin 1769:118–121). But by 1791, the population of liberated Blacks and Mulattoes had risen to 1,760, comprising, as we have seen, nearly a third of all free persons living in Suriname (Wolbers 1861:442). When the British Interregnum government (1799–1802, 1804–1816) conducted its census in 1811, that number had increased to 3,075, representing 60 percent of the colony's free population, most of whom resided in Paramaribo.[7] Within two decades, the great majority of slaves in the capital city answered to masters of African descent (Hoogbergen & Ten Hove 2001). Free people of African descent plied an evermore diverse array of trades, not only as plantation owners and directors, but also as soldiers, washerwomen, shopkeepers, and artisans (Hoefte 1996; Hoetink 1972:64).

One compelling reason to center a study of close-kin ownership on Suriname is the prodigious archival record. The virtually uninterrupted nature of these sources, particularly several continuous compilations of wills and manumission petitions, allows us to document and analyze the institution of close-kin ownership, from its initiation among White slaveholders to its adoption by free people of African descent. Suriname's collection of wills is not complete, as indicated by references to previous wills that can no longer be located or gaps in the protocol of manumission petitions. But neither is it fragmentary, as is the case for some other Caribbean colonies (Campbell 1999:44). Dating

7 The National Archives of the United Kingdom, CO 278 17, p. 4.

from 1716 to 1828 and numbering in the tens of thousands, Suriname's wills are likely the most detailed sources for the structure of the enslaved family and its manumitted descendants. Manumission petitions (*requesten*) dated from 1669 through 1828 and processed by the Court of Policy and Criminal Justice are sprinkled among other unrelated legal appeals that are together bound in hundreds of volumes. When processed together, testaments and manumission petitions provide a consistently informative source for close-kin ownership and the formation of enslaved and manumitted families. Plantation inventories, also well preserved, hardly ever indicate living arrangements among slaves or slave kin ties, excepting mothers and their small, especially nursing children. But individuals identified in wills and petitions as owned by their close relations can be crosschecked in inventories. When they appear, they are listed as slaves alongside other human property. In the estate register of Rosa Judia, for example, Ajaja appears in the list of slaves as a housemaid (*huysmeid*), while Fenchy, described as a creole, is categorized under the women (*wijven*).[8]

Cases of close-kin ownership are found in the wills and manumission petitions of both White and African-origin persons. The majority of these wills were recorded in Dutch, a substantial number in Portuguese and Spanish, and a scattered few in French or German. All manumission petitions were recorded in Dutch. The wills examined in this study have been randomly selected, but I have at least superficially skimmed the entire protocol from the earliest testament of 1716 through 1828. My systematic analysis of manumission petitions is limited to the years 1792–1800 and also relies on the unpublished dissertation of Rosemary Brana-Shute, who examined 943 petitions, encompassing 1,346 slaves and filed over the course of 23 randomly selected years from 1760 through 1828 (Brana-Shute 1985: xxiii; 21–23). These sources are complemented by material from the communal minutes of Suriname's Jewish community, which formed one third to one half of the colony's White population, and Dutch colonial legislation. I will also refer to secondary source material that makes scattered references to close-kin ownership in other American slave colonies.

Due to the impossibility of a singlehanded systematic analysis of existing testaments and manumission petitions, the conclusions of this study are more suggestive than statistically representative. At the same time, there is sufficient data to highlight several aspects of the African-origin family in slavery and freedom heretofore glanced over or entirely ignored. The following questions will be explored: Who initiated close-kin ownership? What were the social, legal, and economic conditions that shaped this phenomenon? How did it function

8 NAN, SONA, inv. nr. 234, December 3, 1771, pp. 443 and 446.

to foster family solidarity? Alternatively, how was it used to implement the forced performance of domestic duties and income-producing labor, coercion that could perhaps strain family solidarity? What was the quality of life for those enslaved by their close relatives? And finally, what can close-kin ownership teach us about the pervasiveness of capitalistic values in a slave society?

Historiography: Kinship and Slavery

In most scholarship, close-kin ownership in the Americas has escaped consideration as a category of analysis. Kathleen Higgins in her examination of gender and liberation in colonial Brazil found a letter of manumission from 1718 where a slave owner, after freeing his slave woman and her two *mulatinho* children, presented them with this woman's own *crioulinho* son—who was also the two children's half-brother—as "alms," to serve them as long as the three should live. Higgins rightly observes that masters were "powerful arbiters of their slaves' personal lives," but passes over in silence the master's creation of close-kin ownership (Higgins 1997:11)[9]. In an article on African slaves and freedmen in Bahia, Lisa Castillo and Luis Parés found a reference to Domingos, a former slave convicted in the 1835 Malê slave uprising and previously owned by his manumitted stepfather. The authors characterize the relationship as a "curious overlap between kinship ties and master-slave relations," but also speculate that the identification could have easily been a clerical "error" or "ruse" (Castillo & Parés 2010:7). Igor Kopytoff outright denies the existence of close-kin ownership in American slave societies. Since American masters were monogamous in terms of legal marriage, "it was not feasible to establish the otherwise common connection between slavery and kinship" (Kopytoff 1982:225). Dylan Penningroth, analyzing the intersection between property and kinship among Blacks in the U.S. South and West Africa, observes individuals making powerful claims over family members to "'work em,' hire them out, 'turn [them] over' to someone else, or 'give' them away." But he dates such behavior in the South to the post-Emancipation period. Unlike the West African situation, the overlap of property and kinship among U.S. Blacks existed only "in a world where slavery was definitely dead" (Penningroth 2007:1040, 1057).

On its most basic level, close-kin ownership throws into doubt the understanding among leading theoreticians of slavery that the slave was a deracinated outsider, a kinless being who could not reproduce socially (Miller 1988:45;

9 *Crioulinho* denotes a locally-born child of African parentage.

