

*Spaniards, Planters, and Slaves: The Spanish Regulation of Slavery in Louisiana, 1763–1803.* By GILBERT C. DIN. (College Station: Texas A & M University Press, 1999. Pp. xiv, 356. \$ 49.95 cloth.)

In 1769, General Alejandro O'Reilly took possession of Louisiana for Spain and began dismantling French creole government and putting Spanish law in its place. Among the most important changes imposed by O'Reilly and subsequent Spanish governors were those affecting the regulation of slavery. Such alterations, introduced by a regime as Catholic as the one it displaced, reflected different traditions regarding slavery in the Old and New Worlds, just as did the Anglo-American practices to which Louisiana became subject after its incorporation into the United States after 1803. As a territory governed by three distinct powers, Louisiana is thus an ideal setting in which to examine how national cultures, especially law and religion, shaped the character of slavery in one area of the New World. In the well-known formulation of Frank Tannenbaum (*Slave and Citizen: The Negro in the Americas* [New York, 1946]), Spanish Catholicism and legal tradition eased the conditions of enslavement; at the other extreme, church and state did nothing to stop the dehumanization of slaves in the English colonies. In *Spaniards, Planters, and Slaves: The Spanish Regulation of Slavery in Louisiana, 1763–1803*, Gilbert C. Din takes "a modified position" on the Tannenbaum Thesis. Although Catholic officials in Spanish Louisiana "did little to improve conditions for slaves" except for those "under their direct control" (pp. xiii–xiv), he argues that Spanish lay administrators did try to ameliorate the treatment of slaves.

The first two chapters set the stage for Spanish rule. Din describes the establishment of slavery in French Louisiana, analyzes French law, and highlights the "runaway habit" (p. 18) of the slaves. The remaining ten chapters cover the four decades of the Spanish regime, each focusing on the regulations that successive Spanish governors enacted (or tried to enact) regarding the treatment and punishment of slaves, the slave trade, and the problem of maroons and insurrections. The central motif is the conflicts that arose between Spanish governors, intent on applying laws issued by the Spanish crown, and local planters determined to have their own way. These French creoles were divided among themselves: large slaveowners, located mostly in and around New Orleans, had been politically dominant during the French era (and still ran the Cabildo), at odds with their smaller brethren scattered throughout the colony, remote from the political capital. Slaves emerge as a fourth party, bystanders and objects of conflicts among the other three.

Din's most important contribution is to demonstrate the ways in which Spanish regulation of slavery differed from that of the French, especially in increasing the avenues to freedom open to slaves. Under Spanish rule, owners could freely manumit their slaves—an act that had required approval from French local officials. Slaves could even purchase their own freedom, against their owners' wishes, through the practice of *coartación*, at a price determined by an independent appraiser. Spanish law also prohibited Indian slavery; a handful of slaves seized on that provision, winning their freedom in court by showing descent from Indian women. Such practices brought Louisiana into line with slave law throughout the Spanish colonies. But, as many historians have pointed out, high-minded slave laws did not always translate into mild treatment. Louisiana proves that case.

For the French period, Din demonstrates that demography and economics had more to do with the treatment of slaves than any "ameliorative provisions" (p. 10) contained in the *Code Noir* of 1724. Unfortunately, he does not apply the same analysis to Spanish laws. The *Real cédula* of 1789 resembled the *Code Noir*, requiring owners to grant slaves rest on Sundays and other holy days, to provide for their "spiritual needs" (p. 126), and to consent to slave marriages. Din does concede that many Spanish laws were not strictly enforced and others never implemented, primarily because of the tensions between the Spanish governors and the French Creole elite. Yet Din relies heavily on these laws as evidence that slavery under the Spanish was "gentler" (p. 74) and "more positive" (p. 183), thanks to governors who "tried to lessen its cruelty" (p. xiv). At times, his real goal appears less to "understand and explicate how slavery functioned under the Spaniards" (p. xi) than to use slavery to illuminate Spanish governance and the actions of crown officials.

Two difficulties emerge from this governor-centered approach. The first is organizational. Because each governor faced the same problems—runaway slaves, violent masters—there is much repetition. One royal representative after another studied the situation and arrived at the same solution, decreeing limits on the punishment of slaves and taxing planters to pay for the recapture of runaways and the compensation of owners "whose bondspersons were executed, imprisoned, or killed as fugitives" (p. 59). The second problem derives from the undue emphasis on "great men." Din concentrates on governors at the expense of slaves, whose independent agency in resisting bondage created the rulers' dilemmas in the first place. The runaway problem was the governors' overriding concern, yet, in Din's telling, it sometimes becomes only another item in the long-running power struggle between the crown and the creole elite. In other instances Din does not attend to the governors' motivations at all. Why, for instance, was the barón de Carondelet (1791–1797) so concerned with punishing masters for mistreating slaves? Why did he insist on fair treatment for *gens de couleur libre* (free people of color)?

The rise of *gens de couleur libre* was the one very important consequence of differences between French and Spanish slave laws. Through *coartación* and manumission, *gens de couleur libre* grew from 3 percent of the total population of New Orleans in 1771 to almost 20 percent in 1805. Carondelet, among others, sought to protect their legal rights; Spanish law prohibited the re-enslavement of freed blacks, a practice the French had occasionally used as punishment. Through these

policies, the free people of color managed to "achieve the status of a class" (p. 235). To the historian Theodore W. Allen, they constituted a "buffer social control stratum," standing between a small number of rulers and a mass of subalterns (*The Invention of the White Race*, vol. 1: *Racial Oppression and Social Control* [New York, 1994], 13). Din disagrees, largely because he construes "buffer" in narrow military terms as a device "to counterbalance a hostile French population" (p. 223). Even as he acknowledges that *gens de couleur libre* filled key economic niches and played a crucial role as slave catchers, he ignores the valuable function they performed in helping to stabilize Louisiana's social order, where "a small number of officials...ruled over a largely alien population" (p. 208).

Based on his intimate knowledge of a particularly difficult collection of sources—hundreds of Spanish-language manuscripts bundled together with little indication as to their contents—Din admirably succeeds in illustrating the difficulty Spanish governors had in ruling over a colony that was populated primarily by non-Spaniards. But his desire to distinguish Spanish-era slavery from its functioning under French rule prompts him to overemphasize formal legal differences and to neglect the continuities of social practice. As Thomas N. Ingersoll has recently demonstrated (*Mammon and Manon in Early New Orleans* [Knoxville, 1999]), the day-to-day workings of slavery were remarkably similar during the French and Spanish eras, regardless of who was sitting in the governor's chair. What differences in the conditions of slavery did exist can be better explained with reference to demography and economics than by variations of policy or personality among governors. To determine whether those differences truly mattered, we need only look at slaves' own behavior, particularly the "runaway habit" that persisted throughout the eighteenth century, to infer their opinions about the relative benevolence of French and Spanish regimes.

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