

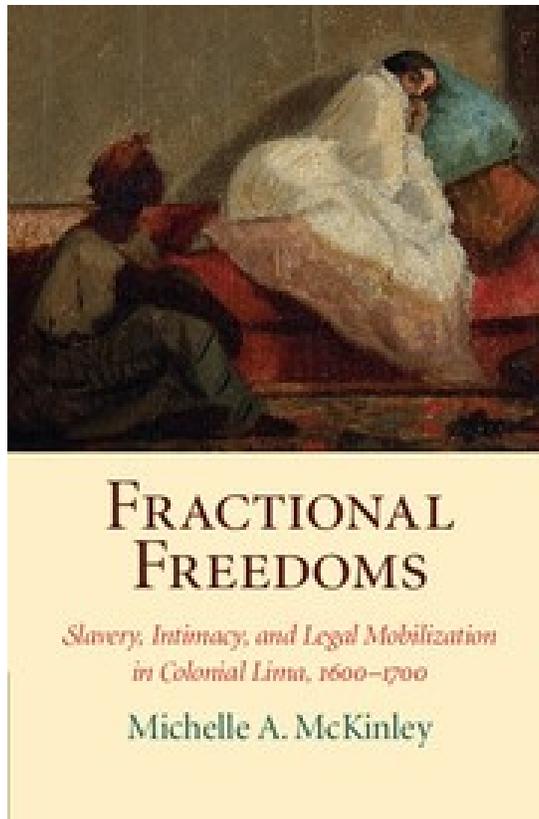
Juana de Godinez: Navigating Freedom Inside the Cloistered
Households of Religious Women in Colonial Lima

Michelle A. McKinley

The chapter is part of an edited volume entitled “Women Claiming Freedom/Freedom in Degrees: Gender, Race and Liberty in the Americas.” The volume is co edited by Terri Snyder, Tatiana Seijas, and Erica Ball. All authors were asked to address five questions and use a biography to explore these questions.

FIVE QUESTIONS

1. how did the subject claim freedom?
2. what was her route to freedom?
3. what obstacles did they face?
4. what were the gendered dimensions of claiming freedom?
5. And finally the big one : what is freedom?



Juana de Godinez: Navigating Freedom Inside the Cloistered Households of Religious Women in Colonial Lima

Michelle A. McKinley ♦

On March 10, 1687, Juana Godinez sued doña Ana de Becerra, the Mother Abbess of the Monasterio de la Encarnación in Lima, Peru for the right to remain within the convent as a freed woman.¹ Juana de Godinez, a twenty-five year-old *mulata* appealed to the court through her advocate to clarify the terms of her testamentary freedom. According to the last will and testament of her owner, doña Beatriz Godinez de Luna, Juana could remain in the Monasterio de la Encarnación as a free woman. If Juana chose to leave the Monasterio, she would have to pay 400 pesos in exchange for her freedom papers. The lawsuit emerged because the Mother Abbess refused to honor doña Beatriz's last will and testament, and the lawyer who administered the cloisters' affairs claimed that doña Beatriz executed her will without the proper authorization. Moreover, the lawyer maintained that as doña Beatriz served as the Mother Abbess prior to her death, all her bequests redounded to the Monasterio de la Encarnación. Finally, he claimed that Juana brought this suit as a mere pretext to lead a loose life outside of the cloister, free of anyone who would discipline her or employ her in productive labor.

Prior to her death, doña Beatriz drew up a testamentary document in which she declared Juana conditionally free. As the document formed the basis for Juana's suit, it merits a close look. In the document, we learn that doña Beatriz purchased Juana for 500 pesos from her sister doña Gertrudis Godinez de Luna. We do not know how long Juana had been in the service of either sister, and the document's terse and contractual tenor relayed no sense of a generational history with the family that was customary in many such testamentary grants of freedom. There were no additional bequests of jewelry, intimate clothing, blankets or bed sheets, trinket boxes or shawls that typically accompanied the bequests of religious women.² The document was much clearer about the terms of Juana's freedom. If Juana remained in the Monasterio de la Encarnación, she would be free without anyone subjecting her to servitude. However, if Juana were to leave the cloister, she should pay her purchase price of 400 pesos, and that sum should be paid to doña Beatriz's niece.

♦ Bernard B. Kliks Professor of Law, University of Oregon School of Law. I wish to thank everyone who provided constructive and thoughtful feedback in the TePaske Seminar on Colonial Latin American History at Emory University, and the Willard J. Hurst Summer Institute in Legal History at the University of Wisconsin School of Law. I also thank audience participants at the conference on Family and Justice in the Archives at Concordia University, and the Rocky Mountain Conference on Latin American Studies. As always, Raúl Jimmy Martínez provided excellent research assistance. All errors are my own.

¹ AAL, Monasterio de la Encarnación, Leg.16, Exp. 104, Años 1687-1689.

² See e.g. the excerpt cited from the last will and testament of doña María Frias: *Quiero y es mi voluntad que la cuja en que duermo es dorada quella esta usada con su pabeyón de algodón azul y colchones y cubrecama y sabanas se las dexo a María del Espíritu Santo zambita por aver libertado y asimismo le dexo a la dicha zambita unos brazzaletes de corales y perlas con otros de granates y perlas menudas.* (Lima 1695).

Doña Beatriz's niece would administer the sum on her behalf, which would pay for the masses sung for her soul (*misas cantadas*) and for alms for the poor.

Manumission in Baroque Lima

Juana's case unfolded in the seventeenth century in Lima, Peru. The City of Kings, (as Lima was known), was the capital of the Viceroyalty of Peru. In 1600, the Viceroyalty of Peru included all of Spanish South America, which encompassed today's Bolivia, Colombia, Panama, Ecuador, Venezuela, Paraguay, Uruguay, Chile and Argentina. After its founding in 1535 and notable growth through the viceregal reforms in the 1570s, Lima blossomed into a bustling metropolitan center by the late sixteenth century. Both Church and Crown invested extensively in ecclesiastical, administrative, and juridical structures. The city's population and commerce boomed. Lima served as a vital port city importing people and goods from Africa, Asia, and Europe and exporting precious metals and other rich commodities from the Andes. A 1613 census documents Lima's population at approximately 25,000: half of which was black or enslaved.³ The other half was composed of Spanish colonists either seeking fame and fortune or traveling to spread the Catholic faith in the New World.