Watson 1980:6, 8). Moses Finley argues that since agricultural societies were close-knit and based on continuity through the generations, relegating arduous and dangerous labor to aliens or outsiders, who had no ancestral or communal bonds to the slave society, preserved the community from disintegration (Finley 1983:75). Claude Meillassoux takes the incompatibility of enslavement and kinship ties to an extreme by arguing that slavery was the very "antithesis of kinship," whether in a domestic setting or in a situation of labor exploitation (Meillassoux 1986:35). For Orlando Patterson, a slave is deracinated, a "socially dead person" (Patterson 1982:38). Kinlessness is an especially appealing theory in the context of American slavery, a racialized institution where Africans were visible "others" and—prior to the abolition of the slave trade and amelioration legislation—were worked to death on plantations before most could biologically reproduce.

Over the past three decades, the idea of kinlessness as an integral function of slavery has come under fire. Igor Kopytoff and Suzanne Miers were early detractors of the insistence that kinship was incompatible with slavery in indigenous Africa. A few years before Meillassoux and Patterson published their theories, they had noted that fraternal ownership developed along a spectrum of slavery to kinship, in which children born to a mother who had arrived as a slave could not be sold (Kopytoff & Miers 1977). Some historians of the Islamic societies find Patterson's idea of social death exaggerated, if not inapplicable. Slaves in the Muslim orbit were sometimes permitted to retain connections with their birth family, while others, separated from their natal situation, created "real kinship" through new families established in the master's home (Ze'evi 2000:75). Recent work on what is now the U.S. Southwest has shown that kinship ties between masters and slaves existed in situations of conquest and warfare among the Navajo and Mexicans (Brooks 2002:234–40).

Historians of African American slavery have long recognized that despite the forced separation of families, both in African lands and after surviving the Middle Passage, bondpeople in the Americas established strong kinship relations, some adaptively "fictive," others more conventionally—from the perspective of European legal traditions—familial.[10] Africans began to create fictive kinship ties before their status officially shifted from captive to enslaved. Forced immigrants of different ethnic backgrounds who crossed the Atlantic on the same slave ship referred to one another as brothers and sisters, an

10 James Sweet (2013:170) argues that "there was absolutely nothing fictive" about what he calls "expansive kinship structures," which were neither biological nor spousal and had a long history in Africa.

imagined kinship that persisted after dropping anchor. Biologically unrelated slaves who had belonged to the same master or lived on the same plantation also strongly identified with one another. Herbert Gutman has argued that it was the forcible separation of families that "increased the importance of quasi-kin obligations" (Gutman 1987:367). During enslavement, Africans and their native-born descendants also fostered spousal, fraternal, and filial relationships, many of which were unofficially recognized by masters and mistresses.

Even as they have questioned the received wisdom that the essential state of slavery is kinlessness, historians have not wholly rejected it. As Vincent Brown notes, the concept of social death might be seen as "an obsolete product of its time and tradition" were it not for the fact that it continues to inform "important new studies of slavery," including those of Vincent Carretta, Trevor Burnard, Stephanie Smallwood, and Saidiya Hartman. Brown himself does not discard the idea of "social death" as a useful category of analysis, but rather argues that the emphasis should be not on the condition or state of slavery, but rather the reactions to it (Brown 2009:1233, 1249). James Sweet views social death and flexible reactions to it as phenomena key to the constitution of family in both African and New World slavery (Sweet 2013:257). As we shall see, kinship ties with the master or mistress of African descent did not necessarily annul the condition of social death, another indication that Orlando Patterson's theory should not be discounted.

In Suriname, the separation of enslaved family members seems to have been more the exception than the rule. Colonial law prohibited the sale of children up to the ages of 12–14 away from their mothers (Brana-Shute 1990:123). When plantations were sold, at least in situations of economic solvency, there was a tendency to treat slaves as immoveable property to be included in the transfer to the new owner. Many masters recognized spousal and consanguineal ties among their slaves, and respected the attachment of these unfree people to the plantations. When Ishac Pinto da Fonseca wrote his will in 1720, he stipulated that his private slaves should continue to serve his two children on his estate and not elsewhere. Should one of his children choose to live outside the plantation, all the slaves should be sold or rented out together "because the negroes are married to the negresses."[11] Emanuel Pardo went to great lengths in 1759 to keep one of his slave families together, for their separation would "bring ruin or great damage to the plantation since they are the largest fam-

11 NAN, SONA, inv. nr. 5, will of Ishac Pinto da Fonseca, February 5, 1720.

ily of the plantation."[12] The concern for intact slave families or communities was largely self-serving. Maintaining family members or other social groups together could minimize the trauma that encouraged arson, sabotage, or marronage, and no doubt diminished discipline and morale problems. Preservation of the enslaved family protected the institution of slavery because bondpeople who lived among kin members were generally reluctant to rebel against their masters (Rose 1982:30).

Scholars have tended to imagine close-kin ownership as an emancipatory strategy to conduct relatives into freedom, a tactic to circumvent antimanumission legislation, or a result of ordinances forbidding free people of African ancestry from owning and economically profiting from slaves. Such an approach has much to recommend it, particularly in the antebellum U.S. South where free people of color formed a tiny percentage of the African-origin population. The ownership of slaves among well-to-do free Blacks and Mulattoes had become so common by the early 1800s that states throughout the South initiated laws to discourage or outright forbid it. An ordinance in Virginia required slaves manumitted after May 1, 1806 to leave the state within a year, else face reenslavement, discouraging relatives of color from freeing their kin. Free people of African descent reacted by retaining their family members in slavery (Russell 1913:240–2).

By contrast, legislation pertaining to manumission in Suriname did not seek to curb the rate of manumission. Suriname's Court of Policy periodically issued legislation on the private ownership of slaves and manumission, all heavily based on Roman law. This legislation, issued between 1733 and 1850, represents an intensifying effort to place the act of freeing slaves under government control. The very first ordinance annulled the right of owners to privately manumit their slaves. Beginning in 1788, colonial authorities levied increasingly burdensome manumission taxes, not to limit the number of free people of African descent, but to raise revenue from among owners and prevent the liberation of those with no means of support (Brana-Shute 1985:139–48, 358). The stated rationale for these taxes was to raise funds to fight Maroons and ensure slaves displayed gratitude to the Whites who freed them. Ordinances specifically referred to manumission as the "invaluable treasure of freedom," echoing the pat phrase used by masters and mistresses in their wills. The act of manumission was not an indication of antislavery sentiment, but rather, above all, a managerial tool to encourage obedience and work output. In one sample dating from 1760 through 1828, the most frequently cited reason for initiating manu-

12 NAN, SONA, inv. nr. 29, will of Emanuel Pardo, January 3, 1759, p. 67.

mission was the owner's wish to reward a slave for "loyal" service and because of the affection felt for that slave. Kinship was the third most common reason given by a manumitter for releasing his or her slave, and the vast majority of these owners were not White men, but rather White women and free people of African descent (Brana-Shute 1989:54; 1985:139–48, 358; Schiltkamp 1973).

