Conditional freedom : free soil and fugitive slaves from the US South to Mexico's Northeast, 1803-1861

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INTRODUCTION

As he was travelling through the Texas-Mexico borderlands during the mid-1850s, Frederick Law Olmsted, an antislavery journalist commissioned by the *New York Daily Times* to report on the southern slaveholding states, reflected upon the condition of enslaved African Americans who absconded to the Mexican border in the hope of finding freedom across the Rio Grande. The chronicler wondered: "the impulse must be a strong one, the tyranny extremely cruel, the irksomeness of slavery keenly irritating, or the longing for liberty much greater than is usually attributed to the African race, which induces a slave to attempt to escape to Mexico".[1] The reputation of Mexico as a site of asylum for fugitive slaves was by then already decades in the making, not just among enslaved people living in Texas, but also among those who lived further afield. Solomon Northup, a free black from the northern states who was abducted in Washington DC in 1841 and sold into slavery in the Deep South, described in his iconic narrative how a year before his own arrival, some enslaved African Americans on a plantation near Bayou Boeuf in Louisiana had "conceived the project of organizing a company sufficiently strong to fight their way against all opposition, to the neighboring territory of Mexico".[2]

Set during the last two decades of US slavery, both testimonies underscore how during the course of the nineteenth century, Mexico's northeastern borderlands came to be understood as gateways to freedom by enslaved African Americans living in the US Southwest. As underlined in John Hope Franklin and Loren Schweninger's pioneering study on self-liberated slaves in the US South, enslaved people in the southwestern slaveholding states of Texas, Louisiana, Mississippi, Arkansas and even the Indian Territory often sought to achieve freedom by absconding to Mexico, following routes that ran in the opposite direction to the Underground Railroad that led other freedom seekers to the North.[3] Although their numbers paled in comparison to their northern counterparts (who numbered upwards of 1.000 per year, according to some estimates), they were far from insignificant. Precise estimates of how many fugitive slaves crossed the Mexican border remain elusive. In a letter to Olmsted, Adolf Douai, a German-born free-soiler and editor of the *San Antonio Zeitung* in Western Texas, asserted that the number of enslaved people who had absconded to Mexico in 1854 "scarcely can be short of a hundred", a figure that lawyer, writer and Douai's fellow countryman Friedrich Kapp rounded up to 150.[4] Estimates by pro-slavery

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[1] Frederick Law Olmsted, *A Journey through Texas: or a Saddle-Trip on the Southwestern Frontier* (New York: Edwards & Co., 1857), 328-329.

[2] Solomon Northup, *Twelve Years a Slave: Narrative of Solomon Northup, a Citizen of New York, Kidnapped in Washington City in 1841, and Rescued in 1853* (Chapel Hill: University of North Carolina, 1997), 247.

[3] John Hope Franklin, Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (Oxford and New York: Oxford University Press, 1999), 112.

[4] LOC, Frederick Law Olmsted Papers, General Correspondence, 1838-1928; "Douai to F.L. Olmsted, 16 Dec. 1854"; *New York Daily Tribune*, 20 Jan. 1855. On the Olmsted-Douai connection: Mischa Honeck, *We are the Revolutionists: German-Speaking Immigrants and American Abolitionists after 1848* (Athens: University of Georgia Press, 2011), 38-70.

apologists yielded similar results. The *Telegraph and Texas Register* contended in July 1851 that "about two hundred fugitives from Texas crossed at one of the principal ferries on the Rio Grande, during the last two years". By the mid-1850s, the Texan journalist and legislator John Salmon Ford (who had a vested interest in making an exaggerated claim) argued that about 4.000 enslaved African Americans had already escaped across the river.[5]

Even if Mexico never developed into the major beacon of freedom that the northern US or Canada would become, the fact that enslaved people attempted to seek freedom there at all speaks volumes as to how African Americans viewed the landscape of slavery and freedom in North America during the first half of the nineteenth century. During this period, two conflicting developments – the simultaneous retreat and expansion of slavery – found themselves on a collision course. While in certain parts of the continent free-soil territories emerged, slavery massively expanded in others, trapping millions into a life of exploitation with little hope of emancipation. These two developments gave rise to new waves of slave flight from the latter regions to the former, as runaway slaves increasingly sought out new spaces of freedom. This study examines how these developments played out in the Mexican borderlands, focusing on two main themes. First, it provides a social history of enslaved freedom-seekers. Second, it also provides a political history of the contest between Mexican free soil and the spread of slavery west of the Mississippi river valley between 1803 and 1861. Its main question is: what was the nature of slave flight in the Mexican borderlands, and how and why did Mexico develop into a site of "conditional freedom" for slave refugees from the American South?[6]

Free Soil and Spaces of Freedom in the Age of the Second Slavery

In order to understand why enslaved people absconded to Mexico, it is important to first understand the changing legal and political landscape of freedom and slavery in

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[5] *Telegraph and Texas Register*, 18 July 1851; *Texas State Times*, 2 June 1855. On numbers, see ch.1.

[6] The expression "slave refugees" used in this study (alongside "self-liberated slaves" or "self-emancipated slaves", among others) refers to people more commonly designated by the existing literature as "runaway" or "fugitive" slaves. While the latter will sometimes be used for the sake of convenience, the use of a more diverse lexicon represents a first step in ridding ourselves of the legalist and criminal connotations carried by the vocabulary of "runaway" and "fugitive", both of these terms reflecting the enslaver's perspective and its underlying stigmas, prejudices and racial ideology. It further introduces enslaved people's own perspectives and motives regarding their own flight, and thus rescues their own identities as refugees from slavery, instead of portraying them as criminals. Historians have emphasized the historicity of refugees long before the modern invention of the legal category of "refugee" in the 1951 Convention Relating to the Status of Refugees and the emergence of the "refugee regime" over the twentieth century: Peter Gatrell, *The Making of the Modern Refugee* (Oxford: Oxford University Press, 2013), 1-13, esp. 2; Philip Marfleet, "Refugees and history: why we must address the past", *Refugee Survey Quarterly*, v.26, issue 3 (2007), 136-148; J. Olaf Kleist, "The History of Refugee Protection: Conceptual and Methodological Challenges", *Journal of Refugee Studies*, v.30, n°2 (2017), 161-169.

North America during the late eighteenth and early nineteenth centuries. The "Age of Revolution", rooted in enlightened ideals of equality, liberty and natural rights, profoundly reshaped the Atlantic world. Importantly, the period witnessed the first serious blows against slavery in the western hemisphere and the emergence of spaces of "formal" and "informal" freedom for fugitive slaves. In parts of the Americas, there arose formal variants that legally abolished slavery according to free-soil principles (beginning with the northern US and Haiti), thus providing fugitive slaves with new refuges. At the same time, a spike in individual manumission and self-purchase arrangements in the wake of the American Revolution (1776) led to a significant growth of urban free black populations within the slaveholding US South. Cities increasingly became spaces of "informal" freedom for thousands of runaway slaves, who attempted to get lost in the crowd and clandestinely pass for free.[7]

Even as such spaces of formal and informal freedom emerged throughout the hemisphere, however, other parts of the Americas strengthened their commitment to slavery, a development Dale Tomich has dubbed the "Second Slavery" – a process of revival, intensification and territorial expansion of the production of slave-grown commodities, especially in Cuba, Brazil and the US South.[8] Indeed, with the cotton boom of the early nineteenth century (augmented by renewed sugar and tobacco production), the US South was transformed into one of the last bastions of the "peculiar institution". Following the US purchase of Louisiana from Napoleon's France in 1803, the southwestern borderlands were transformed into a thriving and rapidly expanding frontier of slavery, stretching from riverine areas to their upcountry hinterlands. An unprecedently dynamic plantation economy – connected to capitalist Atlantic markets for cotton, sugar and tobacco – fueled an insatiable demand for slave labor and gave rise to a massive domestic slave trade that drew a million slaves from the Upper South to the lower Mississippi Valley and its western frontier – augmented by illegal smuggling from the "Hidden Atlantic," especially the Caribbean, but also Africa. With slave-based agriculture booming and the domestic slave trade thriving, Southerners began to double down on their ideological commitment to the institution, even as support for slavery faded in the northern states following the American Revolution (for motives including its economic inefficiency and its moral illegitimacy).[9] As Anthony E. Kaye has emphasized, understanding the relationship

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[7] Damian A. Pargas, "Urban Refugees: Fugitive Slaves and Spaces of Informal Freedom in the American South", *Journal of Early American History*, 7 (2017), 262-284.

