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CODIFYING HUMANITY: THE LEGAL LINE BETWEEN SLAVE AND SERVANT

Veronica Hendrick

Beloved,¹ Toni Morrison's Pulitzer Prize-winning novel, portrays the ramifications of U.S. legal policies that codified people as either human, therefore entitled to rights, or animal, thereby allotted to the category of slave. It is this categorization that sets the action of the novel into gear. Sethe, the main character, runs from the Sweet Home farm to freedom in Ohio, where her three small children await her. After only 28 days of freedom, her owner and the local sheriff arrive to apprehend her. In response, Sethe attempts to kill her children and herself rather than return to the slave system.

When Sethe decides to run, she is six months pregnant and has lived most of her adult life on the Sweet Home farm. Her decision to run, as well as those of the other slaves, is caused by the arrival of a new overseer, Schoolteacher. The male slaves suffer from brutal treatment, but Sethe's work remains relatively manageable. Nonetheless, when all the runaway plans go wrong, Sethe is impelled to attempt the escape alone. Her motivation to flee is not limited to the treatment she receives as a slave; specifically, she runs because of a list that Schoolteacher makes in which her animal and human characteristics are lined up on opposing sides of the page. This list, and the knowledge that her children will be assessed as animals, inspires her flight from the Sweet Home plantation. Prior to the arrival of Schoolteacher, the codification of slaves as property was obscure. With Schoolteacher's arrival, and the laws he enforces, the status of the Sweet Home slaves is quickly established as that of chattel.

Under Mr. Garner, the original owner, the slaves had been treated as servants rather than slaves. There were no chains, no limits on food, and no beatings. Garner had allowed the men to carry guns and hire their time out for pay. In fact, Sethe's husband had purchased freedom for his mother and had full intention to buy himself and his growing family. Although the slave codes allowed for this arrangement, Garner's overall treatment of his slaves outraged his fellow townsmen. The narrator indicates that Garner's unexpected death may have been a case of murder: One of the townsmen admonished Garner's attitude towards his slaves, chastising him for refusing to stud the males and declining to sell off individuals to cover expenses. He complains that "[t]here's laws against what he done: letting niggers hire out their own time to buy themselves. He even let em have guns! And you think he mated them niggers to get him some more? Hell

1. TONI MORRISON, *BELoved* (Penguin Putnam Inc. 1998) (1987).

no! He planned for them to marry!”² This townsman cites Garner’s criminal behavior of allowing the slaves to carry guns as justification for punishment.

Whether Garner’s fatal head wound is the result of buckshot or a fall is left ambiguous; nonetheless, his death clarifies the status of the Sweet Home slaves. Their illusions of a servant-like status are ripped away, and the true nature of their slavery becomes evident when Schoolteacher arrives. It is important to note that Sethe had certainly heard horror stories of other plantations and slave experiences, but she had dismissed them. Of the other five adult slaves on this farm, only two had been born elsewhere: One man came from another farm, and another man came directly from Africa.³ This isolation may explain the shock felt by the Sweet Home slaves when their freedoms are cut and their codification as animals is established.

When Sethe overhears Schoolteacher instructing his two nephews, she is horrified at their differentiation between Africans and Europeans. Using physiological features as evidence, the boys divide their notebooks and categorize the slaves’ animal properties. The definition of Sethe as an animal, equated with livestock, is a pivotal point of the novel. Over and over, allegations of Sethe’s animal nature are emphasized, and it is precisely this definition of slave as animal which Sethe rejects. Like the historical case of Margaret Garner,⁴ on which Morrison’s novel is based, Sethe chooses infanticide and death rather than allow herself or her children to return to slavery.

The story in *Beloved* spans from 10 years before to 20 years after the U.S. Civil War. Therefore, the Kentucky Codes of slavery of the 1860s define Sethe’s legal status. Each slave state had unique slave codes, but all slave states “made slavery a permanent condition, inherited through the mother, and defined slaves as property.”⁵ The period in which the novel is set is informed by these colonial slave codes, and *Beloved* emphasizes the racial distinctions that become markers of slavery. Interestingly, the use of the term “slave” only begins to appear in the later part of the 1600s. Up until that point, many of these workers were considered servants and treated much the same as indentured servants. Although there was most definitely life-long servi-

2. *Id.* at 226.