A legislative approach to free "negroes" who owned their kin, however, ignores the qualitative dimensions of master/slave relations within the family. It also fails to explain why not all close relations were manumitted, even when it was financially feasible to do so (prior to 1800 in the U.S. South and before 1788 in Suriname). A judicial approach also falls short of elucidating why wealthy owners often prolonged the term of slavery, sometimes for decades, and why slavery in these scenarios at times involved the imposition of coercive duties and harsh discipline.

One reason for the historical amnesia respecting qualitative details is the loss of oral traditions transmitted by individuals who experienced or witnessed life as a slave. The first known discussions of interpersonal coercion within close-kin ownership emanate from such reports gathered by researchers of the antebellum South in the early twentieth century (Russell 1913:95n34; Wilson 1905, 1912). In two popular articles Calvin Wilson became the first researcher to discuss slave owners of African descent and the first to uncover kinship slavery in the antebellum South (Wilson 1905, 1912). Much of Wilson's data about close-kin ownership came from oral communications he had received from Whites and former slaves. Philip Roberts, "a respectable colored man of Glendale, Ohio," and once a slave in Kentucky, told the author about "Old Free Isaac," a slave owner in Rimble County who had sold his own son and daughter South, one for $1,000, the other for $1,200. Mr. Charles Michael of Harford County, Maryland recalled the case of a "negro" who sold his children in order to buy his wife. Wilson also learned of Rose Petepher of New Bern, North Carolina, a free woman of African descent married to a slave named Richard Gasken. The couple raised children whom they hired out in the same manner as slaves, to the family's general prosperity. A free man of African origin named Jacob sold his father South after the latter reproved his son for an unstated deed. After the sale, Jacob related: "the old man had gone to the corn fields about New Orleans where they might learn him some manners." In Columbus, Georgia a free woman of African descent called Dilsey Pope owned her husband and hired him out until he offended her and she sold him. After she had a change of heart, the new owner refused to reverse the sale (Wilson 1905:695, 486, 487).

Carter Woodson, in his 1924 study *Free Negro Owners of Slaves in the United States*, which focused on the 1830 federal census, contributed additional examples. Without attribution, he alluded to husbands who were "not anxious to

liberate their wives immediately," and put them on "probation for a few years." If they did not find these women pleasing, they would sell them "as other slave holders disposed of Negroes." Woodson also referred to a "Negro" shoemaker in Charleston, South Carolina, who purchased his wife for $700, but, on finding her "hard to please … sold her a few months thereafter for $750." Woodson claimed to have personally known a man from Virginia whose father had dispensed of his wife, the narrator's mother, by selling her after she proved unfaithful (Woodson 1924:41–42).

Neither Wilson nor Woodson, however, considered such coercive behavior typical of free owners of African descent. Nor did John H. Russell, the first professional scholar to address slaveholding and close-kin ownership among free persons of African descent in Virginia (Russell 1913, 1916). Resting his argument heavily on antebellum legislation directed against free people of African origin, Russell concluded that "a very considerable majority of black masters" owned slaves for "benevolent" reasons rather than for their "service." He argued that in the rare cases that Virginian people of African origin owned their own kinspeople, they treated them as free in everything but name (Russell 1916:239 and 1913:48, 77, 84, *passim*). Freeborn and freed people of African ancestry who practiced a "benevolent" form of slave ownership were those who strove to reunite family members, often their own, and carry out manumission when legally possible. Those who were ruthlessly capitalistic reserved this behavior for slaves unrelated to them.

Carter Woodson was the first to adopt Russell's thesis of benevolent ownership and became its chief architect. In his aforementioned study he concluded that since most African-origin masters in 1830 owned only family members or friends they were a philanthropic group (Woodson 1924:41). Since then it has become conventional to conclude that close-kin ownership was protective. Jerome Handler, in his study of freed people in Barbados, discusses randomly selected cases of manumission which happen to include several instances of kinship slavery. In some cases, parents sold their daughter to a White man, who would annul his right of property in her, granting "a freedom not recognized by the laws, but tacitly assented to by the community." In another case, a former slave purchased his wife and children, but died before he could manumit them (Handler 1974:37). Handler interprets each of these cases as emancipatory. The view that free people of African origin economically exploited only slaves unrelated to them, known as the "Woodson thesis," has become the scholarly consensus (Ely 2012:20; Hepburn 1997; Koger 2006:53–55; Robinson 2005:711).

There have been very few detractors. R. Halliburton Jr. noted that free entrepreneurs of African descent utilized slaves as commercial assets, purchasing

and disposing of them to rake in the profits, and that it "would be a serious mistake to automatically assume that free blacks owned their spouse or children only for benevolent purposes" (Halliburton 1975:237). Michael Johnson and James Roark observed in *Black Masters* that some prosperous free men of African descent in the antebellum South, married to free women of African descent, sired children with their slave women, who remained in bondage to serve their fathers/masters (Johnson & Roark 1984:106, 150–52). African-origin ownership of human property is a concept if not troubling and difficult, then certainly enigmatic (Koger 2006:65). Johnson and Roark, who analyzed the motives of William Ellison, a prosperous manumitted ginwright and planter of the antebellum South, concluded that the commitment of free people of African descent to slaveholding, including proprietors of their own children, "lacked the ideological fervor of white masters" (Johnson & Roark 1984:64, 273). But this analysis does not adequately explain why some such owners, legally married to free women of African origin, would procreate and leave their natural children in slavery, despite the master's enormous profits earned both before and during the Civil War. (Johnson & Roark 1984:64, 273, 106, 150–152). The benevolence/capitalism binary established nearly a century ago is inadequate for assessing such ownership in kin.