[8] On the Second Slavery: Dale W. Tomich, *Through the Prism of Slavery: Labor, Capital and World Economy* (Lanham: Rowman and Littlefield, 2004); Javier Laviña and Michael Zeuske (ed.), *The Second Slavery: Mass Slaveries and Modernity in the Americas and in the Atlantic Basin* (Berlin: Lit Verlag, 2014); Dale W. Tomich (ed.), *Slavery and Historical Capitalism during the Nineteenth Century* (Lanham: Lexington Books, 2017).

[9] Adam Rothman, *Slave Country: American Expansion and the origins of the Deep South* (Cambridge and London: Harvard University Press, 2005); Richard J. Follett, *The Sugar Masters: Planters and Slaves in Louisiana's Cane World, 1820-1860* (Baton Rouge: Louisiana State University Press, 2005); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge and London: Harvard University Press, 2013); Michael Zeuske, "Out of the Americas: Slave Traders and the Hidden Atlantic in the Nineteenth Century", *Atlantic Studies*, v.15, n°1 (2018), 103-135.

between the cotton and sugar frontier in the southwestern borderlands and the advent of the Second Slavery enables us to connect slavery in the antebellum South to larger developments at play in the Atlantic world, thus challenging notions of Southern exceptionalism. This resilient Second Slavery, contrasting in scale and nature with colonial slavery, significantly contributed to the US frontier's expansion to the west, with a coercive "empire of cotton" clashing with Jeffersonian ideals of an "empire for liberty". Through the formation of new slaveholding territories, slavery's entrenchment and frenetic progress in the southwestern corner of the Union spectacularly contradicted those republican discourses of liberty and democracy that had gained momentum through the American Revolution.[10]

In the ever-shifting US-Mexico borderlands, the expansion of slavery on the US side violently clashed with the simultaneous rise of free soil on the Mexican side – in other words, the Second Slavery collided with the emergence of sites of formal freedom. As Mexico's commitment to the abolition of slavery gained traction in the opening decades of the nineteenth century, the incompatibility of these two developments became visible in conflicts involving refugees from slavery – "runaway negroes", according to their enslavers – who sought refuge from the Second Slavery by attempting to reach Mexican free soil.[11] The emergence of free-soil principles during the first half of the nineteenth century along the lines set by the *Somerset* case (1772) offers the most tangible expression of the "Age of Revolution" as an "Age of Emancipation" for many African Americans, especially from the mid-1830s onwards.[12] Mexico's own free-soil policy developed haphazardly in a nonlinear fashion throughout the first half of the nineteenth century, a development that was ultimately enshrined in the liberal constitution of 1857, following a series of piecemeal policies dating back to the colonial period. The practice and legal principle of free soil had roots in Spain's colonial policy of granting protection (also referred to as "refuge",

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[10] Anthony E. Kaye, "The Second Slavery: Modernity in the Nineteenth-Century South and the Atlantic World", in Tomich (ed.), *Slavery and Historical Capitalism*, 190. Kaye's observation forms an antithesis to: Frederick J. Turner, *The Frontier in American History* (New York: Holt and Company, 1921), 1-38. On Jefferson's "empire for liberty": Peter S. Onuf, "Jefferson, Louisiana, and American Nationhood", in Peter J. Kastor and François Weil (ed.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville and London: University of Virginia Press, 2009), 23-33; Sven Beckert, *Empire of Cotton: A Global History* (New York: Alfred A. Knopf, 2014).

[11] On free soil in the Age of Revolution: Keila Grinberg, Sue Peabody, "Free Soil: The Generation and Circulation of an Atlantic Legal Principle", *Slavery & Abolition*, Special Issue: Free Soil in the Atlantic World, 32:3 (Sep. 2011), 331-339; Ada Ferrer, "Haiti, Free Soil and Antislavery in the Revolutionary Atlantic", *American Historical Review* (Feb. 2012), 40-66; Jean M. Hébrard, Rebecca J. Scott, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2012); Johnhenry González, "Defiant Haiti: Free-Soil Runaways, Ship Seizures and the Politics of Diplomatic Non-Recognition in the Early Nineteenth Century", *Slavery & Abolition*, 36:1 (2015), 124-135.

[12] David Brion Davis, *The Problem of Slavery in the Age of Revolution* (New York: Oxford University Press, 1999 [1st ed. 1975]); Ira Berlin, *The Long Emancipation: the Demise of Slavery in the United States* (Cambridge: Harvard University Press, 2015); Manisha Sinha, *The Slave's Cause: a History of Abolition* (New Haven: Yale University Press, 2016). By 1834, British Canada, the US North and Mexico, among others, had completely banned slavery.

"asylum", "sanctuary" or "*amparo*") to foreign self-emancipated slaves from the late seventeenth century onwards, despite still legally sanctioning slavery within its own imperial limits. Legitimated on religious grounds, this policy originally applied to enslaved people fleeing from Protestant colonies – mostly British, Dutch and Danish territories – who sought refuge in the Spanish possessions in the Americas, being consecrated by a *Real Cédula* issued in 1750. During the eighteenth century, the northeastern fringes of the Viceroyalty of New Spain (colonial Mexico until 1821) constituted a very occasional site of refuge for enslaved African Americans running away from their masters in French Louisiana. Because France was not a Protestant power, however, Spain's agents in the province of Texas never actively welcomed these fugitives to settle, as was for instance the case in Florida – which attracted bondspeople from the British colonies of the Carolinas and Georgia – and Venezuela. Between 1763 and 1800, Louisiana became part of the Spanish Empire, and administrators in the latter and Texas systematically collaborated for the rendition of runaways from one province to the other.[13]

The combination of a new, although initially poorly defined, border between Spain and the US through the Louisiana Purchase and the spectacular emergence of a plantation economy in the lower Mississippi region accounts for the increase in escape attempts from Louisiana to New Spain's borderlands after 1803. By contrast with other possessions of the Spanish Empire, in which specific legal provisions had explicitly enshrined the policy of sanctuary, no locally specific orders as to whether or not to welcome refugees had previously been issued for Spanish Texas, except for generic and sometimes conflicting *Real Cédulas*. As a result, Spanish officials often resorted to *ad hoc* policies of protection or restitution according to political circumstances and the willingness of refugees' to embrace Roman Catholicism.[14] The independence of Mexico from Spain, following a long and deadly conflict (1810-1821), brought about new changes in the political geography of slavery and freedom in North America, further deepening the divide between the Second Slavery and the cause of abolition and free soil that many of the Mexican revolutionaries – from military leaders to self-

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[13] Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: the Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1992), 148; Gilbert C. Din, *Spaniards, Planters and Slaves: the Spanish regulation of slavery in Louisiana* (College Station: Texas A&M University Press, 1999), 18-34; Douglas Richmond, "Africa's Initial Encounter with Texas: the Significance of Afro-Tejanos in Colonial Texas, 1528-1821", *Bulletin of Latin American Research*, 26:2 (2007), 200-221. On Spain's sanctuary policy, see in particular: José Luis Belmonte Postigo, "'No siendo el mismo echarse al mar, que es lugar de libertad plena': Cimarronaje Marítimo y Política Trans-Imperial en el Caribe Español, 1687-1804", in Consuelo Naranjo (ed.), *Esclavitud y Diferencia Racial en el Caribe Hispano* (Madrid: Doce Calles, 2017), 43-70; Jane Landers, "'Giving Liberty to All': Spanish Florida as a Black Sanctuary, 1673-1790" in Viviana Díaz Balsera, Rachel A. May (ed.), *La Florida: Five Hundred Years of Hispanic Presence* (Gainesville: University Press of Florida, 2014), 117-140; Eliga H. Gould, "Entangled History, Entangled Worlds: the English-Speaking Atlantic as a Spanish Periphery", *American Historical Review*, v.112/3 (June 2007), 764-786. See more in ch.3, note 5.
[14] Bram Hoonhout, Thomas Mareite, "Freedom at the Fringes? Slave Flight and Empire-Building in the Early Modern Spanish Borderlands of Essequibo-Venezuela and Louisiana-Texas", *Slavery & Abolition* 40:1 (2019), 61-86.

emancipated slaves themselves – had supported. During the 1820s, the new republic gradually eradicated slavery (culminating in president Vicente Guerrero's national abolition on 15 September 1829), strengthened its commitment to free soil and emerged as an ostensible beacon of liberty for foreign enslaved African Americans. Just four days before Guerrero's decree of emancipation, a correspondent for the *St. Louis Beacon* argued that escape to Mexican Texas now represented an "easy and certain" way out of slavery for an increasing number of bondspeople from the US South.[15] However, newly-independent Mexico's first offers of formal freedom to runaway slaves from adjacent countries remained timid, being constrained by the new republic's lingering inconsistencies over slavery. Indeed, after 1821, Mexico opened Texas up to settlement by foreign settlers (mostly from the US) and their enslaved workforce, being anxious to develop a province that had historically stagnated both in demographic and economic terms and that had been further devastated by the wars of independence. Attempts by the Mexican federation to end slavery in Texas (which by the 1830s had been transformed into a thriving slaveholding territory) failed. Nevertheless, they infuriated the new settlers, thus contributing to the outbreak of the Texas Revolution (1835-1836), which pushed the border between slavery and freedom further west, from the Sabine River to the Rio Grande.[16]

