

PEOPLE, MARKETS, GOODS:
ECONOMIES AND SOCIETIES IN HISTORY

Volume 7

Slavery Hinterland

PEOPLE, MARKETS, GOODS:
ECONOMIES AND SOCIETIES IN HISTORY

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Slavery Hinterland

Transatlantic Slavery and
Continental Europe, 1680–1850

Edited by

Felix Brahm and Eve Rosenhaft



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Colony in the English Imagination 1830–1867 (Cambridge, 2002); ‘Britain, Jamaica, and Empire in the Era of Emancipation’, *Art and Emancipation in Jamaica. Isaac Mendes Belisario and his Worlds*, Tim Barringer, Gillian Forrester and Barbaro Martinez-Ruiz (New Haven, 2007), pp. 9–26; Introduction to Special Feature, ‘Remembering 1807: Histories of the Slave Trade, Slavery and Abolition’, *History Workshop Journal* 64 (Autumn 2007).

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There Are No Slaves in Prussia?¹

REBEKKA VON MALLINCKRODT

Translated by Elizabeth Bredeck

In 1996 Sue Peabody published her research on slavery in France in the Early Modern Period. The title of her study – ‘*There Are No Slaves in France*’ – reflected the contemporary belief that slaves were automatically emancipated upon reaching French soil, a belief whose roots went back as far as the sixteenth century. It also suggested the implications that this and related beliefs had for research up until the present day: slavery was long seen as a phenomenon unique to colonies outside of Europe.² It was possible to maintain this viewpoint because most European countries only passed laws on the status of slaves on the European continent and in the British Isles in the late eighteenth century; operating in a legal grey area benefited European owners (but also unsettled them), and helped to conceal the contradiction between slavery and contemporary notions of freedom. Hence in Great Britain ‘black servants’ were advertised for sale in eighteenth-century newspaper announcements, yet the term ‘slave’ did not appear.³ Similarly, French and Dutch sources often deliberately avoided the term ‘slavery’.⁴ Research on enslavement practices on

1 This project has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (grant agreement No. 641110 *The Holy Roman Empire of the German Nation and its Slaves*, 2015–20). It still reflects only the author’s view and the ERC is not responsible for any use that may be made of the information it contains.

2 Sue Peabody, ‘*There Are No Slaves in France*’: *The Political Culture of Race and Slavery in the Ancien Régime* (New York, 1996), pp. 3, 12, 14, 21, 28–9, 90. Similar notions of a ‘free soil ideology’ were also developed in England and the Netherlands (*ibid.*, pp. 4–5). See also the special issue on ‘Free soil’ of *Slavery & Abolition* 32/3 (2011).

3 Kathleen Chater, *Untold Histories. Black People in England and Wales During the Period of the British Slave Trade c.1660–1807* (Manchester, 2009), pp. 86–7.

4 At the end of the eighteenth century Dutch jurists who were preparing the constitution still agreed not to mention slavery explicitly: Dienke Hondius, ‘Access to the Netherlands of Enslaved and Free Black Africans: Exploring Legal and Social Historical Practices in the

the European continent has thus always confronted the problem that contemporaries preferred not to speak explicitly about slavery, even in situations that from an analytical-historiographical perspective clearly involved slavery.

Since the publication of Peabody's book, research on the phenomenon of slavery on the European continent has grown significantly, though with clear areas of concentration and equally visible gaps. While numerous publications have appeared in and about Western Europe and the Mediterranean, research on the less-affected areas of Northern and Central Europe – and in particular, those German-speaking countries without 'successful' colonial policy – is still in the early stages, although these countries too are now receiving increasing attention (starting with the exploration of their economic involvement).⁵ In recent years we thus find a growing number of essays and books on trafficked people in the Holy Roman Empire of the German Nation (HRE), individuals abducted either from the Ottoman Empire or the Mediterranean region, or in the context of the transatlantic slave trade.⁶ Even so, researchers are noticeably

Sixteenth–Nineteenth Centuries', *Slavery & Abolition* 32/3 (2011), 377–95, here p. 379; Dienke Hondius, 'Black Africans in Seventeenth-Century Amsterdam', *Renaissance and Reformation* 31/2 (2008), 87–105, here pp. 89f; Arend H. Huussen, Jr, 'The Dutch Constitution of 1798 and the Problem of Slavery', *Legal History Review* 67/1–2 (1999), 99–114, here p. 113.

5 See on this topic the research of Klaus Weber, 'Deutschland, der atlantische Sklavenhandel und die Plantagenwirtschaft der Neuen Welt (15. bis 19. Jahrhundert)', *Journal of Modern European History* 7/1 (2009), 37–67; Klaus Weber, *Deutsche Kaufleute im Atlantikhandel 1680–1830: Unternehmen und Familien in Hamburg, Cádiz und Bordeaux* (Munich, 2004). See also Karl H. Schwebel, *Bremer Kaufleute in den Freihäfen der Karibik. Von den Anfängen des Bremer Überseehandels bis 1815* (Bremen, 1995); Thomas David, Bouda Etemad and Janick Marina Schaufelbuehl, *Schwarze Geschäfte. Die Beteiligung von Schweizern an Sklaverei und Sklavenhandel im 18. und 19. Jahrhundert* (Zurich, 2005); Hans Werner Debrunner, 'Basel und der Sklavenhandel – Fragmente eines wenig bekannten Kapitels der Basler Geschichte', *Basler Stadtbuch* 1993 (Basel, 1994), pp. 95–101; Hans Fässler, *Reise in Schwarz-Weiss: Schweizer Ortstermine in Sachen Sklaverei*, 2nd edn (Zurich, 2006); Konrad J. Kuhn and Béatrice Ziegler, 'Die Schweiz und die Sklaverei. Zum Spannungsfeld zwischen Geschichtspolitik und Wissenschaft', *Traverse* 16 (2009), 116–30; Niklaus Stettler, Peter Haenger and Robert Labhardt, *Baumwolle, Sklaven und Kredite. Die Basler Welthandelsfirma Christoph Burckhardt & Cie. in revolutionärer Zeit (1789–1815)* (Basel, 2004).

6 Publications from the last ten years include: Anne Kuhlmann-Smirnov, *Schwarze Europäer im Alten Reich. Handel, Migration, Hof* (Göttingen, 2013); Misha Honeck, Martin Klimke and Anne Kuhlmann, eds, *Germany and the Black Diaspora: Points of Contact, 1250–1914* (New York, 2013); Stephan Theilig, *Türken, Mohren und Tataren. Muslimische (Lebens-) Welten in Brandenburg-Preußen im 18. Jahrhundert* (Berlin, 2013); Andreas Becker, 'Preußens schwarze Untertanen. Afrikanerinnen und Afrikaner zwischen Kleve und Königsberg vom 17. Jahrhundert bis ins frühe 19. Jahrhundert', *Forschungen zur Brandenburgischen und Preussischen Geschichte* 22 (2012), 1–32; Philipp Blom and Wolfgang Kos, eds, *Angelo Soliman. Ein Afrikaner in Wien* (Vienna, 2011); Simon Mognol, *Amo Afer. Un noir, professeur d'université en Allemagne au XVIIIe siècle* (Paris, 2010); Iris Wigger and Katrin Klein, "'Bruder Mohr". Angelo Soliman und der Rassismus der Aufklärung', *Entfremdete Körper. Rassismus als Leichenschändung*, ed. W. D. Hund (Bielefeld, 2009), pp. 81–115; Ulrich van der Heyden, ed., *Unbekannte Biographien. Afrikaner im deutschsprachigen Europa vom 18. Jahrhundert bis zum Ende des Zweiten*

reluctant to speak explicitly of slaves.⁷ This is due in part to the situation itself, as complex as it is diffuse: neither skin colour nor (often indeterminate) place of origin gives a clear indication of legal status. The coexistence of free, bonded, and enslaved dark-skinned people together with prisoners of war meant that in the HRE there was no direct correlation between physical appearance or place of origin and legal status.⁸ In addition, it is harder to determine the status of slaves in societies that are not slave-holding societies, and it requires us to adapt the use of the term ‘slavery’ accordingly. This of course applies to the situation in all European countries equally and independent of whether or not they were directly involved in the slave trade. We thus often find what Claude Meillassoux has termed the first two indispensable criteria of slavery: abduction and hence foreignness in the society (in contrast to serfdom), and sale to an owner (in contrast to war captivity). However, the degree of dependence – and hence the absolute dependence on an owner, Meillassoux’ third and final essential criterion⁹ – is often hard to pinpoint given the lack