Close-Kin Ownership: Origins and Theory

Close-kin ownership severed the exclusive link between whiteness and freedom while simultaneously deepening the social distance between White and African-origin families. Ownership of kin in the Americas is most obviously manifest in situations where a White master procreated with his slave, a ubiquitous behavior confirming Moses Finley's theory that slavery entails ownership of the bondperson's labor *and* body (Finley 1983:68). But the dynamics in such cases could be much different than when a master or mistress was of African descent. The biological relationship between master and enslaved children in the former scenarios was typically unacknowledged or a public secret, at least where there was a surplus of available White women. In favorable economic conditions where marriageable White women were scarce, as in eighteenth-century Minas Gerais, White masters who owned their own children and wished to manumit them tended to acknowledge paternity in their wills (Higgins 1997). Otherwise, the White testator referred to "the mulattoes" of his slave woman and almost never to "my mulatto children." Many free men of color behaved identically toward the children they conceived with their enslaved consorts.

The difference is this: regardless of whether the White master acknowledged his paternity, ownership of his children of color did not distance him from the ruling class. In fact, it reinforced his status as proprietor over human chattel. By contrast, an African-origin master who sired children with an enslaved consort, especially in environments where free people of African descent were small in number, reinforced his association with slave origins, distanced himself socially from the White master class, and may have been encouraged to deny kinship ties. Such mingling was one stated motivation for the antebellum legislation that threatened to expel and re-enslave the free population of African descent of South Carolina (Johnson & Roark 1984:160). Plantation owners in Suriname, as we have seen, often kept enslaved families intact, and kinship ties in families emerging from slavery could be a matter of public scrutiny, if not legal record. Close-kin ownership is therefore much more informative when seen as particular to families emerging from slavery. Ownership of kin placed constraints on the family of African descent that did not apply to enslaved families sired by White masters.

It appears that White masters were the first to introduce close-kin ownership, and they apparently did so to maintain social control. As we have seen, one presumably White man in Brazil in 1718 manumitted his slave woman and her two Mulatto children, legating to them a slave who was this woman's own son and her other children's half-brother, to serve them for life (Higgins 1997:11). The Surinamese archives offer more detailed examples that help shed light on motivation. Twelve days before his death in 1733, Emmanuel de Soliz manumitted his slave Coffy and his wife out of recognition for Coffy's "manifold and good service." To underscore his gratitude, Soliz ordered the couple's enslaved daughter, Tabia, to serve her father Coffy until his death, at which time she would devolve to the testator's inheritor. The slave owner earmarked an annuity of 25 guilders to the freed Coffy in compensation for his daughter's "good service and assistance." For Coffy, manumission came gift-wrapped in chains: he would be confined to the plantation, responsible for it as always, but would live as if master to his own daughter. A similar fate awaited another slave living on the same estate: the "negress" Acuba, who, after manumission, would find herself served by her own child, a son named Cuacu. After his mother's death, Cuacu would devolve upon the testator's relatives and be confined to the plantation as before.[13] Here are examples of temporary, *de facto* close-kin ownership, where children were legally bound to serve their parents until death, at which time they faced perpetual enslavement by the White inheritors of the estate. The

13 NAN, SONA, inv. nr. 12, will of Emmanuel de Soliz, January 8, 1733, p. 3.

intention of this gift of gratitude seems to have been to keep enslaved family members together, while at the same time tied to both the plantation and the institution of slavery. Moreover, it rewarded good service with good service, perpetuating slave ownership as a high ideal and status symbol.

A more extensive example appears in the 1759 will of the Portuguese Jew Emanuel Pardo, proprietor of the Bruinendaal plantation, a 300-acre coffee estate located on the Matapika Creek, just east of where the Suriname River pours into the Atlantic Ocean.[14] The exceptional length of Pardo's will testifies to his great wealth.[15] Pardo expressed gratitude to an enslaved couple named Paulos and Juno, who had served him faithfully for years. Instead of manumitting them, however, he set free their son Osiris, who would become their new owner until his or their death, whichever came first. If the son died first, his parents would be liberated. Without knowing whether or not the parents were elderly or ailing, it is difficult to interpret the master's intentions. Either way, Osiris's death would spell both tragedy and liberation for his parents. Making a son master to his own progenitors may have been an attempt to undermine parental authority. It intensified the already confusing "division of authority" on plantations, where enslaved children were often unsure whether it was their master or their parents who were responsible for disciplining them (Schwartz 2000:103–4).

Pedro Welch offers an interesting analysis of filial close-kin ownership in Bridgetown, Barbados. In the will of Charles Cross, composed in 1787, this White master manumitted his three Mulatto children George, Betty, and Killy, and at the same time made his "negro woman" Nanny, the mother of these children, "the property of the said mulatto boy named George." This boy would be considered his mother's owner until he turned 21 or died, whichever came first, after which she would be released from slavery. Welch considers the White master's creation of close-kin ownership as an example of "extraordinary attempts to safeguard the position of the female in the event of the master's death." He proposes that the "slave owner had to come to grips with the dilemma represented in the birth of his mulatto offspring and had been forced, however, grudgingly, to acknowledge the humanity of his female slave mistress. Her status as her son's property might represent an attempt by Cross to provide some shelter and support for Nanny after his death" (Welch 2003:152). Welch's analysis is compelling, particularly given the widespread custom of manumitting children while depriving their (typically African-born) mother of freedom. The

14 NAN, SONA, inv. nr. 253, p. 382.

15 NAN, SONA, inv. nr. 29, January 3, 1759, pp. 67–88.

arrangement also thrust the responsibility for ageing parents onto their biological children. But it ignores the subversive element of making a parent answerable to her own child, a gesture that seems to have been intended to undermine what little authority adult slaves possessed. This upset of age hierarchies in the family lives of some of his privileged slaves may have been intended to ensure their social distance from the White ruling class.