Mexico's loss of Texas further encouraged its officials to take the side of enslaved people absconding from north of the Rio Grande. As such, it was increasingly viewed by African Americans in the US Southwest as an enticing place of refuge. The southern federation now began opposing the so-called "peculiar institution" in a more straightforward way, both domestically and internationally. As one scholar has noted, the steady arrival of self-emancipated slaves in independent Mexico contradicted the republican paradigm of a nation composed by racially indistinguishable citizens and challenged the new federation's abstract discourses of racial liberalism and equality, forcing the republic's authorities to convert such rhetoric into practice.[17] Mexico gradually embraced a full and unequivocal free-soil policy for foreign runaways, granting them formal or unconditional freedom on paper. Yet the transition from an early modern conception of free soil as *conditional* to its modern interpretation as *unconditional* was not as linear as has often been assumed. In Mexico's northeastern borderlands, this promise of formal freedom often failed to materialize (even after the Texas Revolution), considering that free soil – the legal principle and practical precept from which it derived – remained highly contested, both in legal discussions and informal debates. While Mexican officials themselves occasionally disagreed on the

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[15] *Richmond Enquirer*, 11 Sep. 1829; Elena Abbott, "Beacons of Liberty: Free-Soil Havens and the American Anti-Slavery Movement, 1813-1863", PhD Diss. (Washington DC: Georgetown University, 2017), 102.

[16] On Mexico's process of abolition and the expansion of the Second Slavery in Texas: Sean M. Kelley, *Los Brazos de Dios: a Plantation Society in the Texas-Mexico Borderlands, 1821-1865* (Baton Rouge: Louisiana State University Press, 2010); Andrew J. Torget, *Seeds of Empire: Cotton, Slavery and the Transformation of the Texas Borderlands, 1800-1850* (Chapel Hill: University of North Carolina Press, 2015).

[17] Marisela Ramos, "Black Mexico: Nineteenth-Century Discourses of Race and Nation", PhD Diss. (Department of History, Brown University, 2009), 113-157.

extent to which to apply free soil, US diplomats and ministers strove for the conclusion of agreements providing for the restitution of fugitive slaves from the US South. In addition, by violating Mexican sovereignty, armed incursions launched by slaveholders and mercenaries threatened self-liberated bondspeople in Mexico with re-enslavement. Finally, frequent discrepancies between federal laws and their local enforcement, state policies and borderlands practices – in the midst of fierce contests for political hegemony in independent Mexico (centralists vs. federalists, conservatives vs. liberals) – often jeopardized the status of runaways who had settled across the border.

The polarization between the US and Mexico regarding slavery further strained their already contentious relationship, fueling a larger process of closure of national spaces, whereby the borderlands evolved from a relatively neglected and unsettled colonial frontier at the beginning of the nineteenth century to an intensely disputed territory by the time of the US-Mexican War (1846-1848). Slave flight to Mexico, a rather secondary although unpleasant nuisance in the wake of the Louisiana Purchase (especially for planters located along the Red and Cane rivers), came to constitute a more ostensible threat to proslavery interests across the US Southwest by midcentury, becoming a controversial political issue that involved the diverse borderland communities and national governments that shared the Rio Grande. In the US South, slaveholders, along with influential politicians and editors, grew concerned that slave flight to Mexico risked undermining not only the development of slavery in Texas, but also the very economic prosperity of the Lone Star State itself. Discursively and militarily targeting Mexico for welcoming fugitive slaves, Southerners also expressed their growing impatience at their own national government for its inability to curb the steady flow of fugitive enslaved people crossing to Mexico, further nourishing the sectional divides that slowly but surely led to the Civil War (1861-1865).

Even though the consolidation of the legal, political and social power of slaveholders in the US Southwest led to the entrenchment of coercive institutions and restrictions against enslaved populations, as well as an increasingly monitored international border, the sight of enslaved bondspeople crossing the Sabine River and then the Rio Grande nonetheless became remarkably common. Military conflicts themselves, far from bringing the struggle between the Second Slavery and free soil to a close, served only to further emphasize their contradiction, while providing new stimulus to would-be fugitives, eager to capitalize on the struggle between Mexico and the US. During the US-Mexican War – which secured the status of Texas as a slaveholding territory within the Union – a "Louisiana Slaveholder" bitterly predicted in the *New Orleans Delta* that "very soon the slave population will be crowding to the Rio Grande". Across the southern border, he argued, "the runaway slave will find a place of security nearer than Canada", besides being warmly welcomed by a mixed-race population (among whom would presumably feature "white friends" or abolitionists), in a climate "more congenial to his constitution".[18] Interestingly, many

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[18] *The Examiner*, 1 Jan. 1848.

critics of slavery in the northern states also shared this intuition. A correspondent in Iowa for the anti-slavery *National Era*, for instance, paradoxically viewed the progress of the Second Slavery in Texas as involuntarily supporting abolition at a national level: enslaved people brought to the Texas-Mexico borderlands would inevitably abscond across the border, further reinforcing this exit from slavery for bondspeople from all over the US South.[19] Indeed, the search for available asylum territories moved steadily westward, in tandem with wars and international treaties that continuously shifted the boundary between slavery and freedom. Black freedom-seekers attempted to promote their own goals within the struggles between rival states and borderlands communities, with the hope of achieving legal freedom, racial equality and social mobility once in Mexico. As such, they became agents of historical change, and not simply mere subjects in conflicts between polities over sovereignty. Just as slave revolts in Barbados (1816), Demerara (1823) and Jamaica (1831-1832) paved the way for the British Empire's 1833 Abolition Act in the Caribbean, self-liberated bondspeople in Mexico's Northeast offered a reminder of the extent to which emancipation from the Second Slavery came from enslaved people themselves.[20]

In order to explore how enslaved freedom-seekers fared between the expanding fronts of free soil and the Second Slavery in the US-Mexico border area, this study builds upon the distinction laid out by Damian Pargas between spaces of *informal*, *semi-formal* and *formal* freedom for self-emancipated slaves from the US South. While the northern states and Canada have long been considered as the unique locus for freedom in the "Age of Revolution", this categorization does justice to the multiplicity of geographical spaces in which enslaved freedom-seekers worked out their emancipation. It sheds light on a spectrum of emancipation between slavery and formal freedom, identifying both free-soil territories and slaveholding territories as potential spaces for freedom. In this typology, formal freedom could be attained in free-soil territories – such as Mexico, Canada and Haiti – where slavery had been abolished and foreign refugees from slavery were officially protected. At the other end of the spectrum, spaces of informal freedom developed in the US South, "where slaves attempted to escape by blending in with newly augmented free black populations". In the middle of the spectrum, escaped slaves in the northern states benefited from semi-formal freedom, as they "found themselves theoretically on free soil, but their claims to freedom from re-enslavement remained precarious at best and often contested in courts".[21] Adopting this framework, this study argues that Mexico emerged as a site of *formal* freedom over the course of the century, with the significant nuance that many self-emancipated bondspeople from the US South *de facto* experienced *conditional* freedom across the border. Before and during escape attempts, enslaved people's ability to attain freedom in Mexico was deeply conditioned by a series of demographic, socioeconomic, environmental and political structures. Across the

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[19] *National Era*, 6 May 1847.
[20] Jeffrey R. Kerr-Ritchie, *Freedom Seekers: Essays on Comparative Emancipation* (Baton Rouge: Louisiana State University Press, 2014).
[21] Damian A. Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University of Florida Press, 2018), 4-6.

Mexican border, the capacity to secure freedom was rendered contingent by violent incursions by slaveholders and mercenaries into Mexican territory, as well as by the inconsistencies of Mexico's free-soil policy.

As stated earlier, this study's main question is: what was the nature of slave flight in the Mexican borderlands, and how and why did Mexico develop into a site of "conditional freedom" for slave refugees from the American South? In order to answer this question, it is necessary to consider a number of subsidiary questions, all of which will be analyzed in the individual chapters of this book. These subsidiary questions include: who among the US enslaved population escaped to Mexican territory, and what were their motives? How did they attempt to turn the rising contradiction between the Second Slavery and free soil in the US-Mexico borderlands to their advantage? What strategies, networks and routes did they use to achieve freedom (both formally and informally) across the Mexican border? How did slave flight in the US-Mexico borderlands impact relationships between borderland communities and mobilize national governments along the border? And to what extent were slave refugees on the Mexican side of the border protected from rendition (whether legal or not) to slavery?

