



**INTIMACY AND INEQUALITY:
MANUMISSION AND MISCEGENATION IN
NINETEENTH-CENTURY BAHIA (1830-1888)**

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Abstract

This thesis proposes a new paradigm for understanding the historical roots of the myth of racial democracy in Brazil. In order to better comprehend the co-existence of race discrimination and racial democracy in Brazil it is argued that the myth itself needs to be subjected to an analysis which foregrounds the historically unequal relations of *both* race and gender. This study demonstrates how the enigma that is Brazilian race relations is the result of two major oversights in the scholarly work to date. First, the lack of critical attention to the historical processes and practices which gave rise to the so-called unique version of race relations in Brazil: manumission and miscegenation. Second, the sidelining of the role of gender and sex, as well as the specific and central place of black women's labour, in theoretical formulations about Brazilian race relations.

The overarching intellectual aim of this thesis is to invert the way notions of familiarity and intimacy have been represented in the history of miscegenation and manumission in Brazilian slave society. The role of intimacy in the social history of race relations is instead shown to be firmly located within a hierarchy of race and gender inequalities predicated on the inferiority of blacks and women. In turn, this thesis explores how these race and gender inequalities intersected to inform and shape enslaved women's versions of resistance and visions of freedom. In doing so this study unpicks some of the notions of advantage and privilege traditionally associated with women in general and light skin colour in particular in the processes of manumission and miscegenation; notions that are foundational to the myth of racial democracy.

Through an examination and analysis of primary sources pertaining to the lives of enslaved and freedwomen and their descendants in nineteenth-century Bahia, this study brings together different areas of their lived experiences of enslavement, manumission, miscegenation and freedom as these women came into contact with the authorities at pivotal moments in their lives. Collectively, these sources and the analysis thereof expose the limitations of advantage or privilege that have been associated with being female, *parda* or mulatta in the historiography of Brazilian slave society in general and the literature on manumission in particular. By foregrounding and highlighting the ways in which overlapping inequalities of race, gender and status determined experiences of enslavement and expectations of freedom during slavery, this study produces a new approach to interpreting race and gender history in Brazil, and a more comprehensive understanding of Brazilian slave labour relations.

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Glossary.

Primary Sources.

APEB - Arquivo Público do Estado da Bahia

Sec. Jud. - Secção Judiciária.

Sec. Jud., LRT - Secção Judiciária, Livros de Registro de Testamentos.

Sec. Jud., LN - Secção Judiciária, Livros de Notas.

Journals.

HAHR - Hispanic American Historical Review.

JLAS – Journal of Latin American Studies.

LBR - Luso-Brazilian Review.

SECTION ONE

INTRODUCTION

PART 1.

Introduction and overview.

The publication of Gilberto Freyre's Casa Grande e Senzala in 1933 marked a watershed in the historiography of Brazilian slavery as Frank Tannenbaum noted in his introduction to the English translation of 1963.¹ While politicians, intellectuals, chroniclers and travellers, both in times of slavery and after, tended to associate race mixture with promiscuity and racial degeneration, Freyre proclaimed miscegenation as a statement of Brazilian racial authenticity, a symbol of the making of a modern democracy. The ability to mix racially was interpreted by Freyre and his followers as a mark of distinction in the history of New World race relations; Brazil had produced a unique form of *democracia racial*.²

The other historical cornerstone of the myth of racial democracy has been manumission. In his 1946 comparative study of slavery and race relations in the Americas, Tannenbaum, a contemporary of Freyre, first drew attention to the historical role of both processes in the formulation of race relations in the respective hemispheres.³ As Carl Degler pointed out in his 1971 revision of the Tannenbaum thesis, although his study was not directly concerned with Brazilian slavery per se, Tannenbaum frequently drew examples from Brazil to illustrate his argument about the fundamental differences between the slave regimes across the Americas.⁴ As the

¹ Gilberto Freyre, Casa-grande e senzala: formação da família brasileira sob o regime de economia patriarcal (Rio de Janeiro: Maia and Schmidt, 1933). Gilberto Freyre, The mansions and the shanties: the making of modern Brazil, trans. and ed. Harriet de Onís, introd. Frank Tannenbaum (New York: Knopf, 1963).

² For a discussion of the background to the origin of the term, see Antônio Sérgio Alfredo Guimarães, "Racial Democracy," in Imagining Brazil, ed. Jessé Souza and Valter Sinder (Lanham, MD: Lexington Books, 2005), 119-40.

³ Frank Tannenbaum, Slave and citizen: the negro in the Americas (New York: Knopf, 1946).

⁴ Carl N. Degler, Neither black nor white: slavery and race relations in Brazil (New York: Macmillan,

two main sources in the English language on Brazilian slavery at the time, North American scholars in particular relied upon and repeated assertions from these texts as accurate representations and valid interpretations of the history of race relations and slavery in Brazil.⁵

Degler's study made a significant contribution to the opening up of the debate about racial democracy in Brazil. Around the same time Brazilian sociologists too had begun to question the validity of the notion of a racial democracy in Brazil. As Octávio Ianni noted in the seventies, "[o]f prime importance is the intolerable contradiction between the myth of racial democracy and the actual prevalence of discrimination against Negroes and mulattos".⁶ Some forty years later, Rebecca Reichmann pointed out how, "race remains one the most contested territories in contemporary Brazil".⁷ Indeed, it still poses a major challenge to scholars in the field. As Mark Alan Healey has observed "[t]he challenge of the last decade of studies has been to recognize both the reality of racial domination and the reality of the discourse of racial democracy, not as false consciousness but as the ambiguous material to use in critiquing and subverting racial domination".⁸ Despite the theoretical advances in the field of race theory, Brazilian race relations is still regarded as contradictory or ambiguous.

1971).

⁵ The relationships between Freyre and North American scholars are considered in Guimarães, "Racial democracy".

⁶ Octávio Ianni, "Research in race relations in Brazil," in *Race and class in Latin America*, ed. Magnus Mörner (New York: Columbia University Press, 1970), 267.

⁷ Rebecca Reichmann, *Race in contemporary Brazil: from indifference to inequality* (University Park: Pennsylvania State University Press, 1999), 6.

⁸ Mark Alan Healey, "Powers of misrecognition: Bordieu and Wacquant on race in Brazil," *Nepantla* 4. 2 (2003): 397.

I have proposed elsewhere that a new theoretical framework is required in order to unpack the enigmatic status surrounding the discourse of racial democracy in Brazil.⁹ In order to better comprehend the co-existence of race discrimination and racial democracy the myth itself needs to be subjected to an analysis which foregrounds the historically unequal relations of *both* race and gender. Such analysis should also expose the ways in which the myth has been engendered, and then perpetuated, while simultaneously maintaining racial and gender inequalities. Part of that study demonstrates that the myth and enigma that is Brazilian race relations is the result of two major oversights in the scholarly work to date. First, the lack of critical attention to the historical processes and practices which gave rise to the so-called unique version of race relations in Brazil: manumission and miscegenation. Second, the role in general of gender and sex, as well as the specific and central place of black women's labour in the formation of Brazilian race relations.

This thesis is concerned directly with the former through the lens of the latter. As enslaved labourers, African, *crioula* and mixed-race women were producers of productive, reproductive and restorative labour. This thesis aims to demonstrate how enslaved women's responses to enslavement requires a more analytically and historically robust, as well as nuanced, understanding of the ways in which race and gender inequalities intersected to shape their versions of resistance and visions of freedom. In addition, this study attempts to unpick some of the notions of advantage and privilege which foreign travellers, observers and scholars of Brazilian slave

⁹ The theoretical approaches developed here and in the conclusion appear in Jane-Marie Collins, "Intimacy, inequality and *democracia racial*: theorising race, gender and sex in the history of Brazilian race relations," *Journal of Romance Studies* 7.2 (2007): 19-34; and as "Intimidad, desigualdad e *democracia racial*: especulaciones sobre raza, género y sexo en la historia de las relaciones raciales en Brasil," in *Raza, etnicidad y sexualidades: ciudadanía y multiculturalismo en América Latina*, ed. Peter Wade et. al. (Bogotá: Universidad Nacional de Colombia, Lecturas CES, 2008), 377-402.

society have attributed to women in general and light skin colour in particular in the processes of manumission and miscegenation; notions that are foundational to the myth of racial democracy

Through an examination and analysis of primary sources pertaining to the lives of enslaved and freedwomen and their descendants in nineteenth-century Bahia, this study brings together different areas of their lived experiences of enslavement, manumission and freedom as these women came into contact with the authorities at pivotal moments in their lives. Such moments include their own manumission or that of their children, the onset of pregnancy or the birth of a new child, their own death or that of their owners, or through prosecution for criminal acts. Collectively, these sources and the analysis thereof expose the limitations of advantage or privilege that have been associated with being female, *parda* or mulatta in the historiography of Brazilian slave society in general and the literature on manumission in particular. This qualitative approach to understanding the process of manumission also produces a more comprehensive understanding of Brazilian slave labour relations, as well as highlighting the ways in which overlapping inequalities of race, gender and status determined expectations and experiences of freedom during slavery and Abolition.

In doing so, this study pays particular attention to the ways in which slaveowners denied manumission to their enslaved women and their families, as well as the ways in which enslaved women challenged those denials. Together, the demographic analysis and case studies provide the historical basis from which to construct a new critique of the myth of racial democracy. The qualitative and quantitative evidence presented here directs attention to the false and fragile premise of the originary

historical and cultural claims of racial democracy; the belief that the legacy of Portugal's Catholic, colonial contact with Africans produced a greater degree of familiarity, intimacy and hence racial tolerance in Brazil under slavery as evidenced through higher levels of miscegenation and manumission.

The overarching intellectual aim of this thesis is to invert the way notions of familiarity and intimacy, as expressed through relations of miscegenation and manumission, have been represented in ways that have confounded observers and scholars alike through the illusion of contradiction and ambiguity. Contrary to claims that racial democracy exists in Brazil as a result of greater familiarity between whites and blacks, this thesis illustrates how the history of familiarity is predicated on relations of intimacy located within a hierarchy of race and gender inequalities structured around the inferiority of blacks and women. This thesis demonstrates not only how and why these conditions were contested by enslaved women but conversely, and by implication, why and when they were not.

The thesis is divided into six sections. This first introductory section, **Section One**, comprises two parts, beginning with an overview of the thesis, its aims and objectives. The next part presents the interpretative framework and theoretical approach for the analysis of relations of race, gender and power in Brazilian slave society. Here, and again in the conclusion, it is proposed that the processes of manumission and miscegenation need to be re-considered both in the immediate historical context of slave-master relations and in the longer historical context of the formulation of race relations in Brazil.

Section Two begins with a comparative consideration of the function served by manumission and the modes of release in different slave regimes for the modern period in the Iberian peninsula, Africa, the Middle East and the Americas. This is followed by an examination of manumission practices across the Americas in general, then in Brazil in particular. The remainder of the section comprises analysis and interpretation of primary sources with the aim of re-assessing the extent of advantage associated with those groups identified as benefiting most from manumission, particularly gratis manumissions, in Brazilian slave society: women and children. This includes a analysis of childhood manumissions from Salvador for the period 1830-1871 followed by four case studies of adult women freed as children but who later find themselves having to secure their freed status through the courts. The case studies considered alongside childhood manumissions illustrate the problem of opposing gratis and paid manumissions and demonstrate the instability and insecurity of conditional manumissions in particular. In sum, analysis of child manumissions and conditional manumissions of enslaved adult women remind us how all forms of manumission came at a price that someone had to pay.

Building on the importance of demographics established in the previous section, **Section Three** is divided into two parts, the first of which is devoted solely to a discussion of the demographics of slavery in Brazil. This first part, then, examines in closer detail how the conditions of race and gender interfaced to produce the occupational hierarchies which in turn shaped manumission patterns. This is demonstrated through an overview of the predominant patterns of the trans-Atlantic and the internal slave trades through the lens of race and gender. This is followed by a comparison of the ways economics, trade, and production determined the

demographics of slavery in the different regions of Brazil as expressed through racial and gender demographic profiles obtaining in Rio de Janeiro, São Paulo and Bahia for the provinces and their capitals, and the way regional economies produced their own variations of race and gender occupational hierarchies.

In the second part of this section, ‘Manumission, mobility, markets and marriage’, demographic evidence about the geography of colour and gender in nineteenth-century Bahia is used to develop a gendered perspective on the material and social outcomes of market forces as experienced through processes of integration and adaptation, otherwise known as creolisation. Although creolisation is understood as a cultural phenomenon, an analysis of wills and testaments of freed and free black and coloured women in nineteenth-century Salvador illustrates how material, social and economic factors all played a role in fashioning the experiences of adaptation and change. Material markers of belonging in the form of wealth, and social ones in the form of family and marriage, are examined as a way of exploring the trajectory from enslaved to freed, then free as part of the narrative of creolisation and identity change from African to Afro-Brazilian/Brazilian among African women and their female descendants in nineteenth-century Salvador.¹⁰

Section Four considers the relationship between enslaved family and freedom. The section begins with an overview of the historiography of the slave family in Brazil, highlighting the conditions under which slave families are believed to have had the greatest potential for formation and viability as well as the conditions that posed the greatest obstacles to constituting and maintaining them. The remainder of this section

¹⁰ This part of section three has been published as Jane-Marie Collins, “*Uteis a si e a sociedade*, or a brief guide to creolisation in nineteenth-century Brazil (1830-1888),” *European Review of History* 16.3 (2009): 413-30.

is divided into four parts and draws attention to the varied modes of slave family formation in both rural and urban settings, but particularly on smallholdings. The case studies furnish examples of the multiple ways in which the enslaved constituted their families, the nature of the obstacles they encountered in the process, and the ways in which they responded to these obstacles. The cases cover the lives of African, *crioula*, and *parda* enslaved and freedwomen at different stages of family formation. There are incidences of concubinage with slaveowners, sole mothers, slave marriages, and slave-free marriages. Most importantly, these cases demonstrate how enslaved families perceived familial stability and unity as linked to the condition of freedom and dramatise the lived experience of the struggle to establish, protect and defend families, whether within conditions of captivity or across the enslaved/free divide. Collectively, these cases provide a broad spectrum of ‘enslaved’ family formations and suggest the need to expand concepts of enslaved family forms, particularly for the nineteenth century.

In **Section Five** I examine the position of enslaved women in slave resistance and assess the extent to which enslaved woman as a category of historical analysis has been under-explored in Brazilian historiography. In the first place, then, it is proposed that the field of slave resistance in Brazil needs to be subjected to a more robust form of gendered analysis. Second, it is proposed that slave resistance needs to be opened up to comparative feminist theoretical frameworks in ways similar to Brazilian scholars’ treatment of Brazilian social and cultural history in general.

In an attempt to demonstrate the need for both gender and feminist analysis of slave resistance in Brazil, this section therefore examines overt and covert, direct and the

indirect modes of resistance, as well as individual, daily and private moments and the collective, public, historical events. Thus, this section is divided into three parts. The first part considers enslaved women and flight as revealed in adverts in nineteenth-century Bahian newspapers, police reports and court proceedings for the capture of runaway slavewomen. Using U.S. and Brazilian theories of resistance, I analyse the reasons why and how male and female flight differed in the ways they did.¹¹

The second part turns to the specific act of murder as perpetrated by enslaved women. Using four case studies of criminal proceedings against enslaved women this part examines the circumstances surrounding these murders, the way in which the murders were committed as well the choice of victims. This part is particularly concerned with questions of agency and will consider the ways in which theories of subalternity, race and gender used in post-colonial and resistance studies in general, can explicate the positionality of enslaved women as agents of violent slave resistance and help identify what those acts were most likely to be.¹²

The final part of this section on resistance addresses the very specific and problematic topic of infanticide. This is examined both within the context of reproductive resistance and through a comparative analysis of the practice of infanticide. The aim here is to better understand the significance of infanticide as a form of slave resistance

¹¹ João José Reis and Eduardo Silva, Negociação e conflito: a resistência negra no Brasil escravista (São Paulo: Companhia das Letras, 1989), 62-78; Stephanie M. H. Camp, Closer to freedom: enslaved women and everyday resistance in the plantation South (Chapel Hill: University of North Carolina Press, 2004), see especially chapters 1 and 2.

¹² Part of this section on murder appears in a paper on gender and slave resistance. See Jane-Marie Collins, "Slavery, subversion and subalternity: gender and violent resistance in nineteenth-century Bahia," in Brazilian Feminisms, ed. Solange Ribeiro Oliveira and Judith Still (Nottingham: University of Nottingham Modern Languages Press, 2003), 34-56.

as established through an analysis of which group of women, enslaved and free, black and white, were at greatest risk of committing infanticide and why.¹³

In sum, this section on gender and slave resistance has three main aims. First, to explore more fully the repertoire of enslaved women's resistance, in particular acts of violent resistance as a key component of that repertoire. Second, to account for enslaved women's agency in a way that resists a rigid historical separation and theoretical distinction between violent and non-violent spheres of resistance. Finally, through the use of approaches and theories adopted in the analysis of enslaved women in other slave societies across the Americas, and of other comparable socio-economic groups in non-slave societies it will be possible to foreground the role of enslaved women in slave resistance in Brazil, appreciate the complexity of their agency as resisters of captivity and identify and account for the ways in which they expressed an anti-slavery ideology.

¹³ This part on black women and infanticide appears in a wider comparative study of infanticide in nineteenth-century Bahia. See Jane-Marie Collins, "Bearing the burden of bastardy: infanticide, child-murder, race and motherhood in Brazilian slave society," in Killing infants: studies in the worldwide practice of infanticide, ed. Brigitte Bechtold and Donna Cooper Graves (Lampeter: Edwin Mellen, 2006), 199-229.

PART 2.

Intimacy and Inequality: inverting the paradigm of racial democracy.

Recent studies of manumission in Brazil indicate that gender and race were key variables in determining chances of being freed, thus confirming that relations between enslaved and enslaver were differentiated by both race and gender. However, it is the gender differentiated aspect of slave-master relations in Brazil that has remained underexplored, be it in context of the history of race relations or slave society in general or in the field of manumission and miscegenation in particular. In contrast, as a category of historical analysis race has not only been given primacy in both scholarship on race and slavery in Brazil but also in diasporic and Atlantic studies.¹⁴

The evidence from this study foregrounds the intersectionality between patronage and proprietorship on the one hand and hierarchies of race and gender on the other with a view to better understanding the patterns of both race and gender as they have emerged in studies of manumission in Brazilian slave society.¹⁵ As argued elsewhere, it is this interface that produced the historical context in which the codes and culture of ambiguity and contradiction emerged that define present-day race relations.¹⁶ A

¹⁴ This point has been raised by Claire Robertson and Marsha Robinson, "Re-modeling slavery as if women mattered," in Women and slavery. Volume two: the modern Atlantic, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2008), 253-83.

¹⁵ I use the term intersectionality as developed in the context of feminist politics, particularly black feminist politics. An intersectional approach to the study of women and slavery is advocated in Robertson and Robinson, "Re-modeling," 271-72. For a broad definition of intersectionality, see Richard Delgado and Jean Stefancic, Critical race theory: an introduction (New York: New York University Press, 2001), 51-56. For insights into the ways in which this term is applied and understood in different contexts, see Patricia Hill Collins, "Moving beyond gender: intersectionality and scientific knowledge," in Revisioning gender, ed. Myra Marx Ferree, Judith Lorber and Beth B. Hess (Walnut Creek: Alta Mira, 2000): 261-84, especially 278; Kimberle Crenshaw, "Mapping the margins: intersectionality, identity politics, and violence against women of color," Stanford Law Review 43.6 (1991): 1241-299; Leslie McCall, "The complexity of intersectionality," Signs 30.3 (2005): 1771-800; Nira Yuval-Davis, "Intersectionality and feminist politics," European Journal of Women's Studies 13.3 (2006): 193-209.

¹⁶ Collins, "Intimacy".

carefully negotiated process that often extended over decades, the enslaved and their enslavers engaged in a continual balancing act of needs and desires, both economic and emotional, which were mutually opposed yet simultaneously aligned. The enslaved did not want to remain in bondage their whole lives but had to conform to certain conditions of captivity in order to secure their freedom. Slaveowners did not want to lose profits or authority but did not want to be owners of discontented or rebellious slaves either. The fact that even in Brazil only a minority of slaves were manumitted attests to the difficulties encountered in striking the balance and maintaining the act.¹⁷

For enslaved women, the balance between the emotional and the economic was complicated by the coincidence of interests in their productive and reproductive capacities, giving rise to a distinctively gendered relationship to property (as enslaved assets) and production (as enslaved labourers). Furthermore, in the case of Brazilian slave society, the frequency of manumission and high levels of miscegenation meant that for enslaved women freedom carried different meanings than for enslaved men.¹⁸

This thesis identifies and explores the ways in which gendered experiences of enslavement informed enslaved women's expectations of the processes of manumission as well as the experiences of freedom.

¹⁷ On the ways in which the enslaved negotiated for freedom and the implications of this for understanding slave-master relations in Brazil, see Sidney Chalhoub, "Slaves, freedmen and the politics of freedom in Brazil: the experience of blacks in the city of Rio," *Slavery and Abolition* 10.3 (1989): 64-84. For a recent overview of the literature on manumission and on the different rates of manumission, particularly for the south of Brazil, see Robert W. Slenes, "'A Great Arch descending': reflections on manumission rates, slave identities and black social mobility in southeastern Brazil, 1791-1888" (paper presented at conference on Re-thinking histories of resistance in Brazil and Mexico, University of Manchester, Sept. 2008), <http://jg.socialsciences.manchester.ac.uk/docs>, 3-9 and 15-18.

¹⁸ Hilary McD. Beckles, *Centering woman: gender discourses in Caribbean slave society* (Princeton, NJ: Wiener, 1999); Jennifer L. Morgan, *Laboring women: reproduction and gender in New World slavery* (Philadelphia: University of Pennsylvania Press, 2004).

If gender has been under-explored as a category of historical analysis in the study of manumission in Brazil, in the history of race relations in Brazil, particularly race mixture, it has been virtually ignored. The phenomenon identified as the “rise of the mulatto” prompted many historians to examine the role of the “freedman” in Brazilian slave society as way of historicizing race relations.¹⁹ Subsequently, the role of the mixed-race population in the formation of Brazilian race relations has been restricted to an understanding of the ascension of mixed-race Brazilian males through the ranks of slave and then post-Abolition society as they made themselves a niche in government and military posts.

Mobility, then, has been regarded as a male phenomenon yet it was women who predominated in patterns of manumission and the large female presence among the free coloured in Brazil allowed for its rapid growth, particularly in the nineteenth-century. However, the role of gender in the formation of race relations has never been given primacy in the development of interpretations or theories about the history of Brazilian race relations. This is as true of Freyre and Russell-Wood in the early part of the twentieth century as it is of Degler, Marx and Andrews in the latter. The amount of demographic evidence about manumission and miscegenation that has become available in the last quarter of a century in Brazil surely, then, indicates the need to examine the role of gender as a major determinant in the history of race relations under slavery and abolition.

Even in more recent studies by Anthony Marx and George Reid Andrews, blackness and citizenship are discussed from a gender blind perspective. Although Marx claims

¹⁹ A. J. R. Russell-Wood, The blackman in slavery and freedom in colonial Brazil (London: Macmillan, 1982).

to “look beyond the biological fact of miscegenation”, he, like others before him, treats miscegenation as an historical “fact”, an uncontested given.²⁰ Indeed, without a hint of irony he notes how “Portuguese domination was extended *even* into the realm of sex”.(my italics)²¹ In Andrews’s discussion of manumission in Brazil the significance of gender relations and the implications for identity politics – national and racial – are likewise overlooked. Although he illustrates the process of manumission first with the case of a Puerto Rican slave mother who had given birth to a slave child fathered by her master, and then with that of a enslaved woman in Lima (Peru), who had been “sexually exploited” by her master since she was fourteen years old, sexual relations between slave masters and their female slaves are then cited as explaining the “success” of mulattoes in “winning manumission”.²² The fact that both women failed in their attempts to gain manumission is regarded as irrelevant.

Even though the routes former slaves followed to freedom, that all-important precondition for modern societies, were strongly correlated to race and gender, the dynamics of *both* conditions in the construction of the modern Brazilian nation state and its attenuating configurations of citizenship (discursive, dominant or otherwise) have rarely been considered. As Degler has noted, this significance of manumission in the context of nation building was not lost on abolitionists and statesmen at the time; as Nabuco pointed out manumission was an “induction to citizenship” yet as a process it “help[ed] to preserve the Negro’s moral personality under slavery”.²³

²⁰ Anthony W. Marx, “Race making and the nation state,” *World Politics* 48.2 (1996): 188.

²¹ Marx, “Race making” 66.

²² George Reid Andrews, *Afro-Latin America* (New York: Oxford, 2004), 43.

²³ As cited in Degler, *Neither black* 6.

That moral personality, though, did not exist independently of conditions of race and gender. This thesis is an attempt to demonstrate how the tensions surrounding manumission and miscegenation were racial and sexual, economic and emotional. Here it is argued that it is both necessary and instructive to place the mechanisms of manumission and miscegenation within a theoretical framework that foregrounds the gendered as well as the racialised nature of the power relations upon which these processes relied for their successful operation.

SECTION TWO
BECOMING FREED

2.1 Introduction.

As a subject of historical inquiry manumission has enabled scholars to examine a key feature of slave regimes in which members of different social groups interacted on a formal and informal basis often over extended periods of time. Indeed, according to Orlando Patterson, slave regimes that did not offer some form of potential release from slave status were the exception to the rule.¹ Manumission, then, was as vital to slaveowners and the social order as it was to slaves, although it did not necessarily hold the same meaning for all concerned parties.² Above all, the modes of manumission and the paths to achieving it were multiple within any slave system and, particularly in modern slave societies, practices were often inconsistent.³

This section will commence with a consideration of the function served by manumission and the modes of release in different slave regimes for the modern period in the Iberian peninsular, Africa, the Middle East and the Americas. This will be followed by a closer comparative look at manumission as practised in slave societies across the Americas in general, before proceeding to focus on the literature on manumission in Brazil in particular. The remainder of the section comprises analysis and interpretation of primary sources with the aim of re-assessing the extent of advantage associated with the those groups identified as benefiting most from the process of manumission in Brazilian slave society: women and children. This

¹ Orlando Patterson, Slavery and social death: a comparative study (Cambridge, MA: Harvard University Press, 1982). On manumission, see especially chapters 8, 9 and 10.

² Patterson, Slavery 101. Here he comments how desire on the part of slave is for “dignity, belonging and release”, and how on the part of slaveowner it provides an opportunity for manipulation, “[b]y holding out the promise of redemption, the master provides himself with a motivating force more powerful than the whip”.

³ Patterson, Slavery 219-239, identifies seven modes of release and notes how North American slave society was probably one of the best examples of inconsistent treatment in the practice of manumission and the treatment of the manumitted. The ways in which the laws on manumission changed in U.S. history have been described by many. See for example, Ira Berlin, Slaves without masters: the free negro in the antebellum South (New York: Pantheon, 1974), 138-39.

includes a study of childhood manumissions from Salvador for the period 1830-1871 followed by four case studies of adult women freed as children but who later find themselves having to secure their freed status through the courts.

2.2 Manumission in Comparative Perspective: Africa and the Americas.

Despite or perhaps because of its universality, the practice of manumission has not caused that much controversy among comparativists of slave regimes other than for the New World. In this context manumission became a central concern in understanding the differences between slave regimes and their resultant systems of race relations in post-abolition societies. In fact, in contrast to the historiography of other slave regimes, manumission and race have been inextricably linked as determining factors in the development of New World slave and race relations.⁴

The result of such thinking was the division of New World slave societies between those of the North and parts of the Caribbean with a predominantly English and Protestant colonial background, and those of the South, namely Latin America and the Caribbean with their Iberian and Catholic colonial background, with Brazil and the United States providing contrasting examples of slave and race relations in the region. Thus there it was believed that the cultural and judicial legacies of the respective regions led directly to the formation of differing race relations in the slave societies of the New World.

⁴ See for example Frank Tannenbaum, *Slave and citizen: the negro in the Americas* (New York: Knopf, 1946), and Gilberto Freyre, *Casa grande e senzala: formação da família Brasileira sob o regime de economia patriarcal* (Rio de Janeiro: Maia e Schmidt, 1933). For an in depth historical analysis of the role of history of slavery in Europe prior to the colonial period, see Jacques Heers, *Escravos e servidão doméstica na idade média no mundo mediterrâneo* (Lisbon: Dom Quixote, 1983).

In the case of Brazil, it was argued, the Catholic legacy and the long history of contact between Portuguese and Africans produced a more tolerant or open system of slave relations that allowed for the widespread practice of manumission and greater racial tolerance evidenced by the size of the free coloured population. This meant that Brazil, in contrast to the United States, was better positioned to produce a post-abolition society free of racial hatred and racist legislation.⁵

Despite the apparent mobility open to slaves in Brazil, estimates indicate that no more than 2% of the enslaved in Brazil ever made the transition from slavery to freedom through manumission.⁶ While studies for urban and mining regions indicate that rates were considerably higher than this during the eighteenth and nineteenth centuries, it is generally accepted that over the 400 years of Brazilian slavery the vast majority of slaves lived and died in captivity. The numbers who tried but failed to obtain their freedom remains unknown. Nonetheless, for most of colonial Spanish America and colonial and imperial Brazil, levels of manumission are acknowledged as being higher than for North America and for the British Caribbean. An oft-cited contributory factor to this differential was that in contrast to Anglophone slave societies, the Portuguese and Spanish colonial legal codes recognised the principle that captivity

⁵ The Catholic and Protestant colonial legacies are not always as clear cut as once thought. See Verena Martinez-Alier, Marriage, class and colour in nineteenth-century Cuba: a study in racial attitudes and sexual values in a slave society (London: Cambridge University Press, 1974).

⁶ The figure is from Patterson, Slavery 273-74. In the case of Brazil manumission rates varied considerably over time and place, and in general were less than 1% for the colonial period, but much higher in nineteenth-century urban centres in particular. See for example, Kathleen J. Higgins, "Licentious Liberty" in a Brazilian gold-mining region: slavery, gender and social control in eighteenth-century Sabará, Minas Gerais (University Park: Pennsylvania State University Press, 1999), 159; Robert W. Slenes, "'A great arch descending': reflections on manumission rates, slave identities and black social mobility in southeastern Brazil, 1791-1888" (paper presented at conference, Re-thinking histories of resistance in Brazil and Mexico, University of Manchester, UK, Sept. 2008), <http://jg.socialsciences.manchester.ac.uk/docs>, 3-9, 15-18. See also 2.4 in this section.

need not be a life-long condition.⁷ In addition, both Spain and Portugal shared a common judicial background in Roman law which produced comparable attitudes and practices surrounding manumission and both nations employed the same term, *alforria*, from the Hispanic version of the Arabic term used for manumission, *al hurruâ*, to denote the practice.⁸ Although there was no proscribed legal right to manumission in Brazil before 1871, the Ordenações Filipinas allowed the state to arbitrate in the case of a claim to liberty.⁹ As customary law, then, manumission was a viable judicial process despite the lack of legal code or regulation and was used increasingly during the nineteenth century.¹⁰

2.3 Manumission in Africa.

As a feature of African slave societies, manumission, like the practice of slavery itself, held many different meanings and functions and depended to a large extent on the form of social and political organisation. Nonetheless, manumission was common to all slave societies in pre-colonial Africa and as such was already embedded in African cultural attitudes towards slavery prior to European incursions. While it would be stretching the commonality too far to suggest a meeting of minds between Africans and Iberians in the Americas in this area, it could be argued that the

⁷ See for example, Alejandro de la Fuente, "Slave law and claims-making in Cuba: the Tannenbaum debate revisited," *Law and History Review* 22.2 (2004), <http://www.historycooperative.org>. On Brazil see for example Keila Grinberg, *Liberata – a lei de ambigüidade: as ações da liberdade da corte de apelação do Rio de Janeiro* (Rio de Janeiro: Relume Dumará, 1994), and Keila Grinberg, "Alforria, direito e direitos no Brasil e nos Estados Unidos," *Estudos Históricos* (Rio de Janeiro) 28 (2001), <http://www.cpdoc.fgv.br/revista>.

⁸ *Dicionário do Brasil Colonial (1500-1808)*, ed. Ronaldo Vainfas (Rio de Janeiro: Objetiva, 2000), 29-31.

⁹ Hebe Maria Mattos, *Das cores do silêncio: os significados da liberdade no sudeste escravista – Brasil, século XIX* (Rio de Janeiro: Nova Fronteira, 1988), 173-74, 181-84; Stuart B. Schwartz, "The manumission of slaves in colonial Brazil: Bahia, 1684-1745," *HAHR* 15.4 (Nov. 1974): 610-11. For translations of key documents and legislation from both the colonial and imperial period in Brazil, see Sue Peabody and Keila Grinberg, *Slavery, freedom, and the law in the Atlantic world* (Boston: Bedford/St. Martins, 2007), chapter 4.

¹⁰ *Ordenações Filipinas*, livro v, ed. Silvia Hunold Lara (São Paulo: Companhia das Letras, 1999). Grinberg, *Liberata* 39, 47. 97, disputes the distinction between customary law and positive law in the case of manumission in Brazil prior to the Free Womb law. For an in depth examination of the legacy of colonial legal and judicial traditions, see Adriana Pereira Campos, "Nas barras dos tribunais: direito e escravidão no Espírito Santo do século XIX" (PhD diss., UFRJ, 2003), part I and part II, section I.

combination of culturally comparable attitudes towards manumission in Iberia and Africa, Islamic and non-Islamic alike, contributed to some form of cultural (re)alignment regarding the condition slavery in Spanish and Portuguese America.

Whatever the case may be, it is clear that just as the colonising nations exported and imposed, with varying degrees of success, their laws, customs and cultures upon subjugated populations in the Americas, Africans too brought with them their own worldview that forced the colonisers to make adaptations and concessions in many areas of social, civic and political life. A brief examination of the context and forms of manumission in parts of pre-colonial and colonial Africa provides some insights into the African understanding of slavery as a basis for social organisation.¹¹

Although now over twenty years old, Patterson's comparative study of manumission remains the only major source for comparative analysis of manumission in the Americas and Africa. As a comparativist, then, Patterson's systematic approach to understanding slavery in Africa distinguished between Islamic and non-Islamic societies, matrilineal and patrilineal, and pre- and post-capitalist. In terms of manumission, he adopted an anthropological approach and examined the different forms or 'rituals of release' and the evolution from the practice of slave sacrifice in pagan societies to manumission's most common mode historically, testamentary. Across African history he was able to identify a spectrum of modes and meanings of manumission. At one end of the spectrum Patterson described how in nineteenth-century Kongo, in the community of Mbanza Manteke (Zaire) a slave could be freed

¹¹ For more recent interpretations of colonial law in the Atlantic world see the following: Lauren A. Benton, Law and colonial cultures: legal regimes in world history, 1400-1900 (New York and Cambridge: Cambridge University Press, 2000), chapter 2; Herman L. Bennett, Africans in colonial Mexico: absolutism, Christianity, and Afro-Creole consciousness, 1570-1640 (Bloomington: Indiana University Press, 2003), especially chapters 1 and 2.

in the sense of being returned to his original clan through the process of ‘gift exchange’ for a pig, accompanied by a ritual ceremony of chalk dubbing. But he would not be able to improve his social status as he would remain a subordinate within his own group and never be allowed to attain a position of authority.¹² In other words, the stigma and status of slave remained. This was also the case with the Sena of Mozambique who likewise incorporated freed men but who were also treated as inferiors by junior kinsmen and were “obliged to perform the most unpleasant tasks, and were the first to be sold [...] in times of economic crisis”.¹³

At the other end of the spectrum the Kerebe of Tanzania, with a kin-based society, were found to release their slaves from the condition of servility through the presentation of a goat or hoe and the ritual of head shaving at a cross roads.¹⁴ Among the Aboh, an Igbo-speaking group of the lower Niger, manumission through adoption allowed for the absorption of freed slaves, although the practice is believed to have been “highly unusual”, and the adopted freed slave did not acquire any inheritance rights.¹⁵ Slaves that recovered or earned full status as a member of the community were usually freed through political manumission.¹⁶ This was the case of the Somali where the sultan could bestow through decree, the release of a slave and provide exemption from the usual restrictions on his freedom, normally in recognition of a meritorious or loyal act.¹⁷

¹² Patterson, *Slavery* 212.

¹³ Patterson, *Slavery* 247.

¹⁴ Gerald W. Hartwig, “Changing forms of servitude among the Kerebe of Tanzania,” in *Slavery in Africa: historical and anthropological perspectives*, ed. Suzanne Miers and Igor Kopytoff (Madison: University of Wisconsin Press, 1977), 261-86.

¹⁵ Patterson, *Slavery* 233.

¹⁶ Patterson, *Slavery* 234-36.

¹⁷ Patterson, *Slavery* 235. This also happened in New World slave regimes, most notably by the English in the American Wars of Independence, by the Dutch in the battle for the occupation of northern Brazil in the seventeenth century, in Bahia in the battles following the declaration of

In Islamised Africa modes of manumission were modified accordingly. For example, in the Wolof communities of the Gambia, until the sixteenth century, a slave was sacrificed upon the death of his master. With the introduction of Islam in the seventeenth century the practice was replaced by testamentary manumission as a “form of piety for the maltreatment of slaves”.¹⁸ In fact, the interpretation of manumission as a pious and redemptive act was common to both Islamic and Christian slave societies, although it was adopted much earlier in the former. In their role in the conquest of regions and peoples in Africa, both faiths attempted to convert the conquered and replaced slave sacrifice with testamentary manumission as an act that was “good for the masters’ soul”, and one which would be rewarded in heaven.¹⁹

The modes of release from slavery outlined above refer almost exclusively to cases of male manumissions. For female slaves, the most common form of manumission was by means of marriage or concubinage. In some Islamic societies, slave concubines were required by law to be freed upon the production of a child with her master. In others, along with most of pre-colonial Africa, it was customary practice for a slave-concubine to be granted her right to freed status (*umm walad*) upon the birth of her first child, although freedom would not be attained until after her master’s death.²⁰ For enslaved women in these societies, as Keim has observed, the main route to integration into her owner’s society was through her children who customarily gained

Independence in 1822 and the threat of a Portuguese invasion, and by both sides in the Paraguayan War with Brazil in the late nineteenth.

¹⁸ Patterson, *Slavery* 222-28. See also Martin A. Klein, “Servitude among the Wolof and Sereer of Senegambia,” in *Slavery*, ed. Miers and Kopytoff, 335-66.

¹⁹ Patterson, *Slavery* 225-27.

²⁰ Patterson, *Slavery* 228-30.

legitimate status upon acknowledgement of paternity.²¹

However, the difference in status had “no material consequences” for the mother.²² Having being isolated and disconnected from her kin for so long, a pre-condition of slave-concubinage, the condition of freedom had little to offer a former slave-concubine. Instead, if she produced sufficient useful children to add to her master-husband’s lineage then she “could advance her status vicariously through her children or grandchildren” as they became more integrated into the owner’s lineage and distance themselves further from their slave origins, although this would normally take several generations. So for the female slave in most African slave societies her main route to emancipation was not through her labour, skills or level of productivity. Rather, it was her reproductive and associated restorative labour that, while not guaranteeing her own freedom, offered her one of the few possibilities for status improvement.

In contrast, in the Christian slave societies of the Americas, although co-habitational manumission, as Patterson calls it, was not uncommon, slave women had no legal claim or customary right to it and neither did their children. In fact, those that did receive freedom in this way were in the minority; that is to say, the majority of slave women who lived in conditions of concubinage with their master did not earn their freedom from such relationships, the reverse of the situation in Islamic slave societies.²³ However, not unlike the status of *umm walad*, many enslaved women in

²¹ Curtis A. Keim, “Women in slavery among Mangbetu, C1800-1910,” in Women and slavery in Africa, ed. Claire Robertson and Martin A. Klein (Madison: University of Wisconsin Press, 1983), 144-49.

²² Patterson, Slavery 228.

²³ Patterson, Slavery 231. Here he points out how in New World slave regimes “the vast majority of concubines and slave progeny did not receive their freedom”.

Brazil who lived as their masters' *amásia* would only have obtained their freedom after their masters' death. In fact, a recent study of gender and manumission in eighteenth-century Minas Gerais found that slave women were "much more likely to [...] await freedom consequent to their owner's death" than their male counterparts.²⁴ Others would have had to make some form of payment in exchange for their freedom or fulfil a condition, such as going on to serve a close relative of the deceased master for either a set number of years or even until the relatives' death.

Despite some similarities, manumission and slave concubinage served quite distinct socio-economic and cultural purposes in slave societies in Africa and the Americas, and for these reasons different analytical approaches tend to be adopted. In the case of the Americas, a kind of regressionist logic has been used whereby perceptions and experiences of twentieth-century race relations have guided understanding and interpretation of the significance of manumission in the former slave societies. As mentioned previously, in what became known as the Tannenbaum thesis, it was believed that only a harsh and closed system of slavery could produce a post-abolition society where racial segregation and discrimination was legal such as in the United States. Likewise, a society that had high levels of race mixture must be the result of a milder variant of slavery in which race relations were more tolerant.²⁵ The factors that determined the state of post-abolition race relations in the Americas, then, were the frequency of manumission and the size of the free coloured population under the former slave regimes; in turn, these factors were themselves the product of the religious and cultural legacies of the European colonial powers.

²⁴ Higgins, "Licentious" 163.

²⁵ For some examples of recent sociological challenges to the notion of racial democracy in Brazil, see Ronaldo Sales Jr., "Democracia racial: o não dito racista," *Tempo social: revista de sociologia da USP* 18.2 (2006): 229-58, and Antônio Sérgio Alfredo Guimarães, *Classes, raças e democracia* (São Paulo: Editora 34, 2002).

2.4 Manumission in the Americas.

There appear to be a number of common factors, albeit with important regional variations, that assist in understanding the processes of manumission in New World slavery. First, that all areas, with the exception of Brazil, implemented some form of anti-manumission legislation. However, the reasons for such legislation are not uniform as colonial authorities altered policies in response in the context of political, economic and demographic change.

Second, it is generally agreed that for regions where studies of manumission have been conducted, the practice was largely an urban phenomenon. Towns and cities maximised opportunity for income earning activities and slaveholding sizes were smaller allowing for greater familiarity through increased proximity between master and slave, thus opening up an avenue of communication for negotiation.

Third, it is generally acknowledged that manumission and miscegenation reinforced one another in the New World and that demographic growth during the colonial period relied heavily on natural increase in free coloured populations. Although there are some important exceptions at a local level, both slave and white populations grew mainly through immigration, forced or otherwise, for most of the colonial period.²⁶

Fourth, without exception, all regions exercised some form of discrimination (formal or informal) against members of the free coloured population, in trades, professions, politics, military, clergy, education and even dress. Finally, there is a general

²⁶ David Eltis, The rise of African slavery in the Americas (New York and Cambridge: Cambridge University Press, 2000), see chapters 2 and 3.

consensus that the in-between status of the free coloured population meant that any expression of group or class consciousness was not identifiable until at least the time of independence, and even later in some instances. However, it is clear that the attitude of the colonial authorities was not uniform, neither across time nor within regions.²⁷

Local factors, then, produced different rates of assimilation, mobility, inter-racial unions, and demographic growth which affected the nature of race relations.²⁸ In general, though, there appear to be three conditions that give rise to higher rates of manumission as well as larger free coloured sectors in slave societies:

- (i) Periods of military need.
- (ii) Combinations of pastoral and mining economic environments.
- (iii) Low levels of slave ownership and urbanisation.

That is not to say that free coloured populations did not emerge under other conditions, but throughout the New World these three conditions appear to have produced notable expansions of free coloured populations and allowed for increased levels of manumission.

As noted previously, much of the twentieth-century literature on manumission in the Americas was prompted by the overarching concern about contemporary race relations, in particular in the United States and Brazil. The theories about slave societies put forward in the 1930s and 1940s by Tannenbaum and Freyre strongly influenced the terms of the historiographical debate for the remainder of the century.

²⁷ David W. Cohen and Jack P. Greene, eds., *Neither slave nor free: the freedman of African descent in the slave societies of the New World* (Baltimore: Johns Hopkins University Press, 1974).

²⁸ For figures on freed coloured populations in the Americas, see Cohen and Greene, eds., *Neither* 355-40. See also the Introduction to this text by the editors for a discussion of the issues raised here relating to the formation of free coloured sectors in American slave societies.

The comparativist approach in the vein of Tannenbaum was taken up by Stanley Elkins in Slavery, A Problem in American Institutional and Intellectual Life, in 1959. Herein, he argued that the differences in the socio-economic position of the mulatto in the respective societies were an indication of the nature of treatment and damage done to the slave personality. In the case of the United States the system produced an infantilised, demoralised and totally dependent 'Sambo', and in Brazil and Spanish America the canny and uppity mulatto. The so-called openness of South American slave societies produced a social and economic space for the (aspirational) mulatto to move into, creating a less rigid tripartite racial structure in which the potential for movement from one category to another (i.e. from a darker to lighter) was greatly increased. In comparison, the bi-racial system of race relations and the harsher slave regime demoralised the slave in the United States to the extent that ambition or aspiration were futile.

Writing in the late seventies Carl Degler, in an attempt to depart from the Tannenbaum-Freyre position, examined demographic, economic and cultural features of the United States and Brazil in his analysis of race relations in historical perspective.²⁹ While critical of the significance his predecessors attached to the Portuguese Catholic cultural and religious influences, and of the idea of Brazil as a racial democracy, he agreed that there was greater socio-economic mobility, less overt racial discrimination, and greater social and cultural tolerance of racial difference. However, the greatest opportunity for mobility was reserved for the mixed-race Brazilian and in this sense Degler's 'mulatto escape hatch' theory was in line with the basic premise of Elkins's argument, although it did lead to different conclusions about

²⁹ Carl N. Degler, Neither black nor white: slavery and race relations in Brazil and the United States (Madison: University of Wisconsin Press, 1986).

comparative race relations.