Juana lived inside the Monasterio de la Encarnación, a large Augustinian convent that housed over 1,000 women in the late seventeenth century.⁴ Chronicles from the period depict the Monasterio de la Encarnación occupying two and a half city blocks (*manzanas*)—making it one of the two largest convents in Lima.⁵ While the city bustled outside the convent walls, in its interior visitors found elaborate chapels and cloisters, well maintained gardens with “riotous blooms”, and ingeniously networked canals that ensured the convent's independent supply of water channeled from the Rimac river. The Monasterio de la Encarnación had its own private infirmary to care for ailing nuns and residents, and administered its own jail, bakeries and kitchens. Wealthier nuns like the Godinez sisters had their own retinues of servants (*criadas*) and slaves to tend to them in their luxuriously appointed apartments. The Monasterio also housed private classrooms, dormitories, and common spaces for novitiates, as well as quarters for servants and slaves. The Monasterio was famed for its choir, which was a source of pride and rivalry among Lima's convents.⁶ As one chronicler marveled, “inside the convent walls, the Monasterio de la Encarnación truly resembled a well-developed town.”⁷

By the time Juana brought her suit in 1687, she turned to a robust ecclesiastical and viceregal bureaucracy with a network of courts, staffed by royally appointed judges, public defenders (*defensores de pobres*), prosecutors and notaries all of whom were invested in the administration of justice in the city of Kings. Juana's enslaved status did not prevent her from bringing a lawsuit against one of the most powerful monasteries in the city. In the

³ Escobar Gamboa, Mauro. *Padrón de los Indios de Lima en 1613*.

⁴ Census figures for 1665 show the Monasterio's population at 510. By 1700, the cloister accommodated 1041 women. See Ricardo Cantuarias Vargas, “Beaterios y monijos en el Perú virreinal,” BIRA 29 (Lima): 65-79 (2002), p.70.

⁵ Pedro Guibovich Pérez, “Velos y votos: elecciones en los monasterios de monjas de Lima colonial,” *Elecciones* (2003) 2, 201, p.202.

⁶ Liliana Pérez Miguel, “Entre normas y particularidades. El caso del Monasterio de la Concepción de la Ciudad de los Reyes, (1573-1650).”

⁷ Bernabé Cobo, *Historia de la fundación de Lima*, [1639], p.280.

Iberoamerican world, enslaved people were endowed with legal personality that enabled them to litigate on their own behalf and on behalf of other relatives.⁸ Indeed, the extant sources show that enslaved litigants were frequent users of both ecclesiastical and viceregal courts.⁹

Throughout Iberoamerican cities, enslaved women sought assistance from the courts primarily to clarify promises of manumission adumbrated in testaments and utterances, enforce their right to matrimonial unity if an owner planned to separate a married couple, or to seek a new owner.¹⁰ Enslaved men also used the courts, but women were more frequent actors in the judicial realm to litigate terms of liberty for themselves or for their loved ones that originated in prior promises of manumission.¹¹ Juana's case combines a number of these elements in pressing for her liberty: a testamentary bequest, a change of ownership petition, and self-purchase. All three elements were grounds for manumission under Roman law.

In order for emancipation to be legally valid, slaveowners prepared a notarized freedom letter (*carta de libertad*) that set out the terms of manumission. Many lawsuits emerged in the murkiness of unfulfilled promises or misunderstood terms of manumission. In testamentary manumission, owners often placed conditions on the "freedom" of the enslaved either through requiring payment or additional years of service to surviving family members. In Juana's case, doña Beatriz intended that Juana remain free within the Monasterio de la Encarnación. If she were to leave, Juana would have to pay her purchase price of 400 pesos. Lawsuits also resulted from cases like Juana's where heirs protested the testator's grant of freedom in order to assert continued property rights as part of their inheritance.

Another popular form of emancipation in Lima was baptismal manumission. Enslaved mothers and fathers took advantage of the comparatively lower purchase price of a child and paid for their child's freedom while remaining enslaved. We see strong sentiments of intergenerational bonds and maternalism in these baptismal manumission documents, and within the parish books recording the baptism. The terms "nacida en mi casa" (born in my home) or "recibida en mis manos" (born into my hands) accompany these freedom letters with such frequency that they warrant our attention as we reconstruct the meanings of and paths to freedom for enslaved women. Just as men argued for their liberty on the basis of militarized allegiance and service to King or republic, women alleged loyalty to a family and

⁸ Frank Tannenbaum, *Slave and Citizen*.

⁹ McKinley, *Fractional Freedoms* chapter 1.

¹⁰ On the customary right of enslaved people to change owners (*buscar papel* or *pedir papel*), see Alejandro de la Fuente, "Su único derecho: los esclavos y la ley" *Debate y Perspectiva* 2004, and "Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*," *Hispanic American Historical Review* 87:4 (2007), 659-92.

¹¹ Despite the popularity of judicial review, the most common route to freedom for most enslaved people in Lima was through self-purchase. See, Christine Hunefeldt, *Paying the Price of Freedom*, Carlos Aguirre, *Agentes de su propia libertad*, Maribel Arrelucea Barrantes, *Replanteando la esclavitud*, José Ramón Jouve Martín, *Esclavos en la ciudad letrada*.

their right to freedom earned after a life of service.¹² I return to the matter of conditional liberty and childhood emancipation later, but here I want to underscore the ways in which these multigenerational bonds forged within a household factored into the calculus of liberty and bondage of women like Juana Godinez.

How did Juana claim freedom?