Conditional Freedom: Free Soil and Fugitive Slaves from the US South to Mexico's Northeast (1803-1861) presents a comprehensive social and political history of the intertwined contests over free soil and the self-emancipated slaves from the US South who settled in Mexico's territorial and maritime borderlands. While the literature has commonly focused on fugitive slaves escaping to the northern states and Canada through the "Underground Railroad", this study aims to provide new insights into the evolving social and political geography of freedom and slavery in nineteenth-century North America, particularly by exploring the development of southern routes of escape from slavery in the US South and the experiences of self-emancipated slaves in the US-Mexican borderlands.[22] *Conditional Freedom* contends that nobody embodied the violent entanglement between emerging free-soil areas and the

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[22] Studies emphasizing the existence of southern routes of escape from the US South's slavery represent a growing field. Consult especially: Jeffrey R. Kerr-Ritchie, *Rebellious Passage: the Creole Revolt and America's Coastal Slave Trade* (Cambridge: Cambridge University Press, 2019); Jeffrey R. Kerr-Ritchie, "The U.S. Coastal Passage and Caribbean Spaces of Freedom", in Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America*, 275-315; Matthew J. Clavin, *Aiming for Pensacola: Fugitive Slaves on the Atlantic and Southern Frontiers* (Cambridge: Harvard University Press, 2015); Irvin D.S. Winsboro, Joe Knetsch, "Florida Slaves, the "Saltwater Railroad" to the Bahamas and Anglo-American Diplomacy", *Journal of Southern History*, v. LXXIX, n°1 (2013), 51-78. The historiography on the "Underground Railroad" to the northern states and Canada is so massive that not even an exhaustive summary would do it justice. Among recent titles, consult especially: Richard J.M. Blackett, *Making Freedom: the Underground Railroad and the Politics of Slavery* (Chapel Hill: The University of North Carolina Press, 2013); Eric Foner, *Gateway to Freedom; The Hidden History of the Underground Railroad* (New York: W.W. Norton & Company, 2015); Karolyn Smardz Frost, Veta Smith Tucker (ed.), *A Fluid Frontier: Slavery, Resistance and the Underground Railroad in the Detroit River Borderland* (Detroit: Wayne State University Press, 2016).

advancing frontier of the Second Slavery better than enslaved people absconding to Mexican territory.

Historiographies and Insights

Conditional Freedom builds upon a body of scholarship that can be schematically divided into two groups. First, it connects to a corpus of studies – the origins of which can be traced back to the 1940s – that have addressed the legacy of people of African-descent in colonial and postcolonial Mexico. Second, it is embedded in a historiography examining slave flight in the US-Mexico border area that has emerged since the 1970s, at the intersection between borderland and slavery studies. So far, these literatures have seldom been combined.

The presence of people of African descent in colonial and postcolonial Mexico was first explored by a literature that, over the course of decades, has solidified into a distinctive historiography known as "Afro-Mexican".[23] Published in the 1940s, Gonzalo Aguirre Beltrán's *La Población Negra de México* excavated the economic and demographic structures of African slavery and the experiences of enslaved and free blacks in colonial Mexico.[24] This pioneering study reflected a then-dominant ideology of *mestizaje*, focusing on the assimilation and acculturation of people of African heritage in colonial Mexico. Other scholars soon extended Aguirre Beltrán's work, especially US historians, who, from the 1960s onwards, sought to employ Mexico as a case study to test the validity of Tannenbaum's classic comparative thesis on slavery in the Americas.[25] Scholarship on Afro-Mexico substantially increased from the 1980s onwards, through a series of regional studies examining black populations in colonial Mexico. By the time of the government-backed program "*la tercera raíz*" (1993), which

[23] For an exhaustive historiographical discussion: Ben Vinson III, "Afro-Mexican History: Trends and Directions in Scholarship", *History Compass* 3, LA 156 (Sep. 2005), 1-14; Irene Vázquez, "The Longue Durée of Africans in Mexico: the Historiography of Racialization, Acculturation, and Afro-Mexican Subjectivity", *The Journal of African American History*, v.95, n°2 (2010), 183-201.

[24] Gonzalo Aguirre Beltrán, *La Población Negra de México, 1519-1810: Estudio Etnohistórico* (México: Ediciones Fuente Cultural, 1946). This groundbreaking study expanded the early insights exposed in: Germán Latorre, *Relaciones geográficas de Indias (Contenidas en el Archivo General de Indias de Sevilla. La Hispanoamérica del siglo XVI). Virreinato de Nueva España (México. Censos de población)*, 4 (4), 1920; Carlos Basauri, *Breves notas etnográficas sobre la población negra del distrito de Jamiltepec, Oaxaca* (México: Consejo Editorial del Primer Congreso Demográfico, 1943).

[25] Especially: David M. Davidson, "Negro Slave Control and Resistance in Colonial Mexico, 1519-1650", *Hispanic American Historical Review*, XLVI/3 (Aug. 1966), 235-253; Patrick J. Carroll, "Estudio Demográfico de Personas de Sangre Negra en Jalapa, 1791", *Historia Mexicana*, 23/1 (1973), 111-125; Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570-1650*, (Cambridge: Harvard University Press, 1976); Patrick J. Carroll, "Mandinga: The Evolution of a Mexican Runaway Slave Community, 1735-1827", *Comparative Studies in Society and History*, 19/44 (Oct. 1977), 488-505; Patrick J. Carroll, *Blacks in Colonial Veracruz : Race, Ethnicity, and Regional Development* (Austin: University of Texas Press, 1991). On Tannenbaum's comparative thesis (essentially, that slavery in Spanish America took a milder and more paternalist form than its counterpart in North America): Frank Tannenbaum, *Slave and Citizen: the Negro in the Americas* (New York: A.A. Knopf, 1946).

explored Mexico's African legacies, this historiography had gained full academic legitimacy.[26] Since the turn of the century, the re-emergence of Afro-Mexican self-identification and activism in civil society – especially among black communities in Veracruz, Guerrero and Oaxaca – has inspired the formulation of new questions and perspectives, which have often challenged Aguirre Beltrán's markedly assimilationist approach. [27] From the perspective of social and cultural history, the recent historiography has analyzed the diversity of tactics for social emancipation and resistance that were employed by enslaved and free blacks, ranging from carving out spaces of autonomy and mobility within colonial structures, such as urban militias (Ben Vinson III) and religious confraternities (Nicole von Germeten), to resorting to outright resistance (Frank "Trey" Proctor III).[28] It has also focused more distinctly on black agency and processes of identity-formation, as well as on cultural hybridity and reconfigurations of blackness by enslaved and free blacks in a colonial context. Matthew Restall has analyzed black-indigenous relations (especially in the Yucatán peninsula), while Joan Bristol, María Elisa Velázquez and María Elena Martínez have approached these issues through the lens of gender, religion, the experiences of Afro-Mexican women and *limpieza de sangre* (purity of blood).[29] Herman L. Bennett's *Colonial Blackness* provides an even clearer illustration of this historiographical evolution, delving into enslaved and free black people's domesticity, intimacy and family formation. He has especially underlined how early modern Afro-Mexican

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[26] The outcome of "*Tercera Raíz*" can be consulted in: Luz María Montiel Martínez (ed.), *Presencia Africana en México* (México: Consejo Nacional para la Cultura y las Artes, 1993). Within this historiography, consult in particular: Adriana Naveda Chávez-Hita, *Esclavos Negros en las Haciendas Azucareras de Córdoba, Veracruz, 1690-1830* (Xalapa: Universidad Veracruzana, Centro de Investigaciones Históricas, 1987); Carlos Manuel Valdés, Ildefonso Dávila, *Esclavos Negros en Saltillo, siglos XVIII-XIX* (Saltillo: Ayuntamiento de Saltillo, 1989).

[27] Odile Hoffmann, "Renaissance des études afro mexicaines et production de nouvelles identités ethniques", *Journal de la Société des Américanistes*, 91-92 (2005), 123-152; Talia Weltman-Cisneros, Candelaria Donaji Méndez Tello, "Negros-Afromexicanos: Recognition and the Politics of Identity in Contemporary Mexico", *Journal of Pan African Studies*, v.6, issue 1 (2013), 140-156. Organizations such as "México Negro" and "Alianza Fortalecimiento de las Regiones Indígenas y Comunidades Afromexicanas" (AFRICA) have provided an essential impulse to this movement.