More recently, particularly since the 1970s, the focus has shifted from examining regions as monolithic systems for comparative purposes in the vein of Tannenbaum, Elkins and Degler, to local, regional and demographic studies. The collection of essays edited by Cohen and Greene represented a turning point in the historiography in this regard. As a result of such studies it has been possible to identify some prevalent characteristics in an attempt to establish the extent of similarities and differences across the regions.³⁰

In the light of more focused regional studies into patterns of manumission, and the composition and change of free coloured populations, it would appear that there is no standard correlation between the size of this sector and the quality of race relations of a given slave system, in the sense of it being more open or closed.³¹ Rather, regional socio-economic factors are the main determinants. For example, Hoetink found the greatest level of mobility for the free coloured population occurred not in Curaçao where there were high levels of manumission, more paternalistic master-slave relations due to lower levels of slave ownership, and a benevolent attitude of whites towards free people of colour. Instead, it was in Surinam where the system was much more severe, with reduced rates of manumission that the formation of a coloured elite is found, indicating that a greater 'openness' in the system, although there is little evidence of greater racial tolerance along the lines that Tannenbaum had argued. Likewise, in Brazil, despite the large size of the mixed-race population, the mixed-race elite was relatively small, and did not self-identify as black. In comparison, in

³⁰ Cohen and Greene, eds., Neither.

³¹ H. Hoetink, "Surinam and Curaçao," in Neither, ed. Cohen and Greene, 59-83.

the United States, where the free coloured population was much smaller, they had a clearly identifiable elite who were wealthier, better educated and more qualified even though access to manumission had been all but cut off since the beginning of the nineteenth-century and inter-racial unions were prohibited by law in all slaveholding states.

In summary then, the size of the free coloured population does not in itself offer a precise indicator of the nature, or quality, of race relations. Indeed, as has been argued for the Caribbean in general, and as was argued by those opposed to manumission in the U.S. at the time, the larger the size of the free coloured population the greater the potential threat to dominant whites, and hence the greater the imperative for preventing their mobility.³² As can be seen in Brazil and the United States, such mobility can be kept in check with or without legislation. Likewise, it does not follow that where there is no legal racial discrimination there is no racial prejudice.

While the figures attest to the relative prevalence of the practice of manumission in Brazil, it is now more widely accepted that this is not necessarily an indicator of greater racial tolerance. Indeed, Patterson demonstrated some time ago that while in Latin American and Islamic slave societies there co-existed high levels of manumission and miscegenation the two features were not found together in all slave regimes. Instead, it was local economic conditions, “access to skill and opportunity to control part of earnings” that he identified as “the major determinants of incidence [of

³² T. Stephen Whitman, The price of freedom: slavery and manumission in Baltimore and early national Maryland (Lexington: University Press of Kentucky, 1997).

manumission]”.³³ In a similar vein, Charles Boxer pointed out in his study of Portuguese colonial race relations that “it did not follow that from his readiness to mate with coloured women, that the Portuguese male had no racial prejudice”.³⁴

Furthermore, there appears to be no consistent correlation between the frequency of manumission, miscegenation and the treatment of free coloured population in slave regimes.³⁵ Nonetheless, Patterson’s view that race is not a determining factor in patterns of manumission is not one that would be shared by scholars in the field today. While access to occupations with income-earning opportunities was important in manumission patterns in New World slave societies, access to those occupations was frequently determined by race and, as will be discussed in more detail in this thesis, gender too. This was very much the case for artisan trades in towns and skilled positions on plantations in which light skinned males predominated. Likewise mulattoes were often placed in positions of authority on plantations as a way of creating a kind of racial buffer zone between slaves and slaveowners.³⁶

Initially though, and from the 1970s onwards, scholars began to examine Brazilian manumission empirically and demographically. Treated as a quantifiable process, new interpretations about manumission were necessarily data-driven. Nonetheless, such studies dealt with manumission as a way to understanding certain key aspects of Brazilian slave society. First, the formation of the free coloured sector, second the demographics of race and ethnicity, both regional and national and finally as an

³³ Patterson, *Slavery* 295.

³⁴ C. R. Boxer, *Race relations in the Portuguese colonial empire (1415-1825)* (Oxford: Clarendon, 1963), 40.

³⁵ Patterson, *Slavery* 280.

³⁶ Stuart B. Schwartz, *Sugar plantations in the formation of Brazilian society. Bahia, 1550-1835* (New York and Cambridge: Cambridge University Press, 1998), see chapters 6 and 12.

indication of variations in the local economy as revealed through fluctuations in prices paid for manumission. Due to the considerable number of detailed studies of manumission patterns in Brazil, I will limit my discussion of them to the findings that are most relevant to this study which cover Bahia, urban areas and the nineteenth-century.

2.5 Manumission in Brazil.

The bulk of empirical type studies of manumission in Brazil, particularly from the 1970s and 1980s, did not vary significantly in their findings. In the majority of cases manumission was shown to be a largely urban phenomenon in which enslaved women benefited disproportionately in relation to their numbers as slaves, as did light-skinned blacks, *pardos* and mulattos. Most studies concluded there was little empirical evidence to suggest that older slaves were manumitted more than any other age group, although some have shown that children were freed in larger numbers than expected.³⁷

Some of the most recent and extensive studies of manumission have been for eighteenth and nineteenth century Rio de Janeiro.³⁸ Some of the earliest studies, however, were of Bahia. One of the most notable, by Stuart Schwartz, studied over 1000 letters for liberty for the period 1684-1745, 950 of which revealed information about the gender, age, race and ethnicity of freed slaves.³⁹ The majority of those

³⁷ One study found larger numbers of older slaves; see Peter L. Eisenberg, "Ficando livre: as alforrias em Campinas no século xix," *Estudos Econômicos* 17.2 (1987): 175-216. For a detailed discussion of childhood manumissions see section 2.7 in this thesis.

³⁸ See Manolo Florentino, "Alforrias e etnicidade no Rio de Janeiro oitocentista: notas de pesquisa," *Topoi* Sept. (2002): 9-40; Sheila de Castro Faria, "Aspectos demográficos da alforria no Rio de Janeiro e São João del Rey entre 1700-1850," www.apeb.nepo.unicamp.br/econtro2008/docsPDF/APEB20081431.pdf.

³⁹ Schwartz, "Manumission" 603-35.

freed, 67 per cent, were female, and *pardos* (light skinned blacks) constituted the largest group racially representing over 45 per cent of the total. Africans formed 30 per cent of the total manumitted, and *crioulos* (Brazilian-born blacks) 23 per cent. In relation to their share of the enslaved population *pardos* clearly fared much better than any other group. Estimates of the global enslaved population for early nineteenth-century Salvador indicate that *pardos* and mulattos comprised between 10-15 per cent of the enslaved population, and Africans between 50 and 65 per cent, as rates varied over time.⁴⁰

However, when race, gender and age were taken into account some additional features emerged. Schwartz found that African women, who formed at most one-third of slave imports comprised 23 per cent of all manumissions and 75 per cent of African *libertos*. Although enslaved females outnumbered their male counterparts in all three racial categories (African, *crioulo*, *pardo*) among the manumitted, the gender imbalance was greatest among African slaves.⁴¹ Furthermore, Schwartz found that 35 per cent of the total manumitted whose age was discernible comprised children under 14 years of age, and 56 per cent of these were female.⁴² Male children were more likely to be freed as infants, and the older the freed male child the lighter the skin colour. Female children alone accounted for almost 20 per cent of all those manumitted.

Where age, origin and gender were noted it was found that 63 per cent of *crioulo* children and 55 per cent of *pardo* children were female. In fact, manumissions of

⁴⁰ Schwartz, "Manumission" 609. João José Reis, Slave rebellion in Brazil: the Muslim uprising of 1835 in Bahia, trans. Arthur Brakel (Baltimore: Johns Hopkins, 1993), 6.

⁴¹ Schwartz, "Manumission" 616-18. Reis, Slave 6-7.

⁴² Schwartz, "Manumission" 616-17.

pardo children represented 78 per cent of all children freed and 28 per cent of all manumissions. According to the figures produced by Schwartz, *pardo*, *crioulo* and adult, African women constituted comparable proportions (two thirds) of their respective groups. However, Schwartz has estimated that for most of the eighteenth century, *crioulo* and *pardo* slaves constituted no more than one third of the total Bahian slave population with the latter being in the minority at around 10 per cent for the colonial period, and Reis's estimates are similar for nineteenth-century Salvador.⁴³ As such, *pardos* not only benefited disproportionately in manumission in relation to their numbers as slaves but the majority, 60 per cent, were freed as children, and 47 per cent of all *pardos* freed were female children.⁴⁴

A study by Mattoso, Klein and Engerman into the prices slaves paid for their freedom during the period 1819-1888, found that female slaves formed 60 per cent of the total, in line with Schwartz' study.⁴⁵ In comparison, another study by Katia Mattoso of family structures in nineteenth-century Salvador corroborates Schwartz' findings for the interior towns of Bahia in that 38 per cent of all manumissions went to children under 12 years of age, and 56 per cent of these were female children.⁴⁶ In fact, according to the data presented by Mattoso, female children comprised the largest single group accounting for 21 per cent of all manumissions and 34 per cent of all

⁴³ Schwartz, *Sugar* 349. Reis, *Slave* 6-7. For similar findings in other regions, see Florentino "Alforrias", and Faria "Aspectos".

⁴⁴ Schwartz, "Manumission" 616-17.

⁴⁵ However, this study found only 10% of those manumitted were children, but the study had eliminated 55% of the original data base so that only those who paid the equivalent of their market value were included. This may well account for the low proportion of slave children in the study in comparison to that of Schwartz. Katia M. de Quirós Mattoso, Herbert S. Klein and Stanley L. Engerman, "Trends and patterns in the prices of manumitted slaves: Bahia, 1819-1888," *Slavery and Abolition* 7.1 (May, 1986): 59-67.

⁴⁶ Katia M. de Quirós Mattoso, "Slave, free, and freed family structures in nineteenth-century Salvador, Bahia," *LBR* 25.1 (1988): 72.

females freed who represented 60 per cent of all those freed.⁴⁷

A later study by Nishida Mieko of manumission and ethnicity in the city of Salvador for the period 1808-1884, found that Brazilian-born slaves benefited somewhat "more frequently than did their African-born counterparts" representing 51 per cent of manumissions.⁴⁸ Again, women constituted the majority, 60 per cent of all freed adults and 70 per cent of all freed children were female.⁴⁹ As a group, Brazilian-born females fared best comprising 33 per cent of all those manumitted, followed by African women (25 per cent) African men (22 per cent) and Brazilian-born men (18 per cent). However, these figures represent the compound results of two distinct periods in slave demographic history, one in which African slaves formed the majority of the slave population and a later one, post 1850, when African slave figures were in decline and Brazilian-born slaves formed an ever increasing majority.⁵⁰

Mary Karasch in her investigation of manumissions in Rio between 1808-1831 also found that Brazilian slaves "levavam vantagem sobre africanos".⁵¹ But overall, gender rather than race was the determining factor when accounting for differential rates. In her study, freed females represented two thirds of all those manumitted, with Brazilian and African slave women equally sharing slightly over 50 per cent of the total.⁵²

⁴⁷ Mattoso, "Slave" 72.

⁴⁸ Mieko Nishida, "Manumission and ethnicity in urban slavery: Salvador, Brazil, 1808-1888," *HAHR* 73.3 (1993): 374.

⁴⁹ Nishida, "Manumission" 375.

⁵⁰ Nishida, "Manumission" 364-66.

⁵¹ Mary C. Karasch, *A vida dos escravos no Rio de Janeiro, 1808-1850* (São Paulo: Companhia das Letras, 2000), 459. However, Africans constituted the largest groups comprising 40%, *crioulos* 28%, and *pardos* and *cabras* 31%. See 456.

⁵² Karasch, *A vida* 457.

Regarding children, although they formed a small proportion of the total, comprising 13 per cent, again almost 60 per cent of these were female.⁵³ Karasch goes on to describe how "muitas mães escravas trabalhavam para libertar primeiro seus filhos, continuando freqüentemente escravizadas", and questions the myth of the benevolent white father freeing his mulatto child out of the good of his heart.⁵⁴ According to Karasch, "muitas crianças, até mesmo mulatas, eram, na verdade, libertadas por suas mães, que as compravam com suas economias suadas ou obtinham sua liberdade graças ao serviço obediente".⁵⁵ In this sense, Karasch's interpretations push the data further than other scholars have done; she proposes a gendered perspective on manumission figures for nineteenth-century Rio de Janeiro and attempts to account for the gender differentials among the adult population in ways not explored by other scholars.

For Karasch, the key to understanding the relative preponderance of women, and in particular enslaved African women, in manumission figures lies in their economic role in local markets. This in turn is understood as a cultural phenomenon, a continuation of the traditional role assigned to African women as caretakers of the home, producers of domestic crops and as buyers and sellers of surplus to sustain the family, skills that were readily transferable to the urban slave labour economy in Brazil.⁵⁶

In the context of an expanding urban population, one where African slaves predominated, Karasch's argument is convincing. But this does not fully explain the

⁵³ Karasch, *A vida* 454-57.

⁵⁴ Karasch, *A vida* 454.

⁵⁵ Karasch, *A vida* 454-55.

⁵⁶ Karasch, *A vida* 458-70.

predominance of Brazilian-born women in interior towns in Schwartz study, nor can it fully account for gender profiles of manumission patterns in Campinas where Eisenberg found that enslaved accounted for over 50 per cent of all manumissions and concludes that most of the manumitted were "escravas mulatas, crioulas, muito jovens ou em grau menor, muito velhas, e empregadas no serviço doméstico" whereas the enslaved population in Campinas comprised mostly male, black, creole, adults of working age and unskilled.⁵⁷ The latter study covers most of the nineteenth century and, as Miekó has shown for Salvador, race and gender ratios changed considerably. Nonetheless, Eisenberg found an overall gender imbalance among the slave population of 2:1, meaning that enslaved women were twice as likely to gain their freedom as enslaved men. Regardless of location, then, and until the end of the trans-Atlantic slave trade in 1850, enslaved women were able to outnumber enslaved males both absolutely and proportionately in manumission figures.⁵⁸

Studies of manumission in Minas Gerais have reached similar conclusions. In a recent study by Kathleen Higgins on gender and slavery of the eighteenth-century mining town of Sabará, slave women constituted over 60 per cent of all those freed, and again the largest single group was adult African women accounting for 25 per cent of the total. Collectively, Brazilian-born female slaves outnumbered all groups, but mulatto females were much more likely to be freed as children and the *crioulo* females as adults.⁵⁹

⁵⁷ Eisenberg, "Ficando" 212.

⁵⁸ Eisenberg makes no distinction between *crioulo* and mulatto slaves and it is impossible to tell from Eisenberg's study what percentage of those freed were children. Eisenberg, "Ficando".

⁵⁹ For the period 1710-1809 and out of a total of 1011 freed persons, there were 145 African males, 251 African females, 229 Brazilian-born males, and 386 Brazilian-born females. Out of a total of 176 *crioulo* freed females, 58 were under 14 years of age, 117 were aged between 14-45, and 1 was over 45. Out of a total of 151 mulatto freed females, 101 were under 14, 49 aged between 14-45, and again only 1 over 45. Higgins, "Licentious" 151.

In her study, though, Higgins finds a much more complex pattern of manumissions when examined over different economic cycles. During the first phase of economic prosperity, male slaveowners were much more likely to free their male mulatto slave children than female ones. According to Higgins, this is because most male slaveowners were single males without male heirs. Later, when more free men were married and had legitimate children, they became less inclined to acknowledge their illegitimate enslaved male children through manumission. Furthermore, the predominance of freedwomen in manumission figures in Sabará became less marked toward the end of the colonial period; that is to say, when the economy fell into decline the reproductive capacity of enslaved women became all the more crucial for slave-owing families as a way of protecting and sustaining their status and wealth.

In another study of Minas Gerais by Douglas Libby of a local parish census for the town of São José taken in 1795, which did not include children under 7 years of age, the patterns observed in studies of letters of liberty from other regions are reaffirmed.⁶⁰ Again a racial and gender bias is observable. Mulattos and *cabras* constituted 57.7 per cent of those registered as freed while forming only 7.4 per cent of the slave population and among the freed population there were only 84 males for every 100 females.⁶¹

The unusually detailed nature of the census provides us with other insights into the mechanisms of manumission in the sense that the ethnicity, or nation, of enslaved

⁶⁰ Douglas Cole Libby and Clotilde Andrade Paiva, "Manumission practices in a late eighteenth-century slave parish: São José d'El Rey, 1795," *Slavery and Abolition* 21.1 (2000): 96-127. The parish census only recorded information about parishioners able to take the sacrament of Holy Communion.

⁶¹ Libby and Paiva, "Manumission" 110.

Africans was frequently recorded. With this information it was possible to identify certain groups of African men and women who were more successful than others. In São José d'El Rey, West African women designated as 'Minas' represented 4.7 per cent of all slave women but and 7.4 per cent of the female manumitted population of the parish.⁶² This suggests that, for African women at least, occupation was the determining factor in manumission patterns. For *crioulo* and mixed-race women, their success rates are understood to have been influenced more by "the possibility of building up relationships with free males, [...] which produced offspring as well as levels of affection both of which could lead to manumission".⁶³ The role of affective relations between enslaver and enslaved, particularly between enslaved women and their male slaveowners, but also that of slaveowner and enslaved infants is addressed in more detail later in this section.

For the small proportion of the enslaved, male and female, that obtained their liberty, most would have spent years, decades or even a life time working towards it; many would have tried and failed or died before saving enough money or fulfilling the conditions demanded of them. Mattoso has termed those who lived in this intermediate state between bondage and freedom – *os libertáveis*.⁶⁴ A study by Ligia Bellini of the reasons given by slaveowners in the letters of liberty for granting manumission confirms the protracted nature of becoming freed. She found that only 71 cases of manumission out of 400 were given free and unconditionally 'por amor de dar', which should give pause for thought about the precise ways enslaved women

⁶² Libby and Paiva, "Manumission" 113.

⁶³ Libby and Paiva, "Manumission" 111.

⁶⁴ Katia M. de Queirós Mattoso, Ser escravo no Brasil (São Paulo: Brasiliense, 1982), 199-200.

benefited from relationships with free men.⁶⁵ Likewise, Mattoso has found that 87 per cent of all those manumissions for which no financial payment was received carried conditions, the most common one being to stay with the owner until he/she died.⁶⁶ In addition, Higgins found many cases of female slaveowners who "increased the size of their own children's inheritance" through this type of conditional manumission.⁶⁷ Furthermore, Mattoso's study reveals that although women outnumbered men in manumission figures, enslaved women accounted for 70 per cent of all paid manumissions.⁶⁸

2.6 Manumission, a gendered perspective: assessing advantage.

In summary, patterns of female manumission in Brazilian slave society are much more complex than originally believed. While enslaved females appear to have consistently benefited disproportionately in relation to their numbers as slaves, enslaved African women managed to obtain their freedom in numbers that more closely resembled their share of the global slave population. In addition, studies of Rio de Janeiro, Salvador and Minas Gerais all confirm that African women were more likely to pay for their freedom than their Brazilian counterparts, while *crioulas* in particular were more likely to be freed conditionally. Lighter skinned enslaved mulata and *parda* females constituted the group that was most over-represented proportionately. African women, because most arrived in Brazil as adults, and *crioulas*, were more likely to gain their freedom as adults while mulattas and *pardas*

⁶⁵ Ligia Bellini, "Por amor e por interesse: a relação senhor-escravo em cartas de alforria," in *Escravidão e a invenção da liberdade*, ed. João José Reis (São Paulo: Brasiliense, 1988), 73-86.

⁶⁶ Mattoso, "Slave" 72. See also K. M. de Queirós Mattoso, "A carta de alforria como fonte complementar para o estudo da rentabilidade da mão-de-obra escrava urbana (1819-1888)," in *Da revolução dos alfaiates à riqueza dos baianos no século XIX*, ed. K. M. de Queirós Mattoso (Salvador: Corrupio, 2004), 150-163.

⁶⁷ Higgins, "Licentious" 84-85.

⁶⁸ Mattoso, "A carta" 159-60.

were freed more frequently as children.

Any reliance on empirical studies, though, can produce a narrow and somewhat misleading impression of the relationship between manumission, gender and race. Moreover, when taken in isolation, demographics can obscure the level of connectedness between different groups. Even though race and colour often determined how individuals obtained their liberty through manumission, in actual fact the cases of manumission examined in this study remind us that *crioulas* and *pardas* had African mothers or grandmothers. Notably, the case studies illustrate how central mothers were in procuring, securing and protecting the freed status of their children and grandchildren. Furthermore, the cases studies also serve to remind us that the ‘slave family’ could, but did not always, comprise solely of members who were enslaved. Increasingly so in nineteenth-century Salvador, the ‘slave family’ included members who were enslaved, freed and free, African, *crioulo* and even *pardo*, a point not lost on Freyre. In the case of Pernambucan sugar plantation slave society, though, the ‘Brazilian family’ frequently comprised two branches; the free white and the enslaved/freed coloured. In fact, such duality was not uncommon at the other end of the slave owning market. Smallholders too, as case studies in other sections of this thesis illustrate, may well have been descendants of slaves or had a branch of the extended family that remained enslaved.

In general, the case studies examined in the course of this study reveal how enslaved and freedwomen had a role in shaping manumission practices and patterns through their own responses and reactions to the gender and racial inequalities of Brazilian slave society. Moreover, I would argue that the burden of giving birth to enslaved

children on the part of enslaved mothers produced a discrete emotional experience that differed to that of fathers of enslaved children, particularly in the case of female children given that the condition of captivity was passed through the female line. Sons of enslaved women could potentially have children with freed or even free women, but daughters of enslaved women would go on to perpetuate the condition of captivity. By ensuring freed status of daughters, enslaved mothers could be sure of ending the slave lineage in her line of the family. The case studies in this study illustrate how pregnancy prompted the pursuit of freedom. Conversely, for slaveowners, the prospect of progeny from their enslaved women could provide a good reason to delay or obstruct manumission.

Demographics, then, as quantitative analysis, can conceal as well as reveal. Not only do they disguise the protracted nature of the process, demographics can tell nothing about the insecurities of freed status once obtained. As such, although demographics are central to this thesis, inasmuch as they demonstrate the mechanisms of the slave market economy and illustrate the dynamics of socio-economic mobility within a slaveholding society, it is the lived experience of becoming and being freed, of freedoms denied and freedoms unfulfilled that are the primary concern here. Part of this concern is to enquire into the nature of the advantage as expressed through manumission patterns associated first with being female, second with being Brazilian and third with being light-skinned.

In comparative terms, some groups of enslaved females did have a statistical advantage over others. This has led to the conclusion that some gained their freed status with greater ease than others and were more privileged and advantaged than

other groups. The issue of statistical advantage, though, needs contextualising in the lived experience of enslavement and manumission and a qualitative approach to understanding manumission alongside the quantitative one makes it difficult to conceive of manumission as being obtained easily regardless of colour or gender.

While it must have been preferable to gain freed status as a child rather than an adult, the cases found for this study reveal how the status of children freed through manumission, as Kiernan has argued, could be just as fragile as that of their adult counterparts.⁶⁹ In fact, it may well be the case that baptismal and testamentary manumission was the most fragile of all given that these forms of manumission would not necessarily be confirmed with a notarised letter of liberty, without which, there was a high risk of re-enslavement. Given the often antagonistic nature of inheritance in a society where property was a sign of status and wealth, slave ownership was frequently disputed in contestations of wills, especially in families where enslaved property were the only assets. Enslaved property with progeny, then, proved particularly contentious in cases where there was little other means of financial support.

The documents examined in this study raise questions about the ways in which free and conditional manumissions have been viewed in comparison to paid manumissions as well as the way in which these categories have been used to assess the routes different groups of slaves obtained their freedom.⁷⁰ In actual fact, was it easier to buy

⁶⁹ James Patrick Kiernan, "Baptism and manumission in Brazil: Paraty, 1789-1822," Social Science History 3.1 (1978): 56-71.

⁷⁰ Florentino, "Alforrias". In this more recent study of manumission in nineteenth-century Rio de Janeiro, Florentino uses the following categories for manumission type: "pagas", "servir", and "gratuitas", see especially 19-26. These categories are derived from a more detailed categorisation of manumission types used by Karasch, A vida 460.

freedom through self-purchase (even through a loan), or endure a life of subservience and enforced loyalty and obedience to secure freedom on the death of an owner?⁷¹ And for those women who were both mistress and slave of their owner, how do we describe and assess the nature of advantage associated with such relationships in qualitative as well as quantitative terms? Was it really that easy to extract freedom for yourself or your children from someone who owned you and depended on your labour for economic survival? Finally, the analysis and interpretations of the data in this section have implications for the following section which analyses the different routes of adult female manumission and questions the extent to which these routes to freedom reflected the preferences of the enslaved or the enslaver.

While studies of manumission in Brazil generally confirm that light-skinned females had greater chances than others of obtaining manumission, and of obtaining it as infants, it does not follow that *all* light-skinned enslaved females enjoyed this advantage equally. In addition, the racial hierarchy of Brazilian slave society relied on a *perception* of advantage which did not necessarily mirror the reality of how that advantage operated in practice. Manumission, by definition, was a gift not a right, not even for light-skinned slaves; it was an expression of preference. For sure, lighter-skinned blacks were generally the recipients of that preferential treatment, but being born light-skinned and female was no guarantee of freedom, even if it appeared that way to the rest of slave society. As will be shown in the analysis of childhood manumissions, the preference of gratis and childhood manumissions for lighter-skinned females was one that could be withdrawn when economics or emotions dictated.

⁷¹ Karasch, *A vida* 461-62, provides an account of some of the conditions imposed on those freed through conditional manumission. See also Faria, "Aspectos".

The remaining part of his section comprises two parts. The first presents an analysis of childhood manumissions from Bahia for the period 1830-1871. The aim here is to re-assess the notions and conditions of advantage associated with being light-skinned and female. Through an analysis of the age, price, colour and conditions of childhood manumissions it will be possible to discuss in more detail the nature of the benefits associated with being freed as children, and examine the extent to which conditions of gender, age and colour made a difference to the timing and conditions of manumission.

The final part of this section, then, examines in closer detail the ways in which childhood manumissions were later denied, disputed and defended in adult life. These case studies reveal how the correlation between light skin colour, gender and freed status was not always as clear cut as demographics suggest. Although gender and lighter skin offered some advantage it was an advantage that operated within an overall system in which darkness of skin colour and female gender were associated with inferiority. Freedom for *libertos*, as scholars in the field already know, was a fragile and incomplete freedom. In the case of freed mothers this fragility followed through to her children, and even her grandchildren. Furthermore, although other documents, such as baptismal records were frequently used in court cases to defend and justify freed status, it would appear that a notorised *carta de alforria* was the only one the courts recognised as clear proof of having acquired liberty legitimately.

2.7 Childhood Manumissions, Salvador 1830-1871.

The study of enslaved childhood as well as ownership of enslaved children in Brazil is

an under-developed area and a very recent addition to Brazilian historiography of slavery.⁷² Statistics for enslaved child populations have proved difficult to establish. In terms of the Brazilian trans-Atlantic slave trade, Goes and Florentino have estimated that children comprised no more than 4 per cent of imported enslaved Africans. Infant mortality was also very high and the chances of survival to adulthood on Rio de Janeiro plantations as small.⁷³

Although there are estimates for enslaved populations for nineteenth-century Salvador, levels of slaveownership of children have yet to be established. In addition, there was no national census in Brazil prior to 1872 and figures for enslaved populations before this date have relied upon parish census material, contemporary estimates, local police census material, and inventories of slaveowners. In the case of parish and police census data the former did not include children under 7 years of age and the latter were concerned with adult, usually slave and freed, populations.⁷⁴ As such, figures for enslaved child populations are somewhat less precise than for adults.

For eighteenth-century Bahia Schwartz found low levels of enslaved children on sugar plantations.⁷⁵ According to the 1872 census the province of Bahia had a total of 36,073 slave children under 10 years of age, 31 per cent of which were black and 69 per cent mulatto, or mixed race. Among the total slave population, however, mixed-

⁷² For an overview of the life of enslaved children, see José Roberto de Góes and Manolo Florentino, "Crianças escravas, crianças dos escravos," in *História das crianças no Brasil*, ed. Mary Del Priore (São Paulo: Contexto, 1999), 177-91.

⁷³ Goes and Florentino, "Crianças" 177-80. On children in the trans-Atlantic slave trade in general, see Herbert S. Klein, *The Atlantic slave trade* (New York and Cambridge: Cambridge University Press, 1999), 161-170.

⁷⁴ Libby and Paiva, "Manumission" 96-127.

⁷⁵ Schwartz, *Sugar* 361 and 360-64. For figures for Rio de Janeiro plantations see Goes and Florentino, "Crianças" 177-79.

race Brazilian slaves constituted 39 per cent, and blacks 61 per cent.⁷⁶

Estimates of slave populations for the city of Salvador for the period 1811-1860 reveal similar proportions, with Brazilian-born slaves representing 37 per cent of the city's slave population and Africans 63 per cent.⁷⁷ In comparison, a study of baptismal records for the city centre parish of Sé (1830-1874) Mattoso found that 42 per cent of all free children baptised were mulatto and 17 per cent *negro*. However, as a proportion of free coloured children, mulattos constituted 90 per cent and *negros* only 10 per cent.⁷⁸ Moreover, Mattoso found that among slave families the vast majority of enslaved African mothers had children of the same colour, that is *crioulo*, while 30 per cent of "negras brasileiras" had mixed-race children. Mattoso concludes that enslaved *crioulas* "[e]ram mais abertas, mais preparadas para a miscegenação".⁷⁹ The statistics suggest, then, that it was the mixed-race children of *crioulas*, mulattas and *pardas* who were freed as children. But, *crioulas* were more numerous among the adult enslaved population and according to Mattoso, 70 per cent of their children were *crioulo* too.

Although Schwartz found low levels of children among the enslaved on Bahian sugar plantations, he identified high levels of children among libertos in the region, with those under 14 years of age comprising 45 per cent of all libertos for whom age could be identified.⁸⁰ Nishida in her study of nineteenth-century Salvador found slightly

⁷⁶ Katia M. de Queirós Mattoso, *Bahia, século XIX: uma província no império* (Rio de Janeiro: Nova Fronteira, 1992), 96-97.

⁷⁷ Reis, *Slave* 10.

⁷⁸ Mattoso, *Bahia* 157.

⁷⁹ Mattoso, *Bahia* 168 and 96.

⁸⁰ Schwartz, *Sugar* 615-18.

lower levels, but children still accounted for 39 per cent of all freed Brazilians.⁸¹

Nishida also found a higher percentage of freed children among the Brazilian-born freed than enslaved children among Brazilian-born slaves.⁸²

Children, then, may have been over represented among the freed in relation to their numbers among the enslaved, and more were mixed race than black. This section therefore focuses exclusively on letters of liberty in which children were freed in order to better understand the significance of childhood manumissions both as a feature of manumission patterns and practices in Brazil, and as part of the Brazilian slaveholding ideology in general.

Research of letters of liberty found for the period 1830 to 1871 identified 308 freed children. This sample was based on letters of liberty taken from *Livros de Notas da Capital* (Salvador), for 1830-1831, 1840-1841, 1851-1852, 1860-1861, and 1870-1871.⁸³ The sample included all children 0-16 years of age. While other studies tend to only include children up to 12 or 14 years old, a close reading of the letters of liberty suggested an extended age range was more appropriate for this study.⁸⁴ First, because the letters themselves indicate that up to at least 16 years of age enslaved children were referred to by slaveowners as minors and *crias*, even when they could work them as adults and sell them for adult prices. Second, including all children 16 and under afforded greater opportunity for understanding the extent of familial involvement in the pursuit and acquisition of freedom for children. In order to be as

⁸¹ Nishida, "Manumission" 376.

⁸² Nishida, "Manumission" 379.

⁸³ The *Livro de Notas da Capital* for 1850-1851 was not available for consultation at the time this research was conducted as it had been taken out of circulation to be *restaurado*.

⁸⁴ Schwartz, "Manumission" 615-17, grouped age ranges from 0-5, 6-13 and 14-45. Nishida, "Manumission" 376, classified children as 0-15 and 16 and over as adults.

consistent and as inclusive as possible, unless there was a clear indication of an adult age, all *crias*, minors and those children assigned the diminutive “inho” or “inha” were included in the sample.

In the process of creating the sample an additional 85 children were identified in the letters of liberty but were excluded from the sample because it was not clear whether or not they were actually adults even though they were referred to as “filhos” of an enslaved or freed mother. For example, the extraordinarily high price of 1 conto 700 mil reis paid by Justa, described only as *preta* and therefore probably a freed African, for the freedom of her *crioula* daughter, Izabel, in 1871 suggests Izabel was at least a young adult and was therefore excluded from the sample.⁸⁵ The rare case of a mother being freed with her children and without payment or obligation also had to be excluded. Esperança, Nagô, and “seus filhos crioulos Judith e Marcos”, obtained their freedom together upon the death of their owner, Andre Aducci, in 1861, but the letter gave no indication of the age of the children so could not be included in the sample.⁸⁶ The same decision was taken in the case of Maria’s five children who were all freed together in 1830. Maria’s status and the ages of the children could not be determined from the letter. Again, this case was unusual and interesting but was not one that could be included in the sample.⁸⁷

However, despite the methodology developed in establishing the parameters of the sample, the sample itself still suffers from some limitations as a result of bureaucratic

⁸⁵ APEB, Sec. Jud., LN, 01-04-360, (21/2/1861-04/01/1862). This was the highest price paid for manumission in this study, and the same price as paid on two cases.

⁸⁶ APEB, Sec. Jud., LN, 01-04-360, (21/2/1861-04/01/1862).

⁸⁷ The five separate letters of liberty for the children were all worded identically. In them the slaveowner described Maria as “escrava que foi minha”, which meant she had either been freed or sold. All the children were freed conditionally and were required to remain with their heiress-owner, Teresa de José de Goes, until her death. APEB, Sec. Jud., LN, 01-03-233 (30/01/1830-18/03/1831).

interventions into the access and use of the Livro de Notas series at the time of research. The results of this research, then, while considered in comparison to other studies of manumission in Bahia, remain tentative and would benefit from access to the full series of Livro de Notas, particularly for the latter decades. For this reason, it is impossible to discuss the rate at which childhood manumission changed over time in terms of absolute numbers. For the most part then, analysis of the data will be based around proportionality, other than when there is clearly a case for absolute numbers to be taken into account.

Overall this sample revealed that the majority of children freed in terms of colour were *crioulo* (47 per cent) and in terms of sex, they were female (60 per cent) (Tables 1a and 1b).⁸⁸ In terms of manumission type most children (56 per cent) were freed onerously, that is either conditionally or paid (Table 1c). However, female children were twice as likely to be freed through purchase as male children, whereas for other manumission types the difference was more balanced. In sum, the profile of childhood manumission most frequently found in this sample was that of a *crioulo*, female child who obtained her manumission either through conditions or payment.

Given the African predominance in the city of Salvador up to 1850, and the fact that African women were represented proportionately in adult manumissions, we would expect to find *crioulo* children in the majority too.⁸⁹ Data from the 1872 census and from Mattoso's study of parish records from the nineteenth-century indicate that figures for childhood *crioulo* manumissions found for this study are proportional to

⁸⁸ Nishida, "Manumission" 375, found that 70% of freed children were female, but that there was a more balanced sex ratio among freed adults.

⁸⁹ Schwartz, "Manumission" 617, found only 2 cases of African children freed (0-13 years) for the period 1684-1745; Nishida, "Manumission" 375 notes that while the "male-female ratio was nearly balanced" among the freed African population.

the number of *crioulo* children in the enslaved population in general.⁹⁰ In Nishida's study, *crioulos* also comprised the largest sector of the freed in all categories. Nonetheless, results of her study lead her to conclude that that mixed-race men, women and children were still over-represented among the freed in relation to their numbers among the enslaved.⁹¹

The gender balance among children in this study was found to be in line with that for manumission studies in general, but with some notable variations over time. For the periods 1840-1841 and 1870-1871 there was only a 6 per cent difference between males and females freed, and for 1830-1831 there was a 14 per cent difference (Table 1a). However, for the period 1851-1852 there were 36 per cent more female children freed than male, and for period 1860-61 the figure was 34 per cent. For both these periods, then, there were over twice as many female childhood manumissions as male.⁹² Converting the sex ratios to numbers of female children freed for every one-hundred males illustrates the potential for gender imbalances among the adult freed population (Table 2c).

In terms of sex ratios among child *libertos* the proportions found in Schwartz's study were more favourable to male children than in this study. In addition, while in this study *crioulo* children accounted for the majority of childhood manumissions, in Schwartz's study *pardos* outnumbered *crioulos* in all age ranges except those over 45

⁹⁰ Maria Inês Cortes de Oliveira, *O liberto: o seu mundo e os outros*, Salvador, 1790/1890 (São Paulo: Corrupio, 1988) 23. Schwartz, "Manumission" 616-18, found that *crioulos* comprised 21% and *pardos* 78% of all child manumissions (ages 0-13) for the period 1684-1745.

⁹¹ Nishida, "Manumission" 379.

⁹² Nishida, "Manumission" 376, also identified the phase 1851-1852 as having a particularly high imbalance in terms of sex ratios among the freed.

years of age.⁹³ In this study, *crioulo* children outnumbered mixed-race children in every period except the final one, 1870-1871, when it is possible that there were fewer *crioulo* children still enslaved given there were also fewer enslaved Africans (Table 1b). Although percentage wise, the relative proportions of *crioulos* to mixed-race children remained roughly the same throughout, in 1840-1841 there were over twice as many *crioulos* freed as mixed-race children.

The extent to which colour determined manumission type is outlined in Tables 3a-c. For both *crioulos* and mixed-race children, onerous manumission was the most frequent form of escaping captivity, with paid and conditional manumissions accounting for 60 and 54 per cent respectively of all manumissions for these groups (Table 3c). However, close to 40 per cent of both *crioulo* and mixed-race children were still freed without conditions or payment, and both groups comprised similar proportions of all free manumissions.

Comparison of manumission types both within and across each colour category revealed a number of other observable differences. Whereas *crioulo* children accounted for 60 per cent of all conditional manumissions, conditional manumissions comprised 33 per cent of all manumissions for *crioulo* children. When compared to other manumission types for *crioulo* children, there were 7 per cent fewer conditional than free manumissions, but 6 per cent more conditional than paid. Among mixed-race children conditional manumission was the least likely route to freedom when compared to both free and paid manumissions in this group. Conditional manumissions accounted for 19 per cent of all manumissions among mixed-race

⁹³ Schwartz, "Manumission" 616-20, especially table iv and figure 1.

children, whereas free manumission accounted for 46 per cent, and paid for 35 per cent. In addition, mixed-race children accounted for only 27 per cent of conditional manumissions, 33 per cent less than *crioulo* children. As such, the strongest relationship between manumission type and colour is observable in relation to conditional manumission as it is noticeably less likely among mixed-race children than *crioulo* children.

In terms of sex and colour, both *crioulo* and mixed-race children formed similar proportions of both male and female childhood manumissions. Likewise, there were comparable proportions of free and onerous manumissions for males and female: 57 per cent of female children and 54 per cent of male children were freed either conditionally or paid (Table 3c). Also, the percentage differential across the manumission types was comparable for both male and female children, at approximately 20 per cent.

However, female children were slightly more likely than male children to be manumitted through purchase, as paid manumissions comprised 25 per cent of all male manumissions and 33 per cent of all female. A comparable differential is observable in manumission types among male and female children. Although for both male and female children free manumission formed the largest group of manumissions by type, for female children the smallest group was found for conditional and for male children it was paid. When manumission type is examined in relation to gender and colour, variation in manumission type is greater among male *crioulo* children than female, and greater among male *crioulo* children than mixed-race (Tables 4a and b). However, the greatest variation in manumission type occurs

among mixed-race females, with a 28 per cent differential between the largest group (free manumissions) and the smallest group (conditional manumissions). For mixed-race female children, free manumissions accounted for 49 per cent of all manumissions for this group and 38 per cent of all female childhood manumissions.

In sum, the observable variations in terms of manumission type reveal that the strongest negative relationships occurred between *crioulo* male children and paid manumission, and between mixed-race female children and conditional manumission. In both cases, this relationship indicates the least likely route to freedom for these children. The strongest positive relationship between manumission type, race and gender was found between mixed-race females and free manumission indicating the most likely route to freedom for this group.⁹⁴ The reasons for these variations are considered in relation to age.

Precise ages of the children manumitted in this study were given for only 147 children, that is in 48 per cent of all cases.⁹⁵ The majority of children were described either as *cria*, or through the use of a diminutive such as *crioulinho* or *cabrinha*. Using only those cases where age was given, the average age that male children were freed was 4.9 years and female children 4.7 years (Table 5). However, this may be a reflection of greater tendency to record ages of younger children than older ones. Also, the numbers are very small in some cases so it is difficult to establish just how statistically significant these findings are, but it is possible to make some general observations about the data.

⁹⁴ Nishida, "Manumission" 379, found that "slaves of mixed origin, regardless of gender and age, attained freedom more easily than Brazilian-born blacks; but this tendency is most clearly observed in the case of female children..."

⁹⁵ Schwartz, "Manumission" 614, discusses the difficulties of establishing and analysing age of *libertos*.

First, that the variation of average ages according to manumission type is greater for males than females, suggesting that age was not a strong factor in determining manumission type for female children.⁹⁶ Second, the very low overall average age of male children in paid manumissions is attributable to the fact that 14 of the 16 cases in this category were for children 1 and under (Table 7). This compares to 11 out of 25 female children in the same category. For male child slaves, then, age was a more important variable in determining how manumission was obtained. Indeed, the findings here suggest that those slave owners who were only willing to manumit their male child slaves through purchase exacted such a high price once these children were over a year old that it became almost unrealisable.

A more detailed examination of manumission patterns among the 0-5 age range confirms these findings (Tables 6a-c). Indeed, the economies of scale of manumission are reflected in the high proportion of paid manumissions among child slaves 5 and under (Table 6c). For all childhood manumissions, paid manumission comprised 30 per cent. Among the 0-5 age range the figure rises to 39 per cent. Indeed, the proportion of paid manumissions is higher for both male and female children in this age range than for male and female children overall. Whereas paid manumissions accounted for 25 per cent of all male childhood manumissions, for males 0-5 years of age, the figure rises to 35 per cent. For female child manumissions the figures are 33 per cent and 42 per cent respectively. Moreover, the percentage of onerous manumission among female under 5 was greater than for all female childhood manumissions at 65 per cent and 54 per cent respectively. Paid

⁹⁶ Schwartz, "Manumission" 616, found that while enslaved Brazilian males were more likely to be freed as children than adults, and that the likelihood of manumission for them decreased with age. Schwartz did not examine manumission type among childhood manumissions.

manumissions, though, were more likely for both male and female children under 5 years of age.

This difference is observable too among the 0-1 age range (Table 7). Although small in number, amounting to 51 in total and 16.5 per cent of all childhood manumissions, the sex ratios remain consistent at 40 per cent male and 60 per cent female, suggesting that the sample is generally representative. Again, the percentage of onerous manumissions among female children under 5 is higher than among all female childhood manumissions. In comparison, for male infants, onerous manumissions for 0-1 years comprised 76 per cent, almost 20 per cent higher than that of males under 5 as well as all male childhood manumissions. This is attributable to the high proportion of male infants that had their freedom purchased. In total, 71 per cent of all male childhood manumissions for the 0-1 age range were acquired through purchase, compared to 35 percent for all males under 5 and 25 per cent for all male childhood manumissions. Evidently, it was much more difficult to obtain a male child's freedom by any other means than purchase before his first birthday. Infant female children, on the other hand, had a much higher chance of being freed without payment before their first birthday than after.

Nishida's study indicates that manumitting male children was overall more expensive than manumitting female children. But Nishida also found that as prices of slave sales rose after mid-century, so too did the number of paid manumissions, and across all categories. In comparison, the number of unpaid manumissions decreased while the prices exacted for manumission "did not necessarily correlate with the value of the

individual slave”.⁹⁷ In addition, whereas the prices paid for self-purchase rose for all categories of enslaved in the post 1850 period, in the case of female Brazilian children prices rose slower but continued to rise from 1860 onwards when prices for other categories fell.⁹⁸ A similar pattern is observable in the prices paid for slave sales. After 1872 prices paid for adult Africans, male and female, and Brazilian female children rose while prices for Brazilian adults fell.⁹⁹ Demand for female Brazilian children and adult Africans, then, remained high, although probably for different reasons.

In Nishida’s study the cost of both enslaved female child labour and freeing enslaved female children rose from 1862 onwards. In this study, the highest prices for childhood manumissions occurred in this period. In May 1870, Esperança, an African freedwoman, paid 1 conto 400 mil reis for the freedom of her 14 year old *crioula* daughter Ignez.¹⁰⁰ She paid this sum “em moeda corrente” to her daughter’s owner, Anna Joaquina do Amor Divino, who was also her former owner.¹⁰¹ Indeed, this was the second highest sum paid for an individual childhood manumission in this sample. The most paid for the manumission of an individual child was 1 conto 700 mil reis, paid in 1860 for 16 year old Alexandra, *crioula*. This was paid by her godfather, José Domingos Neves, described as *preto*, and therefore probably African, who paid the princely sum to Maria Francisca Ferreira for his goddaughter’s freedom.¹⁰²

Children 14 years and older were clearly regarded as capable of providing labour and

⁹⁷ Nishida, “Manumission” 381, 380.