*Weltkriege*s ([Berlin], 2008); Anne Kuhlmann-Smirnov, ‘Globalität als Prestigemerkmal? Die Hofmohren der Cirksena und ihres sozialen Umfeldes’, *Adel und Umwelt. Horizonte adeliger Existenz in der Frühen Neuzeit*, ed. H. Düselder, O. Weckenbrock and S. Westphal (Cologne, 2008), pp. 287–309; Walter Sauer, ed., *Von Soliman zu Omofuma. Afrikanische Diaspora in Österreich 17. bis 20. Jahrhundert* (Innsbruck, 2007); Jacob Emmanuel Mabe, *Anton Wilhelm Amo interkulturell gelesen* (Nordhausen, 2007); Paul Raabe, *Anton Wilhelm Amo, ein Schwarzer am Wolfenbütteler Hof*, exhibition catalogue (Wolfenbüttel, 2006); Mark Häberlein, ‘Mohren’, ständische Gesellschaft und atlantische Welt’, *Atlantic Understandings: Essays on European and American History in Honor of Hermann Wellenreuther*, ed. C. Schnurmann and H. Lehmann (Hamburg, 2006), pp. 77–102; Markus Friedrich, ‘“Türken” im Alten Reich. Zur Aufnahme und Konversion von Muslimen im deutschen Sprachraum (16.–18. Jahrhundert)’, *Historische Zeitschrift* 294 (2012), 329–60; Manja Quakatz, ‘“Gebürtig aus der Türkei”. Zu Konversion und Zwangstaufe osmanischer Muslime im Alten Reich um 1700’, *Europa und die Türkei im 18. Jahrhundert*, ed. B. Schmidt-Haberkamp (Göttingen, 2011), pp. 417–30.

7 Peter Martin writes of a ‘no man’s land between free and unfree’ (Peter Martin, *Schwarze Teufel, edle Mohren. Afrikaner in Geschichte und Bewußtsein der Deutschen* (Hamburg, 2001), p. 129), while Uta Sadjı proposes that blacks in eighteenth-century Germany were ‘legally speaking free, but still mostly lived like slaves’ (Uta Sadjı, ‘“Unverbesserlich ausschweifende” oder “brauchbare Subjekte”? Mohren als “befreite” Sklaven im Deutschland des 18. Jahrhunderts’, *Komparatistische Hefte* 2 (1980), 42–52, here p. 50).

8 Anne Kuhlmann has recently noted the diverse living situations of people of African origin in the HRE: Anne Kuhlmann, ‘Ambiguous Duty, Black Servants at German Ancien Régime Courts’, *Germany and the Black Diaspora: Points of Contact, 1250–1914*, ed. M. Honeck, M. Klimke and A. Kuhlmann (New York, 2013), pp. 57–73, here pp. 58, 63. Stephan Theilig has demonstrated the presence of dark-skinned Ottoman prisoners of war well into the eighteenth century: Theilig, *Türken, Mohren und Tataren*, p. 37.

9 Claude Meillassoux, ‘Postface: Esclaves, vénacles, captifs et serfs’, *Esclavage et dépendances serviles. Histoire comparée*, ed. M. Cottias, A. Stella and B. Vincent (Paris, 2006), pp. 367–73, here pp. 368–9. From a legal standpoint, he argues, such dependent people do not count as persons and thus have no rights; correspondingly, all concessions are precarious privileges that can be revoked at any time. Hence there can be extreme variations in work, working and living conditions. Even in the case of manumission a former slave often remained heavily dependent

of source materials, or more specifically the lack of legal texts concerning the status of slaves. This problem is compounded by the manifold and tiered forms of dependency in the estate-based societies of early modern Europe. Due to the often isolated and clearly minority status of trafficked people on the European continent, precise legal distinctions apparently seemed less necessary than in the context of slave plantations where they represented a threatening majority. Even plantation slavery differed from the definition of slavery found in Roman law, since the arbitrary killing of a slave was (theoretically) not allowed in the former system. Therefore, an (apparently) ahistorical, analytical concept of slavery is also inadequate for variations like the ones just mentioned that in the literature are generally acknowledged as slavery.¹⁰ Resale, presentation as a gift and, of course, the (rarely documented) manumission of trafficked people on the European continent are nonetheless clear indications that these relationships of dependency were not compatible with concepts of war captivity, serfdom and domestic service, but clearly extended beyond them and support the notion of slavery. Conversely, conditions of (non-)payment,¹¹ marital status,¹² occupation or – as I argue below – conformity with certain religious practices do not in themselves allow us to draw conclusions about whether a person was enslaved or free.

Finally, this reticence concerning the term ‘slavery’ in reference to the HRE also reflects a notion that dates back to the eighteenth century and is often apologetically formulated: the notion that Germany was not involved in the slave trade. Thus when Monika Firla, one of the first German-language scholars

on his/her former owner, be it through contractual agreements or socio-economic dependency. Above all, the dark-skinned former slaves were still recognisable as ‘foreigners’, or, if they had to remain in the same social environment, were known to be former slaves. Enslaved people of the second and later generations born into the slave-owning society could partially regain their social existence by expanding their privileges and making them permanent (pp. 367, 371–3).

10 Peter Kolchin accordingly calls for a concept of slavery that is historically and geographically variable: Peter Kolchin, ‘L’approche comparée de l’étude de l’esclavage. Problèmes et perspectives’, *Esclavage et dépendances serviles. Histoire comparée*, ed. M. Cottias, A. Stella and B. Vincent (Paris, 2006), pp. 283–301, here p. 293.

11 Many non-enslaved workers were not paid with money, while some slaves received at least partial compensation: Chater, *Untold Histories*, pp. 85–6, 89; Alessandro Stella, *Histoires d’esclaves dans la péninsule ibérique* (Paris, 2000), pp. 21, 135, 138. On the transition to paid labour as a trend in society as a whole in the eighteenth century: Walter Sauer and Andrea Wiesböck, ‘Sklaven, Freie, Fremde. Wiener “Mohren” des 17. und 18. Jahrhunderts’, *Von Soliman zu Omofuma. Afrikanische Diaspora in Österreich 17. bis 20. Jahrhundert*, ed. W. Sauer (Innsbruck, 2007), pp. 23–56, here p. 49; Salvatore Bono, ‘Sklaven in der mediterranen Welt. Von der Ersten Türkenbelagerung bis zum Wiener Kongress (1529–1815)’, *Angelo Soliman. Ein Afrikaner in Wien*, ed. P. Blom and W. Kos (Vienna, 2011), pp. 35–49, here p. 43; Theilig, *Türken, Mohren und Tataren*, p. 38.

12 In Spain the church officially recognised marriages between slaves: Stella, *Histoires d’esclaves*, p. 130. For the Mediterranean region see also Bono, ‘Sklaven in der mediterranen Welt’, p. 45.

to have addressed the topic, writes that German dealers released enslaved Africans by purchasing them, the statement must be read as a euphemistic interpretation.¹³ When Andreas Becker claims that without exception slaves brought to Brandenburg-Prussia were baptised and thereby given the same status as servants, since according to canon law Christians could not be slaves,¹⁴ we need to ask what legal standing canon law could have possibly had in Protestant Prussia, and also why normative concepts should be taken more seriously in this case than in others. Certainly, the principle that baptism liberated was known in France as early as the sixteenth century. It was also in circulation in Great Britain, though often dismissed, as in court rulings of 1729 and 1749 as well as in the notorious judgment of Lord Mansfield. In the colonies, however, people saw no contradiction in any case between Christianisation and enslavement: The Code Noir of 1685 prescribed the baptism of slaves, but this did not mean that they became free as a result, and for Nikolaus von Zinzendorf and the Moravian Brethren congregations, Christianisation and slavery were likewise not mutually exclusive. Early modern Europe provides numerous examples to show that baptism did not automatically lead to freedom. Instead, that hope cherished by many enslaved men and women was dashed time and time again. In the eighteenth century, galley slaves were freed through baptism in the Papal States, but not in Marseilles. In Austria well into the first half of the century, baptism did not lead to liberation and the first part of the 1758 Codex Theresianus declared the suspension of 'servile subservience among Christians', but it never took effect.¹⁵ Furthermore, in Europe slaves were by no means all baptised;¹⁶ in short, there was nothing automatic about any of these processes, and in fact, the notion that baptism led to freedom was repudiated in Prussia as a papal doctrine.