[28] Ben Vinson III, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico*, (Stanford: Stanford University Press, 2001); Nicole von Germeten, *Black Blood Brothers: Confraternities and Social Mobility for Afro-Mexicans* (Gainesville: University Press of Florida, 2006); Frank "Trey" Proctor III, "Slave rebellion and Liberty in Colonial Mexico", in Ben Vinson III, Matthew Restall (ed.) *Black Mexico: Race and Society from Colonial to Modern Times* (Albuquerque: University of New Mexico Press, 2009), 21-50.

[29] Matthew Restall, *Beyond Black and Red: African-Native Relations in Colonial Latin America* (Albuquerque: University of New Mexico Press, 2005); Matthew Restall, *The Black Middle: Africans, Mayas, and Spaniards in Colonial Yucatan* (Stanford: Stanford University Press, 2009); Joan Bristol, *Christians, Blasphemers and Witches: Afro-Mexican Ritual Practices in the Seventeenth Century* (Albuquerque: University of New Mexico, 2007); María Elisa Velázquez, *Mujeres de Origen Africano en la Capital Novohispana, Siglos XVII y XVIII* (México: INAH, Universidad Nacional Autónoma de México, 2006); María Elena Velázquez (ed.), *Debates Históricos Contemporáneos: Africanos y Afrodescendientes en México y Centroamérica* (México: Centro de Estudios Mexicanos y Centroamericanos, 2011); María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford: Stanford University Press, 2008). See also the contributions of: Vinson III and Restall (ed.), *Black Mexico*.

conceptions of liberty were articulated around notions of non-servitude, honor and power, beyond the abstract understandings of freedom later associated with the political culture of the Enlightenment.[30] Consequently, this literature has emphasized the richness and plurality of Afro-Mexican experiences in colonial Mexico, thus challenging the remnants of the "social death" paradigms – the conception of enslaved people as agency-deprived victims – that permeated some of the early historiography. *Conditional Freedom*, especially Part 1, seeks to extend these insights into the postcolonial period, particularly by looking at the spatial, material and social strategies used by runaways. Furthermore, it also broadens the temporal scope of Bennett's insights regarding subjectivity, freedom and kinship.

Slave flight became ubiquitous wherever slavery was introduced in the Americas.[31] Debunking the myth of slave docility, the literature on self-liberated slaves in colonial Mexico has mostly focused on large maroon settlements (*palenques* or autonomous communities of escaped slaves), such as San Lorenzo de los Negros and Nuestra Señora de Guadalupe de los Morenos de Amapa (in the modern-day states of Veracruz and Oaxaca), where slave uprisings and marronage had become commonplace by the start of the eighteenth century.[32] Historians have underlined the resilience of *palenques*, the influence of geographical and environmental conditions in their creation and maintenance, as well as the role played by social networks between maroons and actors within colonial society, such as free blacks and small peasants. They have also underscored how *palenques* often managed to negotiate a *modus vivendi* with colonial authorities (while the latter frequently failed to effectively crack down on maroons), converting initial hostility into coexistence and informal freedom into formal freedom.[33] Adriana Naveda Chávez-Hita has described this process as a

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[30] Herman L. Bennett, *Colonial Blackness: a history of Afro-Mexico* (Bloomington and Indianapolis: Indiana University Press, 2009), 161-182.

[31] Within the vast historiography on marronage across the Americas, the following titles adopt a broad scope (by chronological order): Richard Price, *Maroon Societies: Rebel Slave Communities in the Americas* (Baltimore and London: The Johns Hopkins University Press, 3rd edition, 1996); Alvin O. Thompson, *Flight to Freedom: African Runaways and Maroons in the Americas* (Kingston, Jamaica: University of West Indies Press, 2006); Jeffrey R. Kerr-Ritchie, "Fugitive Slaves across North America", in Leon Fink, *Workers across the Americas: The Transnational Turn in World History* (Oxford and New York: Oxford University Press, 2011), 363-384; Marcia Amantino, Manolo Florentino, "Runaways and Quilombolas in the Americas" in David Eltis, Stanley L. Engerman (ed.), *The Cambridge World History of Slavery*, v.3 (Cambridge and New York: Cambridge University Press, 2011), 708-740; Damian A. Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University of Florida Press, 2018).

[32] Aguirre Beltrán, *La población negra de México*, 285-287; Davidson, "Negro Slave Control and Resistance in Colonial Mexico"; Carroll, "Mandinga"; Adriana Naveda Chávez-Hita, "Veracruz en el Caribe: Esclavitud y Cimarronaje en el siglo XVIII", *El Caribe Contemporáneo*, 21 (1990): 45-51; Bennett, *Colonial Blackness*, 176-182; Frank "Trey" Proctor III, "Rebelión Esclava y Libertad en el México Colonial", in Juan Manuel de la Serna (ed.), *De la libertad y la abolición: africanos y afrodescendientes en Iberoamérica* (México: Centro de Estudios Mexicanos y Centroamericanos, 2010), 111-159; Luis J. García Ruiz, "Esclavos de la subdelegación de Xalapa ante el Código Negro de 1789: insubordinación, justicia y represión", *Ulua*, 23 (2014), 37-64.

[33] The expression *modus vivendi* is borrowed from: Eugene Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge: Louisiana State University Press, 1979), 52.

"cycle of marronage", through which many *palenques* came to be recognized as legalized settlements (*villa*) and were guaranteed protection against slaveholders, usually in return for military service and pledges of refusing to accept (and even of arresting) further runaways, thus complicating the link usually established between running away and resistance to slavery and colonialism.[34] Turning away from the mountainous maroon as an emblematic figure of this historiography, Juan Manuel de la Serna and Magdalena Díaz Hernández have underlined that self-liberated slaves settled in urban environments as well, especially during the eighteenth century, as generations of racial mixing and acculturation facilitated the blending in of the free black within colonial society. These studies have shed light on the plural geography of marronage in colonial Mexico and shown how freedom could be informally obtained – both in urban and rural areas – in the midst of a slaveholding society. *Conditional Freedom* responds to De la Serna and Díaz Hernández's contributions, emphasizing the diversity of patterns of settlement for escaped slaves in the nineteenth-century Mexican northeast. Though Mexico gradually emerged as a site of formal freedom for runaways, their recourse to informal forms of settlement and freedom persisted well after 1829. *Conditional Freedom* therefore seeks to challenge the usual assumption that, in the Mexican context, the clusters "informal freedom/colonial period" and "formal freedom/postcolonial period" functioned as exclusive tandems.[35]

Nonetheless, the historiography on Afro-Mexico has usually focused on regions where black populations were the most demographically and culturally present, such as central Mexico and the coastal areas (or *tierra caliente*) of Veracruz, Oaxaca and Guerrero. By contrast, enslaved and free blacks in the northeastern frontier have received far less attention. This study therefore aims at decentering Afro-Mexican narratives, connecting the borderlands with the nation's core, and thus providing a counter-perspective to the centripetal narrative of Mexican nation-building. [36] Moreover, as several scholars have argued, this literature has dedicated most of its attention to Mexico's colonial period (up until 1821), while the postcolonial period

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[34] Naveda Chávez-Hita, *Esclavos Negros en las Haciendas Azucareras de Córdoba*, 145.

[35] Juan Manuel de la Serna, "Los Cimarrones en la Sociedad Novohispana", in de la Serna (ed.), *De la libertad y la abolición*, 83-109; Magdalena Díaz Hernández, "En Busca del Patrimonio Perdido: la Pena de Excomunión por el Robo y la Fuga de Esclavos en México (S.XVI-XVII)" in Sol Tarrés Chamorro, Pilar Gil Tébar, *Patrimonio Cultural Inmaterial y Funerario de la Diversidad Religiosa en España y América* (Online Minutes of Symposium, edited by Sol Tarrés Chamorro and Pilar Gil Tébar, 2019), 189-195.