Juana claimed her freedom by asking the court to determine her status and validate doña Beatriz's intent to emancipate her. She went to court because the new Mother Abbess indicated that she would not honor her owner's bequest. Juana clearly had the freedom letter in her possession since she submitted it as evidence for her lawsuit. Provided that the testator was of sound mind, wills could only be invalidated if the debts against the estate were greater than the assets, or if they transferred property interests that the testator did not possess. According to doña Beatriz's testament, Juana was free within the cloister and subject to sale outside of it. However, the new Mother Abbess sought to relegate Juana's status to community property by claiming that doña Beatriz had no property right in Juana. Nuns like doña Beatriz were supposedly bound by vows of poverty and renounced all worldly property once they professed to a holy life. Notwithstanding the legality of conveyance, the idea of Juana's *internal* freedom was disconcerting to the conventual officials as it contravened the few positions that African descent women were allowed to occupy within the cloister. African descent women had two possible options for remaining within the convent: they could either be donated servants (*donadas*) or slaves. As such, the Mother Abbess's reluctance to grant Juana's freedom was grounded in larger issues of social control and regulation of African descent women within the convent.

Juana's position as an enslaved woman who belonged to a powerful patron within the Monasterio de la Encarnación presents more complexities with respect to her privileged status, which I address below. In general, however, women of African descent had a thorny relationship with religious enclosure.¹³ Many monasteries, especially prestigious urban ones like the Monasterio de la Encarnación received young female slaves from their owners to train them for domestic service.¹⁴ Interned laywomen could also alienate their enslaved property when faced with financial exigency or to meet their obligations to the religious community. Girls of African and Andean descent who were born within the convent served their mother's owners as soon as they were able, alternating between dedicated personal service or working outside the convent as a *jornalera* for a daily wage. Juana's case enables us to pose critical questions about autonomy, dependency and unfreedom, and the enduringly

¹² Enslaved men were eligible for emancipation if they served in military campaigns that signaled their willingness to risk their lives to defeat a common enemy. Enslaved militias could be mobilized by republicans seeking independence and monarchists depending on the historical context. See Aline Helg, *Slave No More: Self-Liberation before Abolitionism in the Americas*, Ben Vinson, *Bearing Arms for His Majesty: The Free Colored Militia in Colonial Mexico*. As Vinson argues, the Spanish Crown invested meagre resources in its American military and was more focused on securing the waterways of the main cities and ports. Consequently, military campaigns across land were harsh and dangerous, with great susceptibility to attacks from mercenaries, disease, starvation, and death.

¹³ Van Deusen, *Embodying the Sacred*.

¹⁴ McKinley, *Fractional Freedoms*, Chapter 6.

racialized dynamics of servants, slaves and mistresses. Indeed, the slaveholding sacred space encompassed domestic labors that were for the most part, experienced as relationships—of sentiment, status, and class.

Most African descent women labored “among pots and pans” to provide domestic services to the wider cloistered community that enabled their owners to submit to a life of devotion and religious contemplation. Monasteries could also be places of discipline and punishment for women of African and indigenous descent. Many women were placed in religious confinement to punish them for insubordination that fell short of egregious conduct that would have imprisoned them in more severe or restrictive placements like bakeries (*panaderías*) or workhouses (*obrajes*).¹⁵ The sources are replete with cases in which enslaved women and girls protested their confinement with the language of consent.¹⁶

In the Iberoamerican world, monasteries were a key symbolic and material site of socialization, reproducing racialized and gendered hierarchies that shaped colonial slaveholding societies. Elite women of Spanish descent entered the convent as novitiates, as pious lay women (*beatas*) and as residents (*seglares*) who rejected the secular world (*siglo*). Though laywomen and *seglares* did not profess, they brought rents, endowments, and properties to the convents, and their personal needs were administered by their slaves. Religious residential spaces were viewed as appropriate for women who were widowed, unmarried, or temporarily separated from their husbands. Other women could be placed “on deposit” inside a convent during a pending legal battle over ecclesiastical divorce or property dispute. This temporary arrangement ensured that the honor of the internee’s husband or family would not be besmirched and provided her with a reputable matriarchal institution for discipline and supervision. Enslaved women and poorer women on deposit worked in exchange for their room and upkeep during their legal proceedings. In short, the cloister reflected the hierarchies, gendered norms and racial logics of the colonial slaveholding societies in which they were embedded.

Many historians have written about the cloistered world from the vantage point of female political autonomy, celibacy, spiritual ecstasy, and power for women of Spanish descent.¹⁷ But for black women, the cloistered slaveholding space was often experienced as *reproductive*, disciplinary, and carceral.¹⁸ Though the sacred space differed in many key

¹⁵ Maribel Arrelucea Barrantes, “Conducta y control social: las panaderías de Lima,” Pablo Sierra Silva, *Urban Slavery in Colonial Mexico*.

¹⁶ Legally, women had to consent to their enclosure and dedication to religious life. They professed at the age of twenty-five regardless of whether they lived their whole lives in the convent.

¹⁷ On the global peregrinations of Spanish nuns, their self-fashioning and reimaginings in the Spanish empire, see Sarah Owens, *Nuns Navigating the Spanish Empire*.

¹⁸ Here, I build on the scholarship of historians of early New England, who study coerced and extractive labor in other contexts beyond slavery: servitude, orphanage-workhouses, asylums, domestic employment agencies, and indenture of poor or unwed mothers and children. I use the slaveholding convent to examine carceral forms of feminized labor, to look across the hemisphere at questions of gender, intimacy, domesticity, and labor in the Americas. See Jen Mannion, *Liberty’s Prisoners: Carceral Culture in Early America*; April Haynes, “Tender Traffic: Intimate Labors in

respects from the *siglo*, the cloistered slaveholding space is most productively treated as we do its secular counterpart: a domestic realm rife with contradictions of status, intimacy, affect, “race,” oppression, and age-based hierarchy. This does not overlook the fact that many enslaved women sought refuge within the cloisters and by doing so obtained a modicum of social mobility and security inside the convent walls. However, their social mobility was contingent on exemplary religious virtue and aptitude for divine intercession.¹⁹ Pious African descent women with talents for intercession, miraculous deeds, and fervent prayer could be admitted as *donadas*: forming a relatively small segment of the servile population within the convent. In order to exempt them from servitude and prove their moral fitness for religious vocation, Mother abbesses pointedly distinguished between black intercessors and their enslaved counterparts. In one petition to the Archbishop in 1660, doña Beatriz requested permission to admit the *cuarterona* slave Adriana Flores as a *donada*, claiming that Adriana had been raised within the Monasterio de la Encarnación from a tender age and showed profound mental aptitude for prayer.²⁰ Again we see sentiments of both maternalism and exceptionalism in these petitions for admission to exempt the supplicants from the “taint” of slavery and African lineage.