3. There is a historical incongruity in the character of Sixo, who is said to be an African. The legal importation of slaves into the United States ceased in 1808. However, Sixo may have been imported as contraband.

4. In January 1856, Margaret Garner, a runaway Kentucky slave, and several of her companions were surrounded by U.S. Marshals as they hid in a shed in the free state of Ohio. Rather than return to slavery, Garner took a meat cleaver to her infant daughter and attempted to kill her other four children and herself before she was apprehended, imprisoned, tried, found guilty, and remanded into slavery.

5. NPS Ethnography: African American Heritage & Ethnography: Laws that Bound, <http://www.cr.nps.gov/ethnography/aah/aaheritage/histContextsE.htm> (last visited Feb. 2, 2007).

tude in the colonies, the Act of 1655 is one of the first legislative documents to utilize the term slavery, in this case in reference to Indian slavery. Various terms were used to differentiate between the indentured servants fulfilling term contracts and those who would later be called slaves. T. R. Davis notes that “‘servant for life,’ ‘perpetual servant’ and ‘bond servant’ were used interchangeably with ‘slave’ . . . and the servant who became slave lost all the earmarks of a servant.”⁶ At the same time as the development of slavery in the colonies, parallel systems of servitude were maintained. These included both white and black indentured servants. With time, the system of black indenture faded and was replaced by slavery. Although various colonial groups made strong protestations against slavery, hoping to outlaw it entirely, the economic advantages of perpetual servitude outweighed these humanitarian concerns. The codification of slavery moved steadily forward.

One significant alteration in jurisprudence demonstrates both the spread of slavery and its development as a race-based system: the change in status of children born of mixed race parentage. At first “children of white mothers and slave fathers became servants for a term of years,”⁷ but later on, the legislation enslaves mulatto children. Similarly, changes are enacted that reduce free white women who married slaves to servitude for the lifetime of their husbands. Eventually, slavery becomes synonymous with blackness, and interracial marriage is prohibited by law. By 1664, “slave” is a status that is both permanent and hereditary.

Other colonial laws highlight the shift from indentured servitude to racial slavery in the colonies. In 1639, Virginia had the first law to exclude “Negroes” from normal protections by the government. In 1664, Maryland established the colonial “anti-amalgamation” law with other colonies soon following. In 1691, a Virginia law declared that any white man or woman who married a “Negro, mulatto, or Indian” would be banished from the colony forever. And by 1682, Virginia had established a law which clearly delineated the racial distinction between servants and slaves.⁸

In *Beloved*, through the character of Amy Denver, the line between servant and slave is clearly drawn on racial lines as it was in this historical period. Sethe describes the white indentured servant, Amy, as “[t]he raggediest-looking trash you ever saw,”⁹ but due to her whiteness and her Christian ancestry, Amy holds a position far superior to

6. T. R. Davis, *Negro Servitude in the United States: Servitude Distinguished from Slavery*, 8 J. NEGRO HIST. 247, 261 (1923).

7. *Id.* at 263.

8. See *Africans in America: From Indentured Servitude to Racial Slavery*, <http://www.pbs.org/wgbh/aia/part1/1narr3.html> (last visited Feb. 2, 2007).

9. MORRISON, *supra* note 1, at 31–32.

that of Sethe's. Amy is human: Only her labor—her indenture—can be bought and sold during the specified term of her contract.