The inverse was arranged for Emanuel Pardo's slave Iris, who was given her three children Asiba (also known as little Venus), Neptuno, and Jacoba and any future children as "her own and well obtained property." If the freed mother of this matriarchal family died intestate, the chain of close-kin ownership would be passed down to her son, the "negro" boy Neptuno, who would be manumitted in order to take his mother's place as owner of his own siblings. If Neptuno died without a will, his mulatta sister would be set free in order to take her brother's place. The estate owner's explicit fear was that Iris's son Neptuno would die intestate, leaving his sister in the hands of the colony's orphan chamber or vulnerable to sale. The breakup of mother Iris's family, as we have seen earlier, would "bring ruin or great damage to the plantation since they are the largest family of the plantation."[16] Pardo's creation of parental, fraternal, and filial ownership situations does not seem to have been a cruel or sarcastic joke, but rather strategic. On the one hand, Pardo intended to communicate gratitude and to reward his slaves for fidelity. On the other, he intended to stigmatize them by inverting the age hierarchy, and to disempower them through a "divide and rule" strategy.

What most piques the imagination is that Pardo seemed to be dictating not only legal formalities, but also family dynamics. The "negress" Philis was made a slave to her own daughter Niobe "to use and treat as her own and well-obtained property." Identical language was used for Iris, who was bequeathed her three children. This locution is often repeated in the wills of close-kin owners. Roza Judia, recall, stipulated that her nieces and grand-nieces were given to her nephew to "enjoy" as slaves during his lifetime.[17] The phrasing is strikingly similar to that of White owners, who habitually passed on their human property to White family members for their "free service" or "use."[18] We encounter this very same language in the testaments of manumitted people who did not ostensibly own their kin. In 1787, the free Elisabeth Pocorna, left

16 NAN, SONA, inv. nr. 29, January 3, 1759, p. 72.

17 NAN, SONA, inv. nr. 61, March 15, 1780 (opened June 5, 1789), will of Abraham Ismael Judeo.

18 See, for example, NAN, SONA, inv. nr. 44, Rachel Turgeman, separated wife of David Nunes Mercado, August 21, 1780, p. 95 ("vreye dienst").

the enslaved "negress" Theresia to the free Saraatje for her "use and to take care of her."[19]

Was such locution formulaic or indicative of a fiat that slaves perform labor for their close kin? Testators faced no legal compulsion from the colonial authorities to include such phrases. In manumission petitions, by contrast, manumitters had to satisfy the Court's anxiety that freed slaves might fall into poverty and become a burden to the colony. In one Surinamese manumission petition from 1775, two children were freed, with costs apparently paid by the owner, and the children received their own mother as their personal property. Rosemary Brana-Shute perceives the master's intention as twofold: to keep mother and children together, and to assure the court of the children's financial solvency by providing the mother as a source of income and care for her children (Brana-Shute 1985:353–354). This interpretation makes a great deal of sense in light of the economic crisis that set in during the 1770s, leaving colonial officials increasingly dubious that manumitted people could support themselves (Hoefte & Vrij 2004:148). For Brana-Shute, then, the mother's subjugation to her own children was a legal fiction. And yet, she does not explain why the manumitter admonished the children to "give their mother a good slavery" (Brana-Shute 1985:353–354). Nor is it clear how either the manumitter or the manumitted children would have defined "a good slavery." But the phrase does suggest that the exploitation inherent in slavery, rather than any abstract notions of filial obligation, was the force expected to dictate the children's treatment of their maternal property.

Family Unification, Manumission, Capitalism, and Elective Kinship

Free people of African descent in Suriname made extraordinary attempts to keep their divided families intact. The earliest known example of emancipatory kinship slavery pertains to the family of Elisabeth Samson (1715–1771), the wealthiest woman of African descent in the colony and the first to marry a White man. Elisabeth was freeborn because her mother Nanoe, the concubine of Jan van Susteren, a Dutch planter who had relocated to Suriname from St. Kitts at the turn of the century, had set Nanoe free through testamentary disposition. Nanoe had procreated with him two children named Charlo and Maria, who were manumitted along with their mother in 1713, a year after Van Susteren's death. As a free woman, Nanoe produced with one or more

19 NAN, SONA, inv. nr. 58, "de vrije" Elisabeth Pocorna, August 27, 1787, p. 254.

African-origin men several additional children, of whom Elisabeth was the youngest (McLeod 1995).

While still enslaved to Van Susteren, Nanoe had procreated additional children, siblings of Charlo and Maria. In 1719, these two turned to the Court of Policy indicating that they had left behind in slavery various sisters and brothers, born of the same mother. The mistress of these siblings had recently died, leaving them vulnerable to sale to various masters. Charlo and Maria asked the court to intervene so that they, "out of fraternal affection" could purchase these slaves. By this time, Charlo had become a successful carpenter who constructed houses and churches and repaired church benches. His financial success allowed him to purchase all of Nanoe's children who remained in slavery, and he worked the rest of his life to manumit them, a goal he achieved by 1732. The petition of Charlo and Maria was presented with the assistance of her husband Pierre Mivela, a Swiss plantation owner, who witnessed Charlo's signature mark, an "x." The petition, together with its wording, indicates the commitment of manumitted people to be united with their enslaved family members, and an emotional understanding of the bond between siblings born of the same mother.[20]

Free people of African descent less prosperous than Charlo were willing to endure extreme economic burdens in order deliver their relatives from slavery. In June of 1775, the enslaved "negress" Dorothé was about to be donated as a charitable gift to Beraha VeSalom, the Jewish congregation of rural Suriname. When the synagogue administrator tried to sell Dorothé for quick cash (300 guilders), Dorothé's mother made a counter-offer of 500 Dutch guilders. Since the mother did not have this money, the synagogue council agreed to lease her Dorothé for 10 stuivers (*soldos*) per week.[21] Dorothé's free mother had effectively negotiated an installment plan to purchase her daughter out of slavery. But it would take one thousand weeks, or nineteen years and three months, to pay off the purchase price. The Jewish community won both ways: family unification would pacify rebellious impulses against Whites while at the same time potentially rake in a profit of 200 guilders. Nevertheless, the anecdote suggests that the free ruling society was sympathetic to maintaining slave families intact and willing to assist even if it meant postponement of profit.