[36] Ben Vinson III, "The Racial Profile of a Rural Mexican Province in the "Costa Chica": Igualapa in 1791", *The Americas*, 57/2 (Oct. 2000), 269-282; Andrew Fischer, "Negotiating Two Worlds: The Free-Black Experience in Guerrero's Tierra Caliente", in Vinson III and Restall (ed.), *Black Mexico*, 53-62. Noteworthy exceptions for Mexico's Northeast such as: Valdés and Dávila, *Esclavos Negros en Saltillo*; Pedro L. Gómez Danés, *Negros y Mulatos en el Nuevo Reino de León, 1600-1795* (Monterrey: Gobierno de Nuevo León, Archivo General del Estado, 1996). On Mexico's long-term tendency of "historiographical centralism", or the marginalization of the history of geographical peripheries from national historical narratives: Patricia Osante, "El Noreste Fronterizo de México en la época colonial", in Evelia Trejo and Álvaro Matute (ed.), *Escribir la historia en el siglo XX: treinta lecturas* (México, Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 2009), 51-68.

remains unexplored in many regards.[37] In particular, slave flight *within* and *directed to* nineteenth-century Mexico has remained a blind spot of the Afro-Mexican historiography until fairly recently. The focus of the latter on the Black Seminole community – composed by descendants of fugitive slaves who had mixed with Native Americans in Spanish Florida during the eighteenth century – and its negotiated settlement in Coahuila during the 1850s has served to obscure the diversity of experiences of slave flight in postcolonial Mexico, and it is these that this study seeks to recover.[38]

Similarly, the broader literature on escaped slaves in North America has often treated slave flight *to* Mexico during the nineteenth century as an exotic issue, worthy only of passing mention. Instead, it has focused more on marronage *within* Mexico during the colonial era (by relying on the aforementioned historiography).[39] First, scholars have for a long time demonstrated more interest in traditional maroon geographies and slave flight in areas of "great slaveries", as Michael Zeuske termed them, thus neglecting regions like the Mexican Northeast, which are considered to be peripheral.[40] Second, whereas slave flight to the US North and Canada has been thoroughly examined by North American slavery specialists, the emergence of southern and western escape routes from the US South during the nineteenth century has long been overlooked.

For a long time, the notion of Mexico as a land of freedom for African Americans has been underrepresented in both popular memory and the historiography. This is because it collided with stereotypical preconceptions cultivated in the US about Mexico – derived from the Spanish *leyenda negra* (Black Legend) – as a place of violence, clientelism and failed liberalism. While the northern states and Canada were magnified in the abolitionist hall of fame as a unique geographical expression of free-soil principles, Mexico's past as a land of refuge for oppressed black people has remained neglected.[41] As a result, scholars (such as Ronnie C. Tyler and Rosalie Schwartz) only began to analyze slave flight from the US South to Mexico as a subject *in itself* from the early 1970s onwards, focusing almost exclusively on the post-

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[37] Vinson III, "Afro-Mexican History", 7; María Elisa Velázquez, *Poblaciones y Culturas de Origen Africano en México* (México: INAH, 2005), 14.
[38] The literature on the Black Seminoles (or "*mascogos*" as they became known in Mexico) is relatively extensive. Consult especially: Kevin Mulroy, *Freedom on the Border: the Seminole Maroons in Florida, the Indian Territory, Coahuila and Texas* (Lubbock: Texas Tech University Press, 1993); Martha Rodríguez, *Historias de Resistencia y Exterminio: los Indios de Coahuila durante el Siglo XIX* (México: CIESAS-INI, 1995); Kenneth W. Porter, *The Black Seminoles: History of a Freedom-Seeking People* (Gainesville: University Press of Florida, 1996); Paulina del Moral, *Tribus olvidadas de Coahuila* (Saltillo: Conaculta, Gobierno de Coahuila, 1999).
[39] Genovese, *From Rebellion to Revolution*; Price, *Maroon Societies*; Franklin and Schweninger, *Runaway slaves*; Thompson, *Flight to Freedom*.
[40] Michael Zeuske, "Historiography and Research Problems of Slavery and the Slave Trade in a Global-Historical Perspective", *International Review of Social History*, 57 (2012), 87-111.
[41] Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995).

Texan independence era.[42] The early historiography particularly emphasized the political and diplomatic implications of slave flight in the US-Mexico borderlands, usually from a top-down perspective, as a by-product of its reliance upon sources produced by state governments (such as congressional documents) and influential proslavery figures (especially newspaper articles and notices). As such, it focused mostly on geopolitical controversies arising from illegal raids by Southerners into Mexico and conflicts regarding self-liberated enslaved people's rendition. By contrast, this study seeks to balance this state-centric perspective with a narrative that captures the experiences of runaways themselves. Furthermore, because the nature of slave flight to the Mexican borderlands and Mexico's free-soil policy after 1836 cannot be properly understood without an extensive analysis of the pre-1836 period, *Conditional Freedom* expands the timeframe commonly used in the wake of these studies.[43]

Randolph Campbell's path-breaking *An Empire for Slavery* significantly contributed to the emerging field of slavery studies in Texas. It also fostered the emergence of new perspectives stemming from social and cultural history with regards to slave flight in the US-Mexico borderlands.[44] Several studies have recently addressed the experience(s) of self-liberated bondspeople in the US-Mexico borderlands, seeking to move beyond the aforementioned diplomatic-political focus.[45] In particular, Sean M. Kelley has examined the rising reputation of Mexico as a beacon of freedom for enslaved people in Texas during the last decades of US slavery. Exploring the changing perception of the Mexican border (how people got "Mexico in [their] heads"), Kelley has underlined how independent Mexico's antislavery policies and discourses inspired a culture of slave resistance in the US Southwest, in particular after the Texas Revolution. Seeking to develop Kelley's insights, this dissertation (ch.1) discusses the extent to which these representations of Mexico as a land of freedom and racial equality translated into actual slave flight, and among which segments of the enslaved

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[42] Ronnie C. Tyler, "Fugitive Slaves in Mexico", *The Journal of Negro History*, 57/1 (Jan. 1972), 1-12; Rosalie Schwartz, *Across the Rio to Freedom: US Negroes in Mexico* (El Paso: Texas Western Press, 1975).

[43] Tyler and Schwartz's approach followed the path set by earlier studies of conflicts in the Texas-Mexico borderlands such as: J. Fred Perry, "Border Troubles along the Rio Grande, 1848-1860", *The Southwestern Historical Quarterly,* v.23, n°2 (1919), 91-111.

[44] Randolph Campbell, *An Empire for Slavery: the Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989). Recent studies on slavery in Texas from a social history approach especially include: Kelley, *Los Brazos de Dios* and Torget, *Seeds of Empire.*

[45] By order of chronological appearance: Sean M. Kelley, "Mexico in his Head: Slavery and the Texas-Mexican Border, 1810-1860", *Journal of Social History*, 37:3 (2004), 709-723; Rachel Adams, *Continental Divides: Remapping the Cultures of North America* (Chicago and London: University of Chicago Press, 2009), 61-100; Ramos, "Black Mexico", 113-157; James D. Nichols, "The line of Liberty: Runaway Slaves and Fugitive Peons in the Texas-Mexico Borderlands", *Western Historical Quarterly,* 44/4 (2013), 413-433; Sarah E. Cornell, "Citizens of Nowhere: Fugitive Slaves and Free African Americans in Mexico, 1833-1857", *Journal of American History*, 100:2 (2013), 351-374; Mekala Shadd-Sartor Audain, "Mexican Canaan: Fugitive Slaves and Free Blacks on the American Frontier, 1804-1867", PhD Diss. (Graduate School-New Brunswick Rutgers, The State University of New Jersey, 2014); Jeffrey R. Kerr-Ritchie, *Freedom Seekers: Essays on Comparative Emancipation* (Baton Rouge: Louisiana State University Press, 2014); James D. Nichols, *The Limits of Liberty: Mobility and the Making of the Eastern U.S.-Mexico Border* (Lincoln: University of Nebraska Press, 2018), ch.3, 6 and 7.

population this occurred. Its inquiry into the background experiences, profiles and motives for escape of individual self-liberated slaves moves beyond Kelley's focus on imaginaries. Another scholar, Sarah E. Cornell, has proposed new avenues of research into the settlement experiences in Mexico of enslaved people who absconded from the US South (although only from 1833 onwards). She has argued that freedom for self-liberated slaves across the Mexican border was particularly contingent. This was due to racism, legal obstacles related to their status as illegal immigrants into Mexico, the non-recognition of black people by US consular officials in Mexico, and the danger of re-enslavement back to the US South. The main way to secure this "contingent freedom", according to Cornell, was through the integration of slave refugees into Mexican local societies via military service, trade, intermarriage and conversion to Catholicism, which together provided a basis for "cultural citizenship". As *Conditional Freedom* demonstrates, however, Cornell neglects the question of why *de facto* tolerance and protection were provided to enslaved freedom-seekers by officials of the Mexican state, especially at a municipal level, regardless of the respective degrees of integration of fugitive slaves into Mexican society (ch.4). Moreover, Cornell's analysis overemphasizes the importance of attaining legal freedom for enslaved freedom-seekers, failing to consider the fact that some of the latter sought not *amparo* from the Mexican state, but rather informal freedom in Mexico.