Amy's Christianity is a significant feature of her servitude. As a Christian, she cannot be a slave. One feature of slavery that becomes a paramount concern during its evolution is the definition of slaves as pagans. An early justification for bringing slaves into the colonies is based upon the belief that the Africans are, in fact, receiving a gift through their introduction to Christianity. In Amy's encounter with Sethe, Amy assumes that Sethe is non-Christian. Amy chides Sethe about her pregnancy, saying "Whose baby that? . . . You don't even know. Come here, Jesus."¹⁰ Completely invested in stereotypes, Amy does not imagine that Sethe is already the mother of three children born in wedlock. She sees Sethe according to the terms of slavery which suggest amoral sexuality. This view, combined with the Africans' lack of Christianity, becomes the excuse for enslavement. Jonathan Alpert explains that "the paganism justification went through three stages. At first, in the period roughly between 1634 and 1650, it was merely an unconscious factor in the reduction to life servitude of the Negro."¹¹ The argument ran that the life of the African was improved by Christian values and the larger civilizing experience that the colonies offered.

As African servitude becomes entrenched in a slave system, "justification had to be developed to continue in slavery those who were in slavery and to justify the imposition of slavery on fresh imports."¹² At this point, Africans coming into the colonies are held to a life contract. Although this differs from indenture in several ways, it is still considered a binding two-party contract. The problems with this contract are obviously based upon the fact that the life-long servants neither entered into the contract voluntarily nor were party to the negotiations of the contract. However, like the contracts of indentured servants, who did sign the contracts themselves, the contracts of the life-long servants did not pass forward to progeny. Instead, children were treated as short-term contracted servants. The terms of these children's contracts varied, but were usually based upon the costs of housing and raising the children into their productive years.

The next step in the codification of Africans as slaves is the transmission of parental life-long servant contracts to children. Again, it was "the paganism rule" which the colonists offered as rationalization. This excuse held sway until numerous life-long servants requested liberty based upon their adoption of Christian religions. The Act of 1671 neatly removes the ability of converted slaves to obtain their freedom based upon their Christianity. Once this loophole was closed, slavery

10. *Id.* at 78.

11. Jonathan L. Alpert, *The Origin of Slavery in the United States—The Maryland Precedent*, 14 AM. J. LEGAL HIST. 189, 194 (1970).

12. *Id.*

became increasingly race based: Servants were white Christian Europeans, and slaves were black Pagan Africans. The pagan appellation furthered the justification for slavery. For example, in *The Negro in Colonial New England*, Lorenzo Greene reported that colonial New Englanders believed that Negroes were enslaved because they had sinned against God.¹³ In fact, “the designation of black races as the ‘sons of Ham’ doomed by Noah to be ‘hewers of wood and drawers of water’”¹⁴ became the rationale for black slavery and for its hereditary nature.¹⁵

Therefore, despite Amy’s and Sethe’s parallel problems with their work situations, their masters, and their mistreatment, the similarity of their status is blurred by racial and religious lines. This also demonstrates that the line between indentured servant and slave is firmly delineated although, prior to 1682, there were no laws distinguishing a slave from a servant. As the slave codes became more entrenched in racial distinctions, “anti-amalgamation” and “manumission” laws became common and Christian baptism “would no longer affect the bondage of blacks or Indians.” Amy is distinguished from Sethe based upon race and birth right, and Amy is established on the lowest rung of white supremacy. Amy is granted human status, and Sethe remains chattel.

The two women—servant and slave—accidentally encounter one another in the backwoods near the banks of the Ohio River. Amy finds Sethe prostrate on the ground. Having been badly beaten on the night she runs, Sethe is allowing herself to die when Amy arrives. Amy revives Sethe by placing spider webs across her whip wounds, leaves and moss against her swollen and inflamed feet, and massages some of the pain away. Despite this tenderness, Amy continually admonishes Sethe’s race and lack of humanity. As she helps Sethe, Amy compares her acts to the kindness she would offer to any wild beast found injured because she is “good at sick things.”¹⁶

Amy continually refers to Sethe as either an animal or a thing, reemphasizing the distinctions between slave and servant, black and white. When Sethe is unable to move from the ground where she has collapsed, Amy asks her “what you gonna do, just lay there and foal?”¹⁷ Nonetheless, Amy stays with Sethe and delivers her name-sake, Denver.