In this chapter I propose not to apply the notion of slavery generally to all trafficked people in the HRE, but to use the term specifically and in a case-related way, taking Brandenburg-Prussia during the second half of the eighteenth century as example. At that time, the Central European territorial power looked like the epitome of a failed colonial power: Brandenburg-Prussia

13 Monika Firla, 'AfrikanerInnen und ihre Nachkommen im deutschsprachigen Raum', *AfrikanerInnen in Deutschland und schwarze Deutsche – Geschichte und Gegenwart*, ed. M. Bechhaus-Gerst and R. Klein-Arendt (Berlin, 2004), pp. 9–24, here p. 15.

14 Becker, 'Preußens schwarze Untertanen', pp. 15–16, 28.

15 Peabody, 'There Are No Slaves in France', pp. 13, 31, 80; Chater, *Untold Histories*, pp. 84, 91; Häberlein, "'Mohren'", ständische Gesellschaft und atlantische Welt', p. 101; Wipertus Rudt de Collenberg, 'Le baptême des musulmans esclaves à Rome aux XVIIe et XVIIIe siècles. Le XVIIIe siècle', *Mélanges de l'École française de Rome. Italie et Méditerranée* 101/2 (1989), 519–670, here pp. 535, 537; Sauer and Wiesböck, 'Sklaven, Freie, Fremde', p. 47. For the Mediterranean region see also Bono, 'Sklaven in der mediterranen Welt', p. 45.

16 In Paris, for example, only 28.3 per cent of the registered 'blacks' in 1762 were baptised: Peabody, 'There Are No Slaves in France', p. 82.

had already (1718) sold its few colonies to the Dutch West India Company (WIC),¹⁷ the Brandenburg African Company had long since been dissolved,¹⁸ and attempts to build a seaport in Emden and establish a 'Royal Prussian Asian Company in Emden to Canton and China' in the 1740s and 1750s had met with only marginal success. After the Seven Years War those efforts were not renewed.¹⁹ At the same time, the research of Klaus Weber and others has shown the deep economic involvement not only of German, but more specifically also of Prussian merchants, bankers and ship-owners as partners, producers and suppliers of trade goods as well as consumers of plantation products. Copper from the Harz, linen from Silesia (which then belonged in large part to Prussia) and Westphalia were among the most highly sought-after items to be traded for slaves, and were mass-produced in large quantities for this purpose.²⁰ The following will focus not on this form of participation in the slave trade, however, but instead on enslaved people in Brandenburg-Prussia itself. Using as a starting point the 'Legal History of a Purchased Moor' ('Rechtsgeschichte eines erkauften Mohren') that appeared in 1780 in the journal *Beyträge zur juristischen Litteratur in den Preußischen Staaten* (Contributions to Legal Literature in the Prussian States),²¹ I aim to show:

17 Berlin, Geheimes Staatsarchiv Preußischer Kulturbesitz (GStA PK), I. HA Geheimer Rat, Rep. 65 Marine und Afrikanische Kompagniesachen, No. 117 Afrikanische Kompagniesachen, 1718 (Sale of African possessions to the Dutch West India Company, honorary gift of 12 'Negro boys').

18 Ulrich van der Heyden, *Rote Adler an Afrikas Küste. Die brandenburgisch-preußische Kolonie Großfriedrichsburg in Westafrika*, 2nd edn (Berlin, 2001); Ulrich van der Heyden, 'Benjamin Raule und Berlin', ... *Macht und Anteil an der Weltherrschaft: Berlin und der deutsche Kolonialismus*, ed. U. van der Heyden and J. Zeller (Münster, 2005), pp. 63–8; Adam Jones, *Brandenburg Sources for West African History 1680–1700* (Wiesbaden, 1985); Sven Klosa, *Die Brandenburgische-Afrikanische Compagnie in Emden. Eine Handelscompagnie des ausgehenden 17. Jahrhunderts zwischen Protektionismus und unternehmerischer Freiheit* (Frankfurt a.M., 2011); Malte Stamm, 'Das Koloniale Experiment. Der Sklavenhandel Brandenburg-Preußens im transatlantischen Raum 1680–1718' (unpublished dissertation, University of Düsseldorf, 2011), <http://d-nb.info/1036727564/34> (accessed 10 May 2014); Andrea Weindl, *Die Kurbrandenburger im "atlantischen System", 1650–1720*, Arbeitspapiere zur Lateinamerikaforschung, II/3 (2001), <http://lateinamerika.phil-fak.uni-koeln.de/fileadmin/sites/aspla/bilder/arbeitspapiere/weindl.pdf> (accessed 5 May 2015).

19 Thomas Biskup and Peter H. Wilson, 'Großbritannien, Amerika und die atlantische Welt', *Friederisiko – Friedrich der Große*, ed. Stiftung Preußische Schlösser und Gärten Berlin-Brandenburg, 3 vols (Munich, 2012), vol. 1, pp. 146–62, here pp. 158–9.

20 Weber, 'Deutschland, der atlantische Sklavenhandel und die Plantagenwirtschaft der Neuen Welt'; Weber, *Deutsche Kaufleute im Atlantikhandel 1680–1830*. See also chapter 4 by Anka Steffen and Klaus Weber in this book. In the eighteenth century Brandenburg-Prussia included: the County of Mark (from 1609), the County of Ravensberg (from 1614/47), the principalities of Halberstadt and Minden (from 1648), the County of Lingen (from 1702) and the County of Tecklenburg (from 1707).

21 Anonymous, 'Rechtsgeschichte eines erkauften Mohren', *Beyträge zur juristischen Litteratur in den Preußischen Staaten*, 6. Sammlung, 4. Abschnitt (Berlin, 1780), 296–311.

1. that it is accurate to use the term ‘slavery’ in connection with German-speaking areas in the early modern period,
2. that it is heuristically useful and important to apply the concept of slavery in order to illustrate how the debate about the abolition of slavery and the dispute over the elimination of serfdom were interconnected, and
3. that applying the concept of slavery to the HRE enriches international research on slavery in that it explores ‘small slaveries’ and ‘slaveries without the name of slavery’, focusing on agents (slaves, owners, traders and intermediaries) rather than the institution of slavery, and on enslavement practices (‘slaving’) rather than slave-holding societies or systems of slavery, as recently urged by Michael Zeuske and Joseph C. Miller.²²

I

In 1780 the periodical *Contributions to Legal Literature in the Prussian States* published an essay entitled ‘Legal History of a Purchased Moor’. In the report, written by an unidentified member of the Berlin Superior Court to the Ministry of Justice, the facts of the case were summarised as follows:

A Moor purchased in Copenhagen by the chamberlain von Arnim and brought by him to our country has dared to most humbly beseech Your Royal Majesty by means of this petition dated 19 April of this year [1780]: That he might be freed from the yoke of bondage, and that von Arnim might be enjoined not to re-sell him to another party as planned. He claims in the eloquent petition that as a current subject of Your Royal Majesty he has an entitlement to freedom, which is even more his due since von Arnim purchased him 7 years ago in Denmark from Privy Councillor Wurm on the condition that he must serve as his subject for only two more years, since he had already served 8 years, and was originally required to serve only 10 years, at which time he must be set free. Nevertheless, von Arnim has already kept him 5 years past this time, and moreover has treated him most cruelly, and did not want to permit him to receive instruction in the Christian religion.²³

22 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, here pp. 87, 105, 110; see also Michael Zeuske, *Handbuch Geschichte der Sklaverei. Eine Globalgeschichte von den Anfängen bis zur Gegenwart* (Berlin, 2013); Joseph C. Miller, ‘Slaving as Historical Process: Examples from the Ancient Mediterranean and the Modern Atlantic’, *Slave Systems: Ancient and Modern*, ed. E. Dal Lago and C. Katsari (Cambridge, 2008), pp. 70–102; Joseph C. Miller, *The Problem of Slavery as History. A Global Approach* (New Haven, 2012).