⁹⁸ Nishida, “Manumission” 382-83.

⁹⁹ Nishida, “Manumission” 367-68.

¹⁰⁰ APEB, Sec. Jud., LN, 01-05-405 (06/12/1869 - 05/09/1870).

¹⁰¹ APEB, Sec. Jud., LN, 01-05-405 (06/12/1869 - 05/09/1870).

¹⁰² APEB, Sec. Jud., LN, 01-04-353 (22/05/1860 - 22/02/1861).

services on a par with enslaved adults. Thus, Izabel, the freed African mother of 16 year old Paulino, a carpenter by trade, was required to pay 1 conto 600 mil reis to her former own for her son's freedom in 1870.¹⁰³ In June 1871, 1 conto 200 mil reis was the price exacted for the freedom of 18 year old Maria Apolonia do Sacramento and paid for by her African mother, Felicidade do Sacramento, to her daughter's owner Maria Romualda da Conceição.¹⁰⁴ In comparison, in July 1871 the same price was paid to Ana Francsica Wanderley, sister of the famous Bahian statesman João Mauricio Wanderley, in exchange for the freedom of 30 year old *parda* Escolastica.¹⁰⁵ Prices such as these were well in excess of the average prices paid for trained or qualified male or female slaves at the same time in Salvador.¹⁰⁶ The high prices owners were demanding for manumissions during this period must have put the price of freedom beyond the reach of many parents of enslaved children.

Paid manumissions for children under 14 years of age appear to have become more expensive from 1860 onwards too. Thus in the decade preceding the Free Womb law we find a cluster of particularly high prices for paid childhood manumissions. In 1861, 700 mil reis was paid for the manumission of 9 year old Manoel, 800 mil reis for 8 year old Julianna, 900 mil reis for 10 year old Lorinda, and 1 conto for 12 year old Sabino.¹⁰⁷ In 1870 the sum of 1 conto was paid for the manumission 10 year old Lourença, 700 mil reis for 12 year old Laura, and the freedom of 1 year old Simplicio

¹⁰³ APEB, Sec. Jud., LN, 01-05-405 (06/12/1869 - 05/09/1870).

¹⁰⁴ APEB, Sec. Jud., LN, 01-05-410 (08/10/1870 - 14/08/1871).

¹⁰⁵ APEB, Sec. Jud., LN, 01-05-410 (08/10/1870 - 14/08/1871).

¹⁰⁶ See Maria José Andrade, *A mão de obra escrava em Salvador, 1811-1860* (São Paulo: Corrupio 1988), 212-213, for tables of average prices for Brazilian slaves for 1811-1888. The highest average for the whole period for male slaves was 1conto 530 mil reis in 1858, and for Brazilian female slaves, 1 conto 312 mil reis in 1858 also.

¹⁰⁷ Letters of liberty for Manoel and Sabino, APEB, Sec. Jud., LN, 01-04-360 (21/02/1861-04/01/1862), and Lorinda and Julianna, APEB, Sec. Jud., LN, 01-04-17-354 (01/07/1860-06/04/1861).

cost his enslaved African mother 800 mil reis.¹⁰⁸

Such prices suggest that the expectation of the Free Womb law, which would put an end to the natural reproduction of a free supply of enslaved labour from African and Brazilian women, produced a rise in the numbers of paid manumissions, as well as the price rise in enslaved female child labour in the decade 1860-1870 identified by Nishida. Slave owners sensing in the winds of change the possibility of Abolition without compensation appear to have sought to extract maximum financial benefit from the process of manumission while they could.

The issue of where funds came from to pay for bought manumission has been difficult to ascertain and only rarely mentioned in the letters themselves. For males and females freed through purchase, Nishida found reference to named third parties in only 10 per cent of cases.¹⁰⁹ Schwartz found more cases but still only for 18.6 per cent of all manumissions through purchase.¹¹⁰

The letters cited in this study that name the person who provided the funds are small in relation to the total number of letters. This is the case for other studies too. For eighteenth-century Bahia Schwartz only found 2 cases of fathers paying for their children's freedom and 27 cases of mothers paying.¹¹¹ For nineteenth-century Salvador Nishida found 11 cases of fathers paying and 51 cases of mothers paying.¹¹² In the sample of 308 childhood manumissions in this study, only 6 cases were found

¹⁰⁸ Letters of liberty for Lourença and Simplício, APEB, Sec. Jud., LN, 01-05-405 (06/12/1869-05/09/1870), and for Laura, APEB, Sec. Jud., LN, 01-05-410 (08/10/1870-14/08/1871).

¹⁰⁹ Nishida, "Manumission" 380-81.

¹¹⁰ Schwartz, "Manumission" 626.

¹¹¹ Schwartz, "Manumission" 625-26.

¹¹² Nishida, "Manumission" 384.

where the father paid for the child's freedom, 13 where the mother paid, 3 where the godfather paid, 1 case of a godmother paying and 1 of a grandmother. Although twice as many mothers were found to have paid for their children's freedom than father's this data does not really provide sufficient evidence upon which to base any interpretations. In comparison, though, in the case of Rio de Janeiro Karasch found that "um dois padrões mais reveladores nos documentos é o número de mulheres que compravam a liberdade delas, de seus filhos e de afilhados".¹¹³

However, looking at all third party purchases for all children, regardless of age, it is possible to identify a more extensive familial role in the freeing of children. In terms of identifiable familial relations there were 2 sets of parents, 29 mothers, 9 fathers, 7 godfathers, 2 godmothers, and 1 grandmother. In addition, there were 10 male and 5 female purchasers not identified as having a relationship with the children, while Abolitionist societies paid for or contributed towards 11 manumissions and the Santa Casa de Misericórdia towards two.

Even if the full role of parental or familial assistance in purchasing freedom is difficult to establish in quantitative terms, there is no shortage of qualitative evidence. In the cases of both parents securing the freedom of their children, in one case the parents were already freed, and in the other they were still enslaved. The freed parents, named as Vicente and Cirprian, paid 600 mil reis for their son Anacleto, *crioulo* in 1830.¹¹⁴ Anacleto was one of the rare cases in which occupation was mentioned too; he was a stonemason, a valuable trade in the nineteenth-century, hence the high price which was well above the average price paid to purchase a skilled male

¹¹³ Karasch, *A vida* 454.

¹¹⁴ APEB, Sec. Jud., LN, 01-03-230 (31/10/1829 - 20/12/1830).

Brazilian slave, child or adult.¹¹⁵

In the case of the enslaved parents, João Francisco and Lourença provided Antonio, “nação mina, robusto, sem achaque, propria para o serviço da lavoura...”. in exchange for their daughter, Maria, and her “filho de peito, de nome Josefina...”.¹¹⁶ Maria was described as being in ill-health and this is given as a reason for agreeing to her manumission in the letter. Interestingly, though, Maria and her parents were not urban slaves normally associated with these types of exchanges; all were part of the Conde da Ponte’s estate.¹¹⁷ João Francisco and Lourença worked on the Fazenda Cuitá “no Tucano”, and Maria on the Engenho da Matta.

The presence of parents is suggested in other letters of liberty such as that of 12 year old Sabino mentioned above. The sum of 1 conto paid was paid in 1861 by an “Africano liberto” named as Affonso Victor Tavares to Sabino’s owners Geronymo Motta and Dona Roza da Motta. They were also the former owners of Sabino’s mother, Felicidade, described as “preta”.¹¹⁸ It is possible that both Affonso and Felicidade were Sabino’s parents and, being freed, were therefore able to pool their resources to pay such a high sum to free him but unfortunately the documents do not confirm this.

Although parents were rarely mentioned as paying jointly for a child’s freedom, there is evidence in the letters of liberty of parents working together and contributing towards their children’s freedom. This was particularly the case when a father paid

¹¹⁵ Andrade, *A mão de obra* 171-176, and 211 table 11.

¹¹⁶ APEB, Sec. Jud., LN, 01-03-236 (14/03/1829 - 12/04/1830).

¹¹⁷ Nishida, “Manumission” 387-90.

¹¹⁸ APEB, Sec. Jud., LN, 01-04-360 (21/02/1861 a 09/01/1861).

towards the freedom of his child whose owner also owned the child's mother. For example, in 1852 Joaquim Marques paid 180 mil reis for the freedom of his two year old *crioula* daughter, Benedicta. The owner, Felicianna Maria do Rozario, a widow, owned and retained in captivity Benedicta's Angolan mother, Luiza.¹¹⁹ Again in 1830, Manuel da Silva paid 200 mil reis for the freedom of his *crioulo* son Marciano to Mariana Marcolina de São Jozé Guimaraens. Like Feliciano, Mariana held on to Marciano's mother Juliana, also *crioulo*; she remained enslaved.¹²⁰ In 1840 Luiza, *crioula*, also remained enslaved after her 2 year old daughter, Maria was freed for the sum of 100 mil reis paid by her father "Senhor Miguel do Sacramento".¹²¹ The prospect and possible promise of the continuation of services provided by the enslaved mothers must have helped secure the freedom of the children in question.

The somewhat formal and respectful tone implied through the use of "senhor" with reference to Maria's father should not distract from the difficulties fathers would have encountered in assisting with the purchase of their children's freedom. Often, though, such difficulties are hinted rather than stated. Querino Rodrigues Lisboa had paid 400 mil reis for his son's freedom when he was 11 months old but the letter of liberty went astray, "desencaminhada". The boy's mother, Joaquina, Gêge, who remained enslaved to the same owner, had "confiado ao procurador de Causas, Faustino de tal, nesta Cidade" and as a result the owner, Joaquim Gomes, had the letter notarised accordingly on 10 January 1840. Joaquina and Querino's son was called Theodorico and described as *crioulinho* in his letter of liberty but it is not clear now how old he was at the time his freedom was notarised. The letter does note in parenthesis, though, that his father had already died – "(hoje já falecido)" - before this took

¹¹⁹ APEB, Sec. Jud., LN, 01-04-305 (09/08/1851-25/06/1853).

¹²⁰ APEB, Sec. Jud., LN, 01-03-230 (31/10/1829-20/12/1830).

¹²¹ APEB, Sec. Jud., LN, 01-04-257 (15/10/1839-13/10/1840).

place.¹²²

That some fathers encountered obstacles in their attempts to play a role in their children's future is suggested in other ways too. In another case, the father paid for his daughter's freedom but the slave owner died without "dando o competente título", meaning no letter of liberty had been issued or notarised. Subsequently, his widow notarised a letter of liberty for "minha crioulinha Luiza, menor" and acknowledged the payment of 500 mil reis Luiza's father, "Senhor Theodozio dos Passos" had paid to her husband before he died.¹²³

In some cases there was a certain reluctance to recognise the paternity of enslaved children on the part of their owners. In July 1852 five month old Manoel, "uma cria Pardinho", daughter of "escrava Puquellina, crioula" was freed by their owner Dona Anna Rita da Silva. She received the sum of 50 mil reis paid "por mão de Senhor Joaquim Jozé de Santa Anna *que diz ser Pai do mesmo Pardinho...*" (my emphasis).¹²⁴ The same phrase was used in reference to Senhor Gonçalves da Silva who, in June 1870, paid 1 conto to Manoel de Souza Campos for the freedom of his 10 year old *crioula* daughter, Lourenca.¹²⁵ In others, though, the father's name was not acknowledged even when he did pay. Although the age at which Luiza was freed is not stated in her letter of liberty notarised on 9 November 1830, we do know that it was her unnamed father who purchased his daughter's freedom and paid the sum of 200 mil reis to Izabel Jezus Pinheiro, Luiza's owner.¹²⁶

¹²² APEB, Sec. Jud., LN, 01-04-267 (15/10/1839-13/10/1840).

¹²³ APEB, Sec. Jud., LN, 01-04-17-354 (11/07/1860-06/04/1861).

¹²⁴ APEB, Sec. Jud., LN, 01-04-304 (11/08/1851-17/03/1853).

¹²⁵ APEB, Sec. Jud., LN, 01-05-405 (06/12/1869-05/09/1870).

¹²⁶ APEB, Sec. Jud., LN, No. 231 (05/01/1830-03/02/1831).

Establishing the role of fathers in childhood manumissions is made difficult by the fact that they were only mentioned in letters of liberty when they contributed to the purchase of their children's freedom. It was, therefore, highly unusual to find a reference to paternity and not maternity in childhood manumissions as happened in the case of Luiza's letter of liberty, mentioned above. Only two other similar cases were found. One was in 1851 when Jozé Ferrari received "a importância que pedi pela sua liberdade" from Antonio Roque for the freedom of his daughter Maria Luiza.¹²⁷ Exceptional too was the case of Maria, *cria*, whose father David paid 250 mil reis to her owner João Dias da Costa who was also his former owner. Notorised in March 1830 the letter made no reference to Maria's mother.¹²⁸

In comparison, the mothers of freed children were usually identified regardless of status and whether or not they paid towards their children's manumission. This was because in the vast majority of cases of childhood manumissions, the slaveowner owned both mother and child. In fact, the mother was identified in 86 per cent of cases of childhood manumissions in this sample, but 90 per cent of these mothers were still enslaved at the time their children were freed. Enslaved mothers were therefore more likely to be able to obtain freedom for their children than for themselves. Indeed from a gendered perspective it made good sense for enslaved women to free their children before themselves. It was a way of ensuring that their children could not be separated from them by sale. It meant they avoided seeing their children raised in captivity, and in the case of female children, it to put an end to the condition of captivity being passed on to future generations. In addition, if freed young enough, then the price of manumission would be all the more realisable.

¹²⁷ APEB, Sec. Jud., LN, 01-04-304 (11/08/1851-17/03/1853).

¹²⁸ APEB, Sec. Jud., LN, 01-03-233 (30/01/1830-18/03/1831).

Very few mothers managed to gain their freedom together with their children. Out of the 308 childhood manumissions in this study there were only 22 cases of mothers being freed with their children and all but 4 were with just one child. However, as noted previously, there were many cases of mothers who freed their children whose ages were not identifiable as under 16 years of age and were therefore not included in the sample. In some cases, the children were clearly adults too. Although not as fortunate as those freed as infants, these mothers had managed to avoid separation through sale for the duration of their children's childhood, an achievement in itself.

In terms of manumission type, 19 out of the 22 were onerous including 11 paid and 8 conditional, and 3 were free and unconditional. Conditional manumission required service till after the death of the owner usually for mother and children. As with prices for individual childhood manumissions, prices paid for the freedom of mothers and children were particularly high from 1860 onwards. The majority paid at least 1 conto. In 1860 Antonia, Nagô, paid 1 conto 200 mil reis for her own freedom and that of her 4 year old daughter, Maria.¹²⁹ Simpliciana and her 18 month old son, Aquilino, both *crioulos*, received their freedom in February 1870 for the sum of 1 conto 100 mil reis. In the same month the highest price found for joint manumission of mother and child was paid was paid by Violante, African. She paid 1 conto 400 mil reis for the freedom of herself and her two month old baby boy.¹³⁰ Such high prices imply that those slaveowners who wanted financial compensation for the loss of their enslaved labour made sure that the freeing of enslaved children came at a premium.

¹²⁹ APEB, Sec. Jud., LN, 01-04-353 (22/05/1860-22/02/1861).

¹³⁰ APEB, Sec. Jud., LN, 01-05- 405 (06/12/1869-05/09/1870).

Whereas only a minority of mothers managed to obtain freedom with their children, children were never freed with fathers, and only two cases were found of parents being freed with children. The freedom of Manuel, *cabra* and Maria *crioula*, and their four children aged between 2 months and 7 years, was paid for by the Abolitionist society, Sociedade Libertadora de Sete de Setembro, in March 1870 and cost 1 conto 500 mil reis.¹³¹ In September the same year, Venturo and Victoria, “africanos e casados”, were freed along with their 10 year old son Herculino with the condition that they remain with their owners “em quanto vivos formos”. Possibly with the history of the illegal slave trade in mind, the ages given for Herculino’s parents are somewhat less precise: “ambos com as idades pouco mais ou menos de cinquenta annos o marido e a mulher com a de quarenta”.¹³²

Statistically speaking, Manuel and Maria were without doubt privileged and when compared to Venturo and Victoria, they appear to have obtained their freedom easier. But Manuel was thirty five years of age and Maria was twenty-three. They had spent their whole lives labouring in captivity. In a time and place where captivity divided so many families, Manuel and Maria must have surely felt fortunate to have all been freed together; but after over fifty years of enslavement between them, they would not have felt that their freedom had come easy to them.

The conditional manumission of Venturo, Victoria and Herculino, when compared to the purchased manumission of Manuel and Maria and their family, does not appear an attractive route to freedom. However, in the historiography of Brazilian slave society

¹³¹ APEB, Sec. Jud., LN, 01-05- 405 (06/12/1869-05/09/1870). The price was paid for the two parents and the children were supposedly manumitted for free. Another child, Clara, *cabra*, aged 2, was also freed in the same letter. Her mother, Maria do Nascimento, remained enslaved.

¹³² APEB, Sec. Jud., LN, 01-05-405 (06/12/1869-05/09/1870).

a hierarchy of sorts has been established, and never seriously challenged, in which manumission by purchase was the least favoured form of manumission, followed by conditional and then free. In fact, in many studies of manumission patterns, conditional and free are for statistical purposes generally considered in opposition to purchased manumission.

But the ways in which conditional manumission worked in practice could be just as, if not more, punitive and exacting as paid manumission. For those child slaves who acquired their manumission conditionally, the majority would, like adult slaves, often have to remain in captivity until their owners died. Potentially this meant that they would be freed at a much younger age than had they been conditionally freed as adults. However for some, this could still mean as long as twenty years more in captivity. Although the majority of conditional manumissions stipulated only that those being freed remain with the owner till their death, thus making it difficult to establish how long it took to become freed, others specified the length of time required.¹³³ In February 1841, Manoel Joaquim de Araujo freed Manoel, crioulinho, “filho da minha escrava, Rozalina, Nação Gegê”, and awarded his freedom with the “impreterível condição de me acompanhar e server em quanto eu vivo for”. However, Manoel would only be able to “gozar de sua liberdade” after serving Senhora Maria do Carmo Jesus until he reached the age of twenty.¹³⁴ In the case of a one year old *cabra* baby girl called Hilda, the requirement was that she remained with her owner till she was 25 years old. Her owner, Augusta Pitaluga, also her mother’s owner, declared in Hilda’s letter of liberty that “pelo muito amor que lhe tenho e querendo

¹³³ Stephen Whitman, “Diverse good causes: manumission and the transformation of urban slavery,” *Social Science History* 19.3 (1995): 347. For Baltimore (1789-1830), Whitman found that 15% of conditional manumissions were for less than 5 years, 54% for between 5 to 15 years, and 31% for 16 years or more.

¹³⁴ APEB, Sec. Jud., LN, 01-04-269 (30/04/1840-25/06/1841).

dar-lhe uma prova dese amor” required that Hilda be “obrigada a me acompanhar como escrava ate essa idade sob pena de perder o presente beneficio”.¹³⁵ The letter of liberty for thirteen year old Florinda was notorised in November 1857, but she only became freed “depois de sua maioridade”, usually considered to be 25 years of age.¹³⁶ Similarly a minimum period of twenty years was stipulated in the letter of liberty for “crioulinha, Senhorina”, daughter of enslaved Alexandrina, Nagô. If her owners died before the twenty years had been completed then she would be passed into the power of their daughter, Maria, for the outstanding period.¹³⁷

In another case, where no mention is made of either parent, four year old Thomaz de Oliveira, described as “crioulinho”, would only be freed “depois de saber ler e escrever e saber igualmente um officio, e tenha a idade de vinte anos”. Until that time, his owners added, he would not be able to “sahir de nossa companhia”.¹³⁸ In comparison, two and a half year old *mulatinha* Anna, daughter of enslaved mother Alexandrina, *parda*, would only be freed upon the death of her former owner’s granddaughter and while in her company she would have to remain with the granddaughter “acompanhando a e servindo a athe completer a idade de reger”.¹³⁹ The lack of precision with regard to the ending of the conditions surely left such liberty wide open to both interpretation and abuse. Such conditions were likewise included in the letter of liberty for Josefa Maria do Sacramento, *cria*, who would only be given the letter when she “chegasse a idade e estado de a mercer, havendo-se comportado bem...”.¹⁴⁰

¹³⁵ APEB, Sec. Jud., LN, 01-05- 405 (06/12/1869-05/09/1870).

¹³⁶ APEB, Sec. Jud., LN, 01-04-334 (13/03/1857-01/03/1858).

¹³⁷ APEB, Sec. Jud, LN, 01-04-268 (11/07/1838-10/02/1841).

¹³⁸ APEB, Sec. Jud., LN, 01-03-236 (14/03/1829-12/04/1832).

¹³⁹ APEB, Sec. Jud., LN, 01-04-267 (15/10/1830-13/10/1840).

¹⁴⁰ APEB, Sec. Jud, LN, 01-04-268 (11/07/1838-10/02/1841).

For conditional childhood manumissions the expectation was that freed children would remain in captivity until their owners died, or until they were no longer legally considered minors, which was twenty-five years of age. The language used to describe these conditions indicates that these children were expected to be loyal and obliging in the living out of the conditional period. As Eduardo Paiva has pointed out, it is clear from studying these and other documents relating to *libertos*, that slaves who were freed conditionally were still considered slaves until such a time that those conditions had been met.¹⁴¹ What these documents do not reveal is how many slaves lived long enough to actually experience freed status. Moreover, it is very difficult to access the ways in which the lives of former slaves differed before and after manumission. The next part of this section examines some evidence from the lives of adults freed as children who had to defend or secure their freed status through the judiciary.

2.8 Disputing and Defending Freed Status.

The four cases examined below all predate the 1871 Free Womb law and therefore any Brazilian legislation regulating manumission. Three of the four cases originate in the interior, and one is from the capital, Salvador. All cases relate to smallholdings of slaves and to the status of adults who acquired their freed status in infancy or during childhood and subsequently had it denied. The first two cases are of *crioulas*, both daughters of *Africanas*, the third case is that of a *parda*, daughter of a *crioula*, and the final one of a *mestiça* mother of two mulatto children. Collectively, they prompt us to reconsider notions of advantage associated with race and gender and with childhood

¹⁴¹ Eduardo França Paiva, Escravos e libertos nas Minas Gerais do século xviii: estratégias de resistência através dos testamentos (São Paulo: Annablume, 1995), chapter 2.

and/or baptismal manumissions. The trajectories of these cases also challenge assumptions about the opposition between gratis and conditional manumissions on the one hand, and paid manumissions on the other as portrayed in demographic studies of manumission. In contrast to the boundaries suggested by categories of manumission types in demographic studies, these cases reveal instead a much more complex impression of the experience of becoming and being freed.

(a) Thomazia (*crioula*), Salvador (1866).¹⁴²

In 1836, Francisca, an enslaved African woman of the Nagô nation gave birth to a daughter named Thomazia. At the time, Francisca was owned by Maria Marcellina Rodrigues Marques and her husband Alexandre Marques dos Santos who lived in the Sé parish in the upper part of the city of Salvador. Two years later, in December 1838 Francisca bought her daughter's freedom for 100 mil reis, and received the freedom of another daughter Archangela for free. In the case between Thomazia and Maria Marcellina and her son some thirty years later, one witness remarked that the two girls were freed at the request of Maria Marcellina's dying daughter but this story was not validated by anyone else.

Thomazia then remained with her mother and her former owner, growing up alongside her still enslaved mother in her owner's household. Even as an adult freedwoman and mother herself, of Luiz, born 21 June 1854 and Salomé, born 18 November 1857, (both described as *crioulo* on their baptismal certificates) Thomazia, according to her lawyer, remained in the household:

por dedicação e amisade a sua bemfeitora acompanhada-a sempre,

¹⁴² APEB, Sec. Jud., Tribunal da Relação, Ação de Liberdade, 14-473-05 (1866).

prestando-lhe serviços, sem perceber estipendo algum...

In fact it would appear that in the Marques household there were a number of *agregados* too, who supposedly lived rent free for some kind of services provided in return. One of them was a Portuguese man called Antônio Joaquim de Azevedo who would have been in his mid-thirties at the time Thomazia was freed. Later, he was godfather to Luiz, Thomazia's son. Another *agregado* was Joaquim do Nascimento Ferreira who was described as someone *que vivia as pôpas da casa!* Along with Antônio Azevedo, and the two are accused of conspiring to get Thomazia's letter of liberty notarised without Maria Marcellina's permission and forging Maria Marcellina's signature.

In 1866, Maria Marcellina's lawyer son, Francisco Marques dos Santos, returned to Salvador after eight years in Rio de Janeiro. The timing of his return coincided perfectly with the initiation of proceedings to secure Thomazia's freed status, and that of her children. Although we do not know how, Thomazia must have known what his intentions were and on 19 March 1866 Thomazia won her *manutenção de liberdade*, which in effect meant that her freed status had been recognised by the court, although it could still be contested. Within a few days of Thomazia entering into proceedings, Maria Marcellina and her son drew up a document of *doação* in which the mother 'donated' Thomazia and her children to her son, Francisco. As part of the donation, Thomazia and her children were valued at 1 conto and 600 mil reis.

After the ruling in favour of Thomazia's liberty, Francisco Marques challenged the decision and presented the court with the *escriptura de doação* as proof of ownership of Thomazia and her sons. Francisco and his mother thus began proceedings against

Thomazia to have her and her children enslaved.

Francisco Marques was a lawyer himself and represented his mother in the proceedings. The arguments were long winded and convoluted, at times sophisticated but the evidence was contradictory. He claimed that although the letter was notarised it was done so by forging his mother's signature and presenting it to the notary as genuine. He also claimed that the original letter was never given to Thomazia and was instead eventually destroyed by his mother, making the notarised version null and void. Second, it was argued that as a married woman Maria Marcellina had no right to dispose of property without the permission of her husband. In fact, it is claimed that in her husband's will of September 1849, Thomazia was inventoried as his slave with her value. But a transcript of the relevant part of the will was never submitted. Instead a letter was presented confirming that Thomazia had been valued as a slave but without any further details.

The case made by Francisco Marques, however, collapsed once his mother actually gave testimony. Having failed to attend on a number of occasions due to poor health, her testimony was eventually taken in her home. This was effectively the downfall of the case as Maria Marcellina could not deny issuing the letter of liberty for Thomazia, or attempting to later donate her to Francisco as a slave. In this case, whereas it is unlikely that all the judges involved had abolitionist leanings, the deception carried out on behalf of Maria Marcellina and her son was perhaps too brazen to condone. Maria Marcellina had sold a letter of liberty and thirty years later tried to sell her former slave, by then an adult freedwoman and her freeborn children, as slaves. In fact, Francisco Marques and his mother made various appeals against the decision in

favour of Thomazia and won none. The case dragged out until July 1867 when the Superior Tribunal threw out the appeal as groundless.

(b) Cyprianna (*parda*) and her daughters Maria and Esméria (*pardas*), Cachoeira (1853).¹⁴³

On 11 July 1807, Cyprianna, *parda*, the three year old daughter of Maria, an enslaved *crioula*, gained her freedom in the will and testament of her owner Joaquim José Correia Lacerda. What happened to Maria after Correia's death we do not know for sure. However, according to Cyprianna it was his widow, Simpliciana do Patrocinio da Nossa Senhora, who took all the family and slaves from where they were living in Urubú, near the town of Jacobina in the north of Bahia to live in Feira da Santana, a small ranching town in the interior, some 115 km west of the provincial capital. Here, Cyprianna was raised as a slave instead of a freedperson, and when she later gave birth to two daughters, Maria and Esmira, they too were *conservadas como escravas*. Later, though, one of Correia's sons *não podendo sofrer tão grande injustiça declarou que a ella suplicante era liberta, e em consequência as segundas livres*. Finally, Cyprianna pursued confirmation of her freed status for her and her children through the courts. In 1853 she began proceedings against her former owner Simpliciana who denied all knowledge of the letter of liberty. But Cyprianna won the case after the first hearing about a year later. In all likelihood this case is incomplete as much of the mentioned documentation is missing. Given the speed with which the case was resolved it can only be assumed that the Correias's will and testament and Cyprianna's letter of liberty were submitted and accepted as valid and accurate evidence. However, there is also mention of an appeal being prepared but there is no

¹⁴³ APEB, Sec. Jud., Tribunal da Relação, Ação de Liberdade, 71-2535-22 (1853).

accompanying documentation from the hearing or evidence of any further rulings. If no appeal was lodged or one failed, then Cyprianna and her daughters would have finally been freed.

(c) Maria, (*mestiça*) and her children Francisca and Elduviges, Aracaju (1875).¹⁴⁴

Maria became the property of Florinda dos Santos d'Oliveira after the death of her husband Francsico da Costa Mendes. In his inventory Maria was valued at 100 mil reis. While no date was given for the inventory nor does it appear to have survived, it is referred to in the case Maria later brought against her former owner's niece, Florinda Lourença d'Oliveira, in 1875. Herein it was explained how sometime after inheriting Maria, Florinda dos Santos issued her with a conditional letter of liberty. The letter was dated 16 June 1854 and Maria was probably about fourteen years old.

The 'conditions' upon which liberty depended, though, were onerous to say the least and Maria would have to endure almost twenty years more in captivity before being freed. Firstly, Maria was required to serve Florinda dos Santos until this owner died; thereafter she would serve her former owner's sister, Maria Lourença d'Oliveira. After the latter's death, ownership of Maria would pass to the deceased owner's daughter, Florinda Lourença d'Oliveira. Maria could only be freed after she had served Florinda Lourença for ten years. Fortunately for Maria, one of these torturous steps to her freedom was eliminated because Maria Lourença died before her sister. So after Florinda dos Santos died in May 1863, Maria was inherited by her former owner's niece and goddaughter, and in 1873 Maria finally became a freedwoman.

¹⁴⁴ APEB, Sec. Jud., Tribunal da Relação, Ação de Liberdade, 68-2424-10 (1875).

After gaining her conditional letter of liberty, but before becoming a freedwoman, Maria brought up three children. The first was Manoel, born in 1858. At his baptism Florinda dos Santos issued him with a letter of liberty, but with the condition that he serve her till her death. The second, Francisca, was born in 1860. She was sold two years later by Florinda dos Santos to her niece for the sum of 200 mil reis. Maria's third child, Elduvigues, was inherited by the same niece when her aunt died in 1863. Elduvigues, would have been two years old at the time. So, out of Maria's family Manoel spent the least time in captivity. At five years of age, after the death of his owner Florinda dos Santos, he became freed. Perhaps, though, like other freed children, Manoel remained with his mother who, upon Florinda's dos Santos' death, would have been re-united with her then three-year old daughter, Elduvigues, in the household of Florinda Lourença.

The case against Florinda Lourença, and her husband Carlos Pensado da Cruz, was based on the argument that Maria gave birth to her daughters after the letter of liberty had been issued. Indeed, both Elduviges and Francisca appeared in the 1872 *matrícula* as slaves of Carlos Pensado da Cruz, registered as having unknown parentage ("de pais incognitos"). The case made against Florinda and her husband, then, was very thorough. Indeed, the lawyer referred to comparable cases demonstrating how the freedom of other children had been upheld. The judge agreed adding that under conditional freedom a person was not considered fully a slave, to the extent that the owners were not required to pay the annual slave tax. Consequently, any children born during this period of conditional servitude must be considered free. A decision was awarded in favour of the two girls' freedom in April 1877, but Pensado and his wife made an appeal to the *Superior Tribunal da Relação*

and managed to have the decision reversed. However, an attempt to bring an injunction against this decision was successful and on 6 July, 1882 the girls were declared officially free.

(d) Edeltrudes (*crioula*), and Benedicto, Victoria da Conquista (1870).¹⁴⁵

In January 1857, in the town of Santa Izabel do Paraguassú, Umbelina Roza de Jesus issued a letter of liberty for her *crias* Edeltrudes and Benedicto. Their mother was an African woman named as Thereza on the letter of liberty and a freedwoman at the time it was issued. In all likelihood, Umbelina was her former owner too.

In 1861, four years after the letters of liberty had been issued Umbelina tried to sell Edeltrudes, then eight years old, in the town of Victoria da Conquista. She first sought Tenente Coronel Theodorio Gomes Rozeiro but her brother, João do Tanque, informed him that Edeltrudes had been freed so the Tenente refused to buy her. Umbelina had more success the next time and managed to sell Edeltrudes to João Matta dos Santos Coimbra for 600 mil reis. According to testimony given later, Umbelina had difficulty finding witnesses to sign the bill of sale because it was well known locally that Edeltrudes was free. As a result the witnesses' signatures were forged and when João Matta died Edeltrudes was included in his will, valued at 600 mil reis. João Matta's son, Manoel, fourteen years of age at the time of his father's death, inherited Edeltrudes and 1 conto 575 mil reis.

As a minor when his father died Manoel had a guardian nominated to take care of him and his inheritance. This was Ignácio da Cruz Prates, and being as Edeltrudes was

¹⁴⁵ APEB, Sec. Jud., Tribunal da Relação, Ação de Liberdade, 78-2785-25 (1870).

part of Manoel's inheritance Prates became her tutor too. But, being a tutor of an orphaned minor and a tutor of that minor's slave were two different types of responsibility. In 1865, Prates rented Edeltrudes to a local priest, Padre Cezário da Silva Mello. In his testimony Padre Cezário explained that when Prates rented Edeltrudes to him he warned to take

*toda cautela a fim de que alguém não viesse furtar a alguada,
como elle Tutor ouvira dizer que esta hera forra e que
Manoel Braz de Santa Izabel pretendia vir revindicar
esta liberdade.*

Manoel Braz turned out to have been one of the witnesses at the signing of the letter of liberty for Edeltrudes and her brother, and had lived with Umbelina for a number of years. When he discovered that Benedicto had been sold and was working in a diamond mine in Monte Alto, he proceeded to secure his freed status for him through the courts.¹⁴⁶ As a result, Benedicto was awarded a *manutenção de liberdade* in Lençóis in November 1867. Benedicto's lawyer was Rozendo Fernandes Simas, the same lawyer who officiated over the letter of liberty issued in 1857 for Benedicto and Edeltrudes. By the time of Edeltrudes court case in 1870 Manoel Braz had already died.

Back in Victoria da Conquista, Padre Cezário made further enquiries about Umbelina's background with some people from Santa Izabel. They confirmed that both Edeltrudes and Benedicto were in fact freed, and that *naquella villa [Santa Izabel] era admirado que a dita crioula nesta se conservasse em captiveiro.*

¹⁴⁶ Although Manoel Braz showed a great deal of interest in the welfare of the children there is no reference to him as the father of children in the proceedings.

Proceedings against Manoel, however, did not commence until 1870 at which stage Edeltrudes was officially removed from the power of Prates and placed with a *depositário*: Padre Cezário da Silva e Mello. The document that initiated the proceedings against Manoel reveals how Edeltrudes had more incentive than ever to secure her freedom: she was pregnant;

*E como pelos documentos juntos tem a mesma Suple o direito
de disputar sua liberdade já conferida, especialmente agora
que se acha grávida (o que não o fizera ainda por falta de
proteção).*

So at the time of the trial Edeltrudes was about seventeen years old and expecting her first child. She had been separated from her own mother when she was eight years old, maybe younger, and her brother had been sold to another town about the same time. Her mother, a freed African woman, had been denied the opportunity to raise her own children in freedom and instead Edeltrudes had been raised and later bought and sold as a slave. Without doubt, Edeltrudes wanted to avoid the same happening to her own children so the issue of her status suddenly became all the more pressing. However, as she pointed out in the proceedings she was unable to take action before *por falta de proteção*. Here she could well be referring to the fact that Manoel Braz died before he had the chance to help her secure her freedom as he had her brother. As such she had to seek out some other willing and able member of the local community to take up her cause. Padre Cezário assumed this responsibility.

Edeltrudes' case dragged on until November 1876, by which time she had a young child. However, she did not win at any stage, and the length of the case reflects the number of attempts to reverse the sentence against her. Edeltrudes' lawyer also had

to travel to Santa Izabel to get testimony from witnesses to strengthen her case. All confirmed that Edeltrudes had been freed along with her brother in 1857. However, when the defence requested copies of the letter of liberty from the notary's office in Santa Izabel no record was found, although an case of *manutenção de liberdade* was awarded in favour of Benedicto and Edeltrudes was Benedicto's 1867.

Manoel's defence, therefore, insisted that the letter of liberty never existed, or that if it did it was never handed over to Edeltrudes or Benedicto, and neither was it notarised. The lawyer who claimed he officiated over the letter and acted as Benedicto's lawyer in his case against Manoel disputed this. As such, those who insisted that the letter did exist were accused of being mere "protectors" of Edeltrudes, and therefore prone to lie on her behalf. However, Manoel's lawyers, and it would appear the judges too, totally ignored the allegations and proofs that the witnesses' signatures on the bill of sale of Edeltrudes were forged, which, if taken into account, would have invalidated Manoel's claim to her.

Other lines of argument taken in Manoel's defence are worth further consideration as they reveal something of the values at the poorer end of slave-owning Brazil. Edeltrudes, and by implication her lawyers and other "protectors", were accused of trying to *reduzir a miséria o desvalido Orphão, [Manoel], que, pobre coitado, a exceção da Autora [Edeltrudes], quasi nada mais possue.*

The livelihood of the slave-owning parties involved, then, depended entirely on the ownership of one or two slaves. In Manoel's father's will no other slaves were mentioned, so Edeltrudes was his only slave. Umbelina was accused as having sold

Edeltrudes and Benedicto, *sobre o frívolo pretexto de haver cahido em miséria*, and to pay off her debts. She could well have sold Thereza her freedom for the same reason. The extent of this dependence and desperation of this type of slaveowner is illustrated further in the summing up by Manoel's lawyer:

Somos de convicção devotados e fervorosos partidarios da abolição da escravatura, e muito folgamos de ver que na actualidade a opinião publica tenha-se de uma maneira clara e manifesta pronunciando a favor de sua completa extinção; mas também queremos que, a par dessa abolição, seja respeitada e mantida illesa a propriedade, em quanto for garantida pelo para. 22 do art. 179 da nossa Constituição política.

This was an unusual angle for the defence to take, but it is probably an accurate reflection of how this end of the slave-owning public felt: slavery was a necessary evil to keep poverty at bay, as was well understood by many freed persons in nineteenth-century Brazil. Perhaps the judges too were sympathetic with this view as Edeltrudes, and her child, were returned to captivity when the trial finally ended in November 1876.

2.9 Conclusion.

The intention here is not to present these cases as typical of all enslaved and freedwomen's experience of manumission as clearly not every freed person had to pursue their freedom through the judiciary. Nonetheless, these cases illustrate how the fragility of freed status extended to all former slaves, and lightness of skin colour offered little defence against the rights of property when exerted by slaveowners. As such, it would be just as misleading to present and interpret these cases as exceptional. Moreover, the cases examined in this section, and in others in this thesis, reveal how

freed status came with few guarantees regardless of colour. In addition, as will be explored in more detail throughout this study, these cases indicate that enslaved mothers rather than fathers, by definition, found themselves fighting this battle at the front line, because it was through their bodies that the condition of captivity was inherited and perpetuated. The herculean efforts of Thomazia, Cyprianna, Maria and Edeltrudes – and countless others – were a response to the insecurities, uncertainties and frustrations of freed status in Brazilian slave society and a measure of the lengths to which they had to go to bring an end to this wretched inheritance.

However, the aim here is not so much to seek out heroines, or even to uncover success stories in the face of adversity, nor is it assumed that the women in question were always entirely truthful. Indeed, in the case of Thomazia, for example, the argument presented by the lawyer-son sounds far-fetched but it may contain a grain of truth. He accused Thomazia of plotting with the two *agregados* to forge a signature on a hitherto unsigned letter of liberty, present it to the notary and then have it returned to its hiding place only to be destroyed later by his mother after a change of heart. The judges do not find this version of events credible, and it may well be the case that it is entirely fabricated. However, it is plausible that Thomazia sought out assistance from free persons whom she knew well to secure her freedom; indeed, it would have been virtually impossible for her to secure it alone.

Not only, then, was manumission acquired with support and even collaboration, but the route to freedom was invariably long and arduous, regardless of whether money was or was not involved in obtaining freed status. Indeed, in some cases of ‘gratis’ manumission the route to freedom may have been longer than through outright self-

purchase. Evidence from the cases examined here illustrates how death-bed manumission, where freedom was promised only in the last moments of their owner's life, as well as testamentary manumission, were open to dispute and abuse.

Likewise, conditional manumissions, like Maria's which involved serving an heir after the death of the original owner, presented a particularly onerous and protracted form of manumission which, in actual fact, may have never been attained. Indeed, it may well be the case that at the poorer end of the slave-owning public, of which these cases are representative, the battles over enslaved property were fought more frequently and more fiercely precisely because (as was often claimed in the cases themselves) the slaves in questions were the only remaining assets; there was nothing else to fight for. But, as shall be seen in other sections, better off and even wealthy slaveowners could go to equally extraordinary lengths to hold on to their assets; after all, they too had economic interests to protect.

Whatever the case may be, the battle over the children of enslaved and freed mothers reveals a particularly acute desperation and it is something that re-appears in other sections of this thesis. As the case of Thomazia illustrates, where children of a freedwoman remained with their former owner a change of fortunes of the slave-owning family or the intervention of a desperate relative could threaten the status quo and indeed reverse the situation from one day to the next. Indeed, even children who were freeborn (pre -1871) were not immune from enslavement. Some slaveowners took advantage of the ignorance and isolation of these children at a very young age in the belief that they either did not know any different or were powerless to do anything about it. It may well be the case that such deception was easier to carry out against

crioulo rather than *pardo* children in the sense that the status of black rather than mixed-race children was less likely to be questioned, but the cases examined here suggest that race may not have always been a factor. Cyprianna, for example, was described as *parda* in her proceedings; she spent forty-six years of her life and raised all her children in illegal enslavement.

In a slave society and a period in history where child labour went unchallenged and unregulated, an enslaved mother could do little to prevent her freed children from being worked in ways similar to enslaved children. As we have seen, the little legal protection her freed children did have – that is not to be sold as slaves – was difficult to enforce, particularly when it relied on the disputed status of a freed mother. Consequently, enslaved mothers and freed mothers would had to resort to other forms of ‘protection’ as the cases here remind us.

As Grinberg has observed, in order for a slave to acquire then secure such protection, “ele precisaria para tal ter relações pessoais bem consolidadas”.¹⁴⁷ But the formation and consolidation of such vertical relationships in the socio-political and economic context of slave society involved a different set of possibilities and problems for men and women, for enslaved and freed, for Africans, blacks and the free coloured. Enslaved mothers, then, found themselves caught in a classic double-bind in this regard. This was a patriarchal order and a slave society and the majority of these enslaved/freed mothers were unmarried; as slaves they had no judicial status in the courts (other than as minors or property) and as unmarried women no legitimacy in terms of status. In fact, they could only gain legitimacy through being wives of free

¹⁴⁷ Grinberg, *Liberata* 69-70.

men who would then be able to represent them. As discussed in section three, free men rarely married enslaved or black women regardless of status and in Brazilian slave society in general, marriage – although not concubinage - across the social and racial divide was considered both undesirable and unacceptable. Enslaved mothers, as well as freed mothers who were mostly unmarried too, therefore had to seek alternative sources of patronage that would legitimise both their case for freedom as well as themselves as *personae gratae* and *bona fides* in the eyes of the authorities.

As Higgins has demonstrated for eighteenth-century Sabará, Minas Gerais, one way of securing patronage was through godparentage, and unmarried women tended to elect godfathers for their children rather than godmothers.¹⁴⁸ Indeed, in the case of Thomazia, one of the *agregados* who was accused of assisting her was also the godfather to her two children. In addition, in Edeltrudes' case she made clear through her lawyer that she was unable to take action against her illegal enslavement sooner because of her "lack of protection". Here she is referring to the death of Manoel Braz, who acted as witness to the letters of liberty of her and her brother and had allegedly vowed to free Edeltrudes.

However, her need for a protector became all the more urgent once she became pregnant. Ironically, her pregnancy would have made the case for maintaining her in captivity all the more desirable on the part of her putative owners.¹⁴⁹ With the supply of enslaved Africans having ended in 1850, the Brazilian slave labour force could only be replenished through natural reproduction and slaves were an expensive

¹⁴⁸ Higgins, "Licentious" chapter 4. See also Schwartz, *Sugar* 406-412.

¹⁴⁹ For an example of how both false enslavement and reproduction were used as a mechanism for extending wealth and creating profit, see Heloísa Maria Teixeira, "Buscando a liberdade: o injusto cativo e luta de famílias negras pela alforria (Mariana, século XIX)," in *Anais do XIII seminário sobre a economia Mineira* (CEDEPLAR/UFMG, 2008), paper no. 47, 1-22.

commodity. As Manoel da Matta's lawyer points out, those who still depended on slaves for their economic survival felt threatened by the impending demise of the institution. In this sense, enslaved women of child-bearing age were regarded and treated not unlike an insurance policy and one that could increase in value if they gave birth to enslaved children.¹⁵⁰

But merely having protectors in cases of disputed status did not guarantee success. Indeed, those seeking to maintain these women and children in captivity referred to these protectors in derogatory terms and often sought to discredit them in their petitions to the courts. In the case of Edeltrudes, even having a priest as a protector does not appear to have assisted her cause. Although no reference was made to this in the proceedings, the coincidence of her pregnancy and her being hired by Padre Cezário may have been viewed with suspicion.¹⁵¹ In the case of Cyprianna she was purposely moved from one remote region of the interior of Bahia to another where she presumably knew no one other than her owner. Consequently, it took her the best years of her life to build up contacts and resources to take her case to court.