The next morning Amy quickly disappears because she “wouldn’t be caught dead in daylight on a busy river with a runaway.”¹⁸ Amy’s

13. LORENZO JOHNSTON GREENE, *THE NEGRO IN COLONIAL NEW ENGLAND* 286 (1942).

14. Pal Ahluwalia, *Race*, 23 *THEORY, CULTURE & SOC’Y* 538, 542 (2006).

15. See ROBIN BLACKBURN, *THE MAKING OF NEW WORLD SLAVERY: FROM THE BAROQUE TO THE MODERN 1492–1800*, at 12 (1997).

16. MORRISON, *supra* note 1, at 82.

17. *Id.* at 33.

18. *Id.* at 85.

own status would not protect her if she were caught with a runaway slave. The narrator emphasizes the closeness of these women's social status, stating "[a] pateroller passing would have sniggered to see two throw-away people, two lawless outlaws—a slave and a barefoot whitewoman with unpinned hair—wrapping a ten-minute-old baby in the rags they wore."¹⁹ Although both women would be scoffed, Amy is clearly at risk in aiding Sethe: This is what makes Amy an outlaw. No matter which social status she holds, under The Fugitive Slave Act of 1850, people found guilty of aiding a fugitive slave are punishable by fines or imprisonment.

Since Amy has no assets, her penalty might have come in the form of a return to servitude, a risk she was certainly unwilling to take. In fact, the indenture that she had just completed was not her own contract but instead that of her mother, who died in childbirth. Amy inherits her mother's debt and incurs additional years of service to pay for the food and lodging of her infancy. This situation is in keeping with the customs and laws of the period. In fact, if a family came over via indenture or under the redemptioner system, the passage expense for any family member who died on the voyage was added to that of the remaining family members. The law stipulated that if a person died before the mid-point of the passage, only half fare was required, but after that point, full fare was due. It is unclear under which law Amy's master is able to keep her in servitude, or if he even pursues a legal arrangement at all. Given that they live in a very rural area, the arrangement may have simply been imposed upon Amy, who, as an orphaned infant, had no legal awareness and little recourse.

Amy states that "[m]y mama worked for these here people to pay for her passage. But then she had me and . . . she died right after."²⁰ Amy is left to work out the debt to Mr. Buddy. Mr. Buddy is not only described as a cruel man, he may quite possibly be Amy's father. As an indentured servant, Amy's mother was prohibited from marriage during her tenure and was expressly forbidden to have children. Both of these controls were put in place to insure the productivity of servants during their contract. Servants who had children, especially unwed mothers, were particularly vulnerable to punishment, usually in the form of extended work contracts.

In fact, several changes in codes and judgments demonstrate the problems that were grappled with during the indenture system. Laws that were at first established to promote the proper conduct of unwed women were reworked to protect them from sexual exploitation. It seems that the time added to contracts of pregnant unwed servants enticed masters to either make their servant pregnant themselves or orchestrate her conception through a male servant, whose contract

19. *Id.* at 84–85.

20. *Id.* at 33.

time would similarly be extended. The new laws penalized any master or mistress who was found complicit in the moral or sexual corruption of servants.

Slave women became increasingly vulnerable to the pressures to reproduce slaves. When the slave trade officially ended, slave owners attempted to maintain or increase the numbers of slaves on the plantation through forced pregnancy. Therefore, “[s]lave women of childbearing age became more valuable. There are a number of court cases concerning slave women who either killed their masters who forced them to have sexual relations or killed the children rather than have the children enslaved.”²¹ There are several novels which reflect these pressures. *Celia, a Slave*, the 1991 novel by Melton A. McLaurin, recounts the criminal trial of a slave woman found guilty of murdering her owner. Celia had tried to temporarily discontinue her master’s sexual activities until after the birth of their second child. When he continued their sexual liaison during her pregnancy, she bludgeoned him and burned his body. The novel is a fictional account of an actual court case in which Celia was prohibited to testify. The law prevented a slave from bringing evidence against a white person. *Celia, a Slave*, like Morrison’s fiction, emphasizes the defenseless position of female servants and slaves. Sethe is misused by Schoolteacher and his nephews. And through questions about Amy’s parentage, as well as the implications that she is sexually threatened by Mr. Buddy, the vulnerability of the indentured servant is accented.