23 Anonymous, ‘Rechtsgeschichte eines erkaufte[n] Mohren’, p. 296.

While the unnamed petitioner apparently thought that he had been engaged as an indentured servant, that is, required to serve only for a limited period of time, von Arnim assumed that he had acquired the ‘Moor’ as property. The reporting court official likewise spoke explicitly of a ‘slave introduced in these local states’.²⁴ Since in source materials of the time the term ‘Moor’ was applied indiscriminately to dark-skinned people of different origins,²⁵ it is only the place of purchase that suggests it was an African slave who had come to Denmark via the transatlantic slave trade. What the author thought of the petitioner’s request is evident in the phrase ‘has dared’.

On the other hand, Joachim Erdmann von Arnim’s prior history could not lead him to expect especially privileged treatment. Born in 1741, he became Royal Prussian Chamberlain in 1763, served from 1771 to 1774 as a Prussian emissary in Copenhagen, and starting in 1776 was director of the Royal Opera and the French Comedy in Berlin; he was also the father of the writer Achim von Arnim. However, as emissary he had failed to attend a dinner with the royal widow Juliane Marie and had been removed from Copenhagen, and only one year after his transfer to the court in Dresden he was likewise recalled.²⁶ When as theatre director he intervened on behalf of a singer, Frederick firmly put him in his place: ‘You however should not imagine that you are my privy councillor, I have not engaged you as such; it would behoove you instead to apply yourself to carrying out my orders.’²⁷

At the time the petition was submitted Frederick had closed the French theatre and Joachim Erdmann von Arnim was spending most of his time at his Friedenfelde estate.²⁸ Decorated as a prestigious Rococo manor house, its inventory and garden design suggest that despite the rural setting Joachim Erdmann attached great importance to the display of worldliness and wealth. This included (among other things) six cannons on weapon mounts as well as nine statues of Roman emperors in the garden, the lavish use of ‘Peking’ – a Chinese-style fabric painted with blossoming branches – for wallpapers,

24 Ibid., p. 298.

25 Kuhlmann, ‘Ambiguous Duty’, p. 64; Theilig, *Türken, Mohren und Tataren*, pp. 36, 51.

26 *Fortgesetzte Neue Genealogisch-Historische Nachrichten von den Vornehmsten Begebenheiten, welche sich an den Europäischen Höfen zutragen, worinn zugleich vieler Standspersonen Lebens-Beschreibungen vorkommen*. Der 25. Theil (Leipzig, 1764), p. 547; Stefan Hartmann, *Die Beziehungen Preußens zu Dänemark 1688 bis 1789* (Cologne, 1983), pp. 287, 298; Hans Kiefner, ‘Zur “Rechtsgeschichte eines erkaufte[n] Mohren”. Das Berliner Kammergericht und Friedrich der Große über Sklaverei – ein Supplikationsverfahren im Jahr 1780’, *Recht der Persönlichkeit*, ed. H.-U. Erichsen, H. Kollhosser and J. Welp (Berlin, 1996), pp. 105–39, here pp. 109f; Carl Nagel, *Achim von Arnims Eltern in Friedenfelde. Zweihundert Jahre Geschichte eines uckermärkischen Gutes und seiner Besitzer sowie ein Inventarium des Herrenhauses aus dem Jahre 1778* (Bochum, 1966), pp. 14–15.

27 Nagel, *Achim von Arnims Eltern*, p. 17.

28 The source for this and subsequent information is *ibid.*, pp. 18, 21, 41.

upholstery and draperies, a coffee service, and special cups for hot chocolate. In his view, a black valet apparently also belonged in this ensemble.

As head of both the house and estate, von Arnim held all the local legal power in his own hands, including the low jurisdiction and the church patronate. It is remarkable, therefore, that the petition of the 'Moor' ever reached Frederick. The opportunity for submission may have arisen when the black servant accompanied Joachim Erdmann on one of his trips to Berlin, where von Arnim still maintained an apartment.²⁹ The servant may also have used the services of a professional writer. The argument about being prevented from practising his religion could have proven quite dangerous for von Arnim, who as master of the house and lord of the manor was responsible for the spiritual well-being of his subjects, and suggests that the writer may have had some experience devising particularly effective arguments.³⁰

Since thousands of petitions were addressed to the Prussian king at the end of the eighteenth century, but he himself only processed a fraction of them, as for example 128 petitions between 1 July 1779 and 30 June 1780,³¹ it is astonishing in several respects that this particular text found its way to him. This ratio alone led David M. Luebke to conclude: 'Even under the best of conditions, therefore, the odds against obtaining a royal hearing, let alone a favorable one, were overwhelming.'³² It is thus a great stroke of luck for historians, since this instance of conflict forced each person involved to take a stance on the issue of slavery. At the same time, there are indications that the case in question was not some rare exception, but merely the serendipitous documentation of what may well have been a more frequently recurring phenomenon. We know from other countries that given the framework of limited and tiered liberties within the early modern estate-based society, and given the often dire living conditions of the lowest classes, slaves carefully weighed the 'costs' and benefits of manumission, and did not necessarily ask to be released unless their situation proved absolutely unbearable.³³

In his rescript of 24 April 1780 Frederick ordered a more thorough investigation of the case, which in turn prompted von Arnim himself to make a

29 Ibid., p. 27.

30 On the strategic organisation of petitions and the possible influence of professional writers see Janine Rischke and Carmen Winkel, "Hierdurch in Gnaden ...". Supplikationswesen und Herrschaftspraxis in Brandenburg-Preußen im 18. Jahrhundert', *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands* 57 (2011–12), 57–86, here pp. 62–3.

31 David M. Luebke, 'Frederick the Great and the Celebrated Case of the Millers Arnold (1770–1779). A Reappraisal', *Central European History* 32/4 (1999), 379–408, here p. 404. In the first two months following the Millers Arnold case, 1,800 petitions from peasants alone were supposedly submitted (ibid., p. 405). Rischke and Winkel calculated 2,922 petitions for the year 1753: Rischke and Winkel, "Hierdurch in Gnaden ...", p. 62, see also p. 68.

32 Luebke, 'Frederick the Great and the Celebrated Case of the Millers Arnold', p. 404.

33 See e.g. Peabody, 'There Are No Slaves in France', p. 51.

statement.³⁴ He responded that he had purchased the Moor six years earlier from the Bargum dealership in Copenhagen; he had paid 200 Reichsthaler ‘without entering into a written contract, and without the slightest restriction that he would keep him only for a specific time and then grant him his freedom’. Henning Frederik Bargum (1733–c.1800) was the director of the Danish Guinea Company founded in 1765 that managed the Danish slave trade with the Gold Coast of Africa.³⁵ Von Arnim therefore demanded ‘unrestricted possession of the same, and the permission to sell him again, which he also planned to do’. He also countered the charge that he had prevented the man from practising his religion by claiming that the slave was ‘a wild, ill-mannered and disreputable person who was as little interested in religion as in other forms of knowledge, but solely giving free rein to his sensual drives and passions, which no means of force could keep him from doing’. This assertion was scarcely credible, however: had the servant really been so unruly, von Arnim would hardly have kept him for six years. The reporting court official then summarised the legal dilemma as follows:

On the one hand it seems inequitable to prevent an owner from taking actions that his property rights over a legally acquired slave allow: on the other hand it has the appearance of severity and cruelty to place a human being, the noblest creature, so far beneath his true worth that he be treated like an animal devoid of reason and sold from one hand to the next.

It was precisely the unusual character of the case that moved the court official to continue at greater length than usual, since ‘in His Royal Majesty’s states no special law on this matter exists; nor has such an instance ever been decided in our court of law’.³⁶ This was most likely the reason that the opinion was published in the *Contributions to Legal Literature in the Prussian States*, thereby preserving the case for posterity.³⁷

While the survival of the record of the Arnim case is extraordinary for a number of reasons, the practice of purchasing human beings in other European countries or transporting them to the HRE from other European colonies was far less uncommon than earlier research presumed on the basis of the story’s apparently exceptional character. In 1740 Frederick himself had ‘ordered’ two black Africans from the Netherlands through his senior civil servant Johann Peter von Raesfeld in Cleve and the Prussian Resident in Amsterdam Philip

34 The source for this and subsequent information is Anonymous, ‘Rechtsgeschichte eines erkaufte[n] Mohren’, pp. 297–8.

35 Bertil Haggmann, ‘Danish Africa Companies’, *The Historical Encyclopedia of World Slavery*, ed. J. P. Rodriguez, 2 vols (Santa Barbara, 1997), vol. 1, p. 208.