20 McLeod 1995 and NAN, RvP, inv. nr. 540, petition of Maria Jans and Charlo Jans, undated [1719, unpaginated].

21 NAN, NPIGS, inv. nr. 1, June 20, 1775.

A similar case involved the freed Amimba van Knoppomombo, who could never hope to raise the money to purchase her ten children, enslaved on the Knoppomombo plantation. Instead, she devised an economic arrangement, outlined in her will of 1779, to ensure the wellbeing of her unfree children. Should one, two, or more of them become free, they would be obligated as her heirs to support and feed the siblings remaining in slavery, just as she had done.[22] More fortunate was the slave named Mimie, whose child, conceived with the plantation director Fredrik Hoth, was sent to Europe at the age of six. This child returned to Suriname in 1780 as the freedman Emanuel Fredrik Hoth. He soon became financially successful and was able to purchase his mother Mimie and only surviving sister, both of whom he manumitted in 1795 (Hoefte & Vrij 2004:149–150). Close-kin ownership, and the poor woman's version of it as exemplified by Dorothé's mother and Amimba, are clear indications of family solidarity during the collective journey to freedom. They reinforce the observation of Rosemary Brana-Shute that the major goal of manumitters in general, and particularly those of African descent, was not economic, but rather to unite families (Brana-Shute 1989:56).

But what type of family solidarity was involved in the possession of kinfolk? What did testators have in mind when they applied the concepts of "free service," or "use" to their enslaved close kin? Did the aforementioned Roza Judia, for example, use the slave mark listed in her inventory and bearing the initials "RJ," to brand the skin of her close relatives?[23] What precisely did Roza mean when she legated her human property to her nephew Abraham Ismael for him to "enjoy" as slaves during his lifetime?[24] Was her intention to prevent enslaved family members from being sold or hired out to others?[25] If enjoyment denoted economic exploitation, such an arrangement would presumably last only during his lifetime, for Judia stipulated that Ajaja, Fenchy, and Hana be manumitted upon his death.[26] Presumably, Abraham Ismael honored his aunt's wishes. In his own will he specified that his sisters and niece be released from slavery after his death, which occurred in 1789, and receive 50 guilders each yearly for the rest of their lives.[27] Ajaja, Fenchy, and Hana were slaves in both

22 NAN, SONA, inv. nr. 70, "de vrije" Amimba van Knoppomombo, February 27, 1779, pp. 12 ff.

23 NAN, SONA, inv. nr. 234, pp. 442–443.

24 NAN, SONA, inv. nr. 61, March 15, 1780 (opened June 5, 1789), will of Abraham Ismael Judeo.

25 I thank Joseph C. Miller for this suggestion. However, other wills specifically instruct owners not to hire out or sell off slaves. If this was Judia's intention, she could arguably have stipulated it.

26 NAN, SONA, inv. nr. 61, will of "de vrije" Abram Ismael Judeo, March 15, 1780, p. 302.

27 NAN, SONA, inv. nr. 61, will of "de vrije" Abram Ismael Judeo, March 15, 1780, p. 302.

name and as instruments of capitalism, albeit with a pension. But did these financially exploitative family dynamics outlive slave status? At the end of his life, when Abraham Ismael made arrangements for his family members to dwell together and cultivate a vegetable garden in Paramaribo, one of his concerns was that no one put the other at a "disadvantage."[28]

One remarkable case from the 1770s illuminates the reality obscured behind these enigmatic phrases. In February of 1774, Kwauw, son and slave of the freed *neger* Jan Samson, also known as Pamessoe, brought a petition before the Court of Policy. At the age of seven or eight the petitioner had been apprenticed to his father to become a carpenter of tentboats and other water transport vehicles. Kwauw had worked with such industry that before long his father came to rely on Kwauw's handiwork for necessary income. Kwauw claimed that he behaved according to the obligation of every obedient child to his parents. In 1771, Kwauw decided to travel to Holland out of his love for the Christian religion. There he was baptized, received the name of Jan Hendrik Samson, and was accepted as a member of the Reformed Christian Church. Upon his return to the colony, Kwauw discovered that Samson *père* had rescinded his "natural obligation as father," refusing to support him even though Kwauw worked for him every day. Kwauw managed to hire himself out for various odd jobs to support himself, but discovered that his father had confiscated his earnings, informing each employer that Kwauw was his slave. As evidence that he had shaken off the yoke of slavery, Kwauw pointed to the fact that in 1770 he had been ordered to join the fire brigade (*aan de brandspuyt geordonneert*) and, *a fortiori*, had been baptized in the fatherland. He would have attached his baptismal certificate to his petition, but his father had confiscated that as well. Kwauw expressed disbelief that his father had labeled him with the "hated name of slave." He appealed to the court not to allow the "natural bond between father and son" and "the obligation of blood" to be overridden. He was astonished that his father, once a slave child himself, would not want to share his free status with his own son.[29]

No legislation on slavery existed in the Dutch Republic, nor in the colonies did there develop a separate body of law pertaining to unfree people, like the Code Noir of the French colonies. Instead, Suriname's Court of Policy periodically issued legislation (*plakaaten*) regarding private ownership of slaves and manumission that was heavily based on Roman law. The application of Roman law in the Dutch colonies permitted Kwauw to present his case before the court,

28 NAN, SONA, inv. nr. 61, will of "de vrije" Abram Ismael Judeo, March 15, 1780, p. 302.

29 NAN, HvP, inv. nr. 417, Request van de neger Kwaauw, February 21, 1774, p. 256.

with the assistance of a lawyer. Although according to this legislative system slaves had no legal personality, in cases of doubt as to whether a person was enslaved or free, that person could in theory appear before a judge and advocate his case as if he were free. Kwauw, as a slave who claimed to be free or an apparently free person who was claimed by someone as his slave, could operate in a legal case as if he possessed a legal personality. In addition, slaves were permitted to accumulate a peculium, a fund that was technically the property of the master, but of which the slave could avail himself as if it were his, albeit according to the conditions stipulated by the master. With this peculium, slaves could buy their own freedom (Jordaan 2012: 61–64). That day in court, on February 21, 1774, Kwauw proved himself well versed in the law of his land, exploiting the nebulosity of his legal status and asserting his legal right to earn his own money.