Beloved demonstrates overlapping problems of servitude in America at this time. Although there are cases in which abusive masters were admonished, there were little to no legal protections for slaves. Contracted servants, under the indenture or redemptioner systems, had more recourse for mistreatment than slaves, but their protections were still scanty.

Although most indentured servants saw their indentures as a viable way to escape widespread unemployment in England, others were coerced or forced into contract. When they arrived in the colonies, many contracted servants were shocked by their situation.

Rather than finding venues in which they could practice their profession, like gardens and orchards, overseers marched servants out to the fields. Many died, attempted to return, or ran away. In addition to mistreatment, many servants also encountered contract extension, a popular punishment of planters for rowdy indentures. However, even the worst human abuses did not take the mortal tolls that the mere climate of Virginia claimed.²² In like form, many of the travelers com-

21. Law Library of Congress, Slavery and Indentured Servants, <http://memory.loc.gov/ammem/awhhtml/awlaw3/slavery.html> (last visited Feb. 3, 2007) (citing MELON A. McCLAURIN, CELIA, A SLAVE (1991) as a narrative of such a criminal trial).

22. See VIRGINIUS DABNEY, VIRGINIA: THE NEW DOMINION (1971); DAVID W. GALENSON, WHITE SERVITUDE IN COLONIAL AMERICA: AN ECONOMIC ANALYSIS 4,

ing across the ocean via the redemptioner system found great disappointment when they reached the colonies.

The redemptioner system differed from indenture in that the travelers tended to pay a portion of their fare prior to expatriating and hoped to pay the balance upon arrival in the colonies. Money could be acquired upon arrival through trade, through the help of family members, or a prior business arrangement. Only if the balance was left unpaid would the traveler enter into a servant contract. Oftentimes, parents would contract out one of their children, while maintaining their own liberty. Again, the hopes were to become financially solvent and buy out the remaining contract time. Unfortunately, many of these arrangements were unsuccessful, and many immigrants were forced into servitude. Once contracted, the redemptioners were on equal footing with servants and one step away from slavery. The novel emphasizes the thin line in social status held by various individuals in the serving classes.

Although the portrayal of Amy as an indentured servant comes very late in the U.S. experience, it is historically plausible. David Galenson notes that instances of white servitude survived after the colonial period and that “isolated cases of indenture in the United States can be found as late as the fourth decade of the nineteenth century.”²³ The system of U.S. Indentured Servitude developed out of the British system of Indenture; however, America utilized and maintained it far after its dissolution in Great Britain. As stated above, in its earliest inception, indentured servitude was not tied to race. The earliest black Africans arriving in Jamestown, Virginia by 1619 were treated as indentured servants, held to unwritten contracts.²⁴ These individuals were provided with food, drink, lodging, and clothing and were given what came to be called Freedom Dues at their release. Freedom Dues varied from colony to colony, but judging from the earliest contracts held by white indentured servants, these dues typically granted the released servant with suits of clothing, shoes, and in some cases small plots of land. As the need for labor increased in the colonies, an increase in Freedom Dues—in some cases up to 50 acres of land—were used to entice Europeans to work the land. Until approximately 1640, black servants in the colonies were entitled to Freedom Dues, and many of the freed servants took on servants of their own. Only as black indenture was replaced by slavery did the issue of race become the pivotal characteristic.

In fact, the status of slaves in Europe prior to colonization was not a life-long condition and was not race-based. Furthermore, the “first

(1981); ABBOT EMERSON SMITH, *COLONISTS IN BONDAGE: WHITE SERVITUDE AND CONVICT LABOR IN AMERICA 1607–1776* (Genealogical Publ'g Co. 2000) (1947).