As such, although baptismal manumissions of infants and children had advantages, those freed in this way were not immune to re-enslavement. In fact, it would appear

¹⁵⁰ There has been very little attention given to the role of reproduction in determining the value of enslaved women. See for example, José Flávio Motta, "Tráfico interno de cativos: os preços das mães escravas e a sua prole," in Anais do xi encontro nacional de estudos populacionais CD-ROM (Belo Horizonte: ABEP, 1998), 1397-1416.

¹⁵¹ Concubinage was frequently and at times openly practised by the clergy, particularly in rural areas. See for example, Ronaldo Vainfas Trópico dos pecados, moral, sexualidade e inquisição no Brasil (Rio de Janeiro: Nova Fronteira, 1997); Luciano Figueiredo, O avesso da memória: cotidiano e trabalho da mulher em Minas Gerais no século xviii (Rio de Janeiro: José Olympio/Edunb, 1993); Fernando Torres Londoño, A outra família: concubinato, Igreja e escândolo na colônia (São Paulo: Loyola, 1999); Eliana Maria Rea Goldschmidt, Convivendo com o pecado na sociedade paulista (1719-1822) (São Paulo: Annablume, 1998); Linda Lewin, Surprise heirs: illegitimacy, inheritance rights and public power in the formation of imperial Brazil, 1822-1889, vol. 2 (Stanford: Stanford University Press, 2002), especially section 3.

that only when the mother was freed and had the capacity to live and work outside the home of the former owner, could her children be best protected from re-enslavement. As has been shown in analysis of childhood manumissions, the majority of mothers remained enslaved when their children were freed. In the case of Maria, she could only secure the freedom of her children once she had served the conditions of her own captivity. As will become clear in section three, as long as mothers remained enslaved and as long as mothers and children remained in the home of former owners, their status remained precarious. Even though freeing children afforded a degree of protection and control to enslaved mothers, the maintaining of mothers in captivity restricted the prospects of mobility for the family. As examined in sections three and four, the question of mobility is key to understanding the ways in which race and gender interfaced with the mechanisms of manumission and defined the dynamics of freedom.

The next section, then, will consider the relationship between status, gender, occupation, race and mobility in nineteenth-century Bahia and challenge theories associated with race and mobility that have emerged from ideas about the practices and prevalence of manumission and miscegenation in Brazilian slave society.

SECTION THREE

WORK, WEALTH AND MOBILITY

Part 1: The demographics of slavery: the geography of race and colour in nineteenth-century Brazil

3.1 Introduction.

In the previous chapter it was shown how reliance on demographic patterns of manumission can obscure the lived experiences of the processes and what they may have meant to the individuals involved. Together the case studies and the analysis of childhood manumissions illustrate just how complex and problematical the process of becoming freed and being freed could be. Above all, these cases reveal the depth of meaning and the breadth of experience concealed behind terms such as ‘conditional’ and ‘gratis’ when describing manumission, and prompt us to reconsider the significance of manumission from the perspective of the lived experience, with a view to better understanding the forces that have shaped the history of slave and race relations in Brazil.

However, it is not the aim of this thesis to dismiss demographics but to build upon and reinterpret the crucial evidence they provide about the terms, conditions and patterns of manumission. As discussed in the previous chapter, the patterns of manumission were not random but determined by gender, race as well as age. This section will examine these conditions in the context of adult manumissions, particularly female manumissions, and consider too the significance of occupational hierarchies in determining patterns of manumission. Mindful of the importance of demographics, this section is divided into two parts, the first of which is devoted solely to a discussion of the demographics of slavery in Brazil. This first part, then, examines in closer detail how the conditions of race and gender interfaced to produce the occupational hierarchies which in turn shaped patterns of manumission. This is demonstrated through an overview of the predominant

patterns of the trans-Atlantic and the internal slave trades through the lens of race and gender. This is followed by a comparison of the population profiles obtaining in Rio de Janeiro, São Paulo and Bahia for the provinces and their capitals, and the way regional economies produced their own variations of occupational hierarchies.

In the second part of this section, Manumission, mobility, markets and marriage, demographic evidence about the geography of colour and gender in nineteenth-century Bahia is used to develop a gendered perspective on the material and social outcomes of ‘market forces’ as expressed through processes of integration and adaptation, otherwise known as creolisation. This part uses analysis of wills and testaments of African and Brazilian women, freed and free coloured, in nineteenth-century Salvador to explore how material, social and economic factors all played a role in fashioning experiences of adaptation and change. Material markers of belonging in the form of wealth, and social ones in the form of family and marriage, are examined as a way of exploring the trajectory from enslaved to freed, then free as part of the narrative of creolisation and identity change from African to Afro-Brazilian/Brazilian among African women and their female descendants in nineteenth-century Salvador.

3.2 The slave trades: trans-Atlantic and domestic.

In the trans-Atlantic slave trade female Africans accounted for approximately one-third of all enslaved Africans.¹ The predominance of enslaved African males in this trade was

¹ Sex ratios as well as numbers of children are two areas subject to much discussion in the context of the trans-Atlantic database and its assessment. See for example David Eltis, “The volume and direction of the trans-Atlantic slave trade: a reassessment,” William and Mary Quarterly 58.1 (2001): 17-46. Also, David Eltis, The rise of African slavery in the Americas (New York and Cambridge: Cambridge University Press,

demand driven from both sides of the Atlantic. Between Africa and the Middle East, the slave trade was dominated by female domestic slaves, while the plantation economies of the Americas required prime age working men for heavy-duty field labour.² The internal slave trade within Brazil mirrored this pattern. With each new economic cycle slaves were imported to the region of growth from both the trans-Atlantic slave trade (prior to 1850) and from other regions of Brazil.³

Although the Brazilian interprovincial slave trade peaked in the post 1850 period, enslaved labour had been transported between (and within) regions to meet the ever changing needs and demands of the slave economy long before the end of the trans-Atlantic slave trade. As Richard Graham has pointed out, an internal trade in enslaved Indian labour from the Amazon, Maranhão and São Paulo to the sugar producing regions of Bahia and Pernambuco was in force in the seventeenth century.⁴ The eighteenth-century mining boom in Minas Gerais, though, drew mainly on imported enslaved African male labour. But the high demands coming from the interior put economic pressure on sugar growing regions of the coast, and planters and provincial governments constantly complained about the escalating cost of all commodities – including slaves –

2000), especially chapter 4; David Eltis and Stanley L. Engerman, "Was the slave trade dominated by men?" *Journal of Interdisciplinary History* 23.2 (1992): 237-57; David Eltis and Stanley Engerman, "Fluctuations in sex and age ratios in the transatlantic slave trade, 1683-1864," *Economic History Review* 2 (1993): 308-23. On the French Caribbean, see David Geggus, "Sex ratios, age and ethnicity in the Atlantic slave trade: data from French shipping and plantation records," *Journal of African History* 30 (1989): 23-44.

² The role of gender in supply-demand of the trans-Atlantic slave trade has been examined by a range of scholars with broadly similar conclusions. For a useful summary of the literature and a 'recasting' of the gender issue from an African perspective, see Ugo Nwokeji, "African conceptions of gender and the slave trade," *William and Mary Quarterly* 58.1 (2001): 47-68.

³ Richard Graham, "Another middle passage? The internal slave trade in Brazil," in *The chattel principle: internal slave trades in the Americas*, ed. Walter Johnson (New Haven: Yale University Press, 2004), 291-324; Robert W. Slenes, "The Brazilian internal slave trade, 1850-1888," in *Chattel*, ed. Johnson, 325-70.

⁴ Graham, "Another" 292-93, especially footnote 2.

and the negative impact it was having on their regional and local economies.⁵

It is not surprising, then, that although exact data is unavailable due to widespread tax evasion, gender ratios on the interprovincial trade are believed to have been just as male dominated as those found on the trans-Atlantic slave trade.⁶ In fact, according to studies by Higgins and Bergad for different areas of Minas Gerais, the sex ratios at the peak of the mining boom in the eighteenth century were worse than in Vassouras at the beginning of the coffee boom in the nineteenth century.⁷ In many coffee-producing zones of São Paulo and Minas Gerais, then, the transition to a native-born enslaved labour force with a balanced sex-ratio was a gradual one, and took place only after the trans-Atlantic trade ceased in 1850.⁸

Although failing sugar planters, among other slaveowners, did sell their slaves southwards during the coffee boom it has been argued that urban centres often functioned as depositories of slave labour reserves which were drawn upon by the internal trade.

⁵ Stuart B. Schwartz, Sugar plantations in the formation of Brazilian society, 1550-1835 (New York and Cambridge: Cambridge University Press, 1998), 189-90, describes the complaints made by sugar planters in Bahia during the gold-mining boom of the late eighteenth century.

⁶ David Eltis has found that 64.1% of slaves imported to Bahia for the period 1811-1850 were male. See David Eltis, Economic growth and the ending of the transatlantic slave trade (New York: Oxford University Press, 1987), 257. Herbert S. Klein, "The internal slave trade in nineteenth-century Brazil: a study of slave importations into Rio de Janeiro in 1852," HAHR 51.4 (1971): 571, found that sex ratios averaged 2:1 for all slaves for the interprovincial trade routes he studied. He found the following sex ratios among slaves for the capital, Rio de Janeiro, 145:100 (1848), for the province of Rio Janeiro, 151:100 (1850), and for São Paulo 126:100 (1836). Mary C. Karasch, A vida dos escravos no Rio de Janeiro, 1808-1850 (São Paulo: Companhia das Letras, 2000), chapter 2, also has figures for slave imports to Rio as well as for the internal slave trade with Minas Gerais.

⁷ Kathleen J. Higgins, "Licentious Liberty" in a Brazilian gold-mining region: slavery, gender and social control in eighteenth-century Sabará, Minas Gerais (University Park: Pennsylvania State University Press, 1999), 73-75; Laird W. Bergad, Slavery and the demographic and economic history of Minas Gerais, Brazil, 1720-1888 (New York and Cambridge: Cambridge University Press, 1999), 129-51; Stanley J. Stein, Vassouras: a Brazilian coffee county, 1850-1900 (Princeton: Princeton University Press, 1985), 74-76; Peter L. Eisenberg, The sugar industry in Pernambuco, 1840-1910: modernization without change (Berkeley: University of California Press, 1974), 148-51.

⁸ Stein, Vassouras 75-78; Eisenberg, Sugar 150.

Indeed, Merrick and Graham have argued that urban slavery in Brazil was “an escape valve for further remunerative slave activity in the face of cyclical export stagnation”.⁹ As such, by the 1850s at least, the majority of slaves being transported from Salvador to Rio were skilled, male artisans and domestic slaves. In terms of coastal trade, Klein found that Salvador was the main supplier of enslaved labour to Rio de Janeiro in 1852.¹⁰ Moreover, the high transportation costs involved in the post-1850 period meant that slaves of highest value were the most likely to be sold on internal provincial markets.¹¹

The demographic implications of this market supply and demand are threefold: removal of prime-age male slaves from one region would (a) produce concomitant gender imbalances in the region of destination (b) act as a corrective to pre-existing ones in the region of origin (c) distort age profiles in both regions, with an excess of young men in the region of destination while leaving a shortage in the region of origin. Such demographic imbalances are apparent in Conrad’s study of Brazilian slave populations for the nineteenth century.¹²

By 1884, all the slaveholding provinces of the far north and the north east, ten in total, had an excess of female slaves over male slaves. In comparison, those of the centre south

⁹ Thomas W. Merrick and Douglas H. Graham, Population and economic development in Brazil: 1800 to the present (Baltimore: Johns Hopkins University Press, 1979), 50-52.

¹⁰ Klein, “Internal” 579.

¹¹ Mieko Nishida, Slavery and identity: ethnicity, gender and race in Salvador, Brazil, 1808-1888 (Bloomington: Indiana University Press, 2003), see especially 12-25. Klein, “Internal” 573, shows that while agricultural labourers constituted the largest occupational group and accounted for 26% of all slaves in his sample, skilled and artisan labourers, and domestics accounted for 31%.

¹² Robert Edgar Conrad, The destruction of Brazilian slavery, 1850-1888 (Malabar, FL: Krieger, 1993), 212 table 4. In the case of the centre south, the only region with more male than female slaves was Município Neutro which included the capital of Rio de Janeiro.

(four out of five) all had an excess of male slaves over females.¹³ The impact of these factors for stability of the slave community in general and slave family life in particular are far reaching and have been well documented by Hebe Mattos in the case of the Brazilian south east.¹⁴ Moreover, the aggressive nature of the inter-provincial slave trade may have also accelerated the pace of miscegenation by prompting enslaved men and women to find partners outside their own race and status groups.

3.3 Brazilian Slave societies: provincial profiles.

As discussed in the previous section, the first Brazilian national census was only conducted in 1872 which has meant that researchers have had to be particularly resourceful in piecing together information about race, gender and status for Brazilian slave society prior to this date. Although traditionally there was an over reliance on estimates made by contemporary observers, more recently scholars have incorporated additional primary sources into their studies with some impressive results. In the main, this has involved using police and parish census results, which are rarely complete, but usually cover a number of city neighbourhoods or town councils.¹⁵

(i) Rio de Janeiro.

At the beginning of the nineteenth century the fastest growing centre of demographic growth was Rio de Janeiro. The capital of the province grew by almost 500 per cent, from just over 43,000 to over 205,000 during the first half of the century, a phenomenal

¹³ Conrad, *Destruction* 212, 216.

¹⁴ Hebe Maria Mattos, *Das cores do silêncio: os significados da liberdade no sudeste escravista – Brasil, séc. XIX* (Rio de Janeiro: Nova Fronteira, 1993), see chapters 6 and 7.

¹⁵ See Iraci del Nero da Costa, “Os registros paroquiais como fonte complementar da história econômica e social,” in *Anais do VIII simpósio nacional dos professores universitários de história*, vol. 3 (São Paulo: FFLCH-USP, 1976): 1019-22, was one of those who first drew attention to the uses of local records. For a more recent example, see Douglas Cole Libby and Clotilde Andrade Paiva, “Manumission practices in a late eighteenth-century slave parish: São José d’El Rey, 1795,” *Slavery and Abolition* 21.1 (2000): 96-127.

rate of growth which can be accounted for by two factors: the transfer of the Portuguese crown and the royal court to the city in 1808 and the dramatic growth of the international slave trade between 1830 and 1850.¹⁶

Between 1830 and 1850 Rio's enslaved population hovered around the 50,000 figure, comprising about 40 per cent of the total population. By 1872, the total number of slaves in the city had dropped slightly, by about 3,000, but by this time the enslaved represented only 22 per cent of the total population, falling to 17 per cent by 1874. Moreover, by 1874 over 75 per cent of slaves in Rio were Brazilian born, and the free coloured population accounted for almost 60 per cent of the city's total population, double the figure at mid-century.¹⁷

In terms of gender, in 1849, the city of Rio was predominantly male, 58 per cent of the population in fact. However, the gender imbalance was not the same within each racial group. Among the Brazilian born free population, there was only a slight imbalance, but among the foreign born free there were almost 4 males for every female, accounted for by the presence of a male dominated workforce of court administrators as well as merchants and traders in the burgeoning trade of the port city. Among the freed, 56 per cent were female, whereas among the enslaved 60 per cent were male.¹⁸ By 1872, this latter imbalance had been corrected, and by 1884 the enslaved population was more female. From a predominantly African and male city in the first half of the nineteenth century, by

¹⁶ Karasch, *A vida* 106-12. Compare this demographic growth to that of the sugar plantation zone of Pernambuco where the transfer of the Royal Court and the Napoleonic Wars produced a fall off in slave imports. See Eisenberg, *Sugar* 151-53.

¹⁷ Karasch, *A vida* 110.

¹⁸ Karasch, *A vida* 111-12.

the second half of the century, Rio had become a city of mixed-race slave descendants, with a slave labour force that was predominantly female. The picture for the province in 1872, though, was quite different and the region saw a 14 per cent decline in the enslaved pop between 1874 and 1884 alone.¹⁹ Here, almost 40 per cent of the population were enslaved, and even by 1884, 55 per cent of the enslaved population was still male.²⁰

(ii) Bahia and Salvador.

In nineteenth-century Salvador, the race and gender profile of the population followed a similar pattern to that of Rio de Janeiro. For the first half of the nineteenth-century, the city's enslaved population was predominantly male and African. Then, from the mid 1850s, the enslaved male population became more Brazilian and by the early 1860's remained predominantly Brazilian for the duration of the institution. The enslaved female population followed a similar pattern, although the differential between African and Brazilian enslaved females was never as great as between African and Brazilian enslaved males, and Salvador's enslaved female population became and remained predominantly Brazilian after 1853.²¹ According to Andrade, it was around the same time that Salvador's global slave population lost its predominantly male profile and maintained an improved gender balance until Abolition.²²

By 1872 Salvador's enslaved population, like that of Rio de Janeiro, had become more Brazilian and female. Enslaved female labour comprised 51 per cent of the city's total

¹⁹ Conrad, *Destruction* 212. See also Herbert S. Klein, "Nineteenth-century Brazil," in *Neither slave nor free: the freedman of African descent in the slave societies of the New World*, ed. David W. Cohen and Jack P. Greene (Baltimore: Johns Hopkins University Press, 1974), 313-14.

²⁰ Conrad, *Destruction* 212.

²¹ Maria José de Souza Andrade, *A mão de obra escrava em Salvador, 1811-1860* (São Paulo: Corrupio, 1988), 115, 118.

²² Andrade, *A mão de obra* 123.

enslaved population. However, while most of the enslaved – male and female - were still *negros* (African and *crioulo*), most of the free population were coloured.²³ By 1872, 68 per cent of the city's population were black or mulatto, but 65 per cent of them were free or freed, outnumbering the enslaved by almost 5 to 1, and most of the free coloured population were mixed race.²⁴ Mulattos comprised almost 50 per cent of the free population of Salvador in 1872, whereas blacks comprised less than 20 per cent.²⁵ Moreover, Mattoso has noted that there were twice as many women as men among freed of marriageable age. This contrasts sharply with the position of enslaved African women who, according to Mattoso, “sendo minoritária no Brasil, ela ocupava posição privilegiada na sociedade escrava”.²⁶

Among the free population in general of Salvador, males outnumbered females among the white population, but the margin of difference here was smaller than in the city of Rio de Janeiro, with about 1.3 males to every female.²⁷ In contrast to Rio then, the greater gender balance among the white population in Salvador was a reflection of the city's declining economic and political role with fewer pull-factors to draw in free white males, professional or otherwise. The provincial profile was similar, with slightly more males among the free and enslaved population, but in terms of sex ratios the differences were small.²⁸ In fact, by 1884, the number of enslaved females exceeded that of males in the

²³ Katia M. de Queirós Mattoso, Bahia, século XIX: uma província no império (Rio de Janeiro: Nova Fronteira, 1992), 123.

²⁴ Mattoso, Bahia 124.

²⁵ Mattoso, Bahia 124.

²⁶ Mattoso, Bahia 156, 157.

²⁷ Mattoso, Bahia 125.

²⁸ Mattoso, Bahia 91.

province for the first time.²⁹

(iii) São Paulo.

In contrast to the coastal cities of Salvador and Rio de Janeiro, a São Paulo census sample for 1829 shows that 60 per cent of population were white, 35 per cent mulatto and the remainder black.³⁰ In fact, for the province of São Paulo in 1836, Klein found that the free coloured comprised an even smaller proportion at 20 per cent, whites a slightly smaller majority at 53 per cent and slaves 27 per cent.³¹ By 1872, though, the province's population had more than doubled, and while all sectors still shared similar proportions, the fastest growing sector was the free coloured.³² In fact, São Paulo and Minas Gerais were the two regions that absorbed the majority of slaves on the internal slave trade in the second half of the nineteenth century. The extent to which enslaved labour remained central to the economy of these coffee plantation provinces is reflected in the fact that the enslaved populations here remained comparatively stable and did not fall substantially until 1884. In other regions, the decline in enslaved populations started much earlier.³³

In contrast to the other two coffee producing regions of Minas Gerais and Rio de Janeiro, the profile of São Paulo's slave population was younger, more male, and more native. For example, whereas in 1872 the province of Rio de Janeiro accounted for 40 per cent of the country's African slave population, and Africans formed 20 per cent of the city's own

²⁹ Conrad, *Destruction* 212.

³⁰ Maria Odila Silva Dias, *Power and everyday life: the lives of working women in nineteenth-century Brazil*, trans. Ann Frost (New Brunswick, NJ: Rutgers University Press, 1995), 18. The material used by Dias does not provide a breakdown of slave, free and freed.

³¹ Klein, "Nineteenth" 314.

³² Merrick and Graham, *Population* 66, have shown that the São Paulo free coloured population had increased 68%, the slave population 44%, and the free white population 60% by 1872.

³³ Conrad, *Destruction* 214; Stein, *Vassouras* chapter 9.

slave population, the figures for São Paulo were 9 per cent and 8 per cent respectively.³⁴ In addition, whereas slaves born in other provinces in Brazil formed less than 1 per cent of Rio de Janeiro's slave population, they accounted for 14 per cent of those in São Paulo.³⁵

Thus, the demographic dynamics of São Paulo in the nineteenth century differed significantly from that of other provinces. Although the province's population was predominately white for this period, this masked the increasing importance of enslaved labour, particularly Brazilian male enslaved labour, in the region's economic growth. In addition, while the size of enslaved populations in the second half of the nineteenth century, numerically and proportionately, went into decline in other regions and the proportion of free coloureds became more significant, in São Paulo "a much smaller percentage of the coloured population was free" as more Brazilian slaves were kept in captivity to meet the demands of the expanding coffee economy.³⁶ Moreover, the gender profile of the more recently introduced enslaved population of the province was similar to that of the international slave trade itself, as demand for prime-age male slaves was still high.

As Stein has shown for the São Paulo coffee county Vassouras, the proportion of male to female slaves, at least until the end of the trans-Atlantic slave trade in 1850, "approximated roughly seven to three" among Africans, and the slave population was 77

³⁴ Merrick and Graham, Population 68.

³⁵ Klein, "Internal" 573.

³⁶ Merrick and Graham, Population 70-71.

per cent male for the decade 1820-1829 and still 56 per cent male by 1872.³⁷ However, the enslaved African population remained much more predominately male throughout the period. From being 84 per cent male during the 1820s, the percentage of African females never exceeded 29 per cent.³⁸ In addition, the figures for sex ratios for the province as whole in 1872 show marked differences according to colour and status. Klein cites figures from the 1872 census for the province of 79 men for every 100 women among the free coloured population, 125 men for 100 women among slaves, and 99 men per 100 women among whites.³⁹

3.4 Conclusion.

The dynamics of Brazilian demographics during the nineteenth century were characterised by increasing numbers of imported enslaved Africans, predominantly male, to meet the demands of the *corte*, the increased economic and political role of the port city of Rio de Janeiro, and then the booming coffee economy in the regions of Rio de Janeiro, São Paulo and Minas Gerais. In addition, the native born enslaved population with a better gender balance gained increasing economic significance in those regions less able to compete with the coffee plantation zones for imported enslaved African labour prior 1850, as well as for enslaved male labour in general thereafter. Finally, the free coloured population was the fastest growing sector of the population and began to dominate populations of most provinces during the nineteenth century, although in some regions this process started earlier.

³⁷ Stein, *Vassouras* 78.

³⁸ Stein, *Vassouras* 76.

³⁹ Herbert S. Klein and Francisco Vidal Luna, "Free colored in a slave society: São Paulo and Minas Gerais in the early nineteenth-century," *HAHR* 80.4 (2000): 923, see footnote 20.

In the course of the nineteenth century the concentration of enslaved labour shifted from the north east to the centre south following the growth and expansion of the coffee industry. The mobility associated with coffee was predominantly enslaved, black and male and drew on both the trans-Atlantic and inter-provincial slave trades. In comparison, in the second half of the nineteenth century enslaved labour in Brazilian cities became numerically and proportionately less significant and less male, but remained predominantly black. Meanwhile, free coloured populations that were predominantly mixed race dominate cities across the nation by 1872. The next part of this section considers how race and gender interfaced to form occupational hierarchies against this backdrop of change during the nineteenth century.

3.5 Occupational hierarchies, race and gender.

(i) Plantation.

While the predominantly male profile of plantation slave labour has been well documented, it has also been established that proportionately as many men as women worked in field labour.⁴⁰ In his study of Bahian sugar plantations, Schwartz found that around 60 per cent of all enslaved men and women were used as field hands, although numerically enslaved women constituted only 18 per cent of all field hands. But occupational distribution across the whole spectrum of plantation work - field, factory and house - reveal how patterns of allocation largely followed lines of race and gender.⁴¹

⁴⁰ Hilary McD. Beckles, Centering woman: gender discourses in Caribbean slavery (Kingston: Ian Randle, 1999).

⁴¹ Schwartz, Sugar 151.

According to Schwartz, enslaved women on Bahian plantations were not allocated occupations in managerial positions, artisan trades, or in transportation. These were all held by men, and the more senior the position, the lighter the skin colour. For female slaves, the “occupational pyramid was more truncated and less diverse”.⁴² The milling house, the purging house and the big house were the three areas in which women could find diversity, but they were not allocated any supervisory roles. Among the 25 per cent of enslaved plantation women who were not field hands, most were found in the service of the owner’s house as “cooks, lace makers, seamstresses or other domestics”.⁴³ In addition, as Schwartz notes, although only a small fraction of slaves in his study were registered as having more than one occupation (3 per cent), during harvest time (*safrá*) field slaves and house slaves had to take on tasks in the mill in addition to their normal workload and were expected to work during the night.⁴⁴

In contrast to the sugar plantation where the vast majority of slaves were engaged in field labour, Stein found that between two thirds and one half of coffee *fazenda* slave labour “was not directly engaged in field work”.⁴⁵ However, there is very little information provided as to the distribution and division of labour and tasks. Regarding field labour, Stein notes how women “performed the work of men - weeding, hoeing and harvesting - on the coffee slopes”.⁴⁶ But he also describes how slave gangs for field work were organised by age and gender. Older slaves worked in gangs on fields closer to the house, the women were in another, and younger slave men in a third. Moreover, the stronger

⁴² Schwartz, *Sugar* 151.

⁴³ Schwartz, *Sugar* 151.

⁴⁴ Schwartz, *Sugar* 149, 153.

⁴⁵ Stein, *Vassouras* 151.

⁴⁶ Stein, *Vassouras* 151.

men who worked quicker were used as pacesetters “serv[ing] as examples to slower workers”.⁴⁷ As on sugar plantations, though, the all important task of packaging and transportation were a male preserve, as too were supervisory positions. Stein’s study also shows how women on coffee *fazendas* predominated in occupations in the owner’s house as washerwomen, cooks, house servants, maids, wet nurses and childminders, as well as being responsible for preparing the evening meal for other slaves and tending to slave gardens.

(ii) Mining.

According to Higgins, in the mining regions of Minas Gerais, enslaved female labour was often viewed as an “expensive luxury” that many men had to do without. White, male colonists in the region “tended to be very wealthy before they decided to buy women slaves to attend to their households, personal needs, or sexual desires”.⁴⁸ Indeed, the “overwhelming preference” for male slave labour in the gold mines of Minas Gerais was repeated in agricultural and pastoral activities, as well as in the “town-based work of blacksmithing, barbering, butchering, carpentry, stonework, building, and shoemaking”.⁴⁹ Enslaved women could be found as vendors and shopkeepers, but the majority appear to have been “domestic or sexual servants”.⁵⁰

In his study of economic and demographic change of the region, Bergad found, in a sample study of slave occupations, that the most common occupations were precisely the

⁴⁷ Stein, *Vassouras* 163.

⁴⁸ Higgins, “*Licentious*” 59.

⁴⁹ Higgins, “*Licentious*” 60-61.

⁵⁰ Higgins, “*Licentious*” 68.

ones which Higgins identified as male dominated; that is agricultural worker, carpenter, and blacksmith, the fourth being that of coachman, evidently another male occupation. However, the full extent of occupational diversity is not revealed in this sample as only twelve are designated by name, with only one, that of seamstress, being a readily identifiable female occupation.⁵¹ Moreover, Bergad's study does not include a breakdown of occupation according to gender making it difficult to establish the range or limitation of positions to which enslaved women were allocated. A study of Vila Rica in 1804 by Luna and da Costa, though, identified twenty-two enslaved occupations but only six of these included enslaved women.⁵² Unfortunately, the authors of this study decided to exclude the 366 slaves whose "única qualificação era prestarem-se aos 'serviços domésticos'", and instead list the slave occupations of 171 slaves, the majority of which were clearly male.⁵³ The potential significance of enslaved female labour in this study was therefore completely overlooked.

(iii) Urban.

The urban environments of slave societies are generally understood to have provided a wider range of opportunities and experiences for the enslaved and freed. Although most scholars have not gone so far as to agree with Richard Wade's assertion that slavery and urban centres were in fact contradictory conditions, it is widely acknowledged that cities in particular offered greater potential for mobility, independence and freedom of

⁵¹ Bergad, *Slavery* 158.

⁵² Francisco Vidal Luna and Iraci del Nero da Costa, "Contribuição ao estudo de um núcleo urbano colonial (Vila Rica:1804)," *Estudos Econômicos* 18.3 (1978): 1-19.

⁵³ Luna and da Costa, "Contribuição" 4, 9, 18.

association for the enslaved.⁵⁴ Indeed it may well be the case that the concentration of freed slaves in urban centres was a result of the need and desire to seek out the opportunities cities had to offer over rural locations. Moreover, single freedwomen may have in fact been even more likely to leave rural areas given how difficult it would have been to support themselves from subsistence farming alone.⁵⁵ But employment opportunities were only one part of the package of pull factors that cities would have held for the formerly enslaved. The opportunity to work and live away from a former owner or employer and freely associate with peers and potential marriage partners cannot be understated.

Salvador.

In her study of enslaved labour in nineteenth century Salvador, Andrade found a range of eighty-two occupations for enslaved males and twenty-six for enslaved females, as cited in inventories. The most commonly cited male occupation was *serviço da casa*, comprising 16 per cent of all enslaved male occupations. For enslaved females, domestic service was the most common occupation, held by 40 per cent. However, there were important differences between African and Brazilian enslaved occupations. For males, Africans were much more likely to be sedan chair carriers, in *serviço da casa*, or as street sellers. Brazilians on the other hand predominated in the more skilled positions of tailor, carpenter, stonemason and cobbler.⁵⁶ For females, whereas African women

⁵⁴ Richard C. Wade, *Slavery in the cities: the South, 1820-1860* (New York: Oxford University Press, 1967). For a contrasting view, see T. Stephen Whitman, *The price of freedom: slavery and manumission in Baltimore and early national Maryland* (Lexington: University Press of Kentucky, 1997).

⁵⁵ Klein and Luna, "Free coloured", make a case for this in their analysis of the economy and demography of nineteenth-century Minas Gerais and São Paulo. See also Mattos, *Das cores* 60-63.

⁵⁶ Andrade, *A mão de obra* 147.

predominated as washerwomen and street sellers, Brazilian women dominated positions of seamstress, cook and lacemaker.⁵⁷

Andrade's study shows that the range of occupations was greater for enslaved males than females, and that their occupational concentration was less pronounced. For males, the four most common positions accounted for 53 per cent of all occupations among enslaved males, and the top eight for 73 per cent. However, there were clearly some limitations; almost 45 per cent of enslaved males were engaged in the top four occupations, all of which would be classified as unskilled: *serviço da casa*, *carregador de cadeira*, *serviço de roça/quintal*, and *ganhador*.⁵⁸ Nonetheless, of the remaining 78 male occupations the majority could be classified as skilled or semi-skilled, although not all were artisan trades.

In comparison, for enslaved females the top four occupations accounted for 80 per cent of all positions; these were domestic, seamstress, streetseller and washerwoman. Furthermore, of the sixteen occupations Andrade lists for enslaved females, possibly five could be considered skilled (*cozinheira*, *rendeira*, *doceira*, *charuteira*, *bordadeira*) and none were artisan trades. As such, the scope for skill acquisition and potential occupational mobility that this brings was greater for enslaved men than women.

This geography of gender and colour as revealed through the demographics of the city's parishes, suggests a surplus of female labour among the enslaved and freed. Nascimento

⁵⁷ Andrade, *A mão de obra* 148.

⁵⁸ Andrade, *A mão de obra* 129.

found that six of the city's ten parishes used for her study were predominantly female. For 1855, the three parishes with the highest female populations were São Pedro (59%), Sé (59%) and Santo Antônio Alem do Carmo (55%).⁵⁹ According to Mattoso's study, in 1872 the same three parishes, which were also three of the four most populous city centre parishes, still had more females than males.⁶⁰ In addition, Santo Antônio and São Pedro both had larger female free and slave populations than male.⁶¹ Significantly, these two parishes also had the highest number and proportion of poor housing in the form of *casas terreas*, which accounted for at least 80 per cent of all houses in these parishes in the 1855 census.⁶²

Rio de Janeiro.

In Sandra Lauderdale Graham's study of the life of domestic slaves and servants in Rio de Janeiro, she found that by 1872, over 80 per cent of the total enslaved female population of the city were domestic slaves.⁶³ Of these, 80 per cent were Brazilian and the rest African.⁶⁴ However, domestic labour was by this time predominantly free (63 per cent), and accounted for 65 per cent of all free female occupations in the city, but 87 per cent of all enslaved female occupations.⁶⁵ The only other significant occupational opportunity available to free women at this time was that of seamstress, which accounted

⁵⁹ Anna Amélia Vieira Nascimento, Dez freguesias da cidade do Salvador (Salvador: Fundação Cultural do Estado da Bahia, 1986), 71, 83 and 80 respectively.

⁶⁰ Mattoso, Bahia 121. The figures for 1872 are São Pedro 51%, Sé 53%, Santo Antônio 53%.

⁶¹ Mattoso, Bahia 111.

⁶² Nascimento, Dez freguesias 43.

⁶³ Sandra Lauderdale Graham, House and Street: the domestic world of servants and masters in nineteenth-century Rio de Janeiro (New York and Cambridge: Cambridge University Press, 1988), 185-87 tables 1, 2 and 3. The total number of enslaved women is not given, but there were 16501 enslaved women of working age, and 87% of these in domestic service.

⁶⁴ Graham, House 189 table 6.

⁶⁵ Graham, House 186 table 2, 187 table 3.

for a little over a quarter of all free female occupations in Rio in 1872.⁶⁶ There were, as Lauderdale explains, some variations across the city.

Significantly, the majority of live-in domestics were enslaved (66 per cent), but the majority of live-out were free (86 per cent).⁶⁷ As studies of domestic labour in other contexts have shown, this is an all important distinction in terms how domestic labour was (and still is) experienced.⁶⁸ Both enslaved and free women would have had to work long days, and been expected to be loyal and deferential. But the freedom to live-out, for domestic servants as well as domestic slaves, was important as it allowed scope for freedom of movement and association impossible under the scrutinising gaze of the homeowner's family. Above all, the ability to live-out increased the likelihood of establishing and maintaining relationships and the possibility of marriage.⁶⁹

In Karasch's study of Rio de Janeiro, the slave occupations she identifies for the city were predominately male ones.⁷⁰ Although she does not provide tables, it is clear that there was generally greater occupational diversity for enslaved males. The one exception was possibly in the few factories that existed, where there appears to have been a degree of gender balance in the use of enslaved labourers, but it is unclear as to how much gender defined the allocation of tasks here.⁷¹ In contrast, there was an evidently stronger female profile among street sellers, even though African males predominated among

⁶⁶ Graham, *House* 186 table 2.

⁶⁷ Graham, *House* 187 table 4. In this sample only 10% all domestic labour was freed.

⁶⁸ See for example David M. Katzman, *Seven days a week: women and domestic service in industrializing America* (Champaign: University of Illinois Press, 1981), chapter 2 'Domestic servants', and 296 table A-17.

⁶⁹ Graham, *House* 60-61; Katzman, *Seven* 88-93.

⁷⁰ Karasch, *A vida* see chapter 7.

⁷¹ Karasch, *A vida* 272.

licensed vendors. This is probably a reflection of a number of factors: first that African males were more likely targets of the authorities and hence the need to protect themselves was greater; second, enslaved women were more likely to be owned by poorer slaveowners who were less likely to pay for licenses, and third enslaved women were more likely to be engaged in prostitution, an activity that slaveowners would not want to bring to the attention of the authorities.⁷²

Whatever the case may be, most of these men and women would have resided in one of the densely populated city centre neighbourhoods such as Sacramento and Santa Anna. Although there were no female dominated parishes in Rio as there were in Salvador, these two neighbourhoods were home to the largest concentrations of enslaved and freed peoples. Using 1849 parish census materials Karasch found that 45 per cent of all freedwomen lived in these two parishes and that in all parishes the majority (56 per cent) of the freed were female.⁷³ In comparison, sex ratios among the enslaved and free white were the reverse, with males constituting 60 per cent of the populations of these parishes for both groups.⁷⁴

Karasch's analysis of employment levels and occupational distribution in early

⁷² Karasch, *A vida* 286; Sandra Lauderdale Graham, "Slavery's impasse: slave prostitutes, small-time mistresses, and the Brazilian law of 1871," *Comparative Studies in Society and History* 33.4 (1991): 660-94, examines how enslaved women earned money to pay for their freedom through prostitution. For an example of the ways in which the activities of African men in particular were policed and regulated after the 1835 Malês uprising, see João José Reis, "The revolution of the ganhadores: urban labour, ethnicity and the African strike of 1857 in Bahia, Brazil," *JLAS* 29.2 (1997): 355-93. See also João José Reis, *Slave rebellion in Brazil: the Muslim uprising of 1835 in Bahia* (Baltimore: Johns Hopkins, 1993), part 4, 'The anti-African backlash'. On ways in which women worked in the home and in the street in nineteenth-century Recife, see Marcus J. M. de Carvalho, "De portas adentro de portas afora: trabalho doméstico e escravidão no Recife, 1822-1850," *Afro-Ásia* 29-30 (2003): 41-78.

⁷³ Karasch, *A vida* 112.

⁷⁴ Karasch, *A vida* 112.

nineteenth-century Rio de Janeiro bears some resemblance with nineteenth-century Salvador. Among free males, white, mulatto and black, Karasch found eighteen different classifications of occupations covering three status groups: high, middle and low. Because these positions relate to free labour, the majority of the occupations were professional, skilled or semi-skilled and dominated by white males. Nonetheless, free men of colour, black and *pardo* could still be found at all levels, including those in the “status alto” category. In fact, 44 per cent of all free black males were engaged in skilled occupations, 59 per cent of free *pardos*, and 71 per cent of free white males.⁷⁵

For free women in Rio de Janeiro, Karasch found only seven comparable categories, two of which were unskilled. Most revealing, though, is the large proportion of women without an occupation, or unemployed. Among free males those without an occupation accounted for 27 per cent, but among free women 97 per cent had no occupation.⁷⁶ Under-recording of female employment has a long history and is not a practice exclusive to slave societies.⁷⁷ Moreover, port cities in general offered women few occupational opportunities. As has been shown for Western Europe, “port-cities were noted for a general lack of female employment opportunities outside the sphere of domestic service”.⁷⁸ In the case of nineteenth-century Europe, Lawton and Lee have commented how “most women [...] were essentially dependent on exploiting limited income-earning

⁷⁵ Karasch, *A vida* 116.

⁷⁶ Karasch, *A vida* 119. In comparison, for the period 1870-1906, 42% of free and 11% of slave were classified as without occupation, Graham, *House* 185.

⁷⁷ The large number of women apparently without occupation was probably the result of the type of under recording of women’s work found in 1851 London census. See Sally Alexander, *Women’s work in nineteenth-century London: a study of the years 1820-1850* (London: Journeyman, 1983), 12-13.

⁷⁸ Richard Lawton and W. Robert Lee, eds., *Population and society in western European port cities, c.1650-1939* (Liverpool: Liverpool University Press, 2001), 17 and 105, where the authors point out how the 1871 census for Liverpool registered 65.7% of women over 20 years of age without an occupations.

opportunities in the informal economy”.⁷⁹ Thus, non-declaration of occupation among nineteenth-century *carioca* women reflected both the lack of opportunities for formal female employment in port-cities and a slave economy, and the inadequacy of the classification system used to describe employment among women. Both conditions project an image of a female occupational disadvantage.

Even though the predominance of enslaved male labour in unskilled positions would have made it difficult for unskilled freed or free men to find paid work in Rio, for free and freedwomen the options were even more limited. With the majority of female occupations being unskilled, there must have been fierce occupational competition among enslaved and freedwomen in particular. Perhaps, then, it is no coincidence that the parish of Sacramento was reported to be a “major centre of prostitution in Rio” in 1872, and that 70 per cent of prostitutes in this parish were Brazilian.⁸⁰

São Paulo.

In her study of São Paulo for the late eighteenth and early nineteenth century Elizabeth Kuznesof identified a number of demographic trends which accompanied the growth of the city.⁸¹ These included an increase in the number of unmarried men and women under forty years of age, an increase in the proportion of households headed by sole mothers, a decline in the overall number of marriages and an increase in levels of illegitimacy. For the period 1802-1836, single female-headed households “were the most common type of

⁷⁹ Lawton and Lee, eds., *Population* 17.

⁸⁰ Luiz Carlos Soares, *Prostitution in nineteenth-century Rio de Janeiro*, ILAS Occasional Papers (London: University of London, 1988), 14.

⁸¹ Elizabeth Anne Kuznesof, “The role of the female-headed household in Brazilian modernisation: São Paulo 1765-1836,” *Journal of Social History* 13.4 (1980): 589-613.

household head in the urban districts of São Paulo”.⁸² She concludes that as the city grew and the nineteenth century progressed, São Paulo households became more complex and unstable and family formations more precarious for the urban poor in general.

From an economic point of view these changes are attributed to the growth of the export economy (coffee) which produced an increased concentration of capital and labour and a reduction in the number of agricultural units. In turn this led to a decline in the extent of subsistence agriculture which prompted labouring men to migrate to new settlements in what Kuznesof describes as the “frontier economy”. As a result, many women were left behind in the rural suburbs of the city or they moved into urban neighbourhoods in search of new income earning opportunities. This resulted in an increasingly unequal sex ratio over time, which exacerbated the incidence of female-headed households and added to the number of single women in the city.

In her study of women workers in nineteenth-century São Paulo (1804-1836) Dias reveals what can only be described as a process of the feminisation of poverty as the century progressed and the city grew.⁸³ She found that most working women in the city – whether black, white, enslaved or free - were working in domestic service and most were poor or very poor. Indeed, Dias found that around 40 per cent of urban households were headed by single women, and 25 per cent of female single-heads of households were also single mothers. Sixty per cent of these households also had dependent daughters who were single mothers. Moreover, the majority of single women were found to be “home

⁸² Kuznesof, “The role” 590.

⁸³ Dias, Power.

grown”, although a significant proportion were from outlying villages of this new, and growing city.⁸⁴

In contrast to other regions, the majority of these lone women were white, some 60 per cent, a fact revealed in the employment patterns too. Like late nineteenth-century Rio de Janeiro, domestic service had become predominantly free in São Paulo, but here it was also predominantly white, a reflection of the extent of European immigration to the region.⁸⁵ In addition, as noted in the previous section, the coffee boom and the wars in the River Plate region acted as a drain on male labour, free and slave for much of the century. The problem is apparent in the census data Dias uses from 1829 which show how 53 per cent of the white population was female, 60 per cent of the mulatto, and 47 per cent of the black population.⁸⁶ Collectively, this produced what Dias describes as a “town [with ...] an abundant female workforce”, a kind of reserve army of “masses of unemployed women” which only served to depress wages and compromise the terms and conditions of work.⁸⁷ As Mattoso has suggested for the city of Salvador too, the shortage of male labour meant that women - free and slave - would have had their roles expanded to include the tasks usually carried out by men. Dias found evidence of women working in traditionally masculine areas such as transportation and cattle herding as well as day labourers in public works such as buildings and road repairs.⁸⁸ Nonetheless, the majority of women spent their working day as washerwomen, seamstresses, or vendors.⁸⁹

⁸⁴ Dias, *Power* 17-19.

⁸⁵ Dias, *Power* 19, 74. The transition from slave to free labour started much earlier in São Paulo, where in 1804, 47% of domestics were free, rising to 49% in 1836.

⁸⁶ Dias, *Power* 18.

⁸⁷ Dias, *Power* 4, 9.

⁸⁸ Dias, *Power* 31.

⁸⁹ Dias, *Power* 17.

Furthermore, free mulatta and black lone-heads were much more likely than their white counterparts to work as domestic servants, as were enslaved women.⁹⁰

As Klein and Luna have observed, the free coloured sector of the population of São Paulo did not become proportionately or numerically significant until the last quarter of the nineteenth century. In comparison to other provincial capitals, the growth of the free coloured sector in São Paulo lagged behind that of other regions because it “started from a much lower base of slaves and at a much slower level of accumulation”.⁹¹ As such, although free coloureds were much less significant numerically for most of the nineteenth century, the predominance of women in this group meant that “this population most likely had higher reproductive rates than slaves, but probably even higher than whites as well”.⁹² However, the imbalanced sex ratios within each population group would have reduced the potential for marriage taking place within that colour group. As Klein has commented with reference to the São Paulo town council census of 1830, “[w]omen in these more heavily urban counties were more single or unmarried than men”. Significantly, Klein found that even women slaveowners “tended to be less married than their male counterparts [a] pattern that crosses the color line”.⁹³

Moreover, as single female heads of households, they were found to be more likely to be “listed as poor and beggars” than men.⁹⁴ In fact, poor women of whatever colour were

⁹⁰ Dias, *Power* 113.

