Languages of Belonging and Exclusion in the Early Modern Circum-Caribbean.

Proposal for Translation and Transmission in the Early Americas
April Hatfield, Texas A&M University and Brad Dixon, University of Texas
ahatfield@tamu.edu

People moved often across national and imperial borders in the greater Caribbean during the early modern period. They did so voluntarily (as traders, invaders, and migrants) and involuntarily (as enslaved captives, prisoners of war, or residents of places that changed governance). Many changed legal status as they crossed political borders, requiring that they (and the officials who governed them) reimagine their identities as members of a body politic. Only rarely did someone simply transfer his or her earlier legal status to a new jurisdiction. Negotiations over the nature and status of border crosses were complicated, partly because various legal categories of belonging and exclusion in different polities often were not parallel. In part because the concepts of belonging differed, they did not translate easily between English, Spanish, French, Dutch, English, and indigenous languages. Cognates did not mean the same thing across linguistic, legal, and political boundaries. The unevenness of political language and the concepts it represented fostered misunderstandings and conflict among officials trying to oversee group migrations or negotiate prisoner of war exchanges. But they also sometimes provided opportunities for individuals to improve their social or economic status by moving across borders, especially when doing so meant they could take advantage of more capacious legal understandings of belonging in a new locale.

These differences in the languages of belonging complicate scholars’ ability to understand and to discuss what happened to people in the early modern Atlantic as they moved. For example, the word subject in English and subdito in Spanish both from the Latin subdito that appeared in the original treaties between Spanish and British sovereigns. However, those who accepted the sovereignty of the Spanish crown far more commonly described themselves as vasallos, and refer to their English counterparts as vasallos as well. In English, the word vassal put greater emphasis on obedience than did the term subject, which often instead connoted the rights of an individual (for example, to the sovereign’s protection). Likewise, the Spanish term vecino, signifying citizenship and often property ownership in a town, had no exact English equivalent. Freeholder might come the closest to vecino, a local status that provided property owners with rights to political representation, but the term does not appear in diplomatic correspondence attempting to identify individuals’ political identity. English colonial governors or assemblies could grant denizen status to foreigners, allowing them property rights (but not usually the right to pass that property on to heirs), but the status usually did not extend geographically beyond the borders of the colony, so it involved individual identity within a particular geographic location. In all three instances in which property ownership helped to determine an individual’s status (denizen, vecino, and freeholder), the context was local, whereas a subject’s relationship with his or her sovereign—an identity that the individual carried with himself as he moved across borders—rested on markers of belonging other than property ownership. In some cases vecino was translated into English as resident, which simply identified an individual’s primary place of residence but did not connote property ownership or political rights or even necessarily imply allegiance or political identity. Spanish officials, in determining the status of individuals of varied and mixed race who fled from enslavement under the English,
placed emphasis on nativity, wanting to know whether an individual whose status was in question was a natural or criolla of a particular locale. The persistent possibility that group identities might retain relevance—especially visible with indigenous communities, among Jews, and among Catholics of African or mixed-race descent, further complicated efforts to determine individuals’ identities based on their relationship to their sovereign.

We propose a session that deals with such questions in either the greater Caribbean or in the Atlantic world before the Age of Revolutions, when the context changed dramatically and such terms came under close scrutiny. Both of our papers deal primarily with people living under English or Spanish jurisdiction. However, reflecting the international character of the Caribbean and Atlantic World, we would like to solicit papers dealing with such questions across additional borders.
Religion, Race, and the Body Politic in the Caribbean, 1670-1720

April Lee Hatfield, Texas A&M University

In the Caribbean, in the immediate aftermath of repeated wars, French and Spanish officials requested the return of free blacks from English captors who had seized and enslaved them. These demands were one-sided: to my knowledge, the English made no similar requests to Spanish or French officials, perhaps having no occasion to do so. During the same years, Jamaican-based pirates enslaved with impunity many free indigenous, African, and mixed-race inhabitants of various Spanish-claimed jurisdictions, denying their identity as vassals of the Spanish crown, and ignoring their legal status as free. When some escaped back to Spanish territory, those officials who took their testimony noted petitioners’ language, race, occupation, place of birth, and religion.

The letters that officials wrote to one another about such seizures, flights, and restitutions reflect fundamental disagreements between English officials, on the one side, and French or Spanish officials, on the other, about how a colonial body politic could look. What qualities could determine who could be a loyal subject within these rival empires? Did religion provide a base for subjecthood/vassalage? Could race exclude someone from the body politic? Did a legal status as slave permit the loyalty to a sovereign necessary for a subject or vassal? Did the enslaved fall under the protection of a growing set of precedents understood as a “law of nations”?

Debates over these questions expose the process whereby, in the Caribbean, the ideas that underlay concepts of political belonging such as subjecthood and vassalage diverged, even as an increasingly formalized law of nations assumed shared understandings of the body politic. The context of the greater Caribbean was peculiar, defined by close and overlapping jurisdictions, ubiquitous border crossing, and ethnic, linguistic, racial, and religious diversity, beyond that of most other early modern locales. In the Caribbean, therefore, we can best see the trouble that arose from a law of nations which assumed that everyone could recognize who was a subject of what sovereign and what characteristics made people subjects. Runaways and captives in the Caribbean show us that the law of nations rested on a flawed belief that the languages and concepts of political identity translated across political borders.
“neither vassals nor subjects of your Gouernemt”:
The Legal Status of Indians in the Anglo-Spanish Southeast, 1600-1715

Brad Dixon, graduate student, University of Texas at Austin

In 1695, the governor of Spanish Florida, Laureano de Torres y Ayala upbraided his English counterpart in Carolina over the status of the Apalachicolas, Indians that both men claimed for their respective jurisdictions. The governor declared that the Indians were “neither vassals nor subjects of your Gouernemt & are of myne and as they Doe ill they must be Chastised.” Laureano de Torres y Ayala’s letter underscores a crucial difference that historians draw concerning the status of Indians in Spanish versus British America. Ideally, Indians in Spanish jurisdictions were free vassals of the Crown of Castile. In English America, projectors and later colonists used a host a terms like “free burgers and citizens,” but mostly settled upon the term “subject” to describe Native Americans under colonial rule. Spanish notions of Indian vassalage had roots in medieval law and in royal promulgations as early as 1501. There were numerous exceptions, of course, with many Indians falling victim to slaving in “just wars.” English thinking drew from a number of precedents, including the Elizabethan-era colonization of Ireland, readings of Iberian experience in America, and common law definitions of legal persons. That Torres y Ayala included both terms—vassal and subject—in his missive to Carolina’s governor, suggests their potential interchangeability but also their distinction from one another.

Focusing on southeastern North America during the seventeenth century, this paper will develop a framework for rethinking the dominant ways that Spanish and English colonizers developed the status of Indians in the domains they claimed, creating a model that accounts for their overlaps and for the ways that the region’s indigenous political cultures shaped legal practice. The start of the Spanish missionization of Florida was roughly coterminal with the English colonization of Virginia. At what was arguably the height of the Florida mission system, the English made another incursion into Spanish territory, the colony of Carolina, founded in 1670, which in turn redefined Anglo-Indian subject relations. Thus, in the Southeast, several legal cultures encountered one another directly, making possible the observation of the ways that the two colonial powers articulated Indian status to each other. Finally, this paper will consider the ways that Indian subjecthood of various kinds developed in concert or at odds with conceptions of the status of Spanish and English colonists themselves.