23. GALENSON, *supra* note 22, at 4.

24. The African American: A Journey from Slavery to Freedom, <http://www.liu.edu/cwis/CWP/library/aaslavery.htm#intro> (last visited Feb. 3, 2007). 692

Virginia colonists did not even think of themselves as 'white' or use that word to describe themselves. They saw themselves as Christians or Englishmen, or in terms of their social class."²⁵ Race became a paramount issue as the system of slavery became entrenched. Several factors contributed to this, the most significant of which was the legal definition of the black race as separate and distant from the white race. This separateness enabled the definition of blacks as non-humans or as sub-human, thereby permitting the servant system to degenerate into slavery. Economic and logistical forces also promoted the emphasis upon race: By defining slaves according to race, recapture of run-a-ways and other methods of domination were facilitated. Therefore, what were once social-cultural distinctions between the two groups became increasingly delineated by legal precedent. One of the first cases is that of John Punch, one of three servants who ran from a Virginia farm. All three men received thirty lashes upon recapture; however, where the two white servants had years added to their servant contracts, the third man, a black man, was condemned to a life sentence of service. This is one of the first known cases of legally sanctioned life-time servitude. By 1640, slavery as a race-based system became institutionalized in Maryland. In 1641, Massachusetts followed suit in its written legislative *Body of Liberties*.²⁶ However, it was Virginia that first defined "the status of slaves in explicit legal terms. According to the colony's 1705 law, all blacks, mulattoes, and Native Americans, all non-Christian persons brought into the colonies as servants (even should they later convert to Christianity) were considered slaves."²⁷ With this, slavery became a race-bound system, and the thin line between black and white servants became a chasm.

The distinction between Amy and Sethe is ultimately the distinction between human and animal. Alexa Silver Cawley explains, "indentured servants lived in a status of half-freedom. . . legally considered chattel, like other forms of property such as real estate, slaves, household items, farm equipment, and animals;"²⁸ it was "a servant's potential labor rather than their persons [which] belonged to the master."²⁹ Under the slavery system, the persons themselves became the property, permanently equated with livestock. In *Beloved*, this point is repeatedly emphasized.

25. Africans in America: From Indentured Servitude to Racial Slavery, *supra* note 8.

26. See The African American: A Journey from Slavery to Freedom, <http://www.liu.edu/cwis/CWP/library/aaslavery.htm#beginning> (last visited Feb. 3, 2007).

27. Kimberly Sambol-Tosco, *The Slave Experience: Legal Rights and Government*, <http://www.pbs.org/wnet/slavery/experience/legal/history.html> (last visited Feb. 3, 2007).

28. Alexa Silver Cawley, *A Passionate Affair: The Master-Servant Relationship in Seventeenth Century Maryland*, in THE HISTORIAN 753 (1999).

29. *Id.*

There are three horrific events in which Schoolteacher emphasizes Sethe's inhumanity. The first event, discussed above, is the two-columned notebooks in which the nephews compare the animal and human characteristics of the slaves. The next is the beating Sethe receives for participating in the plot to leave the Sweet Home farm. Her back is lashed open by the whips of Schoolteacher and his nephews; however, her swollen belly, carrying Denver, is placed into a carved hole in the ground to protect the "unborn livestock." Schoolteacher views Sethe simply as an animal breeder. This role conflicts with Sethe's concept of herself as a tender, loving, protective mother. Schoolteacher then adds to this vicious, dehumanizing beating by instructing his nephews to suckle from Sethe's milk-laden breasts. Again, the emphasis this event adds is that Sethe is perceived as an animal whose milk is free for the taking. Schoolteacher and the nephews dismiss any notion that Sethe has a daughter whose life depends upon that milk. None of this is lost on Sethe. In fact, the constant refrain "they stole my milk" not only propels her to flee Sweet Home that very night, but it also pushes her forward through her encounter with Amy Denver and into the waiting arms of her mother-in-law. Her milk is a symbol of her motherhood and of her humanity.