⁹¹ Klein and Luna, “Free colored” 922.

⁹² Klein and Luna, “Free colored” 923.

⁹³ Klein and Luna, “Free colored” 929, 939.

⁹⁴ Klein and Luna, “Free colored” 934.

found to be at the “bottom of the scale”.⁹⁵ Similarly, for Minas Gerais Ramos found that female-headed households were “a significant component of the society of Vila Rica”, and that free population was predominantly female in the census of 1804 (81:100) and 1838 (74:100).⁹⁶ Although Ramos notes that such an imbalance was not found for other regions, age-sex pyramids suggest that abandonment and poverty were the main causes of the high incidence of women heading households alone in late eighteenth and early nineteenth-century Vila Rica.⁹⁷ In a study by Alida Metcalf of the town of Santana de Parnaíba (São Paulo) it was found that urban free women were more likely to have illegitimate children, more likely to be unskilled and be more poorly paid than their male counterparts.⁹⁸

3.6. Conclusion.

The ways in which slave labour relations, race, colour, gender and occupational hierarchies interfaced provided the context in which the patterns of manumission emerged. Manumission may have, in the majority of cases, been a contract between two unequal individuals but their inequalities were determined by a much wider set of relations. Moreover, while proximity, familiarity, and intimacy with a slaveowner enhanced a slaves’ chances of manumission, the possibilities for such proximity were a product of economic and social conditions of the society which masters and slaves inhabited; a society, that is, founded on the principles of inherently unequal

⁹⁵ Klein and Luna, “Free colored” 939.

⁹⁶ Donald Ramos, “Single and married women in Vila Rica, 1754-1838,” *Journal of Family History* 16.3 (1991): 263-65.

⁹⁷ Ramos, “Single” 265-69.

⁹⁸ Alida C. Metcalf, *Family and frontier in colonial Brazil, Santana de Parnaíba, 1580-1822* (Austin: University of Texas Press, 1992), chapter 5.

opportunities.

The so-called benefits or privileges that enslaved women extracted for themselves in the process of manumission, therefore, need to be read and understood in both the general context of race and gender inequality of a slave society, as well as the specific context of inequality of female domestic labour.⁹⁹ The advantages enslaved women obtained in manumission have been associated with their greater proximity to slaveowners as a result of domestic labour, which placed them in a more advantageous position when it came to negotiating for their liberty. However, this proximity has often been associated with affectivity between the male slaveowner and his female slave mistress. Others have placed greater emphasis on occupation and the labour market.¹⁰⁰ Given the limited range of occupational positions open to enslaved women in comparison to men, and the fact that at least in the urban context the majority of enslaved women were classified as 'domestic slaves', it is hardly surprising that a similar occupational profile emerges among enslaved women who were manumitted.

Thus, the emphasis placed on the advantage of enslaved women in manumission has been misplaced in the sense that the significance of their predominance in manumission figures has not been considered in the full context of labour markets. Moreover, any

⁹⁹ On U.S. domestic service, race and gender, see Katzman, *Seven*; Bonnie Thornton Dill, *Across the boundaries of race and class: an exploration of work and family among black female domestic servants* (New York: Garland, 1993); Evelyn Nakano Glenn, "From servitude to service work: historical continuities in the racial division of paid reproductive labor," *Signs* 18.1 (1992): 1-43. On race and gender relations in South African domestic service, see Jacklyn Cock, *Maids and madams: a study in the politics of exploitation* (Johannesburg: Ravan, 1980).

¹⁰⁰ Sheila de Castro Faria, "Aspectos demográficos da alforria no Rio de Janeiro e em São João del Rey entre 1700-1850," http://www.abep.nepo.unicamp.br/encontro2008/docsPDF/ABEP2008_1431.pdf; Luiz Mott, "De escravas à senhoras," *EA Virtual* 2 (1987): 117-27; Gabriel Aladrén, "Alforria, paternalismo e etnicidade em Porto Alegre, 1800-1835," *Anos 90* (UFRGS) 15 (2008): 125-60.

interpretation of the relationship between gender and manumission should commence from the point of view that a gender biased labour market made the most likely position for women that of domestic slave which *in turn* placed them in the ambiguously advantaged position of developing more intimate relations with their owners, male or female. It may well be the case that certain groups of enslaved women – a point I shall return to later – exercised particular preferences when it came to forging their route to freedom, but the idea that slave women, *per se*, had a natural advantage in the manumission process because they were women is to read the process in reverse; most domestic slaves were women because of the gender stratified nature of the labour market and not the other way round.

In Das cores do silêncio Mattos has argued that the two main factors that brought slaves closer to liberty and distanced them from that of captive was mobility and family. In fact, according to Mattos ‘the family’ itself was a vehicle for mobility. For the enslaved, freed and the free coloured in general, the family functioned as a form of social capital, a “pre-condição para a produção independente”, and among *lavradores* marriage was regarded as a status symbol.¹⁰¹ Similarly, Mattos identifies the importance of skill acquisition in accessing mobility, describing it as a “passport” for access to land. However, no account is made of how men and women differed in their use of the family as ‘social capital’. Likewise, there is little acknowledgement made of how skills – as a resource – were allocated differently among men and women.¹⁰² In Mattos’s study, then, mobility is

¹⁰¹ Mattos, Das cores 58. See also Donald Ramos, “Marriage and the family in colonial Vila Rica,” HAHR 55.2 (1975): 208, who makes a similar observation about marriage for the aspiring and upwardly mobile free coloureds, but that whites in particular used it as means of social differentiation.

¹⁰² Mattos, Das cores 46, 137, 178.

presented as a gender neutral experience yet her examples of mobility, whether geographical, social or economic are largely male.

On the other hand, Mattos's study does contain evidence of unequal access to social and material resources. In her analysis of wills and testaments, single women were found to be in the minority but were among the poorest.¹⁰³ They owned neither houses nor land, but instead had slaves and furniture. Mattos also notes how “mulheres amasiadas, mesmo com filhos, não se tornava herdeira legal ou co-proprietaria dos bens de seu amásio”(sic).¹⁰⁴ In addition, there is an acknowledgement of the sexual division of labour among the enslaved.¹⁰⁵ However, none of these points are incorporated into her analysis of the relationship between liberty, family, property and mobility.

As shown, the labour markets of Brazilian slave society were structured around hierarchies of race and gender. This meant that enslaved and freedwomen had fewer opportunities for economic mobility than their male counterparts given the very limited and very poorly remunerated range of occupations open to them. In contrast to Mattos's interpretation of mobility and liberty, it is proposed in this section that both are understood in the context of economic conditions of unequal access to skill acquisition in labour markets (slave and freed) which were structured around occupational hierarchies of race and gender, as well as the context of socio-political conditions of gender and racially differentiated access to social resources of family and marriage, and material resources of property.

¹⁰³ Mattos, Das cores 60.

¹⁰⁴ Mattos, Das cores 61.

¹⁰⁵ Mattos, Das cores 141.

Slave family formations are considered in more detail in the next section, but for the purposes of this section it is worth noting that plantation slave families, or those on slaveholdings of ten or more slaves, have been found to be the most stable.¹⁰⁶ Small holdings and urban slaveholdings, as many studies have shown, produced the most precarious conditions for the enslaved family. In addition, for women in general but enslaved and freedwomen in particular their chances of being lone parents and household heads were much greater in urban areas.

Furthermore, the restricted scope for economic mobility through occupation made mobility through social ascension, that is through marriage, all the more crucial for women in general in Brazilian slave society. However, as discussed in the next part of this section, the ways in which marriage markets intersected with labour markets in nineteenth-century Salvador were not uniform, but instead resulted in patterns of mobility and marriage that cut across conditions of status and afforded potentially more favourable conditions for African women.

In general though, the restricted scope for mobility placed enslaved women, and freed mothers of their enslaved children, in a particularly vulnerable position. As property and

¹⁰⁶ Studies of the slave family in Brazil are too numerous to mention here. For examples of studies of plantation slave families, see Mattos, *Das cores* chapter 3; Robert W. Slenes, *Na senzala, uma Flor. Esperanças e recordações na formação da família escrava – Brasil sudeste, século XIX* (Rio de Janeiro: Nova Fronteira, 1999), chapters 1 and 2; Manolo Florentino and José Roberto Goés, *A paz das senzalas: famílias escravas e tráfico atlântico, Rio de Janeiro, c.1790-c.1850* (Rio de Janeiro: Civilização Brasileira, 1997), chapters 4,5,6,7; Sheila Siqueira de Castro Faria, “Família escrava e legitimidade. Estratégias de preservação da autonomia,” *Afro-Ásia* 23 (1992): 113-31; Katherine Holt, “Marriage choice in a plantation society: Bahia, Brazil,” *International Review of Social History* 50 (2005): 25-41; Schwartz, *Sugar* chapter 14.

mothers of property, as producers of capital and reproducers of capital, enslaved women's relationship to the labour market was inevitably more complex than that of enslaved men.¹⁰⁷ Moreover, as Joan Kelly has argued in the case of European women's history, it is the "analysing of women's *distinctive* relationship to property and production [that] illuminates not only their actual social condition, *but also their perception of their value in society*"(my italics).¹⁰⁸ From this approach, the relationship between gender, property and production is as much determined as determining, in the sense that it shapes those conditions assigned to women as well as those that women may or may not have aspired to. Above all, this approach emphasises the need to analyse societal structures alongside women's responses and reactions to the coercive or restrictive conditions under which they lived and work. In the next part of this section it is proposed that manumission patterns were in part a reflection of enslaved women's own perceptions and responses to their positionality, perceptions and responses that were cognizant of both social and economic opportunities, or lack of them, for mobility.

From this perspective, the processes, patterns and significance of manumission in Brazilian slave society take on new meanings. Women's predominance in manumission, then, was a result of a complex set of relations and one where women's own perceptions of their position in society played a part. The perception of limited occupational and economic opportunities, within a gender and racially biased socio-political order, in turn prompted enslaved women to seek out other opportunities for mobility wherever they

¹⁰⁷ The gendered experience is something widely recognised in U.S. and Caribbean literature, but not in Brazil. See for example Jennifer L. Morgan, Laboring women: reproduction and gender in New World Slavery (Philadelphia: University of Pennsylvania Press, 2004); Beckles, Centering.

¹⁰⁸ Joan Kelly, Women, history and theory: the essays of Joan Kelly (Chicago: Chicago University Press, 1986), xx.

existed.

As such, while female predominance in manumission patterns was the result of the positionality of enslaved women in a gender and racially biased labour market, as well as the demographic and economic vagaries of a slave economy, manumission patterns were also a reflection of the social relations this particular type of market economy generated. A central aim of this study, then, is to present female predominance in manumission patterns as a gendered response to the gender differentiated experience of captivity.

The next part of this section, therefore, examines the different routes to freedom that enslaved women took, and how and why these routes differed for African and Brazilian women. Regardless of the route, though, all freedoms came at a price even when money was not exchanged, and the way that price was earned and paid had implications for the way those freedoms were lived. The ways in which these freedoms were perceived, lived out and passed on through female descendants of enslaved African women in nineteenth-century Salvador is the subject of the remainder of this section.

Part II: Manumission and Mobility.

3.7 Introduction.

The demographics of labour markets have thus far been considered from the perspective of the racial and gendered occupational hierarchies they produced and, in the case of the cities of Rio de Janeiro and Salvador, how these inequalities were mapped out in neighbourhoods where the freed and enslaved resided. As such, the demographic evidence helps illustrate how the geographies of race and gender determined more than patterns of manumission; they had social and economic consequences that were lived out by the women whose wills and testaments are examined here.

This part, then, considers the different routes to freedom taken by African and Brazilian women and explores the implications of these different routes for the processes of adaptation and change in Brazilian slave society as expressed through their wills and testaments. These historical sources also provide insights into the ways that assimilation and integration could be as much the result of pragmatic strategies of survival as cultural tools of creolisation. In this sense mechanisms of mobility such as Catholic marriage, slave-ownership, and ‘marrying-up’, or seeking out lighter-skinned male partners are considered within a context where abject poverty was a very real prospect most single women faced in a saturated labour and marriage market. However, the city’s demographics intersected with the preferences of marriage markets to produce uneven patterns of marriage and mobility for enslaved and freedwomen.

3.8 Manumission and creolisation.

Recent scholarship from across the Americas has emphasized two general principles for framing interpretations about creolisation in the New World. First, is to understand creolisation as an uneven process of adaptation and change as opposed to a linear route to absorption and acceptance of Christian-European cultural hegemony.¹⁰⁹ Second is the view that Africa was ‘rediscovered’ or ‘recovered’ by Africans (and their descendants) in the New World, as they inscribed (and then reinscribed) their own world view on a new and alienating environment.¹¹⁰ Within these frameworks analysis has addressed a range of issues about the mechanisms of creolisation (demographic, cultural and structural) as well as the pace and extent of creolisation.

For the purpose of this study creolisation is understood as a process of cultural adaptation operating within a larger context of socio-economic integration into a slave society that was predominantly black and where the prevailing culture was already creolised.¹¹¹ In addition, integration is treated from an Africanist perspective, such as that adopted by Patterson and Thornton, in which the condition of captivity was considered temporary

¹⁰⁹ Some of the key texts on North America and the Caribbean include: Ira Berlin, Many thousands gone: the first two centuries of slavery in North America (Cambridge, MA: Harvard University Press, 1998); Michael A. Gomez, Exchanging our country marks: the transformation of African identities in the colonial and antebellum South (Chapel Hill: University of North Carolina, 1998); Philip D. Morgan Slave counterpoint: black culture in the eighteenth-century Chesapeake and Low Country (Chapel Hill: University of North Carolina, 1998); Sidney Mintz and Richard Price, The birth of African American culture: an anthropological perspective (Boston, MA: Beacon, 1992).

¹¹⁰ For Brazil, see Linda M. Heywood, ed., Central Africans and cultural transformations in the American diaspora (New York and Cambridge: Cambridge University Press, 2002), especially chapters by Elizabeth Kiddy and Robert Slenes. See also Robert W. Slenes, “‘*Malungo ngoma vem!*’ África encoberta e descoberta no Brasil,” Revista USP, 12 (1991-2): 47-8; Elizabeth W. Kiddy, “Congados, calunga, candombe: Our Lady of the Rosary in Minas Gerais, Brazil,” LBR 37.1 (2000): 47-61; Reis, Slave; James H. Sweet, Recreating Africa: culture, kinship and religion in the African-Portuguese world, 1441-1770 (Chapel Hill: University of North Carolina Press, (2003); Luis Nicolau Parés, “O processo de criouliização no recôncavo baiano (1750-1800),” Afro-Ásia 33 (2005): 87-132.

¹¹¹ For an overview of the tension in the scholarship between ‘Africanisation’ and ‘Creolisation’ see Parés, “O processo” 93-97.

and transmutable and the movement from slave to free a transition from a condition of marginality to one of belonging.¹¹² In this sense, manumission is understood as a marker of belonging and an act of resistance to marginalisation as a result of enslavement.

The analysis in this part focuses on the sector of the enslaved population most likely to successfully negotiate the transition from captivity to freedom, enslaved urban women. The aim here is to examine the extent of mobility and the potential for integration measured materially through proprietorship and socially through marriage for freed *Africanas*, *crioulas* and their mixed-race, freed and freeborn female descendants in nineteenth-century Salvador.¹¹³ Wills and testaments of African, black and mixed-race Brazilian women are therefore analysed with a view to better understanding the momentum of mobility generated by manumission and the extent to which this mobility could be passed on to subsequent generations of female descendants of freedwomen.

The material and social evidence left by wills and testaments makes it possible to trace the tracks left by different components of creolisation and examine how they shaped the lives of the women themselves. The documents reveal how cultural, demographic, social and material factors all contributed to the dynamics of adaptation and change that was creolisation. Furthermore, the coincidence of manumission, marriage and proprietorship as revealed through these wills and testaments, are interpreted here as key cultural

¹¹² John K. Thornton, *Africa and Africans in the making of the Atlantic world, 1400-1800* (New York and Cambridge: Cambridge University Press, 1998). Orlando Patterson, *Slavery and social death: a comparative study* (Cambridge, MA: Harvard University Press, 1992).

¹¹³ The Portuguese terms *Africana* and *Africanas* (female African/African females) and *Brasileira* and *Brasileiras* (female Brazilian/Brazilian females) are employed throughout. For the purposes of this study the term *Brasileiras* refers collectively to *pardas*, *mulattas* and *cabras*.

markers of creolisation in the sense that they represent measurable degrees of integration and statements about belonging. In addition, using creolisation as a way of accounting for the mechanisms of mobility and the extent of integration enjoyed, or not, by enslaved African women and their female descendants, allows for the inclusion of the material and social in ways overlooked in empirical studies of mobility in Brazilian slave society.¹¹⁴

From a feminist perspective the separation of the material and social produces an inadequate analytical framework for understanding the positionality of black and mixed-race women in an urban slave labour market on two counts. First, because such a framework is unable to account fully for the dynamics of the market where the material and social, that is occupation and marriage, were inextricably linked. Second, because such a separation produces a partial understanding of the role played by female labour in general, but more importantly because both productive and reproductive labour were indivisible components in the commodity that was enslaved female labour.

Finally, while it is not the aim here to prove that all “human social life is a response to the practical problems of earthly existence”, the findings do lend support to the idea that, for enslaved African and Brazilian women in particular, successful negotiation of the trajectory from slavery to freedom, and from *Africana* to *Afro-brasileira* prompted a range of pragmatic responses to the material *and* social reality of life in Brazilian slave society.¹¹⁵

¹¹⁴ Klein and Luna, “Free colored” 916-41.

¹¹⁵ Marvin Harris, Cultural materialism: the struggle for a science of culture (New York: Random House, 1979), ix.

3.9 Manumission and mobility.

For all slaves, the experience of liberty as a freedperson was determined by two factors. First, was the way in which manumission was obtained and second was the age at which it was obtained. As demonstrated in the previous sections the trajectory of manumission was strongly correlated to gender, skin colour, and race with the result that most of those manumitted were female, and that enslaved Brazilians, particularly *pardos* and mulattos, were over represented among the freed in relation to their numbers among the enslaved.¹¹⁶ Significantly, African women, as well as enslaved males in general, were more likely to purchase their freedom, whereas Brazilian females were more likely to be freed through working off conditions or being freed as infants, and *pardos* and mulattos benefited most from baptismal manumission.

For enslaved African women, whom whites at least discursively tended to trust least to work in their own homes, the route to freedom was generally through capital accumulation from income-earning activities on the street. Enslaved Brazilian women, though, usually paid for their freedom through years of servile labour in domestic service and loyalty and obedience to their owners. When *pardos* and mulattos were freed as infants it was usually in recognition of the services provided by their often still enslaved mothers.¹¹⁷ For all slaves, though, the way in which liberty was acquired determined the way in which liberty was experienced: gender and race, then, were the main variables in

¹¹⁶ The studies of manumission in Brazil have been examined in Section 1. For Bahia, see: Stuart B. Schwartz, "The manumission of slaves in colonial Brazil: 1684-1745," *HAHR* 54.4 (1974): 603-35; Katia M. de Queirós Mattoso, "A propósito de cartas de alforria. Bahia, 1779-1850," *Anais de História* 4 (1972): 23-52; Mieko Nishida, "Manumission and ethnicity in urban slavery: Salvador, Brazil, 1808-1888," *HAHR* 73.3 (1993): 61-391.

¹¹⁷ See Section 2. Of 308 children freed between 1830 and 1871, 90% of mothers remained in captivity. Higgins findings were similar for Minas Gerais. Higgins "Licentious" 163.

determining the route to freedom and the conditions under which that freedom could be exercised.

The majority of Africans having been enslaved as adults were most likely to be freed as adults too. Furthermore, in a society where darkness of skin colour was always and everywhere associated with slavery and hence marginality, freeborn blacks would have still found it difficult to distance themselves from the stigma of slavery and the conditions of captivity when called upon to prove their free status.¹¹⁸ Nevertheless, lightness of skin colour could bestow (although not guarantee) a form of social advantage denied to freed Africans and freeborn Brazilian blacks such as Lourença da Cunha Peireira who lived and died in Salvador in the first half of the nineteenth century.

3.10 Lourença on liberty.

Lourença da Cunha Pereira was the legitimate, Brazilian daughter of an African father and *crioula* mother.¹¹⁹ For sure, her parents had been sometime enslaved, but in all likelihood Lourença had been born free. While her parents had married and had at least one other child, Lourença remained single and childless her entire life. In her will and testament of 1840, apart from the mention of her African father, there is no other overt reference to her African heritage. In fact, this document could be read as a sort of brief guide to creolisation in nineteenth-century Brazil. Lourença, a single, childless black

¹¹⁸ Although re-enslavement of Africans was particularly widespread during the phase of illegal slave trading (1831-1850), from 1850 onwards all *libertos* and free people of colour were vulnerable to the threat of (re)enslavement. See for example Judy Bieber Freitas, "Slavery and social life: attempts to reduce free people to slavery in the sertão Mineiro, 1850-1871," *JLAS* 26.3 (1994): 597-619. See also Mattos, *Das cores* 174, who points out that re-enslavement of freed slaves, "especialmente dos que não deixavam a família de seus ex-senhores", was achieved through the stroke of a pen in inventories by listing them as slaves.

¹¹⁹ APEB, Sec. Jud., Livro de Registro de Testamentos, no. 28, folhas 169-71.

woman, worked and lived in the home of Senhor Vital Prudencio Alves Monteiro, in the parish of Nossa Senhora da Penha.¹²⁰ This was not one of the city centre neighbourhoods where most of the city's enslaved and freed population resided, but one "dentro do perímetro urbano da cidade", located on the margins of the city both geographically and economically, populated in the main by "pessoas modestas, pobres, tanto branco como de cor".¹²¹ Indeed, Lourença's socio-economic status befits the profile of neighbourhood. Although she did not describe herself as an *agregada*, a household dependent, she did not own her own home and depended on the good will and generosity of her employers with whom she resided.¹²² And, according to Lourença they were good employers who had always treated her well and taken care of her in ill health. But Lourença somehow managed to acquire five slaves in the course of her working life. One of these was an African woman and the other four were male *crioulos*. It may well be the case that her male slaves were actually the children of Joaquina, her Angolan female slave, but this is not stated. Still, it is hard to imagine how Lourença acquired so many valuable slaves otherwise.

In her will and testament Lourença had very clear ideas about how to deal with her assets. Although she had one living (although absent) sister, and a number of nieces and nephews, the main beneficiaries were her former employers and their family. In what

¹²⁰ The choice of words used by Lourença to describe her working arrangements do not translate easily into English. She stated that "I am currently helping (*assistindo*) in the home of Senhor Vital Prudencio Alves Monteiro", *assistir* meaning to attend to or help. In addition, although the length of the surname of the Monteiro family suggests this was a white family, the location of their home would place them at the lower end of the middle sector. Even though the majority of the residents were free in this parish, there were no elite whites. See Nascimento, *Dez freguesias* 93.

¹²¹ Nascimento, *Dez freguesias* 93.

¹²² Ramos, "Marriage" 200-25, found that the *agregado* had a demographically significant presence in households and could provide "important economic support for the household", 222.

now reads as an odd twist of fate, Lourença actually gave very explicit instructions to them as to how her former slaves should be treated. They should be given the opportunity to earn some money for themselves, they should be given clothes to wear and treatments when they became ill, and the new owners should take “todo o cuidado no seo procedimento”. All this should lead the slaves to become “úteis a si, [e] a sociedade”.

Whether or not Lourença maintained an African appearance or mixed in African cultural circles, we cannot tell from this document. But for sure, in other respects, she adhered to certain codes of conduct associated with creolisation in which slave-ownership played a key role, and where patronage was the defining feature of societal relations. Lourença, for reasons unknown to us, appears to have been more interested in (or perhaps more successful at) acquiring slaves than a husband and children but she assumed a responsibility for those slaves in a way similar to a parent. They were to be chastised if they misbehaved and rewarded if obedient. In Lourença’s view, their greatest reward was to be freed, but only if they had complied with the model of creolisation laid down by herself.

In the context of other freeborn black women, Lourença’s life was in some ways typical, others less so. Her unmarried status was typical of most free women, regardless of colour. Her form of employment remains unclear but the majority of free women in nineteenth-century Salvador were in some form of household employment. On the other hand, as a freeborn black Brazilian, she belonged to a minority within the fastest growing sector of the population - the free coloured - which was predominantly mixed race. As

such, Lourença's will and testament provides a useful focus for comparative analysis of the different routes to and experiences of freedom for enslaved Africans and their descendants in Brazil, as well as providing insights into specific ways in which gender and race determined those routes. Above all, when studied collectively, the wills and testaments of freed and free black women provide crucial evidence about the process of creolisation, and identify the ways in which gender and race shaped the contours and confines of freedom in Salvador in particular and Brazilian slave society in general. Finally, as an historical source they expose the limitations of mobility made possible either economically through occupational opportunities or socially through marriage.

3.11 Markets, labour and love.

As has been noted by Karasch for nineteenth-century Rio and Oliveria for nineteenth-century Salvador, freedmen and women tended to make their living in freedom as they had in captivity.¹²³ In the case of *libertas* in general, Oliveira adds that manumission did not bring about substantial changes in this respect, because the labour market:

“..tendia naturalmente a colocar as mulheres em condições desvantajosas de concorrência pelas ocupações livres e conseqüentemente a desvalorizar o preço de seu trabalho. [...] A escrava era duplamente aviltada: como mão-de-obra e como mulher. A alforria não modificava substancialmente esta situação. No mercado de trabalho livre, a mão-de-obra feminina continuava a valer menos do que a masculina”.¹²⁴

¹²³ Maria Inês Côrtes de Oliveira, O liberto: o seu mundo e os outros. Salvador, 1790-1890 (São Paulo: Corrupio, 1988), 32; Karasch, A vida 470-74.

¹²⁴ Oliveira, O liberto 42-3.

In addition, as noted by Klein and Luna in their study of free coloureds in nineteenth century São Paulo and Minas Gerais, the level of ‘initial poverty’ upon becoming freed was a significant factor in determining the extent of mobility experienced in freedom.¹²⁵ As such, those slaves with the greatest chance of skill acquisition and capital accumulation in captivity were the ones most likely to experience mobility in freedom.

As observed by Oliveira about Salvador’s urban labour market and confirmed in more recent scholarship about other urban centres, African women managed to monopolise the most lucrative positions allocated to slave women: that is in the local marketplace.¹²⁶ They were able to do this, in part, due to the racial prejudices and self-interests of white slaveowners in particular, as well the occupational ones of the free sector in general. This monopoly, though, was largely facilitated by a combination of African ethnicity as well as enterprise and industry. For Luz Mena, it was the knowledge and skills *libertas* acquired through managing the terms and conditions of self-purchased manumission that “prepared them in their future role as entrepreneurs”.¹²⁷

As Cecília Moreira Soares has noted for nineteenth-century Salvador it was a common cultural identity among African women street sellers that made possible “a construção de um universo próprio, formado por elas mesmas, seus fornecedores e clientes

¹²⁵ Klein and Luna, “Free colored” 927.

¹²⁶ A similar situation prevailed in the urban mining centres of Minas Gerais as well as in the then capital city, Rio de Janeiro. See Sheila Siqueira de Castro Faria, Sinhás pretas, damas mercadoras: as pretas minas nas cidades do Rio de Janeiro e de São João Del Rey (1700-1850) (Professorial diss., UFF, 2004); Manolo Florentino, “Alforrias e etnicidade no Rio de Janeiro oitocentista: notas de pesquisa,” *Topoi* Sept. (2002): 9-40; Júnia Ferreira Furtado, Chica da Silva e o contratador dos diamantes (São Paulo: Companhia das Letras, 2003).

¹²⁷ Luz Mena, “Stretching the limits of gendered spaces: black and mulatto women in 1830s Havana,” *Cuban Studies* (2005): 91.

africanos”.¹²⁸ Indeed, the 1849 census for the parish of Santana reveals that over 70 per cent of all African women worked *ao ganho*, that is selling goods and services on the street. Most of these women were described as Jeje and Nagô, regions from which the majority of enslaved Africans in Bahia originated in the first half of the nineteenth century.¹²⁹ In addition, the discriminatory practices of private individuals as well as those of public bodies against all Africans, no doubt reinforced a sense of separateness which engendered a feeling of racial unity among them.¹³⁰ For Brazilian women, slave, freed, free black and mixed race, their common birth place was an inadequate condition around which to construct a comparable identity, and the discriminatory legal practices that operated in their favour pitted them against their occupational peers, whether enslaved or free. Ethnicity and prejudice, then, served to strengthen the resolve of African men and women which, in many instances, cut across conditions of status.

In contrast, marriage did not often cross lines of status or colour. In fact, levels of nuptiality were low for the whole of Bahia, and less than 20 per cent for the city of Salvador at mid-century, although whites were the most likely to be born legitimate and to marry of all racial groups.¹³¹ As has been discussed, urban life offered a mixed bag of advantages and disadvantages for women, but for freedwomen and their descendants the chances of being lone parents and single heads of household were particularly high.¹³² Consequently, for women in general in Brazilian slave society, and particularly in urban

¹²⁸ Cecília Moreira Soares, “As ganhadeiras: mulher e resistência negra em Salvador no século XIX,” *Afro-Ásia* 17 (1996): 71.

¹²⁹ See Reis, *Slave* chapter 8, on ethnicity among enslaved Africans in nineteenth-century Salvador.

¹³⁰ For an example of the ways in which the activities of African men in particular were policed and regulated after the 1835 Malês uprising, see João José Reis, “Revolution” 355-93. See also Reis, *Slave* part 4, ‘The anti-African backlash’.

¹³¹ Nascimento, *Dez freguesias* 72; Mattoso, *Bahia* 157.

¹³² Silva, *Power*; Ramos, “Single”; Karasch, *A vida* 379-92.

centres like Salvador the restricted scope for economic mobility through occupation made mobility through social ascension in the form of marriage all the more crucial.

Furthermore, although marriage was most likely among whites in nineteenth-century Salvador scholars of the period have demonstrated that marriage was far from irrelevant to family formation among other groups. On the contrary, marriage patterns reveal how those at the top and the bottom of society displayed similar attitudes and practices. For whites and Africans marriage was an endogamous affair which rarely crossed boundaries of race and class. Indeed, when Africans married, they preferred not only other Africans but Africans of the same nation.¹³³ So, as the daughter of married freedpersons, Lourença's life was atypical in a number of ways. First in the sense that she was legitimate, and second in that her African father had married a Brazilian black woman.¹³⁴ Finally, although at mid-century most *crioulas* still gave birth to children of the same skin colour, the tendency for miscegenation was much greater amongst *crioulas* than their African counterparts, freed or enslaved.¹³⁵

The higher incidence of miscegenation among *crioulas* is to be expected. The endogamous marriage practices of the two groups at opposing ends of society, whites and Africans, was paralleled by widespread concubinage and consensual unions among those from different social sectors. Moreover, in Brazilian slave society patronage was the

¹³³ Oliveira, *O liberto* 57. For Rio de Janeiro, see Karasch *A vida* 384. See also Slenes, *Na senzala* 70-79, who found that marriage rates were highest among African women, and that *crioulas* "teriam menos abundância de possível cônjuges do que as escravas do além-mar", 77.

¹³⁴ Katia M. de Queirós Mattoso, "Slave, free and freed family structures in nineteenth-century Bahia," *LBR* 25.1 (1988): 76.

¹³⁵ Mattoso, "Slave" 82.

modus operandi of all forms of relations - political, economic and social - and patriarchy provided the ideological framework in which those relations functioned.¹³⁶ Above all, it was a society in which a high premium was awarded to maleness *and* light skin colour as a means of escaping the economic stigma of poverty, the social stigma of slavery, as well as the cultural stigma of African heritage. As Júnia Ferreira Furtado has pointed out in the case of seventeenth-century Minas Gerais, relationships of concubinage with noble white men, as in the case of Chica da Silva and João Fernandes de Oliveira, were practically the only way for black women to gain access to white society.¹³⁷ For those women whose access to resources was both restricted and restrained by occupational hierarchies obtaining in urban centres like Salvador, relationships (coercive or otherwise) with white or light skinned men offered an alternative avenue for mobility within a very limited range of options.¹³⁸

A gendered approach to understanding the patterns of manumission in Brazilian slave society, then, sees the experiences of captivity and expectations of freedom as determinant in shaping the outcome of the process itself. Women's preponderance in manumission, then, was a result of a complex set of relations and one where women's own perceptions of their position in society played a part. As discussed, the perception of a hierarchied range of occupational opportunities has historically forced women to seek

¹³⁶ Richard Graham, Patronage and politics in nineteenth-century Brazil (Stanford: Stanford University Press, 1990), chapter 8; Patricia Ann Aufderheide, Order and violence: social deviance and social control in Brazil, 1780-1840 (PhD diss., University of Minnesota, 1976), 1-21.

¹³⁷ Furtado, Chica.

¹³⁸ Aufderheide notes how upward mobility for free women of colour was possible "so long as they had informal liaisons with white men", Aufderheide, Order 15. See also Slenes, Na senzala chapters 3 and 4, which explore the link between family formation and access to and accumulation of resources through the symbols of "lar" and "roça". Mattos makes a similar case in relation to the freed and free coloured, Das cores chapter 3.

out other opportunities for mobility regardless of period or place. In the case of nineteenth-century Salvador occupational hierarchies ordered by gender, race and status exacerbated competition for those occupational positions that maximised potential for skill acquisition and capital accumulation and in turn access to freedom. Consequently, the perception and experience of occupational mobility limited by race and gender resulted in increased pressure on social resources as a means of achieving mobility.

In line with findings by Klein and Luna, documentary evidence used in this study confirms that access to economic mobility was decisive in determining the extent and experience of integration as a result of manumission. Moreover, analysis of wills and testaments of freed and free-black women reveals how mechanisms for mobility were strongly correlated to racial identities, reflecting not only the range of experiences within the “continuum of creolisation” but also the ways in which race and gender both differentiated expectations of belonging and reinforced notions of marginality.¹³⁹

3.12 Africanas and Brasileiras, *libertas* and *livres*.

The research of wills and testaments of slaves, *libertos* and Africans has been facilitated by the importance Brazilian slave society placed on those distinctions of status and colour. However, very few wills and testaments have been located for former Brazilian slaves. In Oliveira’s study, she found for the whole period, 1790-1890, only twenty-three wills and testaments of freed Brazilian men, and only nineteen of freed Brazilian women

¹³⁹ Elizabeth W. Kiddy, “Who is the King of Congo? A new look at African and Afro-Brazilian kings in Brazil,” in *Central Africans*, ed. Heywood, 154; Kiddy, “Congados” 48; Elizabeth W. Kiddy, “Ethnic and racial identity in the brotherhoods of Minas Gerais, 1700-1830,” *The Americas* 56.2 (1999): 226.

out of a total of 472 *libertos*.¹⁴⁰ As Oliveira notes, those *libertos* who made wills and testaments were “provavelmente ... exceções a regra” because these were freedpersons with something to bequeath or sort out in their lives before they died.¹⁴¹ She goes on to comment how these documents are evidence of a higher level of “integration” than was generally experienced by *libertos*.¹⁴² However, the racial profile presented by the documents somehow contradicts this in the sense that one would expect to find more Brazilian *libertos* who, as Parés notes in his study of creolisation in rural Bahia, were, “*a priori*, mais proclives à adoção dos costumes locais...”.¹⁴³

The research for this study of the period 1830 to 1888 found a total of 24 wills and testaments for Brazilian *libertas* and daughters of *libertas*, and 59 for freed Africanas.¹⁴⁴ In terms of African ethnicity, 47 per cent of *Africanas* (28 out of 59) were described only as *Africana* (Table 2). A further seventeen were described as “da Costa” and another ten as originating from West African nations, making the women from this region the largest single group.¹⁴⁵ Regarding freed Brazilian women, only 8 wills and testaments were found for Brazilian *libertas*; the remainder were all for freeborn daughters of African *libertas*. Finally, only one will and testament was located for a freeborn mulatta, one for a freeborn *parda* and one for a freeborn *cabra*.

¹⁴⁰ Oliveira, *O liberto* 8-9. All but three of these were found for the period 1790-1850.

¹⁴¹ Oliveira, *O liberto* 9.

¹⁴² Oliveira, *O liberto* 9.

¹⁴³ Parés, *O processo* 95.

¹⁴⁴ Initially the search was done on a five year basis, but the difficulties encountered in locating wills and testaments for Brazilian women meant that the search was extended to years either side of the quinquennials simply to find any at all (Table 1). The same years were researched for both *Africanas* and *Brasileiras*.

¹⁴⁵ The levels of West African women found in this study are comparable to those found by Paiva for Minas Gerais and Faria for south east Brazil. Paiva, *Escravos*; Faria, *Sinhás*.

Given that light-skinned women were over represented among the freed this is somewhat surprising. However, given that most were probably freed as infants, their absence becomes easier to understand. In a society where darkness of skin and slavery were so closely associated it may well be the case that mixed-race women avoided identification of status and skin colour before the scrutiny of the state, particularly if they had white husbands. Although studies of marriage patterns in nineteenth-century Salvador suggests such marriages were not widespread, mixed-race women who did manage to marry white men were, in all likelihood, judged by the status and colour of their husband and not their own.¹⁴⁶ Hence, only in marriages to black or other free coloureds would the colour and status of mixed-race women be recorded.

Although reference to skin colour for *pardas* and mulattas was found to be mentioned in civil and criminal proceedings in Bahia during the second half of the nineteenth century, such references appear much less frequently in wills and testaments.¹⁴⁷ The difficulty encountered locating wills and testaments for *pardas* and mulattas does, therefore, appear to lend support to Mattos's idea of the 'silencing' of colour in official documentation among the free population. In addition, the inconsistencies in the recording of colour across the different categories of archival material could confirm Mattos's case for the designation of *pardo* "como uma forma de registrar uma diferenciação social, variável conforme o caso".¹⁴⁸ However, the selective use of reference to skin colour in the context of wills and testaments in the case of nineteenth-century Salvador, is at very least

¹⁴⁶ Aufderheide has described how women gained social recognition through their husbands. Aufderheide, *Order* 4, 11, 217.

¹⁴⁷ Significantly, the colour of free women did not disappear from prison records either. See Marila Muricy Machado Pinto, *Criminalidade feminina na Bahia de século XIX* (MA diss., UFBA, 1973).

¹⁴⁸ Mattos, *Das cores* 30.

suggestive of the influence of the ideology of whitening, and that this was an ideology that was also tied up with ideas about class and status. The ideology of whitening, then, did not necessarily operate independently of notions of class and status.¹⁴⁹

Regardless of how we account for the absence of colour for this group of women the result is the same; the lives of freed and first generation freeborn, mixed-race Brazilian women are harder to study than those of their enslaved foremothers because there is no way of distinguishing them in this type of documentation from any other free women. In fact, in the context of central Brazil, Karasch has described free women of colour as “the most invisible group in colonial Brazilian history”.¹⁵⁰ It is both significant in the context of the history of Brazilian race relations and for the study of slavery in Brazil that in historical perspective mulattos and *pardos* are in fact more invisible than Africans and *crioulos*.¹⁵¹

In contrast to reference to skin colour, it was standard practice in the writing of wills and testaments to acknowledge parentage as a way of declaring an individual’s status; that is as *natural* or legitimate.¹⁵² It is only through this acknowledgement that it was possible

¹⁴⁹ Mattos, *Das cores* 96-98.

¹⁵⁰ Mary C. Karasch, “Free women of color in central Brazil, 1779-1832,” in *Beyond bondage: free women of color in the Americas*, ed. David Barry Gaspar and Darlene Clark Hine (Urbana: University of Illinois Press, 2004), 237. The lack of scholarly attention to free women of colour in Brazilian history in general is also commented upon in B. J. Barickman, and Martha Few, “Ana Paulinha de Queirós, Joaquina da Costa and their neighbors: free women of color as household heads in rural Bahia (Brazil), 1835,” in *Beyond*, ed. Gaspar and Hine, 170.

¹⁵¹ To illustrate just how non-linear narratives of identity can be, Joana da Cruz Gama, described as *crioula* in her will and testament of 1837, described her mother, Maria da Silva, as “cabra forra”. APEB, Sec. Jud., LRT no. 33, folhas 8-10. Mattos, *Das cores* 30, has argued that in the case of south east Brazil the term *pardo* was used in wills and testaments by the freed and free coloured, regardless of actual skin colour, as a way of affirming non-slave status.

¹⁵² The term *natural*, in the strictest sense, was used to describe the status of children born of unmarried parents, while illegitimacy was associated with children who were not recognised or had been abandoned

to locate wills and testaments of freed and freeborn daughters of Africans. In fact, only 11 out of 24 Brazilian women found in this study identified themselves as *crioulas*, but 16 out of 24 had at least one African parent (Table 3). For example, Felippa Soares in her will and testament of 1854 did not describe herself as *crioula*, but acknowledged both her African (unmarried) parents.¹⁵³ On the other hand, Maria Lopes da Conceição, in her will and testament of 1834, did identify herself as *crioula* as well as declaring her legitimacy as the daughter of married parents, “crioulo Diego Joze Lopes e sua mulher Simplicia Custodia de Nação Gege”.¹⁵⁴ However, the majority of Brazilian women did not identify both parents. Most were either *filhas naturais* (11 out of 24), who could only name their unmarried mothers or, as in six cases, parentage was not known (*pais incognitos*).

3.13 Motherhood and marriage.

Although almost half of all Brazilian women in this study were *filhas naturais* of sole mothers, only 4 went on to become sole mothers themselves. In fact, only 7 out of 24 Brazilian women (29 per cent) went on to have children, the majority (15 out of 24, 63 per cent) remaining single and childless their whole lives. Only 5 *Brasileiras* ever married or had a partner, or as the many of the women themselves put it “sempre vivi em estado de solteira...e nunca tive filhos” (Table 4).¹⁵⁵

by their fathers, or whose fathers were unknown. However, many of the women in this study were described as a *filha natural* but only named their mother. For a discussion of the status of natural and illegitimate children, see Linda Lewin, “Natural and spurious children in Brazilian inheritance law from colony to Empire: a methodological essay,” *The Americas* 48.3 (1992): 351-96. See also Mattos *Das cores* 61.

¹⁵³ APEB, Sec. Jud., LRT, no. 37, folhas 92-93.

¹⁵⁴ APEB, Sec. Jud., LRT, no. 24, folhas 57-59.

¹⁵⁵ Using an 1835 census for rural Bahia, Barickman and Few found that among free coloured women *pardas* were more likely to be ever-married than black women, that black women were more likely to be

In comparison, the wills and testaments of freed *Africanas* revealed similarly low levels of motherhood but much higher rates of marriage and unions. In total, 16 out of 59 *Africanas* (28 per cent) were found to have ever had children and 31 (52 per cent) ever married or had a partner. Also, the incidence of ever-married without children was higher among *Africanas* than *Brasileiras*. In comparison, levels of sole motherhood were almost the same among *Africanas* and *Brasileiras* at 18 per cent and 17 per cent respectively. The main difference in marriage patterns between *Africanas* and *Brasileiras* in this study, then, was the proportion of single women without children. As noted above, over two-thirds of *Brasileiras* never married or had children, whereas this was the case for only one third of *Africanas*.

Given that the majority of African women arrived in Brazil as adults, severely interrupting life cycles of marriage and motherhood, much lower levels of motherhood would be expected among *Africanas* than *Brasileiras*. In addition, as Oliveira has pointed out, many freedmen and women obtained their liberty late in life and as result also married later.¹⁵⁶ However, in terms of maternity, the average number of children per mother (including deceased children) was only marginally higher among *Brasileiras* than *Africanas* at 2.7 and 2.2 respectively and the average number of deceased children per mother was the same at 1.1 for groups of mothers. Although the number of children was more evenly spread across *solteiras* and ever-marrieds among *Africanas* than *Brasileiras*,

single heads of households than *pardas*, and that *pardas* were more likely than black women to have children in residence. Rates of marriage among Brazilian-born blacks and Africans were found to be similar. Barickman and Few, "Ana Paulinha" 175-76.

¹⁵⁶ In addition, Oliveira also found a significant proportion of freed couples who remained childless as well as higher numbers of children among unmarried women than married. Oliveira, *O liberto* 65-66.

married women in both groups had proportionately more living children and fewer deceased.¹⁵⁷ This suggests that for both *Africanas* and *Brasileiras* marriage made motherhood more viable, stable and enduring. Moreover, the notion of marriage as a stabilising factor in the lives of these women is something reinforced in the findings for levels of material wealth.

3.14 Material wealth.

Even though the majority of Africans, *crioulos* and mixed-race Brazilians in nineteenth-century Salvador were poor and most of the women in this study could be described as poor, there are, nonetheless, different levels of material wealth among these women.¹⁵⁸

Out of the 83 wills and testaments found for this study, only 7 *Africanas* and 1 *Brasileira* did not own either slaves or real estate (Tables 5a and 5b). Three of the *Africanas* had no possessions at all, and the other 4 owned only items of gold and silver. The one *Brasileira* who did not own any property left a few items of clothing and some religious items to her goddaughter and small sums of money to the church.¹⁵⁹

Proprietorship, then, was just as important a distinction among the poor free and freed of Salvador as it was for the rest of Brazilian slave society. Indeed, Oliveira found that

¹⁵⁷ For *Brasileiras*, 90% of all living children belonged to 3 ever-marrieds. For *Africanas*, the 3 married mothers (18% of all African mothers) had 42% of all living children. *Africanas* as sole mothers comprised 65% of all African mothers and had 38% of all living children and 63% of all deceased children.

¹⁵⁸ Walter Fraga Filho, *Mendigos, moleques e vadios na Bahia do século XIX* (São Paulo: Hucitec/Edufba, 1996); Reis, *Slave* chapter 1.

¹⁵⁹ Items of jewellery, particularly gold, silver and coral were both symbols of powers of acquisition and wealth as well as ritual and religious value, especially for members of brotherhoods. See Oliveira, *O liberto* 47; Jocélio Teles dos Santos, “‘Incorrigíveis, afeminados, desenfreados’: indumentária, e travestismo na Bahia do século XIX,” *Revista de Antropologia* (USP) 40.2 (1997): 6-7, 28. For a discussion of inheritance practices among freed and free blacks in eighteenth-century Minas Gerais, see Mariana Dantas, “Inheritance practices among individuals of African origin and descent in eighteenth-century Minas Gerais,” in *The faces of freedom: the manumission and emancipation of slaves in Old World and New World slavery*, ed. Marc Kleijwegt (Leiden and Boston, MA: Brill, 2006), 119-80.

around 50 per cent of *libertos* owned some form of land or house, albeit in many cases very basic. However, 60 per cent owned at least one slave.¹⁶⁰ Moreover, freedmen and women displayed different habits of proprietorship and these habits were comparable across conditions of race and status. That is to say, although levels of ownership differed substantially between free and freed, white and non-white, urban based freedmen and freedwomen invested in slaves in ways similar to their free counterparts in as much as women tended to invest in enslaved females and men in enslaved males.¹⁶¹

The patterns of proprietorship found for these women in nineteenth-century Salvador are consistent with some of the findings for eighteenth-century Minas Gerais. Here, Kathleen Higgins found that freedwomen were more likely to own slaves than their male counterparts, were more likely to be slaveowners than owners of real estate and as slaveowners they were more likely to own female slaves.¹⁶² These freedwomen were “concentrated in the urban centers” and supported themselves through slave-ownership in petty commerce and marketing, in ways that “did not directly compete with White men [and] the small number of slaves owned by these women did not present an economic threat to owners of much larger slaveholdings”.¹⁶³ Furthermore, Higgins argues that former slaves became slaveowners not only as a means of economic survival but as an act

¹⁶⁰ Oliveira, *O liberto* 41, 36. Levels of ownership and the proportions of those owning slaves were greater prior to 1850. For a comparison with slaveholding among free blacks in the United States, see Kimberly S. Hanger, *Bounded lives, bounded places: free black society in colonial New Orleans, 1769-1803* (Durham, NC: Duke University Press, 1997), 70-79.

¹⁶¹ Klein and Luna identified similar patterns for São Paulo and Minas Gerais. Klein and Luna, “Free colored” 935-37. Hanger found that in colonial New Orleans “free black women owned more slaves than free black men did and that libres owned more female than male slaves”. Hanger, *Bounded* 75.

¹⁶² Higgins, “*Licentious*” 82-83, using a slave register for 1720 found that “three-quarters of the ex-slaves who were slaveowners [...] were women and comprised 70% of all women slaveholders at that time”. Similarly, inventories for the period 1760-1808 revealed how *forras* constituted 50% of the women who owned slaves. Karasch, “Free women” 249-50, found that *pardas* in Goiás owned more slaves than free black women.

¹⁶³ Higgins, “*Licentious*” 82.

of self preservation, to avoid the threat of re-enslavement. Slave-ownership, in her view, would have acted as “[t]he best proof to others that one was no longer a slave”.¹⁶⁴

As already noted, the need to demonstrate freed status was more pressing for Africans than any other sector of the free coloured. Nonetheless, however pressing the need to re-affirm freed status among Africans may have been, this factor alone cannot account for the different levels of proprietorship between *Africanas* and *Brasileiras* studied here (Tables 6a and 6b). In total, 71 per cent of freed *Africanas* (42 out of 59), were slaveowners. Collectively, they owned 195 slaves: 79 women, 39 men and 77 *crias*. On average, that is 4.6 slaves per *Africana*. Among *Brasileiras*, levels of slave-ownership were much lower. In total, 54 per cent of *Brasileiras* (13 out of 24), owned 35 slaves, an average of just under 3 slaves each. These comprised 13 women, 9 men and 13 *crias*.

The patterns of ownership, however, were similar in two ways. First, in the origins of adult slaves owned. Sixty two per cent of adult slaves owned by *Africanas* were African and 68 per cent of those owned by *Brasileiras*. Second, both *Africanas* and *Brasileiras* maintained similar levels of *crias* and adult female slaves; just under 40 per cent in each case. However, among *Africanas* those with the highest level of slave-ownership were married women who owned an average of 6.2 slaves each, whereas married *Brasileiras* owned an average of 2 slaves each. Even single and widowed *Africanas* owned on average more slaves than *Brasileiras*. For single *Africanas* the average was 3.7, single *Brasileiras* 2.9. For widowed *Africanas*, 4.6 and widowed *Brasileiras* 2.

¹⁶⁴ Higgins, “Licentious” 83.

Lourença's level of slave-ownership made her exceptional among the *Brasileiras* studied here. Only one other *Brasileira* owned as many slaves as Lourença, that was Josefa Maria da Conceição. In her will and testament of 1830 she declared ownership of one African, Ussa, female slave, Maria Vitoria, and her three "crioulas filhas", aged eight months, 3 years old, and 6 years old.¹⁶⁵ Josefa's slave-ownership typified the way in which slaveowners at the bottom end of the market increased their slaveholdings, in particular single and widowed women.¹⁶⁶ Although Lourença made no reference to the fact that her male slaves, some of which were described as being "de muito pouca idade", were the sons of her Angolan female slave, Joaquina, the free coloured in general, as well as rural smallholders, tended to rely on the natural reproduction of their enslaved women to increase the size of their slaveholdings.¹⁶⁷ Both the economic uncertainties of the region during the nineteenth-century and the end of the trans-Atlantic slave trade in 1850 put the costs of imported enslaved Africans beyond the reach of the majority of this sector of society.

Indeed, this model of slave-ownership, with one important difference, was adopted by Roza Maria da Conceição, the owner of the largest slaveholding among *Africanas* in this study. In her will and testament of 1838 she declared ownership of five adult, African males, one of which was Nagô, four adult African females, comprising three Nagôs and one Benin, plus sixteen *crias*.¹⁶⁸ The balance of male and female slaves is unusual, and the large number of *crias* suggests that these may well have been children of African

¹⁶⁵ APEB, Sec. Jud., LRT, no. 19, folhas 194-99.

¹⁶⁶ Higgins, "Licentious" chapter 5.

¹⁶⁷ B. J. Barickman, *A Bahian counterpoint: sugar, tobacco, cassava, and slavery in the Recôncavo, 1780-1860* (Stanford: Stanford University Press, 1998), 141-61. See also Karasch, "Free women" 249-50.

¹⁶⁸ APEB, Sec. Jud., LRT, no. 27, folhas 148-50.

slave couples. Roza Maria was a married African woman with a husband of thirty-four years, Manoel Pereira Lopes. The couple remained childless for the duration of their marriage and neither of them had children before they married either. Although Roza Maria noted her own origin as “da Costa d’Africa” her husband’s origin was not mentioned. While it is not impossible that this was one of those marriages that proved the exception to the rule, it would be unlikely that Roza, being African, would have been married to a white man.¹⁶⁹ Beyond that, though, it is impossible to infer anything about her husband. It is worth noting, though, that Roza was the owner of a number of properties comprising four houses “de pedra e cal”, one of which was Roza’s home, plus one “caza terrea” and one “de taipa”.¹⁷⁰ However, the relatively modest value of her real estate meant that in terms of total value, Roza’s assets were worth less than that of her nearest rivals in terms of proprietorship.

The two wealthiest African freedwomen stand out from the rest of the women in this study because of the high value of their real estate and not just the size of their slaveholdings. One was Maria Joaquina Vitoria da Conceição, wife of Vitor Teixeira Barbosa de Nazareth, both *Africanos libertos*. Maria Joaquina was the owner of four adult Africans, two males and two females, plus six *crioulos* ranging from 6 to 18 years of age, valued in total at almost 6 contos.¹⁷¹ In addition, Maria Joaquina owned four houses worth a total of 10 contos and an orchard worth 4 contos. Alongside Maria

¹⁶⁹ See Mattoso, “Slave” 70, who found that “[m]ixed marriages among free people were not numerous, (8.4% of marriages) and never involved blacks”.

¹⁷⁰ The correspondence between the number of enslaved couples and number of homes owned by Roza Maria may well be a coincidence, but it an interesting one which lends support to the idea of her slave-ownership being based around nuclear-type enslaved families.

¹⁷¹ Only two of these *crioulos*, Cosme (6) and Francisco (6) were noted as being children of the adult female slaves, respectively, Felicidade and Rita. APEB, Sec. Jud., Testamentos e Inventários, 04-1906-2377-02.

Joaquina we find Justina Maria da Conceição, a “solteira” mother of three grown-up married children, only one of which had survived as long as she had, and a grandmother of five. She was the owner of thirteen slaves valued at 11 contos 300 mil réis, comprising two enslaved African women of similar ages, and nine *crioulos* aged 8 to 29 years of old.¹⁷² In terms of real estate, Justina owned a valuable property in the parish of Pilar, part of the commercial district adjacent to the port. This building had three floors, including a basement and shop. The building was valued at 6 contos. Justina also had 1 conto 100 mil réis deposited in the Caixa Econômica.

In terms of slave-ownership these women all had broadly similar profiles with one difference. The two married women, Roza and Maria Joaquina, appeared to have opted for enslaved African couples to increase their slaveholdings, whereas the enslaved African women owned by Justina and Lourença, both *solteiras* themselves, were also *solteiras*. Could it be that the married status of Roza and Maria Joaquina introduced an element of moral imperative to their ideology of slave-ownership, or was this simply a coincidence of commercial common sense, or a reflection of the greater combined material wealth of married couples?

3.15 Markets and mobility.

For sure, there were other aspects to wills and testaments of these women that made their racial differences less relevant than they appear in terms of the material wealth alone. Regarding religiosity, for example, the majority of both *Africanas* and *Brasileiras*

¹⁷² Margarida’s age was noted as 50 and Rita’s as 49. APEB, Sec. Jud., Testamentos e Inventários, 04-1785-2255-03.

professed to be devout Catholics and belonged to similar brotherhoods.¹⁷³ Many also owned items of gold jewellery and made devotions to saints in their homes. Nonetheless, it worth exploring what the possible conditions were that gave rise to the differences in terms of material wealth that emerge around the racial profiles of the women in this study.

First, it appears that there may be a very obvious and simple explanation for the different profiles of *Africanas* and *Brasileiras* that emerge in this study; that is, the married and wealthier *Brasileiras* belonged a different socio-economic constituency in which status and colour were not mentioned or recorded. In this way, the racial identity of mixed-race *Brasileiras* in particular disappeared from the records. However, taking into account the patterns of manumission and occupational hierarchies obtaining in nineteenth-century Salvador makes this explanation less plausible, particularly for *crioulas*. Although *crioulas* constituted the minority of the free coloured population in nineteenth-century Salvador, their presence was very much apparent in police and criminal records. Findings from a study of female criminality in nineteenth-century Salvador indicate that *pardas* and *cabras* comprised 35 per cent of women imprisoned between 1857 and 1888, and *crioulas* another 47 per cent. In comparison, the two groups of women at opposing ends of the social spectrum, African and white women, comprised 12 per cent and 2 per cent respectively.¹⁷⁴ It would appear that those in between belonged to what Aufderheide called the “patronless poor” for whom the absence of a husband or *senhor* made their

¹⁷³ On black brotherhoods in Brazil, see Kiddy, “Ethnic” and “Congadas”; Julita Scarano, *Devoção e escravidão: a irmandade de Nossa Senhora do Rosário dos Pretos no distrito diamantino de século xviii* (São Paulo: Companhia Editora Nacional, 1976); Patricia A. Mulvey, “Black brothers and sisters: membership in the black lay brotherhoods of colonial Brazil,” *LBR* 17.2 (1980): 253-79.

¹⁷⁴ Pinto, *Criminalidade* 55, 63.

status both questionable and threatening.¹⁷⁵ The predominance of black and mixed-race women in prisons in the latter half of the nineteenth-century, then, confirms that poverty rather than marriage to white men, as Ramos has argued for eighteenth-century Vila Rica, was the most likely destiny for the majority of these women.

Indeed, findings from this study confirm that marriage made a discernible difference in terms of mobility. Although *Africanas* had a demographic advantage in the marriage market, *crioulas* were at a comparative disadvantage, while light skinned *pardas* and mulattas enjoyed a greater degree of racial advantage.¹⁷⁶ This suggests that the momentum of mobility generated through manumission was at its greatest for that first generation of African freedwomen, and it was a momentum that could only be reproduced at the point which subsequent generations of females were sufficiently 'white' enough to attract white husbands. The lack of references found to African descent beyond two generations removed from enslaved status suggests that either denial or disguise of blackness was common place, or that the majority of third generation female descendents were sufficiently white and/or wealthy not to have cause to mention it.

As such, the dynamics of the demographics of gender, race and status intersected in the marriage and occupational markets of the free coloured in such a way as to differentiate access to socio-economic ascension for each subsequent generation of Afro-Brazilian women. In this sense, married *Africanas* who made wills and testaments not only

¹⁷⁵ The phrase is taken from Aufderheide, *Order* 14.

¹⁷⁶ Parés, "O processo" 124-25.

represented the more economically integrated and creolised sector of freed Africans in nineteenth-century Salvador as Oliveira points out, but it is possible that they were economically more significant in this sector than were married Brazilian *libertas* among the free coloureds.

Consequently, the findings from this study suggest some differences in levels of material wealth between freed *Africanas* and freed *Brasileiras*, the explanation for which can be found in the intersection of race and gender in the urban economy. The economy, in this instance, includes the markets for material as well as social resources, for productive as well as reproductive and restorative labour. In this sense, although the study of mechanisms of integration by scholars Klein and Luna is more extensive in its range of sources than this study, their framework for measuring mobility is restricted to an analysis of competition for material resources only. Furthermore, although the authors recognise women's disadvantaged position as an *outcome* of competition for land and labour in the market economy, they do not recognise the gender differentiated position of women in that market as a *cause*.

For the majority of women in nineteenth-century Brazil when marriage did occur it clearly enhanced mobility, and for the majority mobility was difficult to engender through occupation alone. In this sense social and material resources were inextricably linked. The high levels of poverty associated with single female headed households are testament to this, as are the figures for female criminality in nineteenth-century

Salvador.¹⁷⁷ Hence, the marriage market was as much a part of the market economy as was labour and land. Indeed, the fact was not lost on socially aspiring and upwardly mobile men either. However, the prospects of marriage were not the same for all women. In fact, similar to the findings of Slenes and Faria for the south east, those of this study suggest that the prospects of marriage for freed African women were better than for other freedwomen.¹⁷⁸

As Mattoso has proposed in her study of family structures in nineteenth-century Bahia, African women enjoyed a privileged status in a marriage market in which endogamy was the preferred pattern of marriage selection.¹⁷⁹ In line with findings for African women on sugar plantations of the Bahian recôncavo and on coffee plantations in the south east of Brazil, the gender imbalance in the African population in Salvador meant that African women were more highly prized in their marriage pool than Brazilian black women were in theirs.¹⁸⁰ In general though, the freed as a social group was predominantly female, compounding the problems of mobility for freed *crioulas*, mulattas and *pardas* in this group. But, the omission factor suggested by the invisibility of lighter skinned women in the sources indicates that those *pardas* and mulattas who did manage to marry were probably the least likely to declare their slave and African ascendancy through status or skin colour. The freed and free coloured Brazilians who did achieve racial integration

¹⁷⁷ Karasch, "Free women" 257. See Barickman and Few who take up of the question of independence versus poverty raised by Donald Ramos in his study of women in Vila Rica, Minas Gerais. Barickman and Few, "Ana Paulinha" 193; Ramos, "Single".

¹⁷⁸ Slenes, *Na senzala* 70-79. Faria found the marriage market restricted for *crioulas* in general and higher levels of illegitimacy among *crioulas* than *Africanas* in rural parishes of nineteenth-century Rio de Janeiro. Faria, "Família" 121-22. Parés, "O processo" 124, arrived at similar conclusions for nineteenth-century rural Bahia.

¹⁷⁹ Mattoso, *Bahia* 163.

¹⁸⁰ Holt, "Marriage" 35-36; Slenes, *Na senzala* 70-79.

were thus rendered invisible as a pre-requisite for such integration was the assumption of whiteness.¹⁸¹ For Africans, though, racial integration was not an option.

Thus, although African women could not achieve racial or social integration to the same extent as their light-skinned descendants by denying or disguising their African heritage, they could achieve a degree of economic integration through their income earning activities in the local marketplace where they were known to predominate.¹⁸² Although it may well be the case that, as has been argued for other urban centres in Brazil, the relative economic success of African women in local markets made marriage less of an imperative for them than for women of other racial groups, African women in Bahia did have an advantage in the marriage market not enjoyed by other groups of *escravas* and *libertas*.¹⁸³ The combination of relative advantage in the marriage market with access to income earning activities as street sellers, not only enhanced the prospect of marriage for African women but also made the condition of marriage for them more prosperous.

However, it should be noted that this economic mobility operated along a horizontal axis of integration and was restricted in scope to a very specific set of occupational positions. In addition, because this mobility was engendered by the enterprising endeavours of African women and coalesced around their ethnic identities, their mobility did not pose a threat to the overall racialised and gendered hierarchy of Brazilian slave society, even if it

¹⁸¹ Mattoso, *Bahia* 97-98, found numerous inconsistencies between 1872 census materials for Bahia, for the categories of both race and gender which she interprets as indicative of a strong tendency for passing among both men and women, black and mulatto.

¹⁸² Paiva, *Escravos* chapter 3, especially 120-26.

¹⁸³ Silvia Maria Jardim Brügger, "Legitimidade, casamento e relações ditas ilícitas em São João del Rei (1730-1850)," in *Anais do ix seminário sobre a economia Mineira*, vol. 1 (Diamantina: Cedeplar, UFMG, 2000), 37-64; Faria, *Sinhás*. Both make a case for *forras Africanas* rejecting marriage and opting for single status so as not to have to divide their wealth with spouses.

did “stretch the limits of gendered spaces” in urban centres as Mena has argued for nineteenth-century Havana.¹⁸⁴ As Higgins notes, the high numbers of propertied *forras* in eighteenth-century Sabará were found to own land and slaves but not in those areas of the economy “perceived to be the most lucrative by the colonists”.¹⁸⁵

Furthermore, although ethnicity has been interpreted as a primary tool of slave resistance, particularly in the case of Brazil, for the African *ganhadeiras* of nineteenth-century Salvador their success in the market place was due to not just to their strong sense of ethnicity and industry, but also a strong element of creolisation, or *ladinização*.¹⁸⁶ As Soares found from adverts for enslaved and freed female labour in nineteenth-century Salvador, in order to make a success of working in the street “era preciso ser muito “ladina”, astuta, que dominasse o português e ...conhecesse o serviço”.¹⁸⁷ It is perhaps to be expected, then, that African freedwomen, who were both Christian and married were among the most prolific property owners in the freed and free coloured population.

Returning to an Africanist perspective, though, it is worth recalling how when enslaved Central Africans arrived in Brazil they came armed with a cultural arsenal that “already included significant mixing with European culture”.¹⁸⁸ Subsequently, they reinterpreted elements of Western Christianity within an African cosmological frame of reference in order to re-formulate an African racial identity in the New World which, in the case of

¹⁸⁴ Mena, “Stretching”.

¹⁸⁵ Higgins, “Licentious” 158.

¹⁸⁶ Parés, “O processo” 93, in reference to personal comment made by João José Reis. A similar case about *ladinização* is made for nineteenth-century Rio de Janeiro by Florentino, “Alforrias”.

¹⁸⁷ Soares, “As ganhadeiras” 61.

¹⁸⁸ Kiddy, “Who” 154.

Brotherhoods produced a degree of social integration through a sense of “civic belongingness”.¹⁸⁹ Likewise, it should perhaps be no surprise that West Africans in Brazil, from a region where women had a strong entrepreneurial tradition and one which had the longest history of slave trading across the Atlantic, were also adept at adapting Western concepts of proprietorship to their own material advantage as a way of moving from a position of economic marginality to one of economic belonging.¹⁹⁰

3.16 Lourença’s last words.

Returning to Lourença, her own experience of freedom provided the cultural and political script for the terms and conditions of her own slaves’ freedom as well as their treatment as slaves. That script was firmly rooted in the language of patronage and was designed to produce thoroughly creolised and integrated members of society who would prove ‘useful’ to that society and to themselves. Lourença’s framework for integration emerged not just from the extent of exposure to the creolised culture of her own employers’ household, but also from the reality that free society offered black women like her few, if any, alternatives. Lourença, as a *crioula*, would have been aware that her chances of marriage were slim and that as a single, black woman economic independence would be accompanied by insecurities that could be difficult to endure alone. In this sense, dependency on her employers was a pragmatic, even strategic choice.

¹⁸⁹ Kiddy, “Congadas” 48.

¹⁹⁰ In this sense, the link between marriage and proprietorship among freed *Africanas* in this study provides both a point of departure and a point of similarity with the Minas women found in Faria’s study of south east Brazil, as freed married *Africanas* rather than *solteiras* were the most wealthiest here but both enjoyed higher levels of wealth than *crioulas*. See Faria, *Sinhás*, especially 232-40.

But despite the fact Lourença lived with her employers and died in debt to them, she had managed to insert herself into the local economy in ways familiar to some of her more prosperous African foremothers. The way in which she bequeathed her assets indicates that Lourença's slaves worked *ao ganho*, in the street for her. This is made clear in the conditions set down for her sister's inheritance. Lourença left Ana Francisca one of her male slaves, Vicente, whom she had ten years to claim. But Ana was only entitled to claim the "products of his labour" from the time she claimed ownership. Until then Sr. Monteiro had the right to keep his earnings. In addition, although Lourença left small sums of monies to her nieces and nephews and their respective children, she died owing Sr. Monteiro for her treatments in ill health. She repaid this debt with one of her male slaves, Damião, whom she also allowed to be freed through self-purchase. That money, though, would be paid to Sr. Monteiro.

Finally, Lourença also owed Sr. Monteiro the sum of 51 mil reis, 11 of which was for *baleia* (whale meat) which she had bought from him, and 40 mil reis which she had lent to Miguel Lopes, the father of her "nephew Faustino". While her other nieces and nephews received modest sums of 10 mil reis each, Faustino was to inherit 100 mil reis which he could only claim in person on his twenty-fifth birthday from none other than Sr. Monteiro. The logic and emotions that lay behind Lourença's discriminations and decisions can only be guessed at, but it looks as if she expected Miguel to re-pay his own debt in return for favouring his son, and that she expected Sr. Monteiro to overlook the small sum she owed for the whale meat in return for the profits he would make on his newly acquired enslaved assets. These were the calculations made by a woman who was,

as Lourença stated in the opening of her will and testament, “of perfectly sound mind and judgement”.

3.17 Conclusion.

The language of gratitude and humility adopted by Lourença in her will and testament belies the business-like nature of her relationship with Sr. Monteiro. The debt owed for the whale meat is very revealing in this respect. When other sources of meat were scarce and expensive (often the case in nineteenth-century Bahia), whale meat was particularly popular among the poor and sold by *ganhadeiras* from *quitandas* or market stalls on the street.¹⁹¹ However, it was seasonal so could be lucrative too.¹⁹² But this was a relatively small sum of money Lourença owed, roughly equivalent to a few days pay for a servant in 1840.¹⁹³ It can only be assumed that Lourença either needed the meat to feed herself and her slaves, or she was selling it on for profit through their work *ao ganho*.

The findings from this study indicate that Lourença’s involvement in petty commerce and her propensity for slave-ownership were part and parcel of the legacy of both her gender and race in Brazilian slave society and represented key elements of her own personal

¹⁹¹ See Soares, “As ganhadeiras” for a description of ways *ganhadeiras* worked. Whale meat is mentioned in the context of slave diets and deficiencies in Kenneth F. Kiple, “The nutritional link with slave infant and child mortality in Brazil,” *HAHR* 69.4 (1989): 638. The uses of whale meat are also mentioned in Stuart B. Schwartz, “The mocambo: slave resistance in colonial Bahia,” *Journal of Social History* 3.4 (1970): 316, and Schwartz, *Sugar* 138.

¹⁹² Whale meat was highly seasonal, only available between June and September and therefore potentially a very lucrative business. See Soares, “As ganhadeiras” 64; Ubiratan Castro de Araújo, “1846: um ano na rota Bahia-Lagos. Negócios, negociantes e outros parceiros,” *Afro-Ásia* 21-22 (1998-99): 22. On whaling in nineteenth-century Bahia, see Wellington Castellucci Junior, “Pescadores e baleeiros: a atividade da pesca da baleia nas últimas décadas dos oitocentos Itaparica: 1860-1888,” *Afro-Ásia* 33 (2005): 133-68. On the whaling industry in general during the colonial period, see Dauril Alden, “Yankee sperm whalers in Brazilian waters, and the decline of the Portuguese whale fishery (1773-1801),” *The Americas* 20.3 (1964): 267-88.

¹⁹³ Mattoso, *Bahia* 546-51.

trajectory of creolisation. Indeed, it was through her status as a slaveowner that Lourença expressed some of the strongest sentiments of creolisation. Residence with her employers surely shaped those sentiments too. But, it may well be the case that Lourença resided with her employers due to a lack of suitable alternatives for patronage and mobility, as opposed to a simplistic desire for a greater degree of integration into a slave owning society. Clearly too, integration was often the indirect result of the need to simply survive in a slave society like Brazil; permanent marginality often being the alternative.

Whether or not Lourença made a conscious decision and concerted effort to integrate in the precise ways her will and testament suggests we cannot be sure, but her decisions constituted a degree of integration none the less. Whatever the case may be, Lourença's version of integration drew on key components of creolisation that were material, social, economic and cultural. Moreover, this was a version of integration in which freed Africans as well as freeborn black Brazilians acknowledged proprietorship in general and slave-ownership in particular as viable mechanisms for mobility and legitimate markers of belonging.¹⁹⁴

This idea of slave-ownership as a maker of belonging for the formerly enslaved and not just a measure of status and power, helps understand the complexities of their relationship with the institution and provides some insights into their attitudes and behaviour towards it. Proprietorship for the freed as well as the free coloured, whether in slaves or real estate, was a recognised and viable mechanism for mobility. But from a gendered

¹⁹⁴ Reis, *Slave* 13, observes how in nineteenth-century Salvador “[t]here was [...] a widespread commitment to slavery among the free classes. Maintaining slavery was not just the aim of a handful of wealthy individuals”.

perspective, slave-ownership as a form of proprietorship provided a more accessible and elastic form of investment than real estate. Furthermore, ownership of enslaved females, the preferred form of slave-ownership among freedwomen in this study, could produce immediate returns for those of limited means, as well as reproduce enslaved assets, and provide restorative labour through sustenance, security and company in the absence of husband and family.

According to Mattos, “a liberdade potencializa a propriedade”.¹⁹⁵ However, the potential for freedom was not the same for enslaved men and women, as women were more likely to be freed than men. Conversely, the potential for proprietorship was not the same for freedmen and freedwomen, as they brought with them into freedom different levels of skills and wealth. Furthermore, the ways in which the demographics of slavery and the patterns of manumission interfaced meant that African women in slavery and freedom were more likely to be married than their *crioula* counterparts. Therefore, if a similar case can be made for freed West African women in Salvador to that made by Faria for Minas women in Rio de Janeiro, then it may even be the case that the wealth of African women made them more attractive as marriage partners in a marriage market where they were already demographically advantaged. In this sense, it was possibly higher levels of ‘initial wealth’ that led to marriage for these women, not the status of marriage itself that increased their levels of wealth. However, the same does not appear to have been the case for *crioulas*, and the lack of reference to skin colour for other freed and free coloured women makes comparison difficult.

¹⁹⁵ Mattos, Das cores 81.

The sparseness of wills and testaments for *crioulas* in nineteenth-century Salvador cannot be offset against an abundance of wills and testaments for *pardas* in the way Mattos found for the south east of Brazil. Instead, the intersection of the slave labour market economy with the demographics of race and gender allowed for the unintended consequence of producing a degree of economic advantage for entrepreneurial enslaved and freed African women in the local marketplace. This economic advantage was reinforced by a demographic advantage in the marriage markets which in relative terms produced an elite group of African women among freedwomen.

In the absence of demographic advantage and in a highly stratified and competitive labour market *crioulas* may well have found marriage and wealth more difficult to secure. Such evidence provides a point of departure to Mattos's case for the use of 'the family' as a form of social capital. Men – regardless of race or status – could both diversify and increase their wealth by establishing a 'family' but did not *need* to marry to do so; they could and frequently did cohabit instead. Findings from this study, from Ramos for Vila Rica, evidence from Mattos for the south east and Klein and Luna for São Paulo, among others, indicate that this was not the case for women as they did not increase wealth through cohabitation in the same way men did. Liberty and family, then, as Mattos has argued enhanced the chances for proprietorship and with it mobility, but just as captivity was a gender differentiated experience, so too was freedom, including mobility. The next section then explores the different ways in which martial status impacted upon family life for enslaved and freedwomen, and the ways in which they attempted to make their families a viable, stable and legitimate means of belonging.

SECTION FOUR
THE ENSLAVED FAMILY:
UNITY, STABILITY AND VIABILITY.

4.1. Introduction.

In the previous section it was demonstrated how the dynamics of the urban slave labour market produced a demographic that was favourable economically to African women and potentially more favourable socially to mulattas and *pardas*. For *crioulas* the demographic was less favourable both economically and socially. However, studies of by Mattoso and Nascimento demonstrate how the internal dynamics of the slave economy and demographics of the nineteenth-century port city and provincial capital of Salvador made family formation problematical for all groups. Studies of São Paulo and Rio de Janeiro by Dias, Kuzensof, Karasch, Soares and Lauderdale Graham confirm how the inequalities of market forces obtaining in these cities produced conditions that were particularly unfavourable to women, but freed and free coloured women were disadvantaged in both marriage and labour markets. More recent studies by Slenes, Florentino and Goes, Faria, and Holt, however, have revealed that enslaved and freed African women had better chances of marriage than their African male and Brazilian female counterparts. Building on the comparative work thus far in this study, then, this section addresses questions of stability, unity and viability among enslaved families and their descendants in Bahia for the period 1830 to 1888.

This section examines in closer detail the demographic patterns and modes of enslaved family formation. It commences with an overview of the historiography of the slave family in Brazil, highlighting the conditions under which slave families are believed to have had the greatest potential for formation and viability as well as the conditions that posed the greatest obstacles to constituting and maintaining them. The remainder of this section is divided into four parts and draws attention to the varied

modes of slave family formation in both rural and urban settings, but particularly on smallholdings.

The case studies furnish examples of the multiple ways in which the enslaved constituted their families, the nature of the obstacles they encountered in the process, and the ways in which they responded to these obstacles. The cases cover the lives of African, *crioula*, and *parda* enslaved and freedwomen at different stages of family formation. There are incidences of cohabitation with slaveowners, sole mothers, slave marriages, and slave-free marriages.¹ Most importantly, these cases dramatise the lived experience of the struggle to establish, protect and defend families be it within conditions of captivity or across the slave/free divide.

The first set of case studies focuses on African motherhood in Salvador. These cases, on the face of it, appear to confirm the interpretations of instability for urban enslaved family life. However, the case histories themselves point to some very specific problems for enslaved and freed African mothers that cannot be told through hard statistical data on marriage patterns. The second set comprises two cases of cohabitational relationships of enslaved women with their male owners, with whom they also had children. The third set comprises three cases where the slaves involved were married. These cases came about, as do some other cases, as a result of anti-abolitionist actions in the post-1872 period. The fourth set comprises three cases of those statistically rare incidents of slave-free marriage.

¹ The term 'cohabitation' is used here to describe the conditions whereby an enslaved woman lived with her male owner and was involved in sexual relations with him. However, there is no satisfactory term to describe this relationship. The women in these cases made it clear how they viewed their relationship, and it was not necessarily that of mistress or concubine. The terms live-in-lover or partner are inappropriate for this historical context, but in some respects they may be closer to how the women themselves viewed their status, or at least closer to how they wished their relationships to be perceived

Collectively, these cases address two main issues in the historiography of the slave family in Brazil. First, is the question of stability and sanctity of slave marriages in nineteenth-century non-plantation settings. Second, is the place of mixed-race/mixed status households in existing interpretations and theories about slave families and the implications of this for understanding the history of the Brazilian family in general. Finally, these cases provide a broad spectrum of 'slave' family formations and suggest the need to re-consider concepts of enslaved family formations, particularly for the nineteenth century. Collectively these cases demonstrate how enslaved families perceived familial stability and unity as linked to the condition of freedom. Ultimately, though, freedom could divide families as well as unite them.

4.2 The historiography of the Brazilian slave family: an overview.

For much of the twentieth century, the legacy of slavery for the black family was a major concern of academics and politicians alike in the United States. In post-depression studies of slavery and race by Franklin Frazier, Kenneth Stampp, and Stanley Elkins, the 'pathology' of the black family gained currency.² Followed up by the Moynihan report of 1965 the black American family officially became a national 'problem'.³ According to the thinking at the time, black Americans had never been capable of overcoming the socially destructive conditions of slavery which devalued the role of the slave father, and produced in him a greater inclination to criminal behaviour, leaving the slave family in the hands of women. The result was that

for the purposes of their Ações de Liberdade.

² Edward Franklin Frazier, The free negro family: a study of family origins before the Civil War (Nashville: Fisk University Press, 1932); Kenneth Stampp, The peculiar institution (New York: A. A. Knopf, 1956); Stanley M. Elkins, Slavery: a problem in American institutional and intellectual life (Chicago: University of Chicago Press, 1959).

³ Daniel Moynihan, The negro family in America: the case for national action (Office of Planning and

illegitimacy and instability were regarded as hallmarks of the black American family, and both were associated with a form of matriarchy, an anathema to the culturally privileged nuclear family.⁴

In comparison, in the historiography of Brazilian slavery (and for that matter race) discussion of the slave family was conspicuous by its absence until the latter decades of the twentieth century.⁵ Although the slave and black family may be a relatively recent academic concern in Brazil, the same cannot be said about the 'Brazilian' family.⁶ Indeed, Gilberto Freyre portrayed the sugar plantation patriarchal family as a model of Brazilian family life, and made it the lynchpin of his theory of race mixture, arguing that this model engendered a unique pattern of race relations through a family type that was extensive and extended, *natural* and legitimate, white, black and *mulatto*, slave, freed and free.

However, all meaningful relations emanated from the patriarch and plantation owner and power resided with him. Although slaves did feature in this interpretation they did so only as a weak branch of the very extensive family tree of the plantation slave-owning family. They did not, according to Freyre form families of their own. In fact, Freyre fails to mention slave family formation at all, and instead there is an implicit

Research, United States Department of Labor, 1965).

⁴ For a contemporary response to this, see Robert Staples, "The myth of the black matriarchy," *Black Scholar* Jan. (1970): 8-16.

⁵ It is worth noting that even though the role of the family in slave communities and culture is now a central concern of scholars of Brazilian slavery, at the time of writing this study there was no comparable work to Herbert Gutman's on the history of the Brazilian black family. Herbert G. Gutman, *The black family in slavery and freedom, 1750-1925* (Oxford: Blackwell, 1976). For an overview of Brazilian scholarship on the slave family, see Robert W. Slenes and Sheila de Castro Faria, "Família escrava e trabalho," *Tempo* 3.6 (1998): 1-7; José Flavio Motta, *Corpos escravos, vontades livres: posse de cativos e família escrava em Bananal, 1801-1829* (São Paulo: Annablume, 1999), chapter 4; Robert W. Slenes, *Na senzala, uma flor: esperanças e recordações na formação da família escrava, Brasil sudeste, século XIX* (Rio de Janeiro: Nova Fronteira, 1999), chapter 1.

⁶ Gilberto Freyre, *Casa grande e senzala: formação da família Brasileira sob o regime de economia*

argument (as opposed to the explicit but essentially the same one as Elkins and Stamp), that the overwhelming influence of the slaveowner (his male relatives and sons too) through sexual abuse of enslaved females and the break up of slave families, rendered slave family formation untenable. Consequently, promiscuity and illegitimacy prevailed in the slave community.

Even for Brazilian sociologists of the sixties and seventies the slave family still remained invisible. Florestan Fernandes and Roger Bastide concluded that slavery had destroyed family values among slaves rendering the slave family in a state of “anomia”.⁷ The black family in Brazil remained in a continual state of ‘disorganisation’, with abandoned children and ‘spurious’ sexual relations.⁸ This analysis was similar to that of the United States and Fernandes also attributed a pathology to the black family in Brazil, by which descendants of slaves had become psychologically scarred to the point of being unable to form the necessary bonds to establish stable families.

But the understandable and justifiable demonisation of the slaveowner, along side the emphasis on the psychological trauma of slavery, rendered any form of slave agency either invisible or inconsequential. As a result, even when the slave family was recognised it was described as fragile and unstable and regarded as an inadequate category for historical analysis. Even more probing and sympathetic studies by eminent historians such as Stanley Stein, Emília Viotti da Costa, and Katia Mattoso

patriarcal (Rio de Janeiro: Maia e Schmidt, 1933).

⁷ Roger Bastide, Branços e negros em São Paulo: ensaio sociológico sobre aspectos da formação, manifestações atuais e efeitos do preconceito de cor na sociedade paulistana (São Paulo: Companhia Editora Nacional, 1959); Florestan Fernandes, A integração do negro na sociedade de classes (São Paulo: Editora Domínus, 1965).

⁸ Fernandes, A integração 95-96.

produced very little change in the essential assessment of the enslaved family despite their instructive analysis of the overall system of Brazilian slavery. The emphasis on promiscuity and instability remained.⁹

Attempts to revise these views began in earnest in the late seventies, notably with studies by Richard Graham and Robert Slenes.¹⁰ These studies concentrated on establishing the demographic significance of slave marriages and unions and revealed that the majority of slaves spent most of their adult life with one partner although enslaved women may have had children with others beforehand. Graham found particularly high levels (55%) of ‘man and wife’ slave unions, but notes his findings must be treated with caution.¹¹

The Fazenda Santa Cruz, just outside Rio, was, according to the author, “one of the largest holdings of slaves at any time anywhere in the Americas”.¹² This was a Jesuit run estate of 1347 slaves whose focus of commercial activity was cattle ranching and the production of staples for the urban market. This type of slaveholding was highly unusual on a number of counts. First, in its size, possibly the largest in Brazil. Second that it engaged in non-plantation, non-export production for domestic markets, and third for having more enslaved females than males. Finally, while this was not the only estate owned by a religious order in Brazil the influence of religious life on the estate cannot be overlooked. Indeed, the family stability evident in this study

⁹ Stanley J. Stein, Vassouras: a Brazilian coffee county, 1850-1900 (Cambridge, MA: Harvard University Press, 1958), 155-56; Katia M. de Queirós Mattoso, Ser escravo no Brasil, 1550-1888 (São Paulo: Brasiliense, 1982), 126-27; Emília Viotti da Costa, The Brazilian empire: myths and histories (Chapel Hill: University of North Carolina Press, 2000), 135-36.

¹⁰ Richard Graham, “Slave families on a rural estate in colonial Brazil,” Journal of Social History 9.3 (1976): 382-402; Robert W. Slenes, The demography and economy of Brazilian slavery, 1500-1820 (PhD diss., University of Stanford, 1976).

¹¹ Graham, “Slave” 386-87.

could have been affected by a number of factors. As a religious order the estate would not have been subjected to inheritance laws which brought about the separation of slave family members on other estates and religious orders were more likely to emphasise the importance of Christian rituals such as marriage and baptism among their slaves.¹³

A study of the slave family by Costa, Slenes, and Schwartz examined the 1801 manuscript census of four of the eight *Companhias de Ordenanças* for Lorena (São Paulo), with 162 *escravistas*.¹⁴ Most of the slaveowners owned no more than 4 slaves (63%) but most slaves lived in units of 10 or more (53.5%). The authors concluded that slave family life was more precarious in smaller units, but they still found a high number of slaves (47%) living alone in the region. Only 28.3 per cent of the male slave population of this area were married or widowed and 33.4 per cent of slave women. This could be attributed to the high proportion of recently imported Africans to the region which created an imbalance in the sex ratio. Nonetheless, there were more married or widowed men and women on holdings with over 15 slaves which also had higher rates of reproduction, above average numbers of children and fewer sole mothers. Also, 70.6 per cent of all legitimate births were found on large slaveholdings (15 and above) and only 39.4 per cent of all illegitimate births (*naturais*). These findings led the authors to the conclusion that “[o]s grandes planteís ofereciam, pois, ambiente propício ao intercuro sexual regularmente consagrado pela igreja e a constituição de famílias escravas estáveis”.¹⁵

¹² Graham, “Slave” 382.

¹³ Graham, “Slave” 383.

¹⁴ Iraci del Nero da Costa, Robert W. Slenes, Stuart B. Schwartz, “A família escrava em Loreno, 1801,” *Estudos Econômicos* 17.2 (1987): 245-95.

¹⁵ da Costa et. al. “A família” 294.

A study of the 1872 slave registry for Campinas confirmed the significance of slaveholding size for slave family formation and stability.¹⁶ Herein, Slenes found that the number of slave marriages increased with plantation size in this coffee-producing region. In plantations with over 10 slaves 87 per cent of all mothers were either married or widowed.¹⁷ For smallholdings with less than 10 slaves this fell to 37 per cent. Slenes also found that for women of different age cohorts the percentage of those married remained consistently higher on plantations with over 10 slaves.¹⁸ Significantly, he also found that most children were born within the bounds of marriage on larger plantations and were more likely to live with both parents.¹⁹ In line with other studies for Brazil, Slenes has confirmed that the potential for slave family stability increased with plantation size.²⁰

In a study by João Fragoso and Manolo Florentino of post-mortem inventories of planters for the period 1835-1872 in Parnaíba do Sul greater slave family stability is also associated with the larger plantations. On the 10 largest slaveholdings (1872 only) a third of slaveholdings were found to be organised into families, and that between 12 and 50 per cent of slave families had three generations of family members present on the same *fazenda*.²¹ However, the authors contend that the existence of the

¹⁶ Robert W. Slenes, "Escravidão e família: padrões de casamento e estabilidade familiar numa comunidade escrava. Campinas, xix," *Estudos Econômicos* 17.2 (1987): 217-27.

¹⁷ See also Slenes, *Na senzala* chapter 2, 104 and 78-79. His figures here are slightly different, at 86% and 26% respectively.

¹⁸ Slenes, *Na senzala* 104.

¹⁹ Slenes, *Na senzala* 106.

²⁰ Slenes, *Na senzala* 78-79.

²¹ João Fragoso and Manolo Florentino, "Marcelino, filho de Inocência Crioula, neto de Joana Cabinda: um estudo sobre famílias escravas em Parnaíba do Sul (1835-1872)," *Estudos Econômicos* 17.2 (1987): 151-73. See also Manolo Florentino and José Roberto Góes, "Parentesco e família entre os escravos no século xix," *Revista Brasileira de estudos populacionais* 12.1/2 (1995): 151-67; Manolo Florentino and José Roberto Góes, *A paz das senzalas: famílias escravas e tráfico atlântico, Rio de Janeiro, c.1790-c.1850* (Rio de Janeiro: Civilização Brasileira, 1997), chapters 6 and 7.

slave family could be attributed to its economic viability as a unit of production for the slaveowner. For this reason, Fragoso and Florentino maintain that the stability of the enslaved family reflected the value the owners placed on the enslaved family as an investment (financial and political) in the production of coffee and as a representation of the potential inheritance for his family.²² A more recent study Manolo Florentino and José Roberto Góes of post-mortem inventories from Rio de Janeiro for the period 1790-1830 found that between 55 and 75 per cent of slaves had familial-type relations “através de consangüinidade, e/ou de alianças baseadas no matrimônio e no compadrio”.²³ These familial relations increased in frequency, durability and stability with plantations size, and field slaves were the most likely of all occupational groups to belong to a family.²⁴

Alida Metcalf studied 210 inventories of sugar planters, the majority of which owned less than 10 slaves, from the parish of Santana de Parnaíba (São Paulo) for the period 1720-1820.²⁵ Using a Marxist materialist approach her analysis of the slave family in this region takes into account models of the slave family in the Caribbean and U.S. developed by Barry Higman and Herbert Gutman. In the case of Brazil she argues that the life cycle of the slave family was effected by a number of economic variables outside slaves’ control. Above all, the life cycle of the slaveowner’s family is interpreted as the most decisive factor in determining slave family stability, and the death of a slaveowner as the most critical of all events in the cycle as this resulted in

²² For more details of the calculations, see Florentino and Góes, *A paz* chapter 8.

²³ Florentino and Góes, *A paz* 94.

²⁴ Florentino and Góes, *A paz* 95, 108.

²⁵ Alida C. Metcalf, *Families of planters, peasants, and slaves: strategies for survival in Santana de Parnaíba, 1720-1820* (PhD diss., University of Texas, 1983), 295. See also Alida C. Metcalf, *Family and frontier in colonial Brazil. Santana de Parnaíba, 1720-1820* (Austin: University of Texas, 2005), chapter 6.

the division of an estate and the potential separation of slave families.²⁶

It was at this and other unstable stages in the master's family life cycle that the matrifocal family became more frequent in the short-term, and that the introduction of a cash-crop economy made it more commonplace in the long-term. Her findings are similar to those of Costa et. al. discussed above. First, she finds the solitary male slave to be a "pervasive feature" of her study, with 44 per cent of all male slaves over 24 remaining single, and that a significant number of slaves had no family ties at all. However, among slaves, men outnumbered women in all age cohorts, whereas among the free population it was the reverse. This meant that slave men and free women had the hardest time finding marriage partners and for this reason slave men were more likely to take a free partner than slave women. In agreement with Slenes and Schwartz she finds that most slaves married slaves belonging to the same master. This leads her to conclude that "slaves had less stable family lives than other social groups because they had no control over the mortality of their masters or over the process of inheritance".²⁷ Although Metcalf does point out that the slave family took a variety of forms and that nuclear families were more common than matrifocal families, her insistence on the lack of 'control' of the slaves over their own family formation and the all pervasive influence life cycle of the slaveowner's family, once again detracts from the social significance of the slave family for slaves themselves, and "leaves no room for the slaves as historical actors".²⁸

A part of his study of sugar plantations in Bahia for the period 1550-1835, Stuart

²⁶ For a critique of Metcalf's view, see Cristiany Miranda Rocha, "A morte do senhor e o destino das famílias escravas nas partilhas: Campinas, século xix," *Revista Brasileira de História*, São Paulo, 26.52 (2006): 175-92

²⁷ Metcalf, *Families* 294. See also Metcalf, *Family and frontier* chapter 6.

²⁸ Schwartz, *Sugar plantations in the formation of Brazilian society: Bahia, 1550-1835* (New York and

Schwartz dedicated a chapter to slave demographics and slave family formation.²⁹ Using the Jesuit owned Engenho Santana de Ilheus between 1731 and 1752 as a case study he found a predominance of family units with both male and female partners. The number of slaves in such units also increased during this period from 61 per cent to almost 80 per cent which suggests a change in attitude towards marriage on the part of the Jesuits and possibly the slaves themselves. Here, solitary male or female slaves were by far in the minority and female-headed households fell from 17 per cent of all units in 1731 to 5 per cent in 1752. However, for the Recôncavo in general Schwartz found that levels of illegitimacy for the slave population were two to three times higher than for the free.³⁰ As the author points out these findings are similar to those of Klein for São Paulo in 1800 and the whole of Brazil in 1872.³¹ Both authors also identified endogamous marriage patterns among Africans and *crioulos* and showed how ethnicity and race were major factors in determining a slaves' choice of partner.³²

A recent study of the Recôncavo parish of Santiago do Iguape by Katherine Holt found that marriage was the preserve of "social equals", whether enslaved or free.³³ Although consensual unions were not uncommon among the free white, marriage rates varied between 40 and 50 per cent for this group during the second half of the nineteenth century, whereas for the enslaved the rate never exceeded 12 per cent, and

Cambridge: Cambridge University Press, 1998), 380

²⁹ Schwartz, *Sugar* used Recôncavo parish records for baptisms and marriages and slave lists from the Engenho Santana for 1731 and 1752. See part 3, sections 13 and 14.

³⁰ Schwartz, *Sugar* 389.

³¹ Herbert S. Klein, "Nineteenth-century Brazil," in *Neither slave nor free: the freedman of African descent in the slave societies of the New World*, ed. David W. Cohen and Jack P. Greene (Baltimore: Johns Hopkins University Press, 1973), 321-23.

³² Schwartz, *Sugar* 384-90; Klein, "Nineteenth-century" 325.

³³ Katherine Holt, "Marriage choices in a plantation society: Bahia, Brazil," *IRSH* 50 (2005): 25.

declined as the century progressed.³⁴ Overall, “*pretos* were the least likely of any racial group to form legal unions”.³⁵ However, in 1835 at least, enslaved Africans were more likely to marry than their Brazilian counterparts, and enslaved African women more likely to marry than enslaved African men. For 80 per cent of both enslaved Brazilians and Africans marriage was mostly endogamous.³⁶ Moreover, the likelihood of marriage for all enslaved decreased with slaveholding size, falling to 2.4 per cent on holdings of less than 20 slaves.³⁷ In her study of the cacao producing region in the south of Bahia, Mary Ann Mahony also found that low levels of marriage among the enslaved were linked to the size of slaveholdings and in particular their “limited financial resources” which made it difficult for men and women to find partners on the same slaveholding.³⁸ However, similar to findings by Holt for the Recôncavo, Mahony found that in the south of Bahia, while most of the enslaved who were married were Brazilian, one fourth of all married enslaved men and women were African.³⁹

The studies discussed so far examine slave marriages in rural areas and collectively their findings highlight some key characteristics of slave family life. First, although many slaves did not marry, the opportunities for marriage increased with plantation size, and higher rates of reproduction and legitimate births are also associated with larger estates. Second, although gender imbalance among different cohorts made endogamy impossible for all slave unions, most marriages did not cross boundaries of race or status. Third, when slaves did marry their partners usually belonged to the

³⁴ Holt, “Marriage” 39-40, 31.

³⁵ Holt, “Marriage” 32.

³⁶ Holt, “Marriage” 36.

³⁷ Holt, “Marriage” 36-37.

³⁸ Mary Ann Mahony, “Creativity under constraint: enslaved Afro-Brazilian families in Brazil’s cacao area, 1870-1890,” *Journal of Social History* 41.3 (2008): 642.

same master. Finally, enslaved African women had the highest levels of marriage.

While the demographic study of slave families, and indeed the Brazilian family in general in slave society, continues to be a thriving and productive field, there has been a shift towards understanding the cultural rather than just the statistical significance of slave family life.⁴⁰ In this vein, scholars have addressed questions about the mechanisms of slave family formation, spousal choice, affective ties, relations of kin, fictive kin and patterns of godparentage. Together, the demographic and cultural approaches leave in no doubt the ability of the enslaved and their descendants to form and sustain meaningful relationships, nurture families and create communities and identities in ways that did not automatically mimic the slave-owning family.

With a few notable exceptions most demographic studies of slave family life are of the coffee-producing and mining regions.⁴¹ As Robert Conrad has pointed out, figures produced by the Ministry of Agriculture in 1888 indicate that marriage among the enslaved was more common in São Paulo and Minas Gerais where the coffee economy was the strongest.⁴² In general though, studies for all regions indicate that opportunities for married slave family formations and the potential for slave family stability were considerably reduced for rural small-holdings and urban areas. Nonetheless, slaveholding size was not the only factor that determined slave family formation and viability. As Slenes repeatedly stresses, the significance of local

³⁹ Mahony, "Creativity" 643.

⁴⁰ For an overview of some of the changes in the Brazilian historiography and the role of family and kin in the slave community, see Sheila de Castro Faria, "Identidade e comunidade escrava: um ensaio," *Tempo* 11.22 (2007): 122-46.

⁴¹ Slenes, *Na senzala* 108. As Slenes points out, the high rates of marriage among plantation slaves in nineteenth-century Campinas were not evidenced across the whole of the south-east, adding that his findings cannot be read across to other regions.

⁴² Robert Edgar Conrad, *The destruction of Brazilian slavery, 1850-1888* (Malabar, FL: Krieger, 1993), 20, 216.

factors contributed to conditions that made slave marriage more likely in a particular period and region.⁴³

Consequently, the nature of production, markets, and patterns of slaveholding in urban locations raises a number of distinct questions about slave family unity, stability and viability. In the case of early nineteenth-century Rio de Janeiro, Mary Karasch argues that urban slaves faced a number of obstacles that worked against any attempt to establish affective family relations. First was the gender imbalance, both within the slave population and the general population. This “*escassez de mulheres*” meant that slave men competed fiercely for slave women in “*condições de desigualdade social*”.⁴⁴ As a result, men of ‘status’ were able to “*privava ainda mais os escravos de esposas*”.⁴⁵ This was compounded by the young age profile of the *carioca* slave population, in a society with high levels of infant mortality and reduced life expectancy for adults. Furthermore, many enslaved Africans who arrived in Rio de Janeiro as adolescents “*não sobreviviam até a idade em que poderiam casar-se e compor família*”.⁴⁶

The poor conditions for urban slave marriage, then, compares unfavourably to that of plantation slave marriage. For the period 1835-1852 Karasch found an average of only 37 slave marriages per year for the city of Rio de Janeiro.⁴⁷ A breakdown of marriages over eight parishes of the city for the period 1840-1847 revealed that from among an enslaved population of over 50,000 which constituted around 40 per cent of

⁴³ Slenes, *Na senzala* 110.

⁴⁴ Mary C. Karasch, *A vida dos escravos no Rio de Janeiro, 1808-1850* (São Paulo: Companhia das Letras, 2000), 387.

⁴⁵ Karasch, *A vida* 388.

⁴⁶ Karasch, *A vida* 387.

⁴⁷ Karasch, *A vida* 380.

the total population Karasch found only 67 slave marriages compared to 2149 free.⁴⁸ In the case of the parish of Sacramento, with the largest enslaved population but with an average of only 2.9 slaves per residence, Karasch found only eight slave marriages for the whole period.⁴⁹

Similarly low levels of marriage identified by Karasch for nineteenth-century Rio de Janeiro have been found by Mattoso and Nascimento for nineteenth-century Salvador. In Mattoso's view, the enslaved family in Salvador was "partial" in its formation.⁵⁰ Although she recognises that slave marriages did occur she failed to find any reference to them in the 323 inventories with 1,759 slaves she researched for the period 1851-1860.⁵¹ However, the inventories revealed only a very small proportion of single mothers too, 15 per cent, suggesting that urban slaveowners were perhaps less inclined than other groups to acknowledge (or encourage) slave family relations. In addition, Mattoso found that up to two-thirds of all white children and four-fifths of all black and *mulatta* children were baptised as illegitimate, as well as a pattern of endogamous marriage among free Africans.⁵²

Both Karasch and Mattoso attribute these particularly low levels of marriage to the socio-economic status of the cities as capitals (provincial in the case of Salvador) and port cities, which brought large numbers of foreign (European and African) men to the city. As a demographic sector, port city populations were by nature transitory and

⁴⁸ Karasch, *A vida* 381, 382, 110. The highest number of slave marriages was found for the outlying neighbourhood of Engenho Velho, home to "brasileiros abastados". Here the slave population outnumbered the free and levels of slaveholding were higher than for the rest of the city.

⁴⁹ Karasch, *A vida* 110, 381.

⁵⁰ Katia M. de Queirós Mattoso, *Bahia século XIX: uma província no império* (Rio de Janeiro: Nova Fronteira, 1992), 166.

⁵¹ Mattoso, *Bahia* 166-67.

⁵² Mattoso, *Bahia* 157, 165.

fluctuating.⁵³ Together with the presence of an over-supplied domestic service sector which was the main source of work for enslaved and free women, and the fact that the freed population was predominantly female, there was both high demand and plentiful supply in the market for prostitution.⁵⁴

As other studies have shown, comparable conditions could be found in Salvador, Recife and Fortaleza.⁵⁵ In fact, for Recife, Carvalho points out that “[o] que fica patente, se bem que nunca explicitado, é que havia um modelo intermediário entre a prostituição e o trabalho doméstico”.⁵⁶ In Carvalho’s view, the line between prostitution and domestic slavery was a ‘thin’ one and easily crossed, rendering the position of the “cativa-amante” ambiguous in relation to her owner.⁵⁷ But so too then was that of the ‘dono-amante’ in his relation to her. More importantly, in terms of her labour, the line was probably more blurred than it was thin.

But not all owners of enslaved domestic women were ‘donos-amantes’; in fact, Lauderdale Graham found that the contemporary view in Rio de Janeiro was that most

⁵³ Indeed, from 1872 onwards the overall gender imbalance among Rio’s populace of 60 men to 40 women can be attributed solely to the increasing number of European male immigrants. By 1890, the ratio had improved to 56:44, but the foreign born population was 70 per cent male. See Luiz Carlos Soares, *Prostitution in nineteenth-century Rio de Janeiro*, ILAS Occasional Papers (London: University of London, 1988), 6.

⁵⁴ Richard Lawton and W. Robert Lee, eds., *Population and society in western European port cities, c.1650-1939* (Liverpool: Liverpool University, 2001), chapters 7 and 10, for descriptions of prostitution in European port cities.

⁵⁵ On Recife, see Marcus J. M. de Carvalho, “De portas adentro de portas afora: trabalho doméstico e escravidão no Recife, 1822-1850,” *Afro-Ásia* 29/30 (2003): 41-78. On Salvador, see Luiz R. B. Mott, “Os pecados da família na Bahia de Todos os Santos (1813),” (Salvador: CEB/UFBA, 1982). On Fortaleza, see Eni de Mesquita Samara and Eliane Cristina Lopes, “Meretrizes e seus domicílios na população de Fortaleza: um análise preliminar em 1887,” in *XI encontro nacional de estudos populacionais da APEB* (Universidade Estadual de Campinas, 1998), 1181-98. On the history of prostitution in São Paulo, see Margareth Rago, *Os prazeres da noite : prostituição e códigos da sexualidade feminina em São Paulo, 1890-1930* (Rio de Janeiro: Paz e Terra, 1985).

⁵⁶ Carvalho, “De portas” 56.

⁵⁷ Carvalho, “De portas” 73.

owners of slave prostitutes were female.⁵⁸ Furthermore, it was not just in urban areas that enslaved women were coerced into prostitution; as the opening pages of Slenes's study of slave family life in the Brazilian south east demonstrate, the practice of prostituting enslaved women had no such limitations and was found in rural areas too.⁵⁹

For Karasch, the implications of prostitution for enslaved family formation are far reaching. In her view, "o numero de escravas que trabalhavam como prostitutas afetava também a quantidade e a estabilidade das unidades de família nuclear".⁶⁰ According to Karasch, although prostitution no doubt helped a number of enslaved women to accumulate money for manumission, by the time they acquired their freedom their levels of fertility may well have been affected by contraction of sexually-transmitted diseases.⁶¹ The stigma of prostitution also made establishing stable unions all the more difficult. The prevalence of prostitution, then, was easily disguised behind and accommodated by the label of 'domestic' labour which itself produced formidable obstacles for family formation.

As discussed in the previous chapter, single females, enslaved, freed and free, were attracted to inner city neighbourhoods that were close to the opportunities for employment and offered cheap accommodation. Such neighbourhoods clearly existed in Salvador, Rio and late nineteenth-century São Paulo. For Odila Dias, although all poor women in late nineteenth-century São Paulo belonged to the "oppressed classes", conditions of class, race and gender all emerge as crucial variables for describing and

⁵⁸ Sandra Lauderdale Graham, "Slavery's impasse: slave prostitutes, small-time mistresses, and the Brazilian law of 1871," *Comparative Studies in Society and History* 33.4 (1991): 669-94.

⁵⁹ Slenes, *Na senzala* 27-28.

⁶⁰ Karasch, *A vida* 388.

explaining the social roles and lived experiences of these women. In comparison, Lauderdale Graham argues that the working conditions of domestic service “cut across” conditions of race and status to the extent that “there might be little by which to distinguish free women from slaves”.⁶²

However, clear differences do emerge between the lives of free, freed and enslaved domestic women. As Lauderdale Graham herself notes, live-in status varied enormously according to status. For the parish of São Cristovão she found that less than 1 per cent of enslaved domestics lived-out compared to 77 per cent of free domestics servants.⁶³ For black female domestics in the U.S, the transition from live-in to live-out status was a marked feature of the post-Emancipation period, and a key stage in black domestic women’s defining of themselves as wage labourers in a free labour market.⁶⁴ As David Katzman has shown, the desire and ability of domestics to live-out was an expression of and claim to the right to a private life, and with the ability to live-out came an increased possibility of marriage and family life.⁶⁵

The live-in/live-out distinction is crucial to understanding the different relationship between reproduction and free and enslaved domestic labour, an issue which is examined in more detail in section five in relation to infanticide. As the cases examined in this and the next section reveal, in terms of domestic labour the children

⁶¹ Karasch, *A vida* 388; Graham, “Slavery’s impasse” 675.

⁶² Sandra Lauderdale Graham, *House and street: the domestic world of servants and masters in nineteenth-century Rio de Janeiro* (New York and Cambridge: Cambridge University Press, 1988), 6.

⁶³ Graham, *House* 190-91.

⁶⁴ David M. Katzman, *Seven days a week: women and domestic service in industrializing America* (Urbana: University of Illinois Press, 1981). See also Bogart R. Leashore, “Black female workers: live-in domestics in Detroit, Michigan, 1860-1880,” *Phylon* 45.2 (1984): 111-20; Judith Rollins, *Between women: domestics and their employers* (Philadelphia: Temple University Press, 1985), see chapter 4, 108, where Rollins explains how “Black women [who] constituted 28.8 per cent of the domestic servant sector during the nineteenth century, came to represent 45.8 per cent by 1920”.

⁶⁵ Katzman, *Seven* see especially 87-95.

of enslaved domestic women represented, at least in the long term, an economic blessing, whereas those of a free woman were an economic burden. Indeed, enslaved children provided their owners with economic security as well as domestic comfort in later life. Marriage, however, for both enslaved and free domestics, represented a redirection of loyalties and a potential conflict of interests. The ideal domestic woman was one whose primary concern was the welfare of members of the household in which she worked. The family's interests - emotional, physical, practical - all took precedence over her own; neither enslaved nor free domestic women were supposed to display any independent emotional existence.

But, for enslaved women in particular, the prospect of marriage presented an additional redirection of interests - economic. An enslaved domestic woman with family commitments beyond that of her owner's posed a threat to the hitherto monopoly held over her economic as well as emotional energies.⁶⁶ As such, enslaved domestic women faced another double bind; their owners relied on them to reproduce in order to add to their assets and security, but did want them to marry or form lasting and stable bonds with the father of their children. Marriage for enslaved domestic women, then, presented a direct threat (as opposed to indirect one presented by married free domestics) to the welfare and economic interests of the slaveholder.

In sum, nineteenth-century port cities in general produced unfavourable occupational conditions for female employment, where the most common form of employment was domestic service. Furthermore, the demographic dynamics and economic climate of urban slave society mitigated against family formation for enslaved domestic women,

⁶⁶ Mahony, "Creativity" 643, points out that by allowing the enslaved to receive the religious sacrament

while the moral economy and emotional logic of the urban smallholder presented formidable barriers to the constitution of ‘legitimate’ slave family life.⁶⁷ Expected to be both productive and reproductive, the products of the enslaved domestic woman’s labours, whether material or biological, held intrinsic market values which undermined her attempts to establish an independent family life.

The cases that follow illustrate the struggles, successes and losses that enslaved and freedwomen faced in their attempts to establish a family life and an independent emotional existence. They reveal glimpses of what it might have felt like to live through those struggles and live with the consequences of trying to form ‘slave’ families in very precarious conditions, and from a position where the resultant inequalities and injustices of intersecting hierarchies of race, gender and colour were as deeply personal as they were political.

4.3 The slave family 1: African/urban.

The threat of separation through sale has been identified by many as the major cause of slave family instability. Separations were most commonly the result of inheritance or sale upon the death of an owner, but slaves were frequently hired out or sold off to pay debts or raise funds. In addition, even when freedom had been promised, cash-strapped and asset-poor heirs put their financial interests first and were reluctant to give up the fruits of decades of enslaved labour. Ironically, remaining an enslaved family could provide more stability than splitting a family across the slave/freed divide, particularly if the mother had been freed first. Moreover, being a freed

of marriage, “slaveowners were voluntarily giving up some of their power over their captive workers”.

⁶⁷ B. J. Barickman, *A Bahian counterpoint: sugar, tobacco, cassava, and slavery in the Recôncavo, 1790-1860* (Stanford: Stanford University Press, 1998), chapter 6. The addition of enslaved children was welcomed by rural smallholders too, as Barickman has shown for cassava farmers, who were more

African mother made family stability all the more difficult to maintain.

(a) Josefa, *Africana*, her children and grandchildren, Salvador (1887).⁶⁸

Josefa, an enslaved African woman, of the Hausa nation was registered in the 1872 slave register by her owner João Baptista Martin as follows:

*Josefa, feminino, preta, 44 annos de idade, solteira, Africana,
filiação desconhecida, pouca aptidão para o trabalho, cosinheira.*

The following year on 27 October, João received 800 mil reis for freeing Josefa, her two and a half-year-old son Anácio, and her five year old daughter, Cândida.⁶⁹

Josefa's registration and letter of liberty form part of the documentation for the proceedings against her former owners, the daughter and son in law of João Baptista Martin. Initiated in 1887, this was an abolitionist case brought about on the basis that Josefa had been illegally imported to Brazil after 1831. If the age on the register is correct, then Josefa would have been born in 1828, and would have been a young girl when she first arrived in Brazil.

João Baptista became Josefa's owner when his wife, Maria Zerferina do Sacramento Martin died in 1862. In her inventory we find Josefa entered as "de nação Aussa, ainda moça, lavadeira, gomadeira, sem molestia" and valued at 800 mil reis.⁷⁰ Although described as "ainda moça" she already had five children, all *crioulos*, between one and nine years old. According to other documentation from the proceedings, Josefa went on to have another four children that we know about; the

likely to rely on the natural reproduction of their enslaved women than purchase additional slaves.

⁶⁸ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 20-697-07 (1887).

⁶⁹ A copy of the letter of liberty was submitted as part of the documentation of the proceedings. APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 20-697-07 (1887).

two freed with her in 1873, plus two more daughters. Having had nine children by her forties, it is perhaps unsurprising that Josefa was described as having “pouca aptidão para o trabalho” in the slave register of 1872. Who fathered Josefa’s children we do not know, but he was at least *crioulo*, possibly African, as all her children were described as *crioulos*. At the time of the proceedings in 1887, one of these daughters, Domina, had two children of her own, Judith and Severo.

When João Baptista died intestate on 22 March 1880, he had only one legitimate heir, his daughter, Mariana Euthymia Martin. As part of her inheritance, Mariana acquired two of Josefa’s daughter’s who appeared in her father’s inventory as his slaves: Domina, *crioula*, sixteen years old, domestic service, valued at 900 mil reis, and Olívia, *crioula*, fourteen years old, valued at 700 mil reis.⁷¹ Given the large number of children Josefa had, Mariana may well have been the owner of more. In addition, at least one of Josefa’s children was deceased by the time the Ação de Liberdade was initiated in 1887. Her name was Rufina and she was listed in Maria Zeferina’s inventory of 1863 as the oldest of Josefa’s children.⁷²

The proceedings were brought against João Baptista’s daughter and her husband Fábio Barros de Palacio, for the illegal enslavement of free persons.⁷³ The lawyers representing the couple argued that it would have been impossible for Josefa to have

⁷⁰ APEB, Sec. Jud., Testamentos e Inventários, 07-2943-02 (1863).

⁷¹ APEB, Sec. Jud., Testamentos e Inventários, 5-2049-250-18 (1880).

⁷² APEB, Sec. Jud., Testamentos e Inventários, 07-2943-02 (1863). In a petition to the Provincial President in 1878, Fábio de Barros Palácio appealed against a fine of 10 mil reis issued by the Treasury for non-declaration of the death of his slave, Rufina. The petition was included in the documentation for Josefa’s Ação de Liberdade. APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 20-697-07 (1887).

⁷³ Incidentally, the two families were already related by a previous marriage. Mariana’s mother, Zeferina Maria do Sacramento Martin, had been married to João Bergamo de Barros Palácio, but was widowed before she married Mariana’s father. This is noted in a copy of the marriage certificate for Fábio de Barros Palácio and Mariana Euthymia Martin, which took place on 1 August 1887. APEB,

been brought to Brazil at such a young age. Referring to the description of the African slave trade given by jurist Perdigão Malheiro in his second volume of Escavidão no Brasil, it was argued that an infant could not have possibly survived the conditions upon the slave ships, adding that “uma criança desta idade nunca acharia nos mercados de escravos, pois seria uma mercadoria sem preço, porque o que se procurava erão braços...”.⁷⁴

This case is comparatively brief, only fifty pages, but took a year to conclude. Perhaps the onset of abolition influenced the first judgement reached in favour of Josefa and her family on 23 August 1887, then again against an appeal on 2 September 1887. Another appeal was lodged, though, this time arguing that there were numerous technical irregularities in the case brought against Fábio and his wife. Passed to the *Superior Tribunal da Relação* on 6 December 1887 a decision was reached ten days later. This time the decision was in favour of Fábio and Mariana. The whole case against them was dismissed and declared “improcedente” due to a technical irregularity in the prosecution’s case. Josefa and her family lost their short lived freedom only six months before slavery was abolished, and their letters of liberty were invalidated, “ficando sem effectivo”.

As far as we can tell, Josefa and her children were the only source of slave labour owned by the Barros Palácio-Martin family.⁷⁵ From the purchase of this one enslaved

Colonial e Provincial, Sec. Jud., Ação de Liberdade, 20-697-07 (1887).

⁷⁴ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 20-697-07 (1887). Dr. Agostinho Marques Perdigão Malheiro, Escavidão no Brasil: ensaio histórico-jurídico-social (Rio de Janeiro: Typografia Nacional, 1867). See also Carlos Henrique Gileno, Perdigão Malheiro e as crises do sistema escravocrata e do império (PhD diss., Universidade Estadual de Campinas, 2003).

⁷⁵ Although no will and testament or inventory has survived for Mariana, the inventory drawn upon the death of Fábio in 1906 reveals little evidence of wealth or assets. APEB, Sec. Jud., Testamentos e Inventários, 1-61-73-7 (1907).

African woman as a young girl, this slave owning family gained an additional nine Brazilian born slaves. For most of these, the possibility of freedom without Abolition was highly unlikely. In the next case, however, Margarida's children obtained their freedom but at price she never imagined she would have to pay.

(b) Margarida de Medeiros, *Africana* (Nagô), and her two children Marcolino and Maria, Salvador (1852).⁷⁶

Margarida de Medeiros, an African woman of the Nagô nation, made the transition from *escrava* to *liberta* some time before March 1839. She bought her freedom from her then owner, Dona Maria Victoria de Ornellas, raising the funds by working in her owner's home for part of the day then the remainder in the street selling goods. Allowed to keep a percentage of the daily profits herself Margarida eventually saved enough money to buy her freedom. How long it took Margarida to do this we do not know for sure, but we do know that Margarida became a freedwoman before March 1839 because it was at this time that her son, Marcolino, was born a free *crioulo*. Some five years later she gave birth to a daughter, Maria. In 1852 Margarida entered into litigation with her former owner over the custody of these two children.

Once freed Margarida remained in the home of her former owner and continued to work in the same way, working in the home in the morning then selling goods in the street in the afternoon. Later, Margarida moved out, leaving her freeborn children with Victoria, and rented a place to live in the *Rua Cais Dourado* in the Parish of Pilar in the lower city, described by Nascimento as the "sede dos comerciantes

⁷⁶ APEB, Processos Civis, Tutoria, 80-2848-03 (1852).

portugueses”.⁷⁷ In this parish, the enslaved comprised about one-third of the population, so did whites, while around 40 per cent of the population were free coloured.⁷⁸ So, it would not have been unusual to find a freed African woman like Margarida living and working in this parish. The front of her home served as a shop from where she traded shoes, as well as unspecified goods from Africa, which could have been anything from cloth, to food or religious items. Like her free counterparts in the area, she used slaves to help her run her business. She bought one slavewoman, then later another one, both from her former owner, but at the time of the proceedings she had only one. With her home and business established, Margarida wanted to raise her children herself. Victoria refused to let her have them.

It was for this reason that in January 1852 Victoria de Ornellas nominated a guardian for Margarida's children, Dr Marcolino António Mello de Albuquerque Pitta. In her opinion, Margarida was an unfit mother. As an African woman living and associating with other Africans she would give her children an African upbringing, considered unsuitable for her Brazilian born children. Thus by nominating a guardian Victoria hoped to prevent the children, once and for all, from “going to that prostitute of a mother of theirs” as she described Margarida.

To confirm the Christian status of the children Victoria obtained copies of their baptismal certificates from the local parish priest.⁷⁹ These documents, together with the petition for nomination of the guardian were presented to the Judge for Orphans,

⁷⁷ Anna Amélia Vieira Nascimento, Dez freguesias da cidade do Salvador (Salvador: Fundação Cultural do Estado da Bahia, 1986), 90-92.

⁷⁸ Nascimento, Dez freguesias 92.

⁷⁹ Copies of the children's birth certificates, as well as the petition for guardianship, are included in the proceedings. Marcolino was born in March 1839 and baptised in October the *Capela dos Aflitos* with Leopoldino da Silva Azevedo as godfather. Maria was born on 21 August 1843 and baptised on 1

Dr Francisco Liberatto de Mattos, on 13 February 1852 and the nomination was confirmed. Dr Albuquerque Pitta had to agree to raise them according to Christian doctrine, to teach them to read, write, and count, and “what's more, to compete”; to clothe, shoe, and feed them.⁸⁰

Margarida presented her petition against the nomination on 20 March 1852. Her lawyer requested that the decision be revoked on the grounds that the law allowed a judge to nominate guardians only for orphans, children of widows and for those whose mother was insane. While the children did not have a father “recognised by the law” (i.e. Margarida had never married their father), they clearly were not orphans, nor was Margarida insane. As such, the nomination was invalid.

In the petition Margarida's lawyer added that the allegations made against her were “illogical”, and that it made no sense to deprive a mother of the custody of her own children. Moreover, Margarida clearly had the means to raise her children as she herself owned slaves and had other assets. Victoria was accused in this petition of exploiting Margarida's children by making them work for her as her slaves, putting the boy to work herding cows and the girl doing “profitable personal tasks” for her former owner.

All this was categorically denied by Victoria who claimed to have raised them with the same love and affection as if they were her own, and that she had no need to make them work for her as she already had slaves to do that for her. Her lawyer refused to be drawn into a discussion of the technicalities of the law. Instead, he questioned the

January 1847. APEB, Processos Civis, Tutoria, 80-2848-03 (1852).

automatic custody of a mother over her illegitimate children, especially when she could not make an honest living and was not in a position to give them a decent upbringing, as in the case of Margarida who lived with other Africans. Victoria's lawyer also revealed how Marcolino had been enrolled on a course as an apprentice carpenter at the Naval Arsenal where he was also learning to read and write. Maria had been sent to the Convent of the Sisters of Mercy to be “educated” so that she did not develop the same bad habits as her mother.

For proof of these claims, Victoria de Ornellas requested confirmation of the enrolment of Marcolino (named as Marcolino Honório) at the Naval Arsenal and of the admittance of Maria (named as Maria da Glória) at the Convent. Marcolino had been registered since 5 March 1852, and Maria was under the care of Mother Geromina Maria da Conciliação, but her date of entry into the convent was not recorded.

The above is an outline of the main details of the case. From then on each attorney invoked the same laws to defend their case and undermine that of their opposition. Margarida's lawyer insisted that the judge had no jurisdiction to nominate a guardian for Margarida's children and pointed out that this case was not about justice but that it was Margarida's Africanness that was on trial here. At various stages he pointed out that Margarida could not be denied custody of her children simply because she was an African woman. She had every right, “in a civilised nation”, to raise her own children, the same rights as any mother, Brazilian or foreign.

⁸⁰ Dr. Francisco Liberatto de Mattos went on to become president of the province of Paraná from 1857-

Victoria's defence did not agree, and as mentioned previously, indeed doubted the automatic right to custody of mothers over their illegitimate children. Margarida was alternatively accused of living and associating with other Africans in *zungus* (rented accommodation that Africans shared), and at other times of having no fixed address and staying in the homes of various Africans. She was accused of being a drunk and a *meretriz* - literally a woman of ill repute, but tantamount to calling her a prostitute - who did not make an honest living for herself. The defence claimed that Margarida believed in and practiced the African cults and customs of her *parentes* (literally relatives but here can be taken to mean other Africans), and that she took part in their celebrations and *batuques* (candomblé drum sessions) which took place outside the city. All in all, as an African woman, she was untrustworthy because even the most well-mannered of Africans could not, when all was said and done, be trusted because they all stick together. Her lack of fixed abode, her belief in African cults, her participation in African celebrations and her association with other Africans all indicated that Margarida could not be entrusted with the raising of her children. These were the ways of an immoral woman, one that led the life of a prostitute.

Both sides called upon witness to defend their positions and to support their allegations against one another, but prior to that each side presented a petition with a list of points they sought to prove in the testimonies of their witnesses. Each witness was asked about each item but was not obliged to comment on all of them, and lawyers on both sides were permitted to question the witnesses.

Margarida's petition comprised four items. As mentioned previously, the task of her

lawyer was made difficult by the fact that it was her Africanness that was on trial. Being as Margarida clearly was African this could hardly be denied, but it could be played down. She had to deny any links with the African community and any participation in cultural and religious practices. This was necessary in order to convince the judge that she was a worthy mother, because in the eyes of the defence (and possibly the judge too) Africanness and good motherhood were incompatible conditions. The task fell to Margarida's lawyers to prove that an African woman could be honest and hardworking, and be as good a mother as any other. Thus he emphasised the fact that Margarida ran her own business, was a property owner because she owned slaves, and was not a drunken woman who roamed the streets living like a prostitute. Finally, he aimed to prove that Victoria's motives were purely malicious, that she did not take good care of the children, that she made them work for her in degrading tasks, and that they were not in the care of the nominated guardian.

Margarida's petition and her witnesses were presented to the Judge for Orphans on 4 May 1852. Her witnesses were all male, one was white and the other two *pardo* and *cabra*; a cashier, a goldsmith, and a cobbler. All confirmed that Margarida made a living selling shoes and testified to her honest character and good behaviour. Two of them testified to having seen Margarida's son herding cows "barefoot" and to having seen her daughter. When asked if she lived and associated with other Africans all three replied that they knew nothing about this.

The petition presented for Victoria de Ornellas comprised ten points, or 'items'. All but one of the items merely elaborated on the allegations already made against

Margarida as an unfit mother, emphasised the good job that Victoria had made of bringing up the children so far, how she had never used them as slaves, and how much better off they were in their present occupations than they would be with their mother. Thus, the petition was mainly concerned with justifying the nomination of a guardian for Margarida's children.

The witnesses for Victoria de Ornellas submitted their testimonies 8 May 1852. All four were young, white males. One was in the military, one in the navy, another a school teacher and the other did not have a named occupation. They vouched for Victoria's honesty and for her devotion to the children and confirmed that she was a property owner with other assets, and that she did not require Margarida's children to work for her because she already had slaves. They claimed she had treated Margarida's children well, giving them the best education possible under the circumstances. However, none could provide evidence about Margarida's so-called bad character as no one had witnessed Margarida working as a prostitute or consorting with other Africans.

The proceedings closed on 15 May 1852 and a judgement reached on 3 July the same year. The nomination was upheld and Margarida lost custody of her children. Having lost the case she was liable for costs. However, she made an appeal to the High Court which was heard on 26 October. Her lawyer made a long and passionate appeal, not just on the grounds of justice under the law but on the grounds of humanity, adding that the judgement went against all sense of justice, civil, natural, and the laws of nature. He emphasised the heartlessness and cruelty of such a decision and of the wish of the defendant to deny these children the maternal love and affection to which

they were entitled. He then went on to discuss the law in depth, illustrating how the judge had no legal right to remove children from the custody of their mother.

On 6 November Victoria's lawyer responded to the appeal. He questioned the opposition's understanding of the law but his main argument, again, was the unsuitability of Margarida as a mother for her Brazilian born children. He claimed that the witnesses for his client confirmed that Margarida was a woman of the street involved in African cults, and who had the habits of a prostitute (which they had not). Indeed, at this stage he alleged that Margarida had given birth to three children while she was in captivity, evidence that she clearly behaved as a prostitute.

On 15 February 1853 the appeal was rejected, but Margarida's attorney persisted and tried to take out an *embargo* (injunction) against the decision. Her attorney again made a long and passionate appeal, this time against the justice system as well. In his view, there was no evidence to suggest that Margarida was a prostitute and instead the testimonies provided by all the witnesses proved that she made an honest living, and that she was a property owner, and therefore fully capable of providing for her children herself. The allegations made against her by the attorneys for Victoria de Ornellas were false and her witnesses had been briefed and instructed to repeat these lies. Again, playing down Margarida's involvement with other Africans, he assured the judge that she did not believe in African cults, and was instead a baptised Roman Catholic and a firm believer in the Catholic faith. He added how being an unmarried mother did not make her a prostitute, and that no witness had been able to prove that she was. Moreover, none of Vitoria's witnesses had been able to prove that Margarida was mentally disturbed. The whole case, he maintained, was a totally

unjust cause, and one that only the mind of a very twisted individual could conceive; that is to deprive two children of their maternal care which had driven their mother to despair. The decision to uphold the case was “inappropriate in a civilised and Catholic country”. It was unjust and a blatant abuse of the law.⁸¹

The defence made a response to this plea for an injunction and claimed to have justice totally on its side. The attorney for Victoria de Ornellas maintained that he had proved that Margarida was an unworthy mother, a believer in African cults and customs. She had been shown to be a street woman, and as such there was no doubt that she was a prostitute. She had no home and no morals and therefore no right to bring up her Brazilian born Christian children. In her care they would also turn into immoral individuals, but instead “they had already begun to make themselves useful to the Nation”, the opposite of what would happen to them if raised by their mother.

At this stage, new evidence was presented by Victoria's attorney backing up his charge that Margarida was a homeless, African woman involved in African cults. It turned out that since the appeal had been lodged, Margarida had been arrested in the parish of Sé for being found in a gathering of Africans in a *candomblé* session and that her deportation orders had been requested as a result.⁸² The precise date of Margarida's arrest was not mentioned but on 18 April 1853 her lawyer demanded her release from jail on the grounds that she was innocent and had been set up. Further documentation was presented in attempt to prove that Margarida was homeless.

⁸¹ In this appeal and condemnation of the sentence, it emerged that the injunction had been brought before the senate and had been defeated by only one vote. In the view of Margarida's attorney this was a perfect illustration of the inhumanity of the sentence as it was obviously an issue that “touched the hearts” of all parents. APEB, Processos Cíveis, Tutoria, 80-2848-03 (1852).

⁸² On *candomblé* in nineteenth-century Salvador, see Rachel E. Harding, *A refuge in thunder: candomblé and alternative spaces of blackness* (Bloomington: Indiana University Press, 2000),

Cross-referencing the primary sources, it emerges how Margarida moved a number of times since she became freed. Until the proceedings she was resident in the parish of Pilar, but during the proceedings she moved to the parish of Sé. However, the 1849 police census of *libertos* in the parish of Santana listed a Margarida Ignácio de Medeiros, African, vegetable seller, who owned three slaves, as resident at 94 Lago da Palma. A Margarida Ignácio de Medeiros emerges in other documents too. She made an appeal to the provincial President in 1850 pleading for exemption from payment of accumulated fines of 50\$000. In the plea she claimed to be ill, to have six children, all dependent on her for their needs, and that she made a living from selling *mingau*. The petition was accompanied by a doctor's note confirming her poor state of health as a result of pneumonia. However, in the proceedings the lawyer for Victoria de Ornellas claimed Margarida had given birth to three children while in captivity.⁸³

It is difficult to be certain that the various sources found containing the same name all refer to the same woman. However, coincidentally (or perhaps not), one of Margarida's lawyer's in the proceedings was called Ignácio de Medeiros, and at times, Margarida was also referred to as Margarida Ignácio de Medeiros. A response from one of the witnesses for Victoria de Ornellas suggested that there had been some discussion about the relationship between Margarida and her lawyer (who does not remain her lawyer all the way through). Although no question about the relationship between them was raised in the "items" of the petition, one witness stated in his

especially chapters 5 and 7.

⁸³ APEB, Colonial e Provincial, Sec. Jud., maço 2885, Escravos Assuntos (1829-1868). See also Cecília Moreira Soares, "As ganhadeiras: mulher e resistência negra em Salvador no século xix," *Afro-Ásia* 17 (1996): 68.

testimony that Ignácio de Medeiros was not Margarida's "patron". There is no other reference to the relationship between Margarida and Ignácio elsewhere in the proceedings.

The final judgement was not reached until July that year, over eighteen months since the case was initiated. Margarida lost.

Even though the case took place during only one year in their lives of Margarida and Victoria, it was a pivotal and defining one for both women. Moreover, the information that emerged in the course of the proceedings provides revealing glimpses of the lives of the women involved. But, the documentation from the proceeding did not reveal everything. We do not know what became of Margarida after the case closed. She lost custody of her own children and maybe even contact. It appears that her former owner was particularly vigilant in this respect. Other than the material already discussed, her name does not appear in other primary sources. However, other sources were found for her former owner, and according to these Victoria's character was not as unblemished as her defence made out.

In her will and testament of 1857 it emerged that Victoria de Ornellas had no "natural" legal heirs, but she did have an illegitimate daughter named Carolina Maria da Conceição e Silva who was the main benefactor. In her will, Victoria admitted that Carolina was not the child of her late husband, with whom she had a son who later died.⁸⁴ In her own words, she conceived and gave birth to her as a widow. The name of Carolina's father was not revealed.

⁸⁴ APEB, Sec. Jud., Tesamentos e Inventários, 7-3120-0-3 and 3-1228-1697-15.

By 1857, when her mother drew up her will and testament, Carolina was thirty years old. Her mother was a reasonably wealthy widow when she died a year later. She owned real estate worth almost 7 contos, and eight slaves valued at almost 8 contos. Carolina would inherit almost everything. Victoria left one property to one of her witnesses, 500 mil reis to two godchildren, and 50 mil reis to her *crias livres*, Margarida's two children, Marcolino and Maria. Among the real estate Carolina inherited was a two-storey property that included a "loja de rendimento" on the *Rua Direita do Palácio* (actual Rua Chile). The road formed part of the then centre of the parish of Sé, the political, administrative and judicial activity in nineteenth-century Salvador, and its residents were mainly public service employees.⁸⁵ But as a residential area it had become "disintegrated" and "disorderly" by the mid-nineteenth century, evidenced by the transformation of the Rua Direita into a retail commercial area. Most of the businesses were owned by Portuguese immigrants, but Spanish and Italians could also be found there.⁸⁶ However, there were some distinguished Bahian property owners on *Rua Direita*, including the Barão de Jaguaripe who owned a substantial property on the same road as Victoria although it was not his main residence.⁸⁷

Victoria's wealth in slaves was substantial too. They comprised 3 African women, 2 *parda* women, 2 young *crioulo* males (14 and 16 years old), and one 14 year old *crioula* female. We know from her will and testament that the two *parda* women, Romana and Rosalina, were mother and daughter. Both were freed unconditionally. Rosalina was Victoria's most expensive slave; she was a twenty-year old seamstress

⁸⁵ Nascimento, *Dez freguesias* 68-72.

valued at 1 conto 300 mil reis. Her fifty-year old mother, Romana, was “do serviço domestico, sem molestia” and valued at 500 mil reis. Another, Joaquina, was also freed unconditionally. She was described in Victoria’s inventory as “Nagô, maior de cinquenta annos, do serviço do ganho” and valued at 1 conto. Others were freed conditionally. Maria Romana, Nagô, who also worked *ao ganho*, had to pay 100 mil reis within a year and remain in service to Carolina as long as Carolina was alive. Fourteen year old Generoza, *crioula*, would gain her freedom without payment but she too had to remain with Carolina. Carolina, then, would retain the services of two women, freed conditionally, as well as inheriting the enslaved labour of 2 young *crioulo* males, Domingos and Sebastião, “de serviço da casa”, and one African woman, Maria, Mina, who like Joaquina and Maria Romana, worked *ao ganho*.⁸⁸

The case of Margarida and the will and testament and inventory of Maria Victoria de Ornellas indicate that Victoria’s ownership of slaves was typical of her status as a widow.⁸⁹ Her enslaved property, and indeed most of her wealth, was in enslaved women and their children. In this way she managed to safe guarded her own economic status and that of her daughter. The trans-Atlantic slave trade having been officially made illegal in 1850, meant that the slave population would only increase from then on through natural reproduction. In addition, until the Free Womb Law of 1871, the law guaranteed the property rights of slaveowners over the children of enslaved women. Only free or freedwomen could give birth to free children. Thus by

⁸⁶ Nascimento, *Dez freguesias* 68-69.

⁸⁷ Nascimento, *Dez freguesias* 69.

⁸⁸ APEB, Sec. Jud., Testamentos e Inventários, 7-3120-0-3 and 3-1228-1697-15. On women working “ao ganho”, see Soares, “As ganhadeiras” 57-71.

⁸⁹ On freedwomen as slaveholders in Minas Gerais, see Kathleen J. Higgins, “Licentious Liberty” in a Brazilian gold-mining region: slavery, gender, and social control in eighteenth-century Sabará, Minas Gerais (University Park: Pennsylvania State University Press: 1999), 53-55, 79-83, 96-98. On Salvador, see Maria Inês Côrtes de Oliveira, *O liberto: o seu mundo e os outros, Salvador, 1790/1890* (São Paulo: Corrupio, 1988), 41-43.

purchasing only enslaved women and children Victoria would have been able to extract the maximum returns from her investments. Victoria also provided for her own daughter's financial security by leaving her two slave women who, even if they became free, would remain in her service as long as she lived.

Ironically, as a freedwoman Margarida also became a slaveowner, albeit not on the same scale as her former owner from whom she purchased her slaves. Despite their apparently common business interests, Victoria and Margarida remained worlds apart. Indeed, their worlds were in every other respect opposed. In one, the mark of illegitimacy was used to disqualify her right to motherhood, and was publicly pronounced as evidence of Margarida's immoral lifestyle. In the other it was hidden, even denied and possibly never declared openly until the writing of her will. In her will and testament Victoria stated that her daughter had "*me tem sempre acompanhada até o presente*". It is therefore surprising, given the nature of the arguments presented against Margarida, that the issue never came to light in the proceedings against Victoria. Either no one dared speak about it or the fact was so well concealed that Victoria had nothing to fear by going to court and making the accusations she did against Margarida.

But this is more than an individual battle for the moral high ground between two single mothers of illegitimate children. There was a much wider cultural and political struggle being waged here. In order to build a case against her, Victoria had to argue that Margarida's African motherhood represented a threat, not just to the welfare of her own Brazilian children but a threat to the future of the nation; African's could not be trusted to raise the citizens of a nation that had enslaved them. Indeed, the words

of Victoria's attorney reveal a fear surrounding African motherhood that was as much about identity as it was about morality. It was a fear that Brazil's own citizens, as sons and daughters of enslaved Africans, would not be loyal to their own nation. It was a fear that as descendants of enslaved Africans they would construct an identity fashioned out of their ties to their African past rather than their Brazilian future. Above all, it would be an identity informed by the experience of enslavement in Brazil and one in which the language of resistance loomed large, posing a threat to the stability of the social order.

From Margarida's perspective, despite her attorney's insistence on her commitment to Catholicism and her lack of association with other Africans, if Margarida had lived with other Africans in *zungus* as accused, her *parentes* in these *zungus* no doubt shared comparable concerns about the upbringing of her children. The fears of Victoria about the lack of appropriate education of the children may well have been echoed by Africans that Margarida was said to have lived and associated with. They too would have had misgivings about the appropriateness of sons and daughters of Africans being disconnected from their parents, their cultural heritage, religious practices, and ancestral past. This case then, was about much more than the right of a mother to raise her own children; it is an exposé of the twisted roots of 'racial democracy' in Brazil and cultural contortions of creolisation; *batuques*, *candomblé*, capoeira were all displays of an African cultural heritage that the state unsuccessfully tried to control and even eradicate. This case, though, reveals a private but much more pernicious and pervasive *para-statal* mechanism of social control that targeted the hearts and minds of the children of African parents.

The passionate defence of Margarida's right to motherhood on the part of her *curadores* is something exceptional in the context of the cases examined in this study. The public defence of an African too is quite remarkable given the anti-African environment that prevailed in Bahia in the post-1835 period.⁹⁰ In addition, the case coincided with a yellow fever epidemic that had been sweeping the country since 1849 and which, at the time, was blamed on Africans.⁹¹ As such, there was no evidence of public sympathy for Africans, despite the passing of a major piece of anti-slavery legislation.⁹² However, even though the defence of the lawyers acting for Margarida is quite remarkable, it was a defence that relied heavily on a denial of African identity. This position may well have been a discursive strategy and one that the group of *curadores* had all prepared and agreed to. Nonetheless, in retrospect it was a strategy that fitted quite tidily with the long-term discourse of race within the Brazilian Abolitionist movement which, in many respects was as anti-African as it was anti-slavery.⁹³

Even during the phase of Abolitionism in the final decades of the institution, there was little evidence of increased tolerance of Africans in Brazil, as the outcome

⁹⁰ João José Reis, *Slave rebellion in Brazil: the Muslim uprising of 1835 in Bahia* (Baltimore: Johns Hopkins University Press, 1993), part 4, 'The Anti-African Backlash'. Anti-African sentiment was not restricted to Bahia though. See Carlos Eugênio Líbano Soares and Flávio Gomes, "'Com um pé sobre um vulcão': africanos minas, identidades e a repressão antiafricana no Rio de Janeiro (1830-1840)," *Estudos Afro-Asiáticos* 23.2 (2001): 1-44.

⁹¹ Onildo Reis David, *O inimigo invisível: epidemia na Bahia no século XIX* (Salvador: EDUFBA/Sara Letras: 1996).

⁹² Some scholars now regard the yellow fever epidemic as the main reason the trans-Atlantic slave came an end when it did. For a summary and critique of those views, see Jeffrey D. Needell, "The Abolition of the Brazilian slave trade in 1850: historiography, slave agency and statesmanship," *JLAS* 33 (2001): 687-91. On Bahia, see Dale T. Graden, "An act 'Even of Public Security': slave resistance, social tensions, and the end of the international slave trade to Brazil, 1835-1856," *HAHR* 76.2 (1996): 249-82. On Rio de Janeiro, see Sidney Chalhoub, "The politics of disease control: yellow fever and race in nineteenth-century Rio de Janeiro," *JLAS* 25.3 (1993): 441-63.

⁹³ Alexandra Aryana Isfahani-Hammond, "Joaquim Nabuco's 'Black Mandate'," *Hispania* 85.3 (2003): 466-75.

Josefa's case and others examined in this section illustrate.⁹⁴ Josefa's case was one of many brought forward in the late 1870s and 1880s with the support of abolitionist lawyers as illegally imported Africans in the post 1831 period.⁹⁵ Another case found but not examined in detail here was of Esmira and her four children who all had different slaveowners whom Esmira was able to name. The case was opened in 1883 and brought to a close in 1887 when she lost her claim to liberty.⁹⁶ In this case Esmira's Africanness, like that of Margarida's was brought into question. Indeed, it had to be authenticated by an examination of her bodily markings and assessment of her dialect. Ironically, this was carried out by two men who had participated in slave trading along the African coast, one a businessman and one a chemist. In fact, the chemist was regarded as some sort of expert in Nagô identity in particular. In the process of examining Esmira he confirmed that her accent was one "dos negros da Costa", and that her facial and other bodily markings were "conhecidas características da raça dos negros Nagôs".

Once authenticated, though, her Africanness then rendered questionable any testimony, defence, claim or accusation brought before the authorities in Brazil by her or on her behalf. As seen in the case of Josefa and Margarida, and will be shown in others, Africans were not granted the autonomy or authority to define themselves before the law. Their claims to self-identification were either denied or at best deferred to non-Africans for authentication and validation. However, as the next

⁹⁴ As shown, Josefa's case failed to win favour before the various tribunals in the late 1880s in Salvador, even a few months short of Abolition being declared.

⁹⁵ On other cases in Bahia, see Ricardo Tadeu Caíres Silva, "Memórias do tráfico ilegal de escravos nas ações de liberdade: Bahia, 1885-1888," *Afro-Ásia* 35 (2007): 37-82. For an overview of the literature on this category of manumission and examples from Rio Grande do Sul, see Maria Angelica Zubaran, "Escravidão e liberdade nas fronteiras do Rio Grande do Sul (1860-1880): o caso da lei de 1831," *Estudos Ibero-Americanos* (PUCRS) 22.2 (2006): 119-32. The most famous abolitionist who used the 1831 law to free Africans was Luiz Gama. See Elcienne Azevedo, *Orfeu de carapina: trajetória de Luiz Gama na imperial cidade de São Paulo* (Campinas: Universidade Estadual de Campinas, 1999).

cases reveal, even Brazilians' claim to freedom could be questionable when it came up against the full force of the rights of property owners.

4.4 Slave family 2: mixed race/mixed status.

The Freyrian model of the Brazilian family was a patriarchal one with at least two strands: free and white and slave and black. Those from the second strand were descendants of enslaved women. In this sense the slave family was the result of coercive, abusive, or exploitative sexual relations between male members of the slave-owning family and enslaved women. However, sexual relations between enslaver and enslaved occurred in all forms of slaveholdings, not just the 'big house'. Smallholders too partook in sexual relations with their enslaved women and many of these resulted in 'slave families' who shared the same residence with their slaveowner/father in a mixed status households.

The first case examined here provides us with an example of this type of family formation. It is also a case of a light-skinned (*mestiza*) domestic slave woman in an apparently stable and long-term relationship with her owner, a widower with two young sons. The relationship produced two more sons. However, neither the relationship with her owner, nor her light skin colour could guarantee her freedom, or that of her sons, when their status was challenged before the law.

(a) Monica, *mestiza*, and her two sons, João and José, Rio de Contas (1853).⁹⁷

Ana Rosa de Jesus died on 15 February 1830, eleven days after the birth of her second son. At her deathbed the priest administering the last rights, Father Liberato José

⁹⁶ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 65-2335-02 (1883).

Pereira, called upon the father of her children to marry her.⁹⁸ So, the two became husband and wife hours before Ana Rosa's death. After her death, the widower, Francisco Pereira da Ávila "reconheceo os Autores como seos filhos". Officially declared as orphans Francisco was nominated guardian of his two boys, Francisco Joaquim Pereira and José da Ávila Pereria.

At the time of her death Ana Rosa was the owner of Monica, a *mestiça* slave woman. In the ensuing court case Monica and her lawyers claimed that it was her owner's dying wish that Monica be freed. This was conditional upon Monica remaining with Ana Rosa's two sons while they still needed breastfeeding. Monica fulfilled this condition and in fact stayed with the two boys for the next twenty-two years, during which time she had two sons of her own, João and José who were both baptised as freeborn.

However, in 1853 Francisco and José entered into proceedings against Monica in an attempt to claim her and her children as their slaves. Their lawyers argued that the boys' mother never expressed any desire, neither during her life nor on her deathbed, that Monica be freed. Instead, she had died intestate and when her husband drew up the inventory he had added the clause about Monica's freedom.⁹⁹ He did this because Monica was his *amásia* and wanted to "protect" her. In Monica's defence the lawyers argued that the boys had been influenced by ill-willing outsiders who had convinced them that Monica and her children were their slaves. Possibly, with the boys coming of age, they had become more aware of the issue of inheritance. All the more so

⁹⁷ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 70-2489-14 (1853).

⁹⁸ On deathbed marriage, see Ann Twinam, *Public lives, private secrets: gender, honor, sexuality, and illegitimacy in colonial Spanish America* (Stanford: Stanford University Press, 1999), chapter 5.

⁹⁹ Unfortunately the inventory for Francisco Pereira da Ávila referred to in the proceedings could not

given that there was very little to inherit except the father's 'slaves'. The documentation reveals no evidence of other property or other sources of wealth and, as the boys' lawyers made clear, Monica and her children were viewed as their only means of support.

So, Monica raised her deceased owner's two boys whose father was also her *amásio*, and very likely the father of her own two sons. He was godparent to one, João, the eldest who was born February 1832. The second, José, was born December 1834. As such, not long after weaning her *amásio*'s two sons by another woman, her previous owner, Monica began breastfeeding her own child by the same father. In fact, some witnesses claimed that Francisco and José treated Monica not just as a freed person but as their own mother, having been raised by her.

Of the witnesses called upon to give testimony, as many testified that Ana Rosa did want Monica to be freed as that she did not. Interestingly, almost all claimed to have been at Ana Rosa's bedside at the time of her death. However, two of the witnesses who testified in favour of Monica, Antônia Francisca do Espirito Santo and Joaquina Correia, were later vilified by the boys' attorney, Sebastião Cardoso, with the following statement:

Que estas testemunhas além de fazerem pouca fé, por serem defeituosas, por que são prostitutas públicas e dadas da embriaguez.

Both these women said they had accompanied Ana Rosa through her illness and Joaquina had been the midwife at the birth of Ana Rosa's second son. They both testified in favour of Monica and claimed that Ana Rosa had often expressed her

be located in APEB. Either it has not survived or is possibly located in another archive.

intention to free Monica.

While on the one hand it is hard to imagine that Ana Rosa would want to free Monica if she knew of her relationship with the father of her children, their roles (at least in retrospect) appear easily and readily interchangeable. This suggests an economic and social proximity in the positions of Ana Rosa and Monica, as well as an overlap in their roles as wife, mistress, and enslaved domestic woman in their relationship with Francisco. Indeed, this proximity was confirmed by Monica in her defence where it was argued that she did not consider herself to be Francisco's slave because she was never treated as one. In fact, all witnesses testified that Monica raised João and José as her own, and that the two boys had always treated her as their mother, not as their slave. In a somewhat contradictory fashion, even those witnesses who said that Ana Rosa did not desire Monica's freedom confirmed this, and acknowledged that Monica conducted herself as a freedwoman and was recognised as one by the local community.

The views of the local community, though, counted for little before the legal weight of property rights. A judgment was reached on 19 December 1853 in favour of Francisco and José. Monica was “obrigada a servir-os como tal, juntamente com seos filhos pela regra de que o parto segue o ventre”. As such, the woman who had raised the two boys as her own children and who had reputedly been treated by them as their mother, now became their slave, along with her own two sons who were probably their owners' half bothers. Unfortunately, the case is incomplete. Monica and her lawyers requested an appeal immediately after the sentence and the documents were submitted the following May but there is no record of the appeal itself or of any further judgments.

In comparison to the impression of stable slave family life found on the plantations of Campinas, for example, the constitution of the 'slave family' here is much less culturally and racially coherent, and structurally much harder to define and categorise. Indeed, it is hard to define this family formation as either slave, freed or free. In addition, although we can only speculate about the quality of the relationships between the different family members within the household, Monica and her sons remained together, living under the same roof and in all likelihood with the father of her children for at least twenty-two years. What happened to the 'family' after the case was closed remains unknown. All the same, it is difficult to deny this 'slave family' the condition of stability and unity. But, that stability and unity was rooted in the ambiguity of Monica's legal status, which in the long run, meant that her family was subjected to the same threat of sale and separation as any other slave family. Her relationship with her owner, stable and enduring though it might have been, offered her no protection in law. The same can be said about her light-skin colour. Although a *mestiza* slave, the type most likely to benefit from manumission, her gender and colour only offered her an illusion of advantage, an advantage that was in reality only assured to those who were white and free.

The extent to which Monica was aware of the ambiguity of her status, and that of her sons, is not clear. Did it ever occur to her that the boys she had raised would one day exert their rights as male heirs, rights which granted them legal ownership of their own relatives, including the right to punish and sell? Was such an outcome ever mentioned openly in the Pereira household? The possibility that such power relations were not perceived or recognised prior to legal proceedings is suggested in the testimonies provided by Monica and the witnesses in this case, and it is an impression

that emerges from other cases too. Other women also claimed they had never been treated as a slave by their owners/*amásios* who later went on to exert property rights over them or deny freedom already promised or granted.

Defining what these women meant by such claims is no easy task. Was the difference in treatment material, physical, linguistic, emotional? Was the reference to ‘treatment’ code for sleeping arrangements and the intimacies exchanged therein? It is hard to say. However, for sure, women like Monica, but unlike Chica da Silva, gained little in terms of material wealth from their relations with their often poor owners, simply because there was little or no wealth to be passed on. We know too that wives, like slaves, could be subjected to physical punishment in their home by their husbands. Emotionally, we know that free men, regardless of class, did not marry their enslaved mistresses, but in this case and that of other smallholders, they did not always marry the free mothers of their children either.

Thus, although the boundary that enslaved and freedwomen claimed to be so distinct was probably quite blurred. Moreover, it is in the blurring of the boundary between enslaved woman, *amásia* and wife that the conflation of intimacy and inequality occurs in the history of race relations in Brazil. Indeed, in the next case we see how Marcolina made similar claims to Monica in terms of ‘treatment’ by her *dono-amásio* but he beat her on a number of occasions and had her jailed for disobedience.

The next case, then, also involves an enslaved woman in a relationship with her owner who was the father of her children. This time the setting is urban Salvador, and the documentation from the proceedings reveals much more about both the location in which this relationship was set as well many more insights into the emotional history

of the relationship itself.

(b) Marcolina, *crioula*, and her son, Manoel, Salvador (1856).¹⁰⁰

Marcolina and her two sons Boaventura and Manoel were former slaves of Patrício José Gomes and his wife Elisa Carolina Gomes. In June 1850, after the couple had died, Marcolina and her sons were put up for auction. Alexandre Gomes Rodrigues bought them for the sum of 1 conto 400 mil reis. Boaventura was freed immediately and Marcolina believed that she and her other son would get their letters of liberty forthwith.

Alexandre was the father of Marcolina's two sons and had been in a relationship with Marcolina for some years before the death of her owners. In the proceedings brought against Alexandre, Marcolina maintained that he bought her and her two boys in order to free them from captivity. After the auction, they moved in with him in his home on the *Rua das Grades de Ferro*, in the parish of Conceição da Praia in the lower part of the city of Salvador.¹⁰¹ According to Marcolina and her witnesses, she lived openly with Alexandre as his *amásia* and not as his slave.¹⁰² She also had one more son by him who died in infancy. According to her lawyers, Alexandre treated Marcolina “com estima, como dona da casa”. However, he repeatedly refused to issue Marcolina and Manoel with their letters of liberty fearing that she would leave him as soon as she got them. At other times he told her she could have the letters only when he had enough money to return to Portugal.

¹⁰⁰ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, sem classificação da caixa, no. 820 (1857). The case commenced in 1856 but the documents have been dated 1857.

¹⁰¹ For examples of the residents in this street and their businesses, see Nascimento, *Dez freguesias* 76-77.

¹⁰² Nascimento, *Dez freguesias* 75, provides examples of other Portuguese men living in cohabitational

This struggle to get her letters of liberty went on for some years without success. Then in 1856 Marcolina won 1 conto on a Rio de Janeiro lottery.¹⁰³ This was a sizeable sum at the time, close to the average price paid for a healthy, young, skilled, enslaved male that year.¹⁰⁴ According to Marcolina, Alexandre came up with the idea that if she let him cash in the ticket, this would cover his trip to Portugal and Marcolina and her son could get their letters of liberty. Desperate to secure her freedom, Marcolina agreed to hand over the winning ticket to Alexandre and let him cash it in. However, he cashed in the ticket but still refused to give her the letters. In Alexandre's version of events, Marcolina flew into a rage, called him all the names under the sun, spat at him and beat him, so he had her thrown in the local jail for 'disobedience'.

Marolina's lawyer offered a somewhat different version of events:

*Não querendo a Suple esperar pelas promessas que elle chifazia
de dar liberdade gratuitamente lhe entregara de prompta a
quantia de 900 mil reis, em moeda, para que immediatamente
ficassem gozando de seu liberdade conjuntamente com seu filho...
agora sem razão alguma espancasse a suple mortalmente recolhendo-a
ao Aljube ainda como escrava e com a pretensão de a render afora da
província...*

relationships with free women of colour.

¹⁰³ Lotteries became increasingly common in nineteenth-century Brazil and were used as a way of raising charitable funds for public works as well as private enterprise. See Tereza Cristina Kirschner, "A real junta do comércio do Rio de Janeiro. Livre comércio e política manufactureira," (versão preliminar) www.euronapoleon.com; Paulo Castagna, "A imperial academia de música e ópera nacional e a ópera no Brasil no século XIX," *História da Música Brasileira* (UNESP, Instituto de Artes) 10 (2003): 1-18; Edson Medeiros Cheuiche, "120 anos do hospital psiquiátrico de São Pedro: um pouco de sua história," *Revista de Psiquiatria do Rio Grande do Sul* 26.2 (2004): 119-20; Felipe Magalhães, "A fuga dos bichos ou a origem da loteria mais popular do Brasil," *Cidade nova: revista* (Prefeitura da cidade do Rio de Janeiro, 2000): 53-68.

¹⁰⁴ Maria José de Souza Andrade, *A mão de obra escrava em Salvador, 1811-1860* (São Paulo:

At that point Marcolina began to pursue her case through the judicial system. Marcolina's lawyer, João Baptista de Faria was quick to act. Within days he managed to get Marcolina and her son an order of *manutenção de liberdade* and a Haebus Corpus and got them into hiding. However, determined to get her back, Alexandre placed an advert in a local newspaper "anunicando sua fuga" and tracked them down soon after and had them imprisoned yet again.

In the version presented by the lawyers for Alexandre it was claimed that Marcolina constantly sent him letters through the prison guards, "pedindo-lhe perdão e mizericordia". Eventually, and "sem que o Reo [Alexandre] para isso influesse, nem desse passo algum, nem cousa alguma promettesse", Marcolina withdrew her action against him and on 1 August 1856 issued the following statement:

Marcolina, crioula, escrava, do Senhor Alexandre Gomes Rodrigues tendo sido mal aconselhada e elludida por diversas pessoas, que fisseram chegar à emprudencia de litigar com seu Senhor acerca da sua liberdade resultando disto o faser a Supplicante em diversas prisões sem nada obter em face do engano; e hoje convita do que occurio e arrependida desse seu procedimento, quer disistir de tudo e pede o poder da justiça que a mande entregar a seu Senhor...

Marcolina later explained how Alexandre went to see her in prison and promised her everything she wanted if she agreed to stop proceedings against him. It is worth bearing in mind that Marcolina was imprisoned with her son Manoel, and the Aljube prison was known as the worst prison in Salvador at the time.¹⁰⁵ Marcolina later

Corrupio, 1988), 208 table 10. The average price shown is slightly less than 1 conto at 962\$500.

¹⁰⁵ The Aljube was originally an ecclesiastical prison, but was used for civilians in general in all Brazilian cities from the early nineteenth-century, after the transfer of the Royal Court to Rio de Janeiro 1808. It became renowned as a prison for the freed and enslaved. See Clóvis Moura,

admitted she was desperate and vulnerable. Once out though, things returned to normal and Alexandre still refused to hand over the letters of liberty. They fought again and Alexandre had Marcolina arrested and imprisoned once more and then proceeded to make plans to have her sold in Rio de Janeiro.

Since she had withdrawn her action against him her *manutenção de liberdade* and Haebus Corpus were no longer valid. Thus, on 21 August, Marcolina and Manoel were boarded on the Brigão Pirajá destined for Rio. However, before it left they were removed by “os protectores dos escravos alheios”, and put into hiding for their protection. But this ‘protection’ was very short lived as the prison records for Aljube show that she was returned to prison the same day and remained there until the final verdict was reached in November the following year.¹⁰⁶

Alexandre flatly denied the whole version of events presented by Marcolina. He denied that there was ever an agreement between them regarding the freeing of Marcolina and Manoel, and explained away the freeing of Boaventura as something he did “por desembargo de consciência e nunca por que o suppusesse seu filho”. He also denied being the father of Marcolina’s second son, Manoel. In fact, he more or less accused Marcolina of being a prostitute and as such she could not be sure who fathered her children: “nem disso tivesse certeza por ser a Authora huma negra da rua que se integrava, e se entrega a quantos a procuraão”. He maintained that he always kept and treated Marcolina as his slave and there was never any doubt about this. In

Dicionário da escravidão negra no Brasil (São Paulo: EDUSP, 2004), 27. For other examples of who was held in the Aljube in mid nineteenth-century, see Harding, A refuge 87, 141; João José Reis, “Domingos Pereira Sodré: um sacerdote africano na Bahia oitocentista,” Afro-Ásia 34 (2006): 237-313.

¹⁰⁶ APEB, Colonial e Provincial, Polícia, maço 6283, Relação de Presos (1838-1858), Cadeia de Aljube, 4 Nov. 1857.

his view she was never his *amásia*, but “uma negra da rua, uma perfeita Messalina”.

Possibly after receiving some advice from his lawyer, Alexandre changed his story slightly. He acknowledged that he had an ‘illicit’ relationship with Marcolina, and hinted at the possibility that Manoel was his son. However, he emphasised that he could not be forced to free a slave woman he had had a relationship with just because he was a single man, and any children resulting from such a relationship could not be freed until after his death. If this was the case, it was argued, then every slave woman would be claiming freedom for herself and her children from her owner: “ninguem pode ser obrigado a reconhecer os filhos naturais e menos a forrar escravo, por que as mais escravas digam que os filhos são do seu Senhor”. As for the lottery money, he admitted that he had cashed in the ticket but that he then handed the money over to Marcolina. She straightaway spent “mais de setenta mil em objetos de ouro, roupa, e a mais que lhe passou, gastando o resto em que quis, sem o Reo de tal dinheiro utilisasse”. Alexandre, then, had never received a penny.

Four witnesses, all neighbours, testified on behalf of Marcolina. All were white and three were Portuguese. They all confirmed Marcolina’s version of events. Alexandre had showed some of them the lottery ticket and told them that he was going to keep the money to go to Portugal. They confirmed that Alexandre recognised Marcolina’s children as his own, and that he lived with her as his *amásia*. In addition it was also noted that Alexandre beat and punished Marcolina on various occasions which he never denied. Beatings aside, Marcolina clearly considered herself to be and was treated by those around her as a freedwoman. Only Alexandre, it would seem, did not share this view, at least when he was forced into a legal definition of their

relationship.

From an outsider perspective, it might appear that the way in which an *amásia crioula* was treated differed little from the way in which a *escrava crioula* would have been treated, especially if there were no other slaves in the household. In addition, the nature of the work that Marcolina carried out in the home and the street as a freedwoman were probably little different to those tasks carried out by enslaved domestic women. But, Marcolina and members of the local community believed she and her children had been freed which meant that publicly she would have been treated differently by those she met. Although the colour and nationality of her witnesses reflected the neighbourhood in which she lived, it is hard to imagine that if Marcolina had been regarded and treated as Alexandre's slave, how she would have been able to convince four white witnesses to testify on her behalf to the contrary. This certainly did not happen in other cases in this study.

After the sentence against Marcolina in June 1857, an appeal was made to the *Superior Tribunal da Relação*. The Justice Minister presiding over the high court was the former chief of police and provincial president, Francisco Gonçalves Martins, who had the final word, and on 10 November 1857 the previous ruling was overturned. Alexandre was condemned to pay costs.¹⁰⁷

Even though it is difficult to attach notions of stability and unity to this constitution of the slave family, we find that Marcolina managed to remain with her two children and

¹⁰⁷ Martins was twice provincial president of Bahia (1851-1852, 1868-1871), and served as Chief of Police during the Malês uprising of 1835 and the Sabinada revolt of 1837-38. See Reis, *Slave* 85, 91, 216; Hendrik Kraay, "'As terrifying as unexpected': the Bahian Sabinada, 1837-1838," *HAHR* 72.4 (1992): 501-27. For small but telling insights into Martins views on race, see Thomas Flory, "Race and

secure the freedom of one. She also energetically pursued freedom for herself and her second son. Marcolina also appears to have held the firm belief that her freedom could be acquired through this relationship; indeed like Monica she believed she had been promised her freedom and was entitled to it. But unlike Monica, Marcolina demanded legal and documented confirmation of her freed status. This demand became the source of conflict. Had Marcolina been content to remain with Alexandre as his *amásia*, as Monica had done, she probably would never have ended up in jail. Moreover, it was suggested that once in possession of her letter of liberty, Marcolina would have been tempted to leave her former owner. Reading between the lines it appears that Marcolina understood that Alexandre was first and foremost her owner, not her lover, and that this meant he might one day sell her and her son in order to raise the funds to pay for his return trip to Portugal. Indeed, it would have been easier for Alexandre to sell them than it would have been for Marcolina to raise additional funds to pay for their freedom. Hence, the insistence on the letter of liberty.

Whatever the case may be, once again there is a blurring of the boundaries not only between slave and freed status and the definers of the slave (as opposed to non-slave) family, but also between that of *amásia* and enslaved domestic. Alexandre, like José was father/owner of his enslaved/free children; their mother was (or had at some time been) his slave too and they all shared the same home together. Marcolina insisted that she was not ‘treated’ as his slave and all those who testified on Monica’s behalf likewise insisted she led the life of a freedwoman. According to Marcolina she was *dona da casa* too. However, identifying that which defined and separated the domestic slave/*amásia* from the freed housewife is complex in a household without

(other) enslaved labour as in the case of Marcolina and Monica.

As Carvalho has noted in reference to prostitution and enslaved domestic labour in nineteenth-century Recife, the dividing line between these two occupations was thin. Moreover, without the presence in the home of another enslaved woman to whom the lives of these women could be compared and differentiated there would have been very little to distinguish the daily lives of Marcolina and Monica in slavery and freedom. How did their relationships differ with their owners-*amásios* in captivity and freedom? How different were their duties in a household that did not benefit from the services of enslaved labour?

Statistically, women like Monica and Marolina appear to have had a degree of advantage over other categories of enslaved women because they were in relationships with their owners which increased their likelihood of manumission. However, looking through the lens of freedom from their perspective contextualises and qualifies the nature of that advantage. Having a *dono/amásio* did not guarantee freedom, nor did it guarantee that any freedom promised would be upheld or respected. In this sense, the notion of advantage associated with this category of enslaved women in particular has been exaggerated and was more perceived than real, even by the women themselves as well as historians who have wrote about them since.

Even so, perceived though those advantages may have been the perception of advantage can be a powerful (historical) force and should not be overlooked. But the real power and advantage lay with the owners in question, albeit very limited in the

case of Alexandre and José. In addition, proximity to and intimacy with the source of power should not be confused with power itself. Although both men were said to have expressed the intention to free their enslaved women-*amásias* at some point in the relationships, in neither case was that freedom made official, legal and binding and it should be asked why? Was it in Monica's case simply a legal oversight, or was it as Margarida's lawyer argued because the men feared that as freedwomen they would leave them?¹⁰⁸ Whichever the case, both women remained in a precarious set of power relations with their owners. In Monica's case she appears to have found no need to challenge the absence of legal confirmation of her freed status until the proceedings were instigated against her and her sons. In Marcolina's case, however, that confirmation of her freedom was vital.

Why two women in very similar legal situations responded so differently can only be explained by context. First the context of their lived experience of their relationships with their owners and fathers of their children, and second the context of the community in which they lived. In this sense, the lives of Monica and Marcolina were very different. In the case of Marcolina, she appears to have entered into a cohabitational relationship with Alexandre only when he became her owner which came about due to the death of her former owners. In comparison, Monica shared the home of her owner before and after the death of his wife, which allowed Monica the opportunity to take the place of the wife as well as gain her freedom. But the site of her relationship with José remained the same.

Second, Monica lived in a former gold-mining area of Rio de Contas, in the centre-

¹⁰⁸ In a curious twist on the tendency to maintain mothers in enslavement while freeing their children,

south of Bahia. By the late 1850s it was an area stricken by drought, but as with most mining regions, it prospered for a period during the second half of the eighteenth century then fell into decline as gold became scarce.¹⁰⁹ The discovery of diamonds in the interior of Bahia also contributed to the area's decline. By the mid nineteenth-century Rio de Contas would have been a relatively closed but dispersed community with few outsiders and new comers. The wealthiest residents were families of cattle ranchers, but the majority of the population comprised a large free mixed-race peasantry and a number of smallholders and tenants-at-will, like José, who also owned a few slaves.¹¹⁰

Marcolina on the other hand lived in the port area, the parish of Conceição da Praia, of the provincial capital. In fact, she lived in a neighbourhood adjacent to the port itself in close proximity with Portuguese immigrants who, like her owner, worked in retail and wholesale.¹¹¹ Nascimento has described the parish as “uma das [...] mais movimentadas da cidade”.¹¹² It was the city's main commercial zone and its port location produced a large transitory and fluctuating population due to the daily arrival of newcomers. Typical of port cities, it was also a parish where “os casados ocupavam uma ínfima percentagem”.¹¹³ The majority of the population in this parish were free (75%) and most (47%) were white. But, the free coloured constituted almost one-third of residents.¹¹⁴ For Marcolina to participate fully in the world of the

Metcalf found a case of a clergyman who freed the children and transferred ownership of their mother to them. See Metcalf, *Family and frontier* 173.

¹⁰⁹ On droughts in the region, see Erivaldo Fagundes Neves, *Da sesmaria ao minifúndio: uma comunidade sertaneja* (Salvador: EDUFBA/UEFS, 1998), 193-207.

¹¹⁰ Maria Fátima de Novaes Pires, *O crime na cor: escravos e forros no alto sertão da bahia (1830-1888)* (São Paulo: FAPESP/Annablume, 2003), chapter 1.

¹¹¹ For a summary of the parish population and its commercial activities, see Nascimento, *Dez freguesias* 35, 74-77.

¹¹² Nascimento, *Dez freguesias* 75.

¹¹³ Nascimento, *Dez freguesias* 77.

¹¹⁴ Nascimento, *Dez freguesias* 77.

free in which she mingled she understood that she needed to secure documentary proof of freed status. Living where she did Marcolina had no doubt witnessed the ease and frequency with which freed persons had their status challenged. From association with other free blacks she would have also learnt how to handle such challenges.

For Monica, on the other hand, the world in which she moved was not as diversified as the provincial capital where Marcolina lived, and as long as everyone around her acknowledged her as freed - and indeed there was no threat to sell her or her children as slaves - there was no need for proof of status. Indeed, for twenty-two years her status remained unchallenged. But the stability and unity that Monica might have believed she had acquired had no legal status, so once challenged the ambiguity of her position began to unravel.

4.5 Slave family 3: married/rural.

The next three cases present contrasting experiences of Afro-Brazilian family life across the slave/free divide. These cases all emerged in the same period and place, and are cases defended by abolitionist lawyers under the illegal enslavement of Africans in the post 1831 period. Interestingly, despite the close association between abolitionism and Brazilian urban centres, all three cases originated in the Bahian *sertão*, in the region of Rio de Contas supporting the findings of Ricardo Tadeu Caíres Silva for the south of Bahia that “o movimento abolitionista no interior da provincia não era tão fraca ou insignificante” as purported at the time.¹¹⁵ All cases relate to African women brought to Brazil in the late 1840s, who would have had to

¹¹⁵ Silva, “Memórias” 43.

endure “another middle passage” on the internal slave trade from the coast to the interior of Bahia.¹¹⁶ Although not all three cases are complete, they nonetheless illustrate the extent of family ties across generations as well as the strength of those ties as expressed through the support mechanisms developed in the pursuit of freedom.

(a) Rita, granddaughter of Catharina Monteiro de Magalhães, *Africana*, Caetitê (1884).¹¹⁷

Catharina’s experience of enslavement in Bahia was probably similar to many other enslaved Africans illegally imported to the region during the 1840s.¹¹⁸ Although there are some slight inconsistencies in the evidence provided by members of the slave owning family about the transfer of ownership, when cross referenced with surviving wills and testaments it would appear that Catharina first arrived in Bahia in either 1847 or 1848 when she was about eighteen years old. According to her testimony provided by her lawyer in her Ação de Liberdade in 1883, she was brought to the interior of Bahia “bem rappariguinha, [para] as lavras diamantinas de Santa Izabel do Paraguassús” (sic), where she was bought by Capitão Clemente Alves de Carvalho. A year or two later the said Captain “teve que retirar-se das lavras diamantinas, e vindo para as Umburanas, d’este termo, trouxe consigo a mulher livre vendendo-a mais tarde ao Capitão Manoel Monteiro de Magalhães”.

¹¹⁶ Richard Graham, “Another middle passage? The internal slave trade in Brazil,” in The chattel principle: the internal slave trades in the Americas, ed. Walter Johnson (Yale: Yale University Press, 2005), 291-324.

¹¹⁷ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 72-2579-23 (1884). The proceedings were initiated in 1883 but dated 1884.

¹¹⁸ Very little is known about the intra-regional traffic in slaves, but some experiences of arriving in Bahia during this phase have been found for the south of Bahia. See Silva, “Memórias” 37-82. Most Africans in the region, though, would have been male. See Maria Cristina Dantas Pina, “Os negros do diamante: escravidão no sertão das Lavras de Diamantinas – século xix,” POLITEIA: história e

So as a young woman Catharina had worked as a slave in the diamond-mining region in the interior of Bahia. Excavation of diamonds in the region had only begun in 1844 and the town of Santa Isabel de Paraguassu (actual Mucugê), was only established in 1847.¹¹⁹ When Catharina arrived in the region she would have been one among a few thousand slaves, the majority of which were Brazilian. Among Africans, most were male.¹²⁰ The two ‘captains’ involved in the sale were related by marriage and were among the wealthiest of prospectors in the region at the time, but the area attracted elements from the whole socio-economic spectrum of nineteenth-century Brazilian slave society.¹²¹ Moreover, the sale of Catharina took place at a peak in the intra-provincial trade, which declined sharply within a few years of abolition of the trans-Atlantic slave trade in 1850.¹²²

The mixing of business and family relations was common practice in the region. In this case, Capitão Clemente Alves de Carvalho was the father-in-law of Capitão Manoel Monteiro de Magalhães who had married Clemente’s daughter, Joana, one of his nine children. Joana and Manoel went on to have twelve children together.¹²³ Catharina’s name appears in the inventory for Joana drawn up in 1863, then again in the 1872 slave register under the ownership of one of Joana’s sons, Bento Monteiro de Magalhães.¹²⁴ Catharina obtained her letter of liberty from Bento some time

sociedade 1.1 (2001): 179-200.

¹¹⁹ Pina, “Os negros” 180.

¹²⁰ Pina, “Os negros” 182-83.

¹²¹ Erivaldo Fagundes Neves, “Sampauleiros traficantes: comércio de escravos do alto sertão da Bahia para o oeste cafeeiro paulista,” *Afro-Ásia* 24 (2000): 97-128. Pina, “Os negros” 180-81.

¹²² Neves, “Sampauleiros” 99.

¹²³ There is an inventory for Manoel Monteiro de Magalhães in APEB which has been classified ‘sem condições de uso’, but Catharina’s name could not be found in the list of his slaves. APEB, Sec. Jud., Inventários, 3-1233-1692-10 (1871). There is also another inventory for Manoel Monteiro de Magalhães in the Arquivo Público Municipal de Caetité, see Pires, *O crime* 64, 89. Pires does not provide a date for this inventory so it is impossible to say whether or not they are for the same person.

¹²⁴ Joana is shown to own a total of twenty-six slaves including six Africans, one of which was called Catharina, aged 34, valued at 1 conto. Of these twenty six slaves, ten were children aged from two to

between her entry into the slave register in 1872 and the start of her grand-daughter's *Ação de Liberdade* in 1883. The case was initiated in the name of Catharina's granddaughter, Rita, against her then owner Maria Josefina Cirqueira, on the grounds that Rita was the third generation of a family illegally held in enslavement.

According to Rita's attorney, her mother, Geralda, was sold to Ana Maria dos Santos by Capitão Manoel Monteiro de Magalhães, although precisely when we do not know. Being as Geralda's name does not appear in the inventory for Joana, her mother's owner, it can be assumed that she was sold some time before 1863, the year Joana died. If the age given on her marriage certificate of 1882 is accurate then Geralda would have been born in 1857 when her mother was in her late twenties. As such, Geralda must have been separated from her mother before she was even six years old, when she was sold outside of the Carvalho-Magalhães clan.

Geralda's mother, Catharina, remained in service to the same slave-owning family for most of her life in captivity, passed from one generation to the next, buying her freedom from a grandson of her original owner some forty years after her arrival in Brazil. Her daughter Geralda, Rita's mother, was sold first to Ana Maria dos Santos, then to Maria dos Santos, an African freed woman, who was also the grandmother of Rita's last owner Maria Josefina, resident in the town of Januaria, Minas Gerais, "no lugar denominado Pontal do Escuro". Although separated through sale, the three generations of this family remained in sufficient enough contact for Catharina to help pay for her daughter's freedom from Maria dos Santos by raising half the funds; likewise, Geralda tried to raise the funds to pay for Rita's freedom. Rita herself was

ten years of age; and of the six Africans owned, three were men and three were women, all aged

said to have gone out begging for *esmolas* in order to raise some money too. By the time of the proceedings she had only raised 150 mil reis and her owner was asking for 400 mil reis.

Although we do not know exactly when Catherina and Geralda obtained their freedom, neither were free in 1872, but both were by the time of Geralda's marriage ten years later. In fact, Catherina was married before she obtained her freedom. Her husband was another African, Alexandre, and both carried the surname of Monteiro de Magalhães, therefore in all likelihood both were at one time owned by the same slave-owning family, although to which member of the family Alexandre belonged we cannot be sure.¹²⁵ Geralda was twenty-five years old when she married Claudio Theodorio de Souza, a local-born blacksmith some twenty-four years her senior in 1882. Geralda and Claudio were described as *crioulos*, and like Geralda, Claudio's parents were married too although no reference was made to their colour or status.¹²⁶ Interestingly, both witnesses were also married; one was a white businessman and the other a *pardo* tailor. Rita was thirteen when her mother married Claudio, and in all likelihood Claudio was not her father, as she is described as *pardinha* in the documentation for the proceedings. But this relationship pattern was quite typical among the enslaved in Brazil and other slaveholding regions in the Americas.¹²⁷

Although family unity was fragmented as a result of separation through sale,

between thirty and thirty six years of age. Unfortunately, parentage of these children is not noted. APEB, Sec. Jud., Testamentos e Inventários, 3-1205-1674-12 (1863).

¹²⁵ His name does not appear in the inventory for Joana Alves de Carvalho and could not be identified from that for Manoel Monteiro de Magalhães due to its poor condition.

¹²⁶ Mention is made only of Claudio's father, João Albino de Souza. A copy of the marriage certificate is presented as part of the documentation for the proceedings. APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 72-2579-23 (1884).

¹²⁷ The type of slave family formation found here has also been found for colonial towns of São Paulo. See Metcalf, *Family and frontier* 170-72.

Catharina's family ties appear to have been strong and enduring. This was probably assisted by the fact that both Catharina and Geralda, as mothers, remained with members of the same slave-owning family for the duration of their time in captivity. Thus, a degree of stability was achieved through a combination of marriage and continuity of ownership on the maternal side of the family. However, the stability described here is not a mirror image of that depicted by Slenes for coffee plantation slaves in the south east of Brazil. Nonetheless, as Edson Fernandes has pointed out for the case of the paulista sertão, this type of slave-owning family would have been more dependent on 'a slave family' as their source of labour than perhaps plantation slave owners were, although the slave family type was unlikely to be a nuclear family with both parents present.¹²⁸

Furthermore, the incidence of marriage in this type of slaveholding is interesting, and may well have been influenced by the changing anti-slavery legislation since 1869, but it is consistent with findings for the Bahian sertão in as much as the majority of slave marriages occurred between those belonging to the same owner.¹²⁹ Here, then, there appears to be an intermediate model of slave family and slave-ownership, that falls between the smallholder and plantation owner. In this way, location and economy (mining and ranching) of the region determined levels and patterns of slave-ownership, which in turn impacted upon the formation and constitution of the slave family. Although Rita's owner, an African freed woman, was in all likelihood a smallholder, and many individuals of the Magalhães-Alves Carvalho extended family owned small numbers of slaves. Collectively they also owned a number of *fazendas*

¹²⁸ Edson Fernandes, "Família escrava numa boca do sertão: Lenções, 1860-1888," *Revista de História Regional* 8.1 (2003): 15-19. See also Mahony, "Creativity" 637, who notes that, "[b]y 1872 [...] natural reproduction was more important than purchase or other types of transfers in shaping it [the enslaved population]".

and lands across the region. This meant that Catharina and Alexandre's family were dispersed across the region in the same way. As such, the 'slave family' here would have found it difficult to remain together residentially, but the degree of fragmentation may not have been as great as among smallholders and urban slaveowners, for which incidence of slave marriage was particularly low.

(b) Antônia, *Africana*, *liberta*, and her four children, Rio de Contas (1883).¹³⁰

The case between Antônia and her owner Genoveva Angêlica da Conceição in 1883 in Rio de Contas is another example of three generations of illegal enslavement involving slave marriage. The documentation used here refers only to part of the final appeal of the proceedings as the rest of the case has not survived.

Antônia was registered as thirty-one years old in the 1872 slave register. The age is probably more approximate than accurate, but for sure Antônia entered Brazil as part of the illegal slave trade. At the time of the slave register Antônia was married with four children. Like Geralda in the previous case, Antônia's husband, Manoel, was the father of all except the eldest, Maria. The two boys, Antônio aged 10, and Luis aged 13, were registered in Genoveva's name. Each of the girls was registered as belonging to Genoveva's sons; Maria aged 15 to Lino Martins de Oliveira, and Clemência aged 14 to Manoel Martins de Oliveira. How Genoveva became the owner of Antônia and her family remains unclear, and the information about her arrival in Bahia is sketchy because very few witnesses agree to give testimony.

However, one witness actually participated in the transaction and transportation of

¹²⁹ Pires, *O crime* 83 and 80-88.

Antônia from Salvador to Rio de Contas. According to Martiniano Ribeiro de Magalhães, Antônia, like Catharina in the previous case, arrived in Salvador about 1847. She was brought to Rio de Contas along with another seventeen African slaves, *de ambos os sexos*, to be sold. Ribeiro thought that Antônia was about ten years old at the time. He names a number of different people involved in this deal, including his father, but what their roles were and how Antônia ended up with Genoveva remains unclear, as no other witnesses come forward to corroborate the evidence.

Antônia's case was defended almost unmistakably by an abolitionist lawyer. In the proceedings references were made to similar cases in other provinces and the institution of slavery was openly condemned. He was also well versed in legal matters and legislative change as well as rulings on other cases.

Although relatively little emerged during the case regarding Antônia and her family, some observations can be made. First, in all likelihood, Manoel and Antônia were both African slaves. In addition, not only were all their children described as *preto*, but there were no witnesses called to testify in their defence. It could be that some parts of the proceedings have not survived, but no reference is made to such evidence being provided by witnesses in the lawyers summing up. For sure, the absence of witnesses contributed to the unfavourable outcome for Antônia and her family, as they lost their case, even after an appeal to the *Tribunal da Relação*. The final sentence against them was declared in May 1885.

¹³⁰ APEB, Colonial e Provincial, Sec. Jud., Ação de liberdade, 71-2544-08 (1884).

(c) Josefa, *Africana*, and her seven children, Laranjeiras (1883).¹³¹

Like Catharina and Antônia, Josefa arrived in Bahia in the late 1840s, probably in her early twenties. She spent the first two weeks in *uma casa particular* in Salvador with other Africans from the same ship. There she was bought by Francisco Ribeiro Moreira.¹³² She was then taken overland by Moreira and Manoel dos Santos Silva to Laranjeiras where she was then sold to Silva's father-in-law, Major João Pinheiro de Mendonça. When the latter died Josefa was passed on to his widow, Antônia Faro de Leitão. In Antônia's inventory after her death in February 1852 Josefa was listed as twenty years old, and inherited by Antônia's son, João Pinheiro Mendonça. We do not know where all Antônia's children went but it would appear from the context of the case that they remained in the same region as their mother. We do know that in 1872 Josefa was already married, but not who her husband was. Also, Josefa and one of her daughters, Francisca, gained their freedom from the emancipation fund of 1881.

The determining principal in this case was Josefa's age. On the 1852 inventory she was entered as twenty years old, and