Three days later, Jan Samson presented his own report before the court. He was outraged at Kwauw's indictments and turned the tables on him, calling him a depraved son who had completely forgotten his obligation as a child. Even worse, Kwauw was ungrateful to the one who had taught him a trade, refusing to work for his father as soon as he, Kwauw, had mastered his art. He left for the fatherland without his father's consent and always behaved as if a free person, even purchasing a piece of land for 600 Dutch guilders and a "negro" boy for another 400. Samson himself had behaved entirely differently toward his former mistress, the widow Moll. As a token of her affection, she had legated Samson his own son, whom he had taught a trade "in the hope and expectation" that he, in his "grey old age, could have a comfort and support, a caretaker." To show that he was inspired by ideas superior to those of his son, Samson stated that he still intended to free him, but only if Kwauw returned to his obedient behavior, according to his filial obligation. Samson beseeched the court, in consideration of his advanced age, to either convince his son to return to obedience, or to tax him with a monthly sum in order to sustain his father for the rest of his life. The case was finally resolved later in 1774 when Kwauw conceded to his father's condition that he could enjoy freedom if he behaved well and reconciled with him. Kwauw was released from his limbo status only three years later, a year after his father died, when the Court could find no written evidence in the estate papers that Kwauw was a slave. Kwauw—now Jan Hendrik Samson—was officially declared free.[30]

This case gets to the heart of how close-kin ownership could be initiated and the kinds of relations it might foster. Like Emanuel Pardo in 1759, widow

30 NAN, HvP, inv. nr. 417, Request van de neger Kwaauw, February 21, 1774, p. 259 verso.

Moll legated Samson's own son to him as a token of her affection, rewarding good slavery with slave ownership. Clearly, the gift was understood in economic terms: Kwauw would financially support his father through old age. While her deed did not upset the age hierarchy, Kwauw's maturation to adulthood, vocational independence, and adoption of Christianity did. Tellingly, neither Samson nor initially Kwauw considered the ownership of a son by his father unusual or outrageous. Kwauw objected only to the fact that his father failed to financially support him at a certain point, confiscated the money Kwauw had earned after he offered himself to others for hire, and refused to manumit him now that he had mastered a trade and converted to Christianity. Samson *père* thought himself entitled to treat his son like a slave or, if he agreed to manumit him, to legally obligate Kwauw to pay the financial dues former slaves owed to their masters according to Dutch Roman law.

The willingness of Samson and his son to use slaves for capitalistic gain should not surprise us. Several studies on New World slavery show that capitalism was the overarching motivation for ownership of slaves by persons of African descent (Johnson & Roark 1984; Koger 1985, 2006; Myers 2011: 127; Ribianszky, 2005: 224–26; Socolow 1996). But the exploitation of close kin for economic profit calls for scrutiny. It shows that some people of African origin fully assimilated the values of the ruling society that slave status—not kinship ties—should determine the behavior and obligation of individuals enslaved to their own relatives. Kwauw's status as his master's son only became determinate after he had risen in the social ranks through mastering a lucrative trade and, especially, through his conversion to the religion of the ruling class.

On May 12, 1777, shortly after his father's death, Kwauw stated that he was willing to pay for his own manumission. There is no record he ever did and the executors that same day claimed to have found no evidence in the estate papers that that there was anything to hinder Kwauw's freedom. There is no evidence that the Court of Policy objected to this statement and how precisely Kwauw was confirmed legally free is unclear. Was widow Moll's bequest informal or was the legal deed that legated Kwauw to his father lost or purposefully overlooked? Either way, it is likely that Kwauw's financial success and conversion to Christianity, in the eyes of the Court, was incompatible with slavery, even if a deed of ownership existed.

The ambiguity of Kwauw's filial relationship to his father may have been common among families emerging from slavery in societies where persons of African origin formed a substantial portion of the free population. We can infer this in the way some free Blacks and Mulattoes identified their close kin in legal documents. One example is the free Tromp van Waterland, who in his

1787 will left instructions that the "negro boy Adam" should be purchased from Mr. J. Rocheteau and then manumitted. At that point, Adam would become the testator's heir. Only two years later in a new will did Waterland explicitly identify Adam as his own son and his slave Abenie as the mother of that child. By this time, Adam was apparently free. In that 1789 will, Waterland specified that Abenie would be liberated only after the debts of the estate were settled, and in the meantime was to be charged with taking care of her son. Waterland's will suggests that only after shedding the stain of slavery were children and their mothers deigned to merit acknowledgment as progeny and parents. Whether or not the calculated omission of kinship identity was driven by the initiative of the notary or the testator remains an open question, given the known tendency of some public servants to editorialize while writing legal documents.[31]

However, my strong suspicion is that the obfuscation followed by revelation of kinship to enslaved mothers and children in successive wills reflects a process of *elective kinship* whereby free people of African descent were just as entitled as Whites to leave their consanguineal ties a public secret or outright deny them. Frederik Ulrici is probably another example of this phenomenon. In 1776, he had received through testamentary legation from J.F. Ulrici, likely his father, ownership of the "negress" Philippa. The transfer was affected in 1780 when Ulrici senior died. In this 1780 will, Ulrici *fils* makes a revealing confession: "compelled by feelings of gratitude for all the efforts and care received from this negress, his mother," who raised him to adulthood, he wished to free her.[32] The younger Ulrici had no mandate to reveal his blood ties to his mother, his slave. Manumission was a gift he felt he owed her for services rendered, not an inalienable right she retained by virtue of being his close relation.

These illustrations of reluctant disclosure suggest that wills of slave-owning free people of African descent must be closely scrutinized for close-kin ownership. The free Jan Jacob van Paramaribo, who as we have seen arranged for the manumission in 1780 of Daniel and Esther, probably his children, and bequeathed them their own mother for "their use" and to take care of them, was exercising his opportunity to deny or leave ambiguous his biological and spousal links with his human property.[33] Slave owners of African descent, then, used elective kinship in the same ways as did Whites. Obfuscation of spousal

31 NAN, SONA, inv. nr. 61, "de vrije" Tromp van Waterland, January 22, 1789, p. 37.

32 NAN, RvP, nv. nr. 538, Request of Frederik Ulrici, May 28, 1799.

33 NAN, SONA, inv. nr. 44, "de vreije" Jan Jacob van Paramaribo, 1780, p. 37 ff. and inv. nr. 54, will of "de vreye" Jan Jacob van Paramaribo, August 13, 1785, pp. 71 ff.

or kinship ties means that many—if not most—cases of close-kin ownership may have been overlooked or misdiagnosed.[34] This observation may revise the assumption of scholars that most "black masters" did not possess their own family members as slaves.