36 Anonymous, ‘Rechtsgeschichte eines erkaufte[n] Mohren’, p. 309.

37 For this case neither the petition itself nor the archival materials pertaining to it have survived.

Anthony d'Erberfeld.³⁸ He did, however, find the 'well-made young negro' named Coridon quite expensive ('But since the price seems excessive to me you need not look for any others').³⁹ Frederick paid 510 Dutch gulden for one of the two Africans. Since Raesfeld was paid for the delivery of two Moors in 1742, it was most likely actually two persons. The name of the second African was not mentioned in the files, but it is possible that he was the 'Moor William' who from 1743 until 1749 received four Thaler each year from Frederick II as a New Year's gift.⁴⁰ No further records exist for either Coridon or William, but the naming itself suggests that at least William had been already baptised when purchased or was baptised in Prussia. In subsequent years neither William nor Coridon appear among the gift recipients. Either Coridon had never reached the court alive or both had died at this point, or perhaps they were serving in the military from that point on.

Both in the military and in Frederick II's personal surroundings there are many documented male and female 'Moors' during the second half of the eighteenth century. Frederick's brother Prince Ferdinand of Prussia (1730–1813) retained court Moors continuously until the end of the century, possibly using the opulence of his court to compensate for the fact that he himself was not king.⁴¹ The princess had a Moor named Azor at her disposal, too. Beginning in 1780–81, Frederick II took responsibility for the pension of the 'Moor Caroline', whose aristocratic master had died.⁴² Although Frederick apparently no longer had court Moors as part of his personal entourage after 1749, he increased the number of black Africans in the Prussian military. Because this took place over a period of at least ten years, it was not simply a case of transferring the court Moors into the military; instead it involved additional recruitments, purchases and/or 'gifts' of human beings. It is not possible to determine where these people came from since the Prussian army archive in Potsdam was destroyed in World War II, but in earlier research that was still able to draw on this archive their service and the increase in their number are well documented.

When the large Potsdam Royal Regiment was dissolved in 1740, Frederick transferred its 'Moorish pipers' to the artillery. In 1747 a total of sixteen such

38 Berlin, GStA PK, I. HA Geheimer Rat, Rep. 34, No. 866 Rechts- und Besitzverhältnisse der Familie von Raesfeld, Erstattung von Geldern für die Übersendung zweier Mohren 1742, fol. 9.

39 Berlin, GStA PK, I. HA Geheimer Rat, Rep. 36 Hof- und Güterverwaltung, No. 304. Frederick was supposed to pay 510 gulden for the slave plus 123 gulden 12 *sols argent d'Hollande* for his clothing and transportation. By his own account, von Arnim had paid 200 Reichsthaler for 'his' slave in Copenhagen in 1774: Anonymous, 'Rechtsgeschichte eines erkaufften Mohren', p. 297.

40 Berlin, GStA PK, BPH, Rep. 47 (Friedrich II.), No. 939 (receipts for New Year's gifts 1743–49).

41 Berlin, GStA PK, I. HA, Rep. 133, No. 262.

42 Berlin, GStA PK, I. HA Geheimer Rat, Rep. 36 Hof- und Güterverwaltung, No. 426, p. 56.

pipers were serving there and, according to Prussian budget records, each received '4 Thaler in wages' per month.⁴³ In 1759 Frederick II even increased the number of black artillerymen to thirty-two.⁴⁴ 'Moors' also served in the infantry: in 1741 four companies of Prussian grenadiers came through Breslau, and a 'Moorish piper' played in each one.⁴⁵ The First Grenadier Company of the I. Bat. Guard No. 15 had dark-skinned pipers up until 1806. In the Prussian cuirassier regiment of Margrave Frederick William of Brandenburg-Schwedt (1731–71), the timpanist and all buglers were of black African descent until 1771. A painting by Georg Lisiewski shows Margrave Karl of Brandenburg-Schwedt (1705–62) in his military camp with his two brothers and two court Moors.⁴⁶ In 1755 a black piper named Epoli has also been confirmed as a member of the infantry regiment under Margrave Karl of Brandenburg. Indicted for baptising the terminally ill 'Moor' who died shortly thereafter, the Catholic priest Father Riepe testified at his questioning that the man had come from France (though he was not certain), but in any case spoke French.⁴⁷

Given that the number of African men and women who reached the HRE through abduction, sale or as gifts was so large, and that the number of free blacks in Europe during this same time was still (as far as we can tell) so small, it seems highly likely that the Africans in Brandenburg-Prussia for the most part also reached the country in this way. As early as 1714/15 Frederick's father Frederick Wilhelm I had used a London intermediary to purchase two dark-skinned youths;⁴⁸ in the 1720s and 1730s he tried once again to make acquisitions via Amsterdam, The Hague and London.⁴⁹ In 1729 the Danish King Christian VI sent an eight-year-old boy from the West Indian island of

43 M. Rischmann, 'Mohren als Spielleute und Musiker in der preußischen Armee', *Zeitschrift für Heeres- und Uniformkunde* 85/87 (1936), 82–4, here p. 83.

44 Martin, *Schwarze Teufel, edle Mohren*, p. 125; Peter Panoff, *Militärmusik in Geschichte und Gegenwart* (Berlin, 1938), p. 79.

45 The source for this and subsequent information is Rischmann, 'Mohren als Spielleute und Musiker in der preußischen Armee', pp. 83–4.

46 Daniel Hohrath, *Friedrich der Große und die Uniformierung der preußischen Armee von 1740–1786*, 2 vols (Vienna, 2011), vol. 1, p. 39.

47 Berlin, GStA PK, I. HA Geheimer Rat, Rep. 47 Geistliche Angelegenheiten, Tit. 23, Fasz. 3. Theilig, *Türken, Mohren und Tataren*, pp. 73–4. writes that Epoli had been sold at auction after the death of his owner in France, but I could not find this information in the source. The case was problematic not only because it was the responsibility of the military chaplain (who as a result had also missed out on the fees involved), but also because the cleric was a Catholic priest.

48 Berlin, GStA PK, II. HA Abt. 4 Tit. 42, No. 3 from 6 November 1714 and 19 January 1715; Theilig, *Türken, Mohren und Tataren*, pp. 50–1, 106; Kuhlmann-Smirnov, *Schwarze Europäer*, p. 67.

49 Jürgen Kloosterhuis, ed., *Legendäre 'lange Kerls'. Quellen zur Regimentskultur der Königsgrenadiere Friedrich Wilhelms I., 1713–1740* (Berlin, 2003), pp. 161–2; Theilig, *Türken, Mohren und Tataren*, p. 53; Kuhlmann-Smirnov, *Schwarze Europäer*, pp. 67–8.

St Thomas as a gift from Copenhagen to his sister-in-law at the Aurich court.⁵⁰ In 1752 two twelve-year-old 'Moorish' boys were 'sent as a gift from Holland' to the ruling Count of Berleburg;⁵¹ in 1756 a Lübeck merchant gave the Duke of Saxony-Weimar-Eisenach a 'Moor' as a gift;⁵² in 1764 a blacksmith sent Duke Carl Eugen of Württemberg a young black slave he had 'brought along' from the Dutch colony of Suriname;⁵³ one year later (1765) Franz von Borries bought Yunga, a fourteen-year-old West African, in London;⁵⁴ in 1771 a doctor living in Amsterdam offered the landgrave Frederick II of Hessen-Kassel 'a Surinamese Moor' he had 'purchased very young'; from 1773 until 1775 (probably even more often) the Hessian landgrave actually 'imported' black minstrels from the Netherlands. In other words, what we see here are not merely individual cases but a system in which not only the Netherlands, but also London and Copenhagen, apparently played a key role as trading centres.