The large numbers of servants within the convent and the concomitant racial composition within generated tension and conflicts that repeatedly pitted the Mother Abbesses against the male ecclesiastical hierarchy.²¹ Ecclesiastical authorities in Spain and in Peru were acutely conscious of racial impurities in an institution that excluded converts to Catholicism, or those who could not claim four generations of Catholic blood.²² At the outset, the Monasterio de la Encarnación was founded as a place for elite women of Spanish descent in 1561. In its founding documents, *mestiza* girls of noble Inca descent were not allowed to profess, nor enter conventual life. Decades later, prominent conquistadores sought admission for their illegitimate daughters and offered exorbitant dowries to compensate for their daughter’s “tainted” lineage. The Archbishop accepted these dowries though not without controversy.²³ The Archbishop and his peninsular Augustinian brethren compromised on the issue of admitting well-born *mestiza* women, provided that they could not ascend the conventual hierarchy. Financial exigencies and colonial racial logics generated tensions between male ecclesiastics and the Mother Abbesses for centuries and reached their

the Early American Republic” (forthcoming); Andrew Urban, *Brokering Servitude: Migration and the Politics of Domestic Labor during the Long Nineteenth Century*.

¹⁹ Lima’s most famous Afro-descent *donada*, Ursula de Jesús was renowned for her abilities of intercession. Although Ursula’s early conventual life was marked by the racial logics of slavery and servitude, her spiritual visions catapulted her to the bedsides of the dying elite in the throes of contrition. See Nancy van Deusen, *The Souls of Purgatory: The Spiritual Diary of a Seventeenth-Century Afro-Peruvian Mystic, Ursula de Jesús*.

²⁰ Valdés, “Recogidas, virtuosas y humildes.”

²¹ Valdés, “Recogidas, virtuosas y humildes.”

²² On blood purity (*limpieza de sangre*) and racial hierarchy in the Iberoamerican Catholic world, see María Elena Martínez, *Genealogical Fictions*.

²³ See, Ruben Vargas Ugarte for the intriguing history of admission of the field-marshal don Alonso de Alvarado’s three *mestiza* daughters and their proffered dowry of 20,000 pesos.

peak in the late seventeenth century—precisely the period during which Juana de Godínez resided within the cloister and brought her suit.

Reconstructing Juana's life within the Monasterio de la Encarnación

As Kathryn Burns has noted, enclosed religious women were involved in dense economic networks that reflected a “spiritual economy.” Women arrived into conventual life with a dowry commensurate with their family's means. Elite novitiates paid a dowry that assured their entry, replete with retinues of enslaved people, silver, linens, poultry, and other goods to assume their positions as brides of Christ.²⁴ Only girls of “pure” Spanish descent could profess to become nuns who wore a black veil (*velo negro*), which designated their dowry, their years of profession, and their status. Nuns wearing the black veil were eligible to serve as Mother Abbesses or run for other elected positions, to vote in elections, and to sing on the choir. Other Spanish descent women who hailed from well to do families that experienced straitened financial circumstances were destined to wear a white veil (*velo blanco*). The white veil showed their religious vocation, but also revealed their lower social status and modest dowry. They could not vote in conventual affairs, lead masses or prayers. During the seventeenth century, many illegitimate daughters of Spanish descent were abandoned within the convents, who were raised therein as *niñas expósitas*, or orphans.²⁵

Other women, often relatives of professed women resided within the convent as *seglares* who paid for their accommodations. These dwellings could be extensive, well equipped apartments, with patios, rooftop gardens, private chapels, plots of land and poultry pens within the convent, or small, austere furnished single rooms in dormitories that depended on the occupant's status or vocation.²⁶ Nuns wearing the black veil also accommodated their female relatives within their private dwellings, and these women had their own personal servants and slaves like Juana who attended to their needs. Enslaved women like Juana were not part of the conventual labor pool and comprised a comparatively privileged class of servants. Doña Beatriz's apartment housed her sisters Bernarda and Gertrudis, neither of whom vacated their accommodations after her death. The Godínez sisters' wills and testaments transferred their tenancy to younger and surviving nieces, goddaughters, and cousins within the cloister. The Godínez sisters and their nieces

²⁴ Burns, *Colonial Habits*, p.62.

²⁵ As María Emma Mannarelli has noted, the category of *expósita* was specifically designed to shield Spanish women from the stain of an illegitimate pregnancy and protect the family honor. *Pecados Públicos. Expósitas* did not always don a white veil if it could be proved that they hailed from noble families. Of course, this knowledge laid bare the secret of such pregnancies. In 1667, the Godínez sisters petitioned for one of their young relatives to enter the Monasterio de la Encarnación. In her petition for admission, she was classified as an *expósita*. Nonetheless, she was identified with the honorific title *doña* and entered with the vocation of a nun of the black veil. AAL, Monasterio de la Encarnación, Leg. 12 Exp.16, 1667.

²⁶ Records show that doña Floriana de España paid the astounding sum of 40,000 pesos for accommodations for her daughters and sisters in 1671. See Liliana Pérez Miguel, “Normatividades e instituciones eclesiásticas,” p.157.

essentially formed a multigenerational female headed household inside the Monasterio—a remarkable feat for nonprocreative women.²⁷

As seen in doña Beatriz's petition for Adriana Flores, formerly enslaved women of African and Andean descent and mestiza women could and did profess their vocation for religious enclosure. "*Donadas*" (donated servants) professed at the age of twenty-five, and they needed a sponsor to vouch for their spiritual vocation and virtue, as well as their domestic talents. Their sponsor also had to provide a dowry of 500 pesos.²⁸ We find no evidence in Juana's case that she intended to profess. There was no admission paperwork (*auto de ingreso*) or other records that alluded to her change of status from a domestic slave to a *donada* on file. Indeed the convent's admission records reveal that during her tenure as Mother Abbess, doña Beatriz petitioned for scores of *donadas*—many of which occurred around the same time that she freed Juana.²⁹ If Juana indeed wanted to profess, her owner's status and power within the Monasterio would have guaranteed her a smooth transition. Juana's lack of perceived religious motivation made it highly unlikely that she could have remained within the Monasterio as a free woman. Indeed, if we compare the language used to free Juana with the language doña Beatriz used when she sought dispensation for other African descent and enslaved *donadas* like Adriana Flores, it is clear that Juana demonstrated no aptitude for religious vocation.