For a suggestion of how prevalent elective kinship may have been, let us return once more to the case of Kwauw and his father/master Jan Samson. In his will of May 1775, Samson made collective references to his slaves, mentioning only a few by name. None was Kwauw. Samson *père* died in August of 1776, a year before Kwauw was declared legally free. The contents of his father's will revealed his only universal heir to be his "son Dirck," whom he identified as freeborn and conceived by the manumitted "negress" Bettie. The executors to Samson's estate, however, could find no document proving her liberation and were later informed by the colonial secretary that Samson had simply signed a note (*biljet*) manumitting Bettie, which carried no legal validity. With astonishing inconsistency, the Court of Policy rendered Kwauw, probably still legally a slave, to be free, while his half-brother, declared by fiat freeborn, was confirmed a slave. Close-kin ownership inserted ambiguity into the equation of family. The primacy of enslaved over kinship status was contingent on the inclination of the owner, mitigated by the son's rebellion. But ultimately it was the colonial authorities who determined whether a son would be unshackled from or fettered to his family.[35]

Conclusions

This article has shown that the values of slaveholding pervaded many families approaching freedom, informing both their economic behavior and their interpersonal relations. Some ex-slaves clearly purchased their family members with emancipatory goals in mind, or inherited relatives from White or African-origin masters and mistresses with specific instructions for immediate or eventual manumission. The possession of close kin, however, did not preclude the use (and on some occasions disposal) of family members as slaves, and indeed this economic utilitarianism was premeditated in a number of documented cases. While many of these arrangements were strategies to keep families together, a goal some White masters also shared, and in some slave societies to raise manumission fees, others arrangements allowed family mem-

34 For an example in Mississippi see Ribianszky 2005: 224.

35 NAN, HvP, inv. nr. 417, Request Politicq, p. 234.

bers to treat their enslaved relatives as bona fide slaves without the intention of eventually manumitting them.

Close-kin ownership is witnessed in a broad range of American slave societies, from the U.S. South to Brazil, though its extent is unknown. By the latter half of the eighteenth century, more and more manumitted people in the Americas were enslaving, bequeathing, and disposing of their close relatives, particularly in societies where people of African descent comprised the majority of the free population. The coupling of slavery and kinship is likely much more common than previously assumed. Rosemary Brana-Shute's sample of 1,346 manumission cases in late eighteenth-early nineteenth-century Suriname shows that 5 percent were freed by relatives. Many others, she speculates, probably facilitated the manumission by serving as sponsors (*straatvoogden*) and sureties (*tot borg*) or as adoptive parents who did not specify their actual relationship (Brana-Shute 1985:361). Why they did not specify their actual ties may be explained by what I term elective kinship, a process whereby owners of color could choose whether or not to specify in legal documents their spousal or consanguineal ties to their human property. In cases where they chose to omit such references, such masters reinforce Orlando Patterson's "social death" concept, which posits that kinlessness is a central condition of slavery. Within slave-owning families of African descent, however, social death must be understood as a choice, rather than as a foregone conclusion.

The foregoing evidence suggests that close-kin ownership—in its earliest occurrences—was imposed by White masters and mistresses as a way to reward loyal slaves while keeping them fettered to the plantation or household and the very institution of slavery. Close-kin ownership transformed the new owner of African descent into an emulator of the White slave-owning class. At the same time, it was a constant reminder of the distance that separated the new owner from Whites, since White family members could not be enslaved. Close-kin ownership challenges the idea that the behavior of people of African descent, including masters, was fundamentally conditioned by the quest for freedom, or that the African-origin family served as a bulwark against the institution of slavery. Like White families living in slave societies, African-origin owners of close kin sought not social equality in their family relations, but economic stability (Sweet 2003:39, 60, 72). Family implied hierarchy, and families of free people of African descent should not be viewed *prima facie* as a hearth of nurture and protection against the "soul murder and social death" caused by White masters (Mason 2003:69). Robert Shell urges us to uncouple family from any association with benevolence, pointing out that the "family institution is quite neutral in value." The introduction of slaves into families, he argues, made channels of family authority go awry (Shell 1994: xxix), an observation con-

firmed in the extreme in several examples where children were made masters over their own parents. As we have seen in the case of the freed *neger* Jan Samson and his enslaved sons Kwauw and Dirck, the ownership by African-origin masters of their close kin allowed for their economic exploitation, but such exploitation could be either constitutive or undermining of family solidarity.

As a category of analysis, it may be useful to adopt the term "close-kin ownership" to highlight its distinctiveness from "kinship slavery," an institution many scholars imagine to be specific to West African and American indigenous societies, and characterize as a "mild" form of slavery intended to ultimately integrate unfree people into the families of their captors or purchasers (Jones 1995:104; Penningroth 2007:1060). It is tempting to ask whether close-kin ownership would have been a familiar institution to slaves in the Americas who were African natives or ancestrally not too far removed. One might even go so far as to ask whether close-kin ownership—like the curative and protective *bolsas* found among slaves held captive in Lisbon and Brazil (Sweet 2003:181)—constitutes an African "survival." Calvin Wilson first posed this question in 1912 and concluded that people of African origin were "used to slavery" and did not regard it as "unnatural for a negro in America to hold his brethren in bondage" (Wilson 1912:484). But the probable initiation of close-kin ownership by White masters and mistresses challenges this view. In the big picture, close-kin ownership in the Americas says little about African survivals and much more about slave society and its pervasiveness in every aspect of social relations. The capitalistic engine of American slave societies made close-kin ownership and the family dynamics it engendered expedient if not exigent.

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