This 'grey' market required that in Europe the trade in human beings, even if not explicitly allowed, would at least still be tolerated. In Great Britain this was possible until at least 1772, when Lord Mansfield, the Lord Chief Justice, ruled in the famous Somerset case that because no law concerning slavery existed in England, slavery consequently did not exist there, and hence the slave Somerset should be set free.⁵⁵ Yet even after this ruling, black servants continued to be taken back to the Caribbean colonies against their will. The example of the doctor and naturalist Dr Joachim von Exter, who in 1793 brought with him a seven-year-old black boy from London to Hamburg and made a present of him there to Dr Kellinghusen,⁵⁶ also shows that for interested parties from the HRE, this source had not dried up.

In many European countries, moreover, the legal status of imported slaves worsened in the course of the eighteenth century. In 1776 in the Netherlands it was determined by law that slaves would not automatically be freed upon

50 Kuhlmann, 'Ambiguous Duty', p. 60.

51 Häberlein, "'Mohren'", ständische Gesellschaft und atlantische Welt', pp. 88–9. The two boys named Caspar and Coridon came from Suriname and Berbice. Although he had the same name, this was not the Coridon that Frederick II of Prussia had purchased in 1740, as he would have still been an infant at the time he was transported halfway across Europe. The Prussian source instead refers to a 'jeune negre bien fait' ('well-made young negro'; see above).

52 Alexander Niemann, 'Ein Mohr am Weimarer Hof der Goethezeit. Nachkommen, Herkunft der Ehefrauen, familiäres und soziales Umfeld', *Genealogisches Jahrbuch* 33/34 (1993/4), 57–90, here pp. 58–9.

53 The source for this and subsequent information is Häberlein, "'Mohren'", ständische Gesellschaft und atlantische Welt', pp. 87, 96; Kuhlmann-Smirnov, *Schwarze Europäer*, pp. 54–5; Sadji, 'Unverbesserlich ausschweifende', pp. 43–4.

54 Sadji, 'Unverbesserlich ausschweifende', pp. 43, 46.

55 The source for this and subsequent information is Chater, *Untold Histories*, pp. 91–2.

56 Wilhelm Albers and Armin Clasen, 'Mohren im Kirchspiel Eppendorf und im Gute Ahrensburg', *Zeitschrift für Niederdeutsche Familienkunde* 41 (1966), 2–4, here p. 3.

arrival in that country;⁵⁷ indeed, after abortive attempts in the eighteenth century, slavery on Dutch soil was not abolished until 1838.⁵⁸ In France, up until 1716, slaves were freed if their owners had neglected to register them, but according to the law of 1738 this was no longer the case: the length of their stay in France was restricted to three years, and failure to register them meant that the slaves would be confiscated and returned to the colonies.⁵⁹ In 1777, slaves from the colonies were no longer allowed to enter the country at all: they had to remain in a special depot at the harbour and were sent back on the next ship.⁶⁰

Thus countries without colonies profited from the colonial powers, and through them participated not only in the exchange of goods but also in the slave trade. This was true, for example, not merely in the sense of involvement as a 'hinterland' supplier, but quite literally: it was not an exceptional case that slaves were 'imported' via European third countries into the HRE, after the sale of the short-lived German colonies and slave-trading company it was the rule. Since abduction and sale are characteristics of slavery, we must assume that most blacks had not come of their own free will to Brandenburg-Prussia. It was not until 1783/4 with the arrival of black Hessian army members who had fought in the American Revolution that for the first time a sizeable number of African-Americans who were either free(d) or had escaped slavery came to the HRE. According to current research this group remained exclusively in Hessen-Kassel, and consisted of free soldiers together with accompanying, i.e. purchased, stolen, and confiscated slaves.⁶¹

In research to date, though, arguments against slave status have usually been based not on place of origin and form of acquisition, but on subsequent treatment: in fact, the absence of written records of emancipation is often a problem when working with primary sources. Payment for work, marriage and certain activities are insufficient evidence, however, that a person's slave status was lifted upon entering the country or through baptism. Among musicians, for example, only those who belonged to the small group of guild

57 Hondius, 'Access to the Netherlands', pp. 385–6.

58 Kwame Nimako and Glenn Willemsen, *The Dutch Atlantic. Slavery, Abolition and Emancipation* (London, 2011), p. 33. In 1814 the Dutch prohibited the slave trade.

59 Peabody, 'There Are No Slaves in France', pp. 5–6, 17–18, 38. Neither of the two laws was registered by the Parliament of Paris, however, so although slaves often successfully appealed for their freedom there, sometimes they were re-enslaved by royal fiat (*ibid.*, pp. 23–36, 39, 49–56, 88).

60 Peabody, 'There Are No Slaves in France', pp. 7, 106, 120. Now, however, the number of requests from owners trying to legalise their slaves through manumission increased (*ibid.*, p. 135).

61 Maria I. Diedrich, 'From American Slaves to Hessian Subjects. Silenced Black Narratives of the American Revolution', *Germany and the Black Diaspora: Points of Contact, 1250–1914*, ed. M. Honeck, M. Klimke and A. Kuhlmann (New York, 2013), pp. 92–111, especially pp. 93–4, 107.

Figure 5.1. Portrait showing Wilhelmina of Prussia and her brother Frederick with a 'court Moor' wearing a silver slave collar. Oil, Antoine Pesne, 1714



musicians and those who attained citizenship were ‘free’ in the full legal sense, while this was not necessarily the case for musicians in the military.⁶² One piece of evidence against automatic emancipation can be found in the depiction of court Moors wearing silver slave collars,⁶³ clearly visible for instance in the 1714 portrait by Antoine Pesne of Wilhelmina of Prussia and her brother Frederick (later Frederick the Great) (Fig. 5.1). Even if one interprets this as a visual topos the question still remains: Why did Pesne or his noble client respectively choose to depict the court Moor as a slave?

The legal case in question here even shows explicitly that emancipation upon crossing the border or through baptism cannot be assumed; as a ‘normal exceptional case’ (Edoardo Grendi) it instead casts new light on the complex relationship between slavery and serfdom.

II

It is unclear whether the court official who wrote the legal opinion on the petition was aware of Frederick’s own slave purchases. A few years earlier in 1768, the Prussian king had indeed extradited a ‘Moor’ who had fled to Prussia from the Electorate of Saxony, apparently unwilling to accept his fate.⁶⁴ In his written assent Frederick noted only that the black servant had once belonged to the empress of Russia. Faced with runaway subjects and soldiers regardless of skin colour, this was a matter of maintaining something of vital importance to the Prussian king through cooperative behaviour, since in return he was promised ‘la reciprocité la plus exacte dans tous les cas pareils’.⁶⁵ This incident alone gave no clear indication yet of attitudes towards enslavement practices. In the Arnim case, the court official began his detailed discussion on a note of preserving estate-based society in general: ‘We believe we have good reason to claim that servitude (*servitus*) does not run contrary to natural law, but instead is actually founded upon it.’⁶⁶ In what followed, however, he appealed to natural law to justify not only estate-based society in general, but slavery in particular. Though all human beings were admittedly free in their natural state, there were four possible ways to legally

62 Kuhlmann, ‘Ambiguous Duty’, pp. 64–5.

63 Theilig, *Türken, Mohren und Tataren*, p. 39; Elizabeth McGrath, ‘Sklaverei’, *Handbuch der politischen Ikonographie*, ed. U. Fleckner, M. Warnke and H. Ziedler, 2 vols (Munich, 2011), vol. 2, pp. 350–7, here p. 353.

64 The source for this and subsequent information is Berlin, GStA PK, I. HA Geheimer Rat, Rep. 41 Beziehungen zu Kursachsen, No. 1759, Auslieferung eines aus Kursachsen geflüchteten Mohren, 1768.

65 Ibid.

66 Anonymous, ‘Rechtsgeschichte eines erkauften Mohren’, p. 298.

acquire slaves in what the author described as increasingly complex and differentiated societies that relied on the work of labourers: a person could become enslaved (1) by subjugation in war, (2) by contract, especially in cases of extreme poverty, (3) by birth to enslaved parents, and (4) as punishment for such crimes as theft or debt. 'Still today among several savage peoples, especially in Guinea, it is the prevailing custom to punish even the smallest crimes by slavery', the official continued, thereby using African slavery to casually and indirectly justify the practice of transatlantic slavery. Notably, the official did not proceed to check whether one of the four above-mentioned conditions applied to the petitioner. Instead he concluded more generally that the acquisition of slaves was permitted under natural law and that a ban on slavery and/or the slave trade would illegitimately curtail the property rights of the individual.⁶⁷

In the historical overview that followed he explained that Brandenburg-Prussia had withdrawn from the slave trade practised by Christian nations for the past three hundred years, despite the fact that the trade would make those other countries very rich. For all the criticism of the slave trade, though, 'the lot of prisoners of war, even slaves, when they came over from those barbarian regions to European nations, [had become] more tolerable'. There were exceptions, however: 'the Turks, Tartars and Moors, who force into slavery captured Christians, who in turn *jure retorsionis* do the same to them'. This was allowed by the recess of the Imperial Diet in 1542.