Sethe's memory of this inhuman treatment leads to her ghastly last encounter with Schoolteacher. Morrison weaves before our eyes the image of Sethe grabbing her three older children and her new-born infant. She drags them into a woodshed and draws a saw across the necks of the two boys and the older girl. She also attempts to crack the skull of the infant girl against the wall of the shed. All this blood and death are caused by Sethe's glimpse of Schoolteacher, his milk-robbing nephew, and the slave-retrieving sheriff. This evokes all the horror Sethe and her children would meet upon their return. Sethe's desire is to permanently remove her children from the clutches of slavery and the definitions making them animals. Schoolteacher, however, completely misinterprets Sethe's actions. He perceives her acts as those of an animal gone wild. After witnessing Sethe's act of infanticide, his concluding thoughts are dismissive. He no longer wants Sethe because she is now useless, staring blankly at him. And, he wishes "his other nephew could see that look [because] he would learn the lesson for sure: you just can't mishandle creatures and expect success."³⁰

Schoolteacher's condemning thoughts are repeated in two forms in the novel: the first by denunciation of other escaped or freed blacks and the second by the verdict of the legal system. The court case is a particularly interesting aspect of the novel. It becomes even more useful when reminded that Morrison's novel was inspired by the real events of a slave named Margaret Garner. In the novel, Sethe is taken

30. MORRISON, *supra* note 1, at 150.

into custody and tried for her crime. Her crime, however, is not murder; it is theft and destruction of property. Sethe is tried, found guilty, and released because Schoolteacher no longer values her as a workable asset.

Interestingly, in Morrison's operatic version of the story titled "Margaret Garner: A New American Opera,"³¹ the trial scene takes on great prominence; whereas, in the novel, it is a side note.³² The opera emphasizes the view of slaves as property and highlights other aspects of the slave system that developed. In the opera, Margaret's children are clearly those of her master—a vivid rape scene provides evidence. Similarly, the master's pursuit of Margaret after she runs is both economically and sexually motivated. By establishing the paternity of the children in this way, the changes in the laws governing slave status can be discussed.

Prior to 1662, an individual's lineage and inheritance rights were traced through the paternal line; however, in the colonies, new legal provisions defined slavery as inherited through the maternal line. The opera emphasizes the slave status of Margaret's children by the master. The opera deviates from the text, in which all four of Sethe's children are fathered by her husband, Halle. However, the opera version may be closer to the historical account of Margaret Garner. According to the documents of the case, the escaped slave Margaret Garner did in fact kill her daughter when the slave catchers arrived; she was tried for destruction of property and remanded back to her master. In discussing Garner's ability to kill her children, one woman on record comments that Margaret Garner's action may be explained by the children's paternity. The children are described as very light skinned, and their master is implicated in their conception. In any event, the historic Margaret Garner is returned to slavery but drowns when her ship meets with a violent storm. As a side note, the account of this horrific death leaves room for an imagination that Margaret Garner did not survive her travel due to either a criminal action on the part of her steward or the successful completion of her earlier attempt at suicide. This same suspicion may have inspired Morrison to create an ending to her opera that wildly deviates from both her novel and the historical record. In the opera, the trial scene concludes with Margaret's death sentence. While poised on the gallows, her master arrives with a last-minute reprieve from the governor. Her family and her owners rejoice at the news, but Margaret, with the noose still snug around her neck, flings herself from the platform.

These three accounts—the historical Garner, the operatic Margaret, and the fictional Sethe—provide interesting ways to discuss the status

31. MARGARET GARNER & RICHARD DANIELPOUR, *MARGARET GARNER: A NEW AMERICAN OPERA*.

32. The character Margaret in the opera is based off of the character Sethe in the novel.

of women within the slave system. The novel itself offers a rich source of material from which to discuss slavery and servitude. Because it spans several time periods and slides back into history through the memories of a ghost character, the fluctuations in the status of the Africans on the American shore can be compared. It provides views of several forms of slavery from the most benign example of Mr. Garner—what William Genovese calls “the good master”—to the horrific brutality of Schoolteacher. It also presents slaves—freed, enslaved, and escaped—in contrast to indentured servants. Furthermore, the novel gives a brief account of the Middle Passage and images of life in Africa before the slavers. Within this abundance, one concept defines all else: The definition of African slaves as animals.

This linguistic shift moves the African servant out of humanity and into slavery. With this shift, comes the legalizing process that defines slaves as property. And with the transition from servant to property, all rights are lost, and all the other atrocities of slavery, some of which Morrison details in *Beloved*, are enabled.

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