I suspect that in bringing her suit, Juana gambled on her owner's posthumous power and prestige to negotiate a semblance of autonomy over her time and labor while she debated whether to live outside in the *siglo* or remain within the Monasterio. As the Mother Abbess, Juana's owner occupied the most powerful position within the Monasterio.³⁰ It was not unthinkable that this power could trickle down to protect her enslaved property even after her demise, especially if she made testamentary provisions for their freedom. Despite doña Beatriz's rank and power, the new Mother Abbess maintained that Juana was community property according to the law. While this may have been the law, the vows of poverty were studiously ignored by elite nuns and rarely invoked to invalidate an inheritance or property conveyance. Mother Abbesses enjoyed virtually untrammelled power to dispose of their property.³¹ As seen above, doña Beatriz seamlessly transferred her life tenancy to her female kin within the Monasterio despite her putative renunciation of property rights.

Was Juana perhaps a casualty in the battle between factions who were loyal to doña Beatriz or to her successor doña Ana de Becerra—the Mother abbess who refused to free Juana? While the records do not reveal this tension, chroniclers have attested to the rivalries that accompanied the election during which doña Ana assumed the abbatial throne. Tensions ran so high during this election that the viceroy sent the cavalry to patrol the walls of the Monasterio de la Encarnación. As Joseph de Mugaburu wrote in his *Chronicle of Colonial Lima*:

²⁷ On cloistered female clusters, see Martin, *Daughters of the Conquistadores*, Chapter 7.

²⁸ Van Deusen, "Pots and Pans", p.141.

²⁹ Valdés documents the admission petitions for *donadas* in the Encarnación between 1660-1669. The ecclesiastical authorities accepted 55 of these petitions. "Recogidas, virtuosas y humildes," p.252.

³⁰ Gubovich, "Velos y votos." In terms of convent hierarchy, following the Mother Abbess in consecutive order was the Mother Subprioress, the treasurer, the head of novitiates, and the keeper of the doors (*portera*).

³¹ Martin, *Daughters of the Conquistadores*.

On Sunday, July 12, 1671, the city of Lima awoke to a tense calm. Strange rumors circulated across the city, and the faces of the residents were noticeably tense. Why was everyone so anxious? It was not word of an imminent pirate attack, nor an indigenous rebellion, neither was it the celebration of another auto-da-fe. Rather, it was the election of the Mother Abbess of the Monasterio de la Encarnación. Inside the convent, as was customary on such occasions, the political struggle divided the nuns. To quell tensions on the outside, the viceroy dispatched a mounted patrol that Sunday at 10 pm, ordering the troops to remain until the new Mother Abbess was announced. Any altercation was punishable with 100 strokes of the whip and exile to Chile.³²

While Mugaburu may have overstated the affair, he underscored the alliances of families outside of the convent who backed their own factions inside—once again reminding us of the intertwined nature of the spiritual economy. It bears mentioning that colonial Lima had no banking system or tax base for municipal affairs. Mother abbesses controlled the financial purse strings and the wealth generated from the rents, dowries, mortgages and endowments of their convents, rendering them incredibly powerful creditors.³³ Since only nuns of the black veil could vote, fierce competition ensued amongst factions and blocs for the coveted position of Mother abbess. Historians have noted that enslaved women—especially those living in multigenerational dwellings like those that housed the Godinez matriarchy-- played a significant role in these negotiations, recruited into the intrigue of issuing bribes, threats, and allegiances to get out the “secret” vote to ensure their bloc’s victory.³⁴

What obstacles did Juana face on her path to freedom?

Juana de Godinez lay at the nexus between property and piety. Professed nuns took vows of poverty, renouncing the worldly goods, luxuries, and opulence of the secular world. However, women like doña Beatriz entered into conventual life as elite novitiates with dowries that reflected their families’ status in the secular world.³⁵ Technically, cloistered nuns took vows of poverty, but they were also bound to sustain and endow the religious community of which they were part.³⁶ The novitiate’s dowry was intended to sustain the religious community and not to burden it. In this spirit, the Mother Abbess who succeeded doña Beatriz grounded her appeals with the language of religious sustenance and community property. A subsequent appeal filed against the Godinez estate for a license to sell two other

³² Joseph de Mugaburu, *Chronicle of Colonial Lima*, 1935, 141.

³³ Burns, *Colonial Habits*.

³⁴ Gubovich, “Velos y votos” p.207, Luis Martin, *Daughters of the Conquistadores*, Chapter 7. Doña Ana de Bercerra was elected in 1671 in a tense election with her rival who destroyed the conventual symbols of power upon learning of the result. The Archbishop sanctioned doña Ana’s opponent with excommunication and a hefty fine.

³⁵ According to the record, doña Beatriz’s father paid over 3,000 pesos—an impressive dowry indicating her family’s prosperity and social rank.

³⁶ Burns, *Colonial Habits*, 45.

young enslaved girls implored the ecclesiastical authorities to take the convent's straitened financial considerations into account. As the Mother Abbess wrote, "we have enormous and pressing financial needs and we find ourselves without any money to sustain our community. We ask therefore that the Court allow us to sell María Cristina."³⁷ This appeal against another testamentary bequest of doña Beatriz wound its way to the court in 1696-- nearly a decade after Juana's initial legal action. However, the Monasterio's lawyer made the same argument in both cases. Any bequests that doña Beatriz made to her slaves were subject to probate.

Juana asked for an *amparo* from the court that would enable her to live within the convent and negotiate her purchase price. The *amparo*-- which functioned as a temporary injunction or a court issued protective order-- effectively shielded her from any adverse probate action taken against doña Beatriz's estate. The court granted Juana the *amparo* she sought, cautioning the Mother Abbess that she was not subject to servitude during the time of the appeal. Predictably, the Mother Abbess resisted the grant of *amparo*, (and presumably the payment to doña Beatriz's niece rather than the convent) and the proceedings lay dormant while the city of Lima suffered extensive damage in the October 1687 earthquake.³⁸

Paying close attention to the cadence and tenor of the written document as the proceedings resumed the following year, we see Juana change from someone portrayed as a delinquent who only wanted to live a loose life to a sweet natured young woman. In a surprising capitulation, the Mother Abbess stated that the Monasterio would respect the terms of Juana's *amparo*, and agreed to the purchase price of 400 pesos if Juana decided to leave the cloister. The Mother Abbess's capitulation did not cede the Monasterio's property rights in Juana. However, the way in which she referred to Juana reflected a change of heart. The Mother Abbess stated that Juana was punctual within the cloister with her services and that she was tender hearted (*tierna y puntual*). She concluded that there was no reason to fight the *amparo* with any punitive action.

We can speculate about doña Ana's change of heart, but it is more instructive to think about it from Juana's position. Upon learning of this acceptance, the court once again instructed the Mother Abbess to make sure Juana was well treated and that no one interfered with her litigation or her attempt to purchase her freedom.³⁹ Now properly ensconced within

³⁷ Doña Constanza Rosa de Campo, abadesa deste Monasterio de Nuestra Señora de la Encarnación...digo que por muerte de la madre abadesa doña Beatriz Godínez de Luna dejó una negra ya de edad nombrada María Catalina....y ballándonos con grandes aprietos por no tener un real ni cobraser para poder sustentar las religiosas, suplico a vuestra merced se sirva de mandar que... me entregue el dinero para que le toque a la María Catalina y con lo procedido remediar algunas de las muchas necesidades que me afligen sin tener donde ocurrir sino a la piedad de vuestra merced de quien espero todo favor. AAL, Monasterio de la Encarnación, Legajo 28, Exp. 95, 1696.

³⁸ Though these cases moved at a glacial speed, it is likely that Juana's proceedings were delayed by the massive earthquake of October 1687 that struck Lima. Over 5,000 people perished in this earthquake-tsunami, destroying many parts of the city. As we see, Juana resumed her proceedings in 1688.

³⁹ Auto, Habiendo visto estos autos=mando que Juana Godínez mulata sea reducida al convento de nuestra Señora de la Encarnación y que por ahora y en el interino que es reducida se declarara no tener obligación a responder al dicho monasterio estando en ella no la pueda inquietar prelada alguna.

the cloister's labor pool, Juana's valuation changed from privileged private slave to community property. However, in the next document filed before the court, Juana decided to leave the convent and the Mother Abbess requested a license from the court to sell her for 400 pesos. This low purchase price reflects a modest victory for Juana, given that Lima's buyers coveted female domestic slaves with her skills, conventual upbringing and reproductive potential.⁴⁰ In 1688, the record reveals that Juana paid the Mother Abbess 200 pesos as a down payment of her [self] purchase price and promised to pay the remaining 200 pesos within one year. This was not a figure that was out of reach—similar industrious, sought-after domestic slaves could earn about 200 pesos annually supplying personal services. The Mother Abbess accepted this offer; however, she specifically stated that in return, Juana renounced any effort to litigate her freedom. The paper trail in Juana's case ends with her inability to secure the remaining 200 pesos for her freedom.⁴¹ Juana then requested that the Mother Abbess sell her to an owner whom the convent deemed suitable.

What were the gendered dimensions of claiming freedom?

Historians of slavery often use litigation to reflect on the enslaved person's cumulative path to quasi emancipation or to accrue fractional freedoms. When I first reviewed this case, it was among a number of disputed manumission cases in the prolific folios of conventual records. Historians of colonial Lima have been able to use the abundant ecclesiastical records to reconstruct the lives of religious women and the tremendous cultural and economic power that they wielded within the context of Catholic hegemony. My interest in these cases has always been to consider how the conventual space defined the experience of enslaved women.⁴² We have no evidence that Juana wanted to remain inside the Monasterio de la Encarnación, but she seemed to have limited options in the *siglo* that guaranteed her the same privileges that she accrued inside the conventual Godínez household. She may not have had patrons in the *siglo* if she had invested all her social capital in her relationships with the cloistered Godínez matriarchs. By remaining inside the Monasterio and embarking on this legal battle, was her strategy simply to buy time, cultivate the graces of a potential buyer who would provide the down payment for her release? Or was her intention to carve out a space inside the cloister in which she could be free from a certain kind of backbreaking servitude from which she was spared while her owner was alive?

I was not surprised by the outcome in Juana's case because it fit with the prevailing trend of fractional freedom in the lives of enslaved women in the Iberoamerican world. Juana charted a path by claiming freedom in court that did not drastically change her material condition for better or for worse. However, there were parts of the document that were out of sync with the epistolary genre of beneficent testaments. Doña Beatriz's letter, for instance, was curiously devoid of the sentiments of reward, contrition, or the inter-generational history that we see in the testamentary record of religious women. I also found

⁴⁰ Juana as a woman of prime reproductive age could have fetched 525-1000 pesos. See McKinley, *Fractional Freedoms*, p.218.

⁴¹ The court awarded the Mother Abbess the license to sell Juana on December 16, 1688.

⁴² For a similar inquiry in Puebla de los Angeles, see Pablo Sierra Silva, *Urban Slavery in Colonial Mexico*.

Juana's suit and its proximity to the contested election for the abbatial throne in the Monasterio de la Encarnación striking. More curious was Juana's inability to be re-classified as a virtuous or pious *donada* despite her appropriate age. Was she perhaps a mother?

Knowing that much of the archival footprint left by enslaved women is found within the records of their owners, I wondered whether it was possible to find more about Juana's life through her owner, doña Beatriz.⁴³ Doña Beatriz served as Mother Abbess repeatedly for nearly two decades, and lived inside the Monasterio de la Encarnación for most of her life. In her role and during her tenure, doña Beatriz generated a tremendous amount of documentation. The documentary trail of Juana Godinez's case was housed within the ecclesiastical archive, as it was attributed to the legal proceedings of the Monasterio de la Encarnación, not to the agency or efforts of enslaved litigants like Juana herself. While these archives yield valuable information about cases like those waged by enslaved women like Juana, they are partial and incomplete. The more expansive record of family history, wealth, status and other property indicia are found in the notarial record. In short, the property history of a person is archived elsewhere.

Juana's advocate requested an exemption from probate very early in her litigation. This signified that there were parallel processes against the estate occurring, and that there might have been more at stake than Juana's freedom. Indeed, as we saw earlier, there were other proceedings disputing two of doña Beatriz's testamentary freedom bequests that continued into the eighteenth century.

The notarial record revealed that the three sisters, doña Beatriz, Gertrudis and Bernarda owned an impressive number of slaves and made detailed—and often generous provisions for their enslaved property. Beatriz made significant testamentary provisions for Juana's *children*.⁴⁴ Doña Beatriz donated two children of her slave Juana (aged 2 years and a newborn of 2 months) to the cloister in her will, stipulating that they should be raised by their mother. Doña Beatriz also made provisions for their education and bequeathed them an annuity to ensure that they qualified as *maestros* in whatever profession they chose. Her preference was that the boys professed to a religious life, but her only condition on their choice was that they qualify as *maestros*. If the boys did not comply with these terms, they would remain as community property.⁴⁵ Importantly, these provisions were not part of the letter of freedom granted to Juana although the two documents were redacted at the same time.

⁴³ See e.g. Anette Gordon Reed who writes about the inextricable intimacies revealed by the biographies of “Great Men.” As she writes, “History can be told through the lives of those who lived under the power wielded by Great Men and Women.” Gordon-Reed, “Early American Lives as Biography, *William & Mary Quarterly* 71:4 (2014), 498. See also, Lisa Lindsay and John Sweet, *Biography and the Black Atlantic* (2014).

⁴⁴ AAL, Testamentos, Leg. 73 exp.13 1687.

⁴⁵ Que estos dos esclavos se críen por la dicha su madre.... y sino quisieren entrar ni estar en dicha religión o se salieren della por alguna causa o motivo...**los dejo por esclavos a la iglesia deste convento** para que las madres abadesa que lo fueren...asisten a todo lo necesario de la iglesia. (folio 895v-806). Donación que hace Beatriz Godinez de Luna al Monasterio de la Encarnación de dos esclavos Juan Paulino de Luna (zambo de 2 años) y otro de dos meses de nacido, hijos de su esclava Juana Godinez.

Once again, these were generous yet conditional bequests. In property law terms, the cloister had a limited term of use of the boys' labor as they fulfilled the conditions of the will or reached maturity. Doña Beatriz's provisions for Juana's sons could be cast as a continual form of servitude and quasi community property. The boys would have been apprenticed to an appropriate male tutor at a young age in order to preserve the sanctity of the female space.⁴⁶ Doña Bernarda and doña Gertrudis made similar provisions for their own slaves and attendants, although as *seglares* they were not subject to the vows of poverty as doña Beatriz. These transactions could not have been accomplished without considerable surreptitious effort. To preserve the purity of the female sacred space, male notaries were only allowed in the waiting room (*locutorio*) of the convent. Moreover, all transactions in the *locutorio* were subject to external monitoring by nuns appointed to that supervisory role.⁴⁷ Presumably, this transfer and set of testamentary bequests took place with the requisite oversight. Whoever presided over the *locutorio* during this time was convinced or persuaded by the legality of the bequests.

What should we make of Juana's ability to raise her sons? I imagine this was important to Juana. According to the testament, Juana should have been able to raise her sons living as a freed woman shielded by the power of the cloistered Godinez household. But the bequest occurred at a time of heightened scrutiny and tension over the racial makeup of the Monasterio de la Encarnación and other convents in Lima. Lawsuits proliferated between residents who sought to limit their neighbor's household size and racial composition. One resident sued another for allowing "*negras y mulatas*" to enter during hours set aside for religious contemplation.⁴⁸ Ecclesiastical officials were anxious to constrain the luxurious and exorbitant lifestyles of cloistered elite women who-- in theory-- had taken vows of poverty. The Archbishop remonstrated nuns of the black veil for taking refuge in their private dwellings and failing to attend meals or worship in communal areas.⁴⁹ The Archbishops tried to limit intergenerational property rights to the private accommodations. In essence, they tried to prohibit transactions like those executed by the Godinez sisters, who transferred their tenancy rights to surviving relations, and left provisions that threatened the conventual socioracial order.

The Monasterio's lawsuits and the dictamens issued by the ecclesiastical authorities reveal the friction in this cloistered world. They show demographic pressure and growth of the African descent population within the cloisters at a rate that far outpaced that of religious Spanish women. This population growth made it impossible to monitor and restrict movement within the cloister, as well as to accurately ascertain who lived within its private dwellings and in what capacity. Indeed, within such a large convent, it was not inconceivable for Juana to hide her children from the eyes of the Mother Abbess, just as it was possible for doña Beatriz to encumber her property through notarized conveyances. What seemed like an

⁴⁶ See Premo, *Children of the Father King* for discussions of apprenticeship.

⁴⁷ On the liminality of the *locutorio*, see Burns, *Colonial Habits*. The *locutorio* was a space that buffered the sanctity of the interior world from the financial, social, and administrative transactions of the *siglo*. Not surprisingly, this was a space most commonly traversed by enslaved children and dependents.

⁴⁸ Pérez Miguel, "Normatividades e instituciones" p.158.

⁴⁹ In 1633, the Archbishop of Lima prohibited nuns and *seglares* from taking their meals in private dwellings. Such dictamens were promulgated during the regular visits from the ecclesiastical officials and pointedly ignored by the nuns.

implausible strategy of occlusion makes sense when we think of how invisible Juana could be within the convent as one of many African descent women who worked and labored there. We can speculate about how (or whether) she hid her children from the conventual officials. A more probing prospect would be to see whether she gambled on their survival in keeping them outside of the litigation.

Enslaved people like Juana appear in the archive fleetingly--like fireflies darting around a darkened sky. By not disclosing the fact that she was a mother in her litigation, I experienced the document the way Juana portrayed fragments of herself. These ancillary documents taken as a whole corpus changes our reading of Juana's case in important ways. Taken together, the documents encourage a thoughtfulness about the record and the archive not telling the whole story. One is a notarial document and the other is a lawsuit—a somewhat typical property dispute over self-purchase. In one document, Juana lost her freedom, and in another her children were placed on the path to a secure, respectable future. More importantly, she was able to raise them according to the terms of the testament. Neither document alludes to Juana de Godinez in her entirety—indeed, it is plausible that Juana de Godinez tried to negotiate freedom for her family outside of the Monasterio with a patron who could make similar provisions for her sons' future. She may have used the lawsuit as a smokescreen to shield those negotiations. I read this less as a struggle for Juana's absolute freedom and more as a struggle for security of personhood and a means of prosperity for her sons.

What did freedom mean to Juana?

Given the constraints and encumbrances of womb enslavement, historians have continually shown that enslaved women often placed priority on their children's freedom over their own.⁵⁰ We often see these arrangements for deferred freedom in the sources, but they should be viewed more accurately as intergenerational transmissions of dependency rather than legal freedom.⁵¹ In one sense, enslaved women like Juana ensured that their children would be “free” and thereby avoided womb enslavement, but liberty was contingent on their own continued ties to the children's former owners. Children remained with their mothers until they went into apprenticeship-- particularly in urban slaveholding societies — signifying continued coresidential patterns. In the case of rural child emancipations, it may have been more common to move the freed child into town for apprenticeship or education while the mother remained behind.

Dependency—especially the kind that emerges from dense “thick” multigenerational relationships forged in the household can take many forms: it can mean horrific dehumanization where slaves are worked to death to serve their owners, or it can lead to security, protection, and opportunities for the future. Nothing about Juana's reluctance to remain within the Monasterio de la Encarnación should blind us to the fact that many poor women and children found shelter, a steady meal, and access to medical attention within the cloister. The testamentary bequests of religious women for their older slaves compellingly

⁵⁰ See e.g. Camilla Cowling *Conceiving Freedom* for Brazil and Cuba with particular reference to gradual emancipation and Free Womb laws.

⁵¹ See Sidney Chalhoub, “The Politics of Ambiguity: Conditional Manumission, Labor Contracts, and Slave Emancipation in Brazil (1850s-1888), *International Review of Social History* vol. 60:2 (2015), 161-91.

demonstrate that enslaved women had an expectation of care, occupancy and burial within the cloister in their old age.⁵² Enslaved people also had similar expectations of occupancy within religious hospitals if they became infirm. Benedetta Rossi has argued persuasively that dependency in “spectacularly stratified contexts” should be analyzed with regard to economic institutions, legal cultures, and systems of kinship.⁵³ With this in mind, where does that leave Juana and how do we make sense of her condition? We cannot speculate in the abstract about freedom or autonomy here without taking stock of the full range of constraints that operated against enslaved mothers like Juana. Dependence and unfreedom may have been the only route to security and protection for someone like Juana who was one of twenty slaves within doña Beatriz’s testamentary bequests.

The records for colonial Lima (and for urban Iberoamerica more generally) show that deferred freedom through self-purchase was the most common arrangement for Lima’s slaveholders. This pattern raises two possibilities for slavery scholars. First, deferred freedom or conditional liberty was wielded by slaveholders *and enslaved people* as a method of social control and self-discipline. Violent methods of social control were common in all slaveholding societies: pass laws, slavecatching patrols, workhouses and prisons. Arguably, deferred manumission is also imbued with latent violence. This “gift” of delayed freedom mobilized a political economy of indebtedness. The implicit threat behind the arc of deferred manumission was its potential revocability at any time, inaugurating a delicate balance of power between the one who was liberated but never free, and the slaveholder wielding the promise of deferred freedom.

Conversely, the accrual of fractional freedoms was a real possibility to which many enslaved women aspired and around which they shaped their lives. In societies like colonial Lima where both manumission and self-purchase were distinct possibilities, a sizable population of freed people coexisted alongside people who were both enslaved and conditionally freed. Conditional manumission created what Sidney Chalhoub calls a “structural precariousness of freedom” in the context of emancipation.⁵⁴ Enslavement and emancipation were part of people’s worlds, families and social networks, so that in order for us to understand slavery, we must also understand freedom--what fractional freedom looked like and how it was lived. The case of freed children of enslaved mothers merges these two possibilities, as we see most clearly in Juana’s case. The law of womb enslavement mobilized mothers and families to act upon the opportunities for self-purchase and seize upon propitious moments or events to free a child. While they may not have been the monumental events of revolution or abolitionist calls for emancipation that roiled the republic in the nineteenth century, the seismic catastrophe of 1687 and a contested abbatial election reverberated in local freedom claims as reflected in Juana’s trajectory towards freedom. The beauty of the biographical turn is that it allows historians to peer behind the

⁵² According to the terms of doña Bernarda’s will, Iten declare que tengo por mi esclava a una negra nombrada Juana Folupa y por ser mujer mayor y el buen servicio que me ha hecho y estar enferma la deajo libre de toda sujeción y cautiverio después de mis días. Y mando se le den a la susodicha cincuenta pesos para su entierro y misas.

⁵³ Benedetta Rossi, “Dependence, Unfreedom and Slavery in Africa: Towards an Integrated Analysis,” *Africa* 86:3 (2016) 571-90.

⁵⁴ Sidney Chalhoub, “The Precariousness of Freedom in a Slave Society (Brazil in the Nineteenth Century,” *International Review of Social History* vol.56:3 (2011) 405-39.

public events and reconstruct how individual people arranged their lives to attempt to purchase their freedom.⁵⁵ Juana's case is by no means a triumphal narrative about gaining personal autonomy or freedom. Rather, she wielded the emotional weight embedded in the sentiment "nacida en mi casa" as a means to free her family.

⁵⁵ Lisa Lindsay and John Sweet, *Biography and the Black Atlantic* (2014). As they write, the biographies shed light on "personal struggles and political liberties" (7).