They feel all the effects of the harshest rule even today; they can be sold, given as gifts and bequeathed, which does not change even if they accept the Christian faith, though Pope Pius V wishes them declared free in such cases.⁶⁸

Notably, the official did not mention (or did not know) the considerably more lenient regulations concerning the treatment of prisoners of war following the Peace of Karlowitz in 1699 and reaffirmed by the Peace of Passarowitz in 1718.⁶⁹

Following this emphatic, pages-long justification of slavery based on natural law and the defence of European enslavement practices as comparatively humane or at least legitimate in the sense of retributive justice, the official turned to the current legal situation in neighbouring European countries. According to his information, slaves in France were emancipated if they registered with the court of the admiralty; he referenced the Somerset case in England, and noted that in the Netherlands slaves could apply for

67 Ibid., pp. 299–303.

68 Ibid., pp. 304–6.

69 Cf. Theilig, *Türken, Mohren und Tataren*, p. 37.

their freedom as soon as they touched the soil of the Republic, even against their owners' will. Indeed, the official described the situation of slaves as more positive than was actually the case, as we know from current research, in part because he referred to older legal decisions and was unaware that the status of slaves had worsened in France and the Netherlands. Even so, this look at neighbouring European countries presented the idea of emancipation as a possible alternative in the current case. As if suddenly realising the consequences of such a decision for Brandenburg-Prussia, the author abruptly shifted his argumentation:

Interpreters of Roman law therefore have many different opinions about applying the tenet of servitude to the present day. Some reject all use thereof, since the servitude found among the Germans has never been like that of Roman times, as noted above. Others apply it to serfs *glebae ascriptores* and others who, while not actually for their person, *cum fundo*, may still be sold. ... Nevertheless, there is still a world of difference between these serfs and Roman slaves, and these legal scholars can provide no judgment on the present case.⁷⁰

He was apparently concerned that a decision about enslavement practices might conversely set a legal precedent regarding serfdom.

He then went on to reject the so-called 'free soil ideology' that granted emancipation upon arrival on European soil, claiming it was not 'supported by sufficient reasons'. He likewise dismissed the decree of Pope Pius V granting slaves their freedom once baptised as non-binding for Protestant churches; it should be applied only to Jewish slave-owners. Thus, even though the concept of freedom through baptism was in circulation also in Protestant countries,⁷¹ the court official effectively eliminated all possible reasons for emancipating the slave and, in addition, drew a firm dividing line between slavery and serfdom. Citing natural law, he concluded that von Arnim was allowed to resell his slave, unless slaves in Copenhagen were freed after ten years in accordance with the law or the contract mentioned by the slave really did exist, 'which there is little likelihood of proving, since prior to the appointed date, von Arnim denied the existence of a concluded contract'. Von Arnim was thus granted greater credibility and the slave given the entire burden of proof.⁷²

After taking a clear stand and supporting his decision with considerable intellectual effort in over ten pages of argument, the official suddenly qualified his position in the closing paragraph:

70 Anonymous, 'Rechtsgeschichte eines erkaufte[n] Mohren', pp. 306–8, and cf. p. 309.

71 See note 15 as well as, for example, *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African*, ed. A. Costanzo (Peterborough, 2002), p. 109.

72 Anonymous, 'Rechtsgeschichte eines erkaufte[n] Mohren', pp. 308–10.

Whereas Your Royal Majesty in his innate grace and magnanimity has deigned to eliminate the harsh serfdom still occurring in several of His provinces, and thereby seems to express that that same Most Exalted One would not tolerate an even harsher yoke of servitude in His lands; and whereas, further, Your Royal Majesty extends his patrimonial care not only to the children born in his land, but to each and every person who places himself under the same Most Exalted One's protection: we therefore most humbly submit: whether it would be possible to introduce a law in His lands concerning slavery that would grant the above-mentioned Dutch rights?⁷³

Here he was referring to the concept – never codified in actual law – of liberation upon entering the Republic of the Netherlands. Why this manoeuvring, and why the insistent separation of slavery from serfdom in the preceding pages? Just a year earlier (1779), Frederick had sided with the millers Christian and Rosine Arnold in their suit against their landlord who had diverted their water to fill his own carp pool, leaving the Arnolds unable to pay in grain for their lease. After the millers had lost their case at every judicial level, Christian submitted a petition to Frederick II. The king decided that the manorial lord could not simply claim all the water for himself, as water was a shared or public good. Frederick then dismissed a number of judicial officers and placed others under arrest.⁷⁴ This course of action shocked the nobility and bureaucracy alike,⁷⁵ and helps explain why the court official handling the petition took such a cautious, deliberate approach. He did not wish to meet the same fate as his colleagues in the Berlin Superior Court: they, too, had heard the Arnolds' case, and had landed in prison. These interconnections between slavery, the manorial system and serfdom make the slave's petition particularly interesting with regard to the repercussions of the transatlantic slave trade for Prussian history in the sense of 'entangled histories'.

Even earlier than this, Frederick had clearly shown that he supported the peasants: according to the basic instructions for the General Directory of 1748 (i.e. the central Prussian agency for the interior and finance), domain peasants should be released to the extent that it was possible; those 'subjects' working for cities and the nobility should be required to perform manual labour and unpaid horse-and-cart work for a maximum of three or four days per week, not for the entire week as they had before.⁷⁶ Domain officers who beat peasants with sticks would be sentenced to six years' imprisonment.

73 Ibid., p. 310.

74 Gerd Heinrich, *Friedrich II. von Preußen. Leistung und Leben eines großen Königs* (Berlin, 2009), pp. 256–8; Luebke, 'Frederick the Great and the Celebrated Case of the Millers Arnold'.

75 Peter Weber, 'Das Allgemeine Gesetzbuch – ein Corpus Juris Fridericianum?', *Friedrich II. und die europäische Aufklärung*, ed. M. Fontius (Berlin, 1999), pp. 103–11, here p. 109.

76 The source for this and subsequent information is Walther Hubatsch, *Friedrich der Große und die preußische Verwaltung*, 2nd rev. edn (Cologne, 1982), pp. 175–6.

The 1766 regulations for district officers required them to report immediately to the court every offence against peasants committed in their jurisdiction. However, it was difficult to have a unified legal code concerning peasants in the Prussian state since existing privileges had to be respected and the legal status of the peasants varied widely from one part of the country to another.

With the cabinet order of 16 April 1754, Justice Minister Samuel von Cocceji had been told that ‘the slavery of serfdom still common in Pomerania seems so harsh to me, and to have such a deleterious effect on the entire district, that I wished it could be abolished completely’.⁷⁷ Frederick repeatedly linked serfdom with slavery linguistically, as in this 1772 reply to a request submitted by a serf from the Kurmark: ‘Slavery has ended, the fellow must be protected.’⁷⁸ Or in a later text (1777) when writing about how peasants were bound to the soil:

Of all situations this is the most unfortunate, and must appall human feeling most profoundly. Surely no one is born to be the slave of one of his own kind. We abhor this abuse for good reason and think that we need only to want it thus in order to eliminate this deplorable barbarian custom. But that is not the case; it is supported by contracts of old between the landlord and the settlers. Farming is tailored to the compulsory labour of the peasants. Were we to eliminate this abhorrent institution with one stroke, we would be doing away with farming altogether. The nobility would then have to receive compensation for the partial loss of income they would experience.⁷⁹

This was actually a polemical conflation of slavery and serfdom on Frederick’s part, one that had already enjoyed a long tradition and was still common among Frederick’s contemporaries.⁸⁰ That he did not imply the elimination of slavery in the narrower sense becomes apparent when we look at Frederick’s own brief response to the Moor’s petition: he clearly rejected freeing the slave on the basis of the free soil ideology, but should there actually

77 Quoted from *ibid.*, p. 177 (source not named).

78 *Acta Borussica. Die Behördenorganisation und die allgemeine Staatsverwaltung Preußens im 18. Jahrhundert*, 16/1 (1970), p. 22, cited by Kiefner, ‘Zur “Rechtsgeschichte eines erkaufte[n] Mohren”’, p. 116.