Recent studies by James D. Nichols have presented an extremely comprehensive analysis of the interplay between mobility and state-making across the eastern US-Mexico border from the 1830s to the 1860s, thus providing insights into marginalized people, including escaped slaves, indigenous communities and Mexican *peones*. Nichols has convincingly argued that Mexican officials and borderlands populations usually managed to protect fugitive slaves. Moreover, he has insisted on the polarizing effect of the border. Whereas the early historiography on the subject tended to disconnect the US and Mexican sides of the story, often treating the Mexican border as a finishing line, Nichols has transcended state divisions, in keeping with Jeffrey R. Kerr-Ritchie's contention that "the transformative role of 'fugitive' slaves, and how this took on continental significance, goes unappreciated if the focus remains only upon movements within national boundaries".[46] However, while scholars have emphasized how fugitive slaves took advantage of the defined border between Texas and Mexico after 1836, a more thorough understanding of how self-emancipated slaves turned the undefined and malleable boundaries between the US and Mexico to their advantage before the Texas Revolution is still required. This is the subject of chapter 3.

In fact, the aforementioned literature has paid limited attention to the pre-Texas Revolution era. (Some exceptions, especially for the first decade of the nineteenth century, are nevertheless noteworthy. Lance Blyth, for instance, has examined the intertwined flights of enslaved people and army deserters in the early nineteenth-century borderlands between territorial Louisiana and Spanish Texas,

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[46] Kerr-Ritchie, "Fugitive Slaves across North America", 368.

following up James C. Harrison's early insights [47]). As a result, the experience(s) of slave refugees on Mexican soil before 1836 still need to be explored. Equally, while the period 1836-1861 as a historical unit has for the most part been treated in isolation, *Conditional Freedom* innovatively analyzes continuities and discontinuities between the pre- and post-Texas Revolution periods, in terms of escaped bondspeople's patterns of flight and settlement across the border, as well as popular and political responses to their arrival. The disappearance, continuation or emergence of popular forms of mobilization regarding slave flight as well as the *ad hoc* nature of borderlands diplomacy and official exchanges on protection or rendition between both periods will receive attention in a *longue durée* perspective. As *Conditional Freedom* shows, studying the complex transition from a sanctuary policy of conditional asylum under the Spanish Empire to an emerging principle of unconditional freedom (at least on paper) after Mexico's independence is crucial to understanding the long-term maturation of Mexico's free-soil policy from 1803 to 1861 and its effect on self-liberated bondspeople's freedom. While Mexico progressively adopted modern free-soil principles on runaways, the making of its asylum policy was fraught with debates and challenges – not least the threat of bounty hunters crossing the border to abduct runaways in northern Mexico. While the progress towards unconditionality is often assumed in the literature to have been linear and irreversible (especially after 1836), *Conditional Freedom* analyzes the fragmentary, contradictory and uneven development of Mexico's free-soil policy, such as when Mexican officials themselves contested the extent of its concrete application (ch.4). The fragile development of Mexico as a free-soil territory inevitably impacted self-emancipated slaves who settled in Mexico's territorial and maritime borderlands. Furthermore, an awareness of the uncertainties in the making of the boundaries of free soil prompts us to examine so-called "sojourning" slaves – enslaved people who set foot on Mexican soil without necessarily absconding – as distinct from fugitive slaves proper. While "the conflict between the enslaver and the enslaved spilled over into Mexican space" (as argued by James D. Nichols), Mexico's free-soil policy also had an impact on US slavery, ranging from discussions over the practicability of territorial expansion to enslaved people's freedom suits. [48] In this sense, this study adds to recent studies that have stressed how antislavery politics in the Atlantic world impacted slavery-related controversies in the US as well as fostering sectional divides.[49]

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[47] Lance Blyth, "Fugitives from Servitude: American Deserters and Runaway Slaves in Spanish Nacogdoches, 1803-1808", *East Texas Historical Journal*, v.38, issue 2 (2000), 3-14; James C. Harrison, "The Failure of Spain in East Texas: The Occupation and Abandonment of Nacogdoches, 1779-1821", PhD Diss. (Lincoln: University of Nebraska, 1980). Other studies worthy of mention here are: Christina Marie Villarreal, "Colonial Border Control: Reconsidering Migrants and the Making of New Spain's Northern Borderlands, 1714-1820", Master Thesis (Austin: University of Texas, 2015); Eric Herschtal, "Slaves, Spaniards and Subversion in Early Louisiana: the Persistent Fear of Black Revolt and Spanish Collusion in Territorial Louisiana, 1803-1812", *Journal of the Early Republic*, 36 (2016), 283-311.
[48] James D. Nichols, "Freedom Interrupted: Runaway Slaves and Insecure Borders in the Mexican Northeast", in Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America*, 256.
[49] Especially: Edward B. Rugemer, *The Problem of Emancipation: the Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2009); Matthew Karp, *This*

Sources and Outline

In order to reconstruct the entangled stories of slave refugees and free soil in the US-Mexico borderlands, this study draws mostly upon municipal, county and state archives, military and judicial records, diplomatic and personal correspondence, newspaper articles, "runaway slave" advertisements (more than 350 of them), petitions, memoirs and travel accounts. Nevertheless, such an enterprise remains constrained by the exceptionally scarce and fragmentary character of the evidence, which, alongside an unequal distribution of power and resources between academic circles in the US and Mexico, accounts for why Mexico's past as a land of refuge for enslaved African Americans has eluded the attention of historians for so long. By contrast with the experiences of self-emancipated slaves escaping from the US South to the northern states and Canada, which were often documented by volumes of former slave narratives recorded both during and after the Antebellum period, enslaved people who absconded to Mexico seldom left auto-biographical records that historians can use in order to reconstruct their experiences. For instance, very few freedom suits – a convenient way of collecting enslaved people's own voices – involved bondspeople in the US-Mexico borderlands. [50] Rachel Adams has rightly underscored that "the circumstances of fugitive slaves in Mexico pose an interesting challenge to the logic of the slave narrative, which assumes that the desire for freedom was necessarily coupled with the desire to be literate and to record one's experience on paper". [51] While abolitionist societies and antislavery networks organized in the North were keen to rescue the voices of enslaved people who had absconded from the South, their absence in the US-Mexico borderlands means that it is difficult to access self-emancipated bondspeople's experience through their own voices. [52] A small number of first-hand

Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy (Cambridge: Harvard University Press, 2016).

[50] Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits and the Legal Culture of Travel* (New York: New York University Press, 2009), 7.

[51] Rachel Adams, *Continental Divides: Remapping the Cultures of North America* (Chicago and London: University of Chicago Press, 2009), 73.

[52] The popular (re)discovery of this historical subject is relatively recent on both sides of the border, especially on the Mexican one. Recently, for instance, the newspaper *El Mañana de Reynosa* dedicated some of its pages to the story of the abduction of the Henderson family (see ch.4), six African Americans kidnapped from a *rancho* just across the Rio Grande by mercenaries in 1859. *El Mañana de Reynosa*, 30 Oct. 2016, 6 Nov. 2016 (part 2), 13 Nov. 2016 (part 3), "1859 El rapto de una familia negra" (Martín Salinas Rivera). Fugitive slaves in the US-Mexico borderlands are progressively entering popular imagination on both sides of the border, for instance through the realm of literary fiction. Mexican novelist Carmen Boullosa published an opus set in late 1850s Matasánchez, a fictional border town on the Rio Grande valley, where escaped slaves were noticeable, such as Jones, a runaway bondsman "leaning against the (so-called) cathedral portico [...] selling candles and soaps from his basket", or "El Tigre", a Guinea-born man once "captured by the Comanches and returned to his owner for a handsome reward". Carmen Boullosa, *Texas: The Great Theft* (Deep Vellum Publishing, 2014), 33 and 38. Author Tina Juárez similarly published an historical novel set in the Texas-Mexico borderlands during the US Civil War that includes characters such as Teresa, presented as a conductor of an

testimonies represent exceptions to this rule, such as James Williams' self-narrated experience as a refugee from slavery in Mexico's Pacific coast (ch.4). Some former slaves interviewed during the 1930s by the Works Progress Administration reminisced about Mexico as an imagined land of freedom for enslaved African Americans living nearby, sometimes mentioning runaways in the Texas-Mexico borderlands. Nonetheless, despite the increase in academic interest in these interviews since the 1970s following John Blassingame's groundbreaking *The Slave Community* (1972), historians have often raised doubts about their overall trustworthiness and accuracy. The process of collection and transcription of these testimonies involved a series of omissions, inaccuracies and transformations, resulting in a final product that at times betrayed the original reminiscences. On the one hand, the (overwhelmingly) white interviewers held a considerable sway in the written outcome, often being selective in their collection and treatment of the data, inoculating racial biases in the process and revising transcripts to their own taste. (This last observation is especially valid for the Texas Narratives comprised in the collection's sixteenth volume). On the other hand, former slaves often introduced memorial composure and self-censorship into their accounts of slavery's violence – given the continued weight of racial etiquette in the South, the skin color of their interviewers and the fact that they often lived close to the descendants of their former masters – thus involuntarily portraying plantation slavery as a paternalistic institution. In our present case, these general epistemological issues dovetail with a frequent idealization of the experiences of fugitive African Americans in Mexico, a mythicized recollection combined with the fact that there were almost no interviews dealing with the concrete experiences of self-liberated slaves once they had effectively settled across the border. For the specific setting of the US-Mexico borderlands, the Slave Narrative Collection does not yield many insights regarding the social experiences of slave refugees across the border with Mexico. Nevertheless, it does constitute a precious resource for a cultural history of imaginaries of Mexico as a beacon of freedom in US abolitionist culture and among enslaved African Americans in the US South (ch.1).[53] Considering the almost complete absence of first-person accounts, this study therefore relies on a variety of alternative sources collected in Mexico, the US, Spain, France and Germany, which together address fugitive enslaved people's experiences in the US-Mexican border area, and which were produced by actors who were not (escaped) slaves themselves. Following up James D. Nichols' analysis of the local archives of Matamoros (Tamaulipas), *Conditional Freedom* relies largely upon municipal records from northeastern New Spain and independent Mexico, using these as a source of insights into plantation violence, settlement

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underground railroad aiding enslaved people absconding to Mexico. Tina Juárez, *South Wind Come* (Houston: Arte Público Press, 1998).

[53] On the values and limits of the WPA interviews, consult: John W. Blassingame, "Using the Testimony of Ex-Slaves: Approaches and Problems", *Journal of Southern History*, 41 (1975), 473-492; Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999), 10-11. On the epistemological issues affecting the Texas Narratives: George P. Rawick, *The American Slave: a Composite Autobiography, Supplement, Series 2* (Westport, CT: Greenwood Press, 1979), volume 2, part 1, xxx-xxxix. On the use of the WPA interviews when studying fugitive slaves in Mexico: Cornell, "Citizens of Nowhere", 371.

patterns, enslaved people's networks of support, requests for *amparo* and self-representations.

In comparison with slave narratives, for instance, "runaway slave" advertisements and jail notices – produced by slaveholders, editors and police officials – arguably stand at the other end of a spectrum of subjectivities that ranges from enslaved people themselves to their enslavers. Nevertheless, in addition to providing access to proslavery perspectives, "runaway slave" ads, jail notices and newspaper articles are also useful in studying self-liberated enslaved people's experiences of slavery and freedom in the US-Mexico borderlands, especially when read against the grain. Historians such as John H. Franklin, Loren Schweninger, Sylviane Diouf, Jonathan D. Martin, Walter Johnson and Eric Foner (among others) have underlined not only the variety of epistemological issues that scholars face when studying the enslaved African American population of the US South through this lens, but also the positive insights that these resources can provide when subjected to a critical reading. On the one hand, being written from the master's perspective, runaway slave ads tended to obscure the extreme violence of master-slave relationships by means of euphemisms and omissions. They criminalized enslaved people who attempted to escape from slavery as intrinsically dangerous, deviant or worthless, and often racially stereotyped runaways, for instance describing them as being "lazy" on account of their African origin. On the other hand, however, because their enslavers had a vested interest in retrieving their slaves – and thus attempted to describe them as thoroughly and accurately as they could – "runaway slave" ads contain valuable factual insights into fugitive bondspeople's personal backgrounds and profiles, often representing the *only* source that existed on a given enslaved person. In these short notices, slaveowners often drew individual and social portraits of their enslaved workforce, providing information regarding family connections, physical appearances, speech habits, technical and linguistic skills as well as social abilities. They included not only common markers of traumatic experiences of violence (such as stammering), but also evidence of enslaved people's self-identification and agency. As such, they are drawn on in this dissertation (Part 1).[54]

The structure of *Conditional Freedom* reflects a desire to connect a social history of enslaved freedom-seekers with a political history of the contest between Mexico's free soil and the spread of the Second Slavery west of the Mississippi river valley. Part 1, "*Fleeing Slavery*", examines the nature of slave flight in the Mexican borderlands, following the trajectory of self-emancipated African Americans from the

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[54] On the insights of "runaway slave" ads, see especially: Richard C. Wade, *Slavery in the Cities: the South, 1820-1860* (New York and London: Oxford University Press, 1964), 219; Franklin and Schweninger, *Runaway Slaves*, 120 and 264; Johnson, *Soul by Soul*, 205; Jonathan D. Martin, *Divided Mastery: Slave Hiring in the American South* (Cambridge: Harvard University Press, 2004), 55; Sylviane Diouf, *Slavery's Exiles: The Story of the American Maroons (*New York and London: New York University Press, 2014), 13 and 84; Foner, *Gateway to Freedom*, 23; Antonio T. Bly, "'But calls himself': Rereading Runaway Slave Advertisements as Slave Narratives", The Joint 32nd European Association for American Studies & 63rd British Association for American Studies Conference, London, 4-7 April 2018.

US South to the Mexican border. Chapter 1, *"Experiencing Slavery, Imagining Freedom"*, touches upon the combination of specific motivations and demographic profiles that fostered escape to Mexico. Its first section delves into the construction of imaginaries of Mexico as a promised land of freedom for enslaved and free African Americans, particularly among abolitionist circles and the slave regions of the US South. The following sections explore fugitive enslaved people's background experiences and motives for escape. These include the role of forced migration through the interstate slave trade, the urge to preserve and re-create ties with relatives and loved ones, the prominence of violence in the US Southwestern borderlands, the importance of broken arrangements between masters and slaves and deficiencies in the ethos of southern paternalism. Finally, the last section of this chapter analyzes how gender, age and qualification intersected to shape a specific average demographic profile for would-be fugitives. Chapter 2, *"Geography, Mobility and Networks: Escaping through the US-Mexico Borderlands"*, deals with the various spatial, material and logistic strategies used by enslaved people absconding to Mexican land. It focuses, for instance, on the multiple routes used by slave refugees, underlining the twofold character – both limiting and empowering – of environments in relation to escape attempts and how bondspeople reacted to geographical hardships.[55] Furthermore, it examines the origin and nature of assistance provided to self-emancipated slaves. In particular, it discusses the diverse purposes underlying support offered to fugitives as well as the multiple expressions that such help took, questioning to what extent a southern "underground railroad" to Mexico existed for absconding slaves. Ultimately, it explores the expansion of legal structures and extralegal violence throughout the US Southwest that aimed at curtailing enslaved people's mobility and autonomy as a means to crack down on slave flight.

Part 2, *"Crafting Freedom"*, examines how Mexico developed into a site of "conditional freedom" for runaways from the US South. It delves into the formation of Mexico's free-soil policy and the experiences of self-emancipated African Americans across the Mexican border. Chapter 3, *"Self-Liberated Slaves and Asylum in Northeastern Mexico, 1803-1836"*, analyzes the settlement of escaped bondspeople in late colonial and early independent Mexico's northeastern fringes and scrutinizes its (geo)political implications from the Louisiana Purchase to the Texas Revolution. It thus examines the sinuous development of Mexico as a site of refuge for foreign runaways. While tracing the emergence of unconditional free soil as official policy, this chapter also examines Mexico's remaining ambiguities on slavery prior to 1836, the impact of foreign colonization in Mexican Texas and the continuance of *ad hoc* policies at a local level, all of which persistently jeopardized the status of enslaved asylum-seekers, who, in reaction, relied on both informal and formal strategies for settlement. Finally, Chapter 4, *"'Mexico was free! No slave clanked his chains under its government': the (Contested) Nature of Free Soil and Settlement, 1836-1861"*, addresses the settlement

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[55] Mekala Audain has recently offered an analysis of environmental constraints and slave flight in Texas which chapter 2 supplements: Mekala Audain, "'Design his Course to Mexico': the Fugitive Slave Experience in the Texas-Mexico Borderlands, 1850-1853", in Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America*, 232-250.

of self-emancipated slaves in Mexico and its variegated political and diplomatic ramifications before 1861, in a context of rising polarization between free-soil Mexico and the expanding slaveholding frontier of the US South. It analyzes the controversial entrenchment of Mexico's free-soil policy towards US escaped slaves after 1836, presenting the wide range of debates, both locally as well as internationally, that its practical enforcement generated. The following sections touch upon escaped bondspeople's settlement in Mexico, the responses to their arrival by Mexican officials both in the borderlands and at a federal level, along with the diverse threats to their formal freedom in Mexico, including slaving raids and wars. In conclusion, the chapter explores how slave flight intersected with separatist pressures in northeastern Mexico and rising sectionalism in the US.