79 Friedrich der Große, ‘Regierungsformen und Herrscherpflichten (1777)’, *Die Werke Friedrichs des Großen in deutscher Übersetzung*, ed. G. Berthold Volz, 10 vols (Berlin, 1912), vol. 7, pp. 225–37, here p. 233. The nobility did receive compensation following the abolition of serfdom in Prussia in the nineteenth century.

80 Cf. Renate Blickle, ‘Leibeigenschaft. Versuch über Zeitgenossenschaft in Wissenschaft und Wirklichkeit, durchgeführt am Beispiel Altbayerns’, *Gutsherrschaft als soziales Modell*, ed. J. Peters (Munich, 1995), pp. 53–80, here p. 61: ‘Beginning around 1700 serfdom was used as a battle cry, and was not only compared with slavery but equated with it.’

be a contract as the petitioner claimed, the latter could have recourse to legal action.⁸¹ Apparently the slave was unable to produce such a contract, so the files contain no further mention of the case. As in issues of serfdom, here too ‘ancient contracts’ and property rights served as the basis for his decision, and it seems that above all else, Frederick wished to convey an image of legal certainty and the rule of law. By reassuring the aristocracy in this way the Prussian king may have also been reacting against the nobility’s opposition to the abolition of serfdom, a project which during the entire period of Frederick II’s reign made only slow and halting progress.⁸² In contrast, acceptance of the free soil principle would have led logically to the complete elimination of serfdom in Prussia. Thus both forms of dependency – slavery and serfdom – were intertwined, even though Brandenburg-Prussia had no slave trade at the time and as a Central European land power appeared to stand only at the margin of the traffic in people.

Apparently the need for regulation in such cases was recognised in the following years, and this also indicates that they were not so infrequent or unusual as the research to date suggests. Work began that same year (1780) on the General Law Code for the Prussian States (ALR, Allgemeines Landrecht für die Preußischen Staaten), though Frederick II (1712–86) died before it took effect in 1794, and it was valid only subsidiary to local rights. According to this general code:⁸³

§ 196 Slavery shall not be tolerated in royal lands.

§ 197 No royal subject can and may obligate himself to slavery.

[But:]

§ 198 Foreigners who are in royal lands for a limited time retain their rights over accompanying slaves.

§ 200 When such foreigners settle permanently in royal lands; or when royal subjects bring slaves purchased elsewhere into these lands, slavery ceases to exist.

Nonetheless, slaves had to work without payment until their owner had been reimbursed for the purchase price (§ 202, see also §§ 203–5) which meant that in most cases the slaves’ actual circumstances initially did not change. ‘The lord [could] also add a former slave to a country estate as a subject’ (§ 207), which meant: transform him into a subject of the estate with an obligation to remain on-site (*Schollenpflicht*) and perform compulsory labour. Were any children conceived while the person was still in a state of

81 Anonymous, ‘Rechtsgeschichte eines erkaufte[n] Mohren’, p. 311.

82 Hubatsch, *Friedrich der Große*, pp. 177–9.

83 The source for this and subsequent information is *Allgemeines Landrecht für die Preußischen Staaten von 1794*, with an introduction by Hans Hattenhauer and a bibliography by Günther Bernert, 2nd expanded edn (Berlin, 1994), Teil II, Titel V.

slavery, they were required to provide services just like ‘other abandoned children who were being cared for and educated’ (§ 206); in other words, the children of slaves were viewed as orphans. Accordingly, they were required to work without pay for their foster parents for the same length of time as those parents had spent raising them.⁸⁴ Had there been no slaves in Brandenburg-Prussia, such detailed regulations would have been superfluous.

The same legal document abolished ‘former serfdom, as a form of personal slavery’,⁸⁵ but the *Schollenpflicht* of peasants and their children posed an obstacle to this rhetorical formula since it was by no means lifted and was enforced by the use of corporal punishment.⁸⁶ The emancipation of the peasants, like the abolition of slavery, was in fact a protracted process that continued well into the nineteenth century.

III

In the long run the petitioning slave achieved a certain success, but in the short run – which was biographically relevant – he had to accept defeat in 1780. Despite this failure the case is significant. Here for the first and, according to current research, only time in a German-speaking region, and if we set aside other tacit or ‘silent’ practices and forms of protest such as escape, desertion or suicide, an African slave raised his voice in protest against his enslavement. From the perspective of subaltern studies this case allows us to move away from a reconstruction of the ‘Moor’ as exotic item or the object of aristocratic and bourgeois prestige culture and mercantile interests, and see slaves as agents instead, not only in the sense that they shaped their lives, developed relationships, and negotiated social and economic opportunities, but also insofar as they openly thematised and criticised their condition.

At the same time, in this conflict two comparative perspectives converge, as debates about the status of slaves on the European continent that look beyond national borders meet up with the comparison of slavery and other forms of bondage like serfdom that should be seen not only as separate systems, but also in terms of how they intersect and influence one another. These interrelations as well as efforts to distinguish between different kinds of dependency did not take place detached from social practices. They were embedded in negotiation processes between the monarch, the administrative apparatus, aristocratic land owners, peasant subjects and slaves who were brought into the country.

84 Ibid., Teil II, Titel II, §§ 754–5.

85 Ibid., Teil II, Titel VII, § 148.

86 Ibid., Teil II, Titel VII, §§ 150, 155, 185.

Therefore the notion that on the European continent slavery quietly ‘evolved into the social reality of domestic service’,⁸⁷ or that baptism and/or crossing borders automatically led to emancipation should be used only cautiously. Contemporaries spoke of slavery not only polemically and figuratively, but also in reference to actual people and legal conditions. A servant or serf could not have been sold (legally) by von Arnim in 1780. If we approximate slavery on the European continent too closely to other forms of dependency we run the risk of downplaying or trivialising the legal status of slaves; for example, their passage from hand to hand cannot be compared with the practice of sending aristocratic children, servants and cooks unasked from one aristocratic court to another.⁸⁸ At the same time, the many-tiered forms of compulsory labour and dependency in early modern society might have meant that slavery was not necessarily perceived as something radically foreign or different by contemporaries.⁸⁹ Yet if we ignore the moment of irritation and ambiguity that stirred debate at the time, we miss an opportunity to view Central European society in the early modern period as part of the transatlantic world. In the second half of the eighteenth century, holding slaves was still part of the contemporary European horizon, even in a Central European land power such as Prussia. This perspective makes it possible to view the process of eliminating serfdom not as an isolated one, but embedded in global interactions. Until now, slavery and serfdom on the European continent were considered two distinct systems that ‘appeared to be so different in time and place that it was impossible that one had influenced the other’.⁹⁰ But as the case discussed here suggests, both legal concepts should be viewed as less isolated than slavery experts on the one hand and Prussian history experts on the other have supposed.

87 This is the conclusion drawn by Sauer and Wiesböck, ‘Sklaven, Freie, Fremde’, pp. 48–9.

88 Thus Kuhlmann, ‘Ambiguous Duty’, p. 60.

89 Sauer and Wiesböck, ‘Sklaven, Freie, Fremde’, p. 47.

90 Robert M. Berdahl and later Claus K. Meyer identified paternalist arguments as a shared feature of slavery in the American South and the form of subservience found in the manorial system. However, since the institutions in the American South and on estates east of the Elbe differed in so many ways, neither Berdahl nor Meyer looked for possible reciprocal influences; Meyer wrote of ‘institutions that were separated from one another in time and space, existed in completely different circumstances, and reflected fundamentally different structures’: Claus K. Meyer, ‘Ein zweischneidiges Schwert. Ordnung und Reglementierung auf Rittergut und Sklaven-Plantage’, *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. J. Klußmann (Cologne, 2003), pp. 241–72, here p. 242. See also Shearer Davis Bowman, *Masters & Lords. Mid-19th Century U.S. Planters and Prussian Junkers* (New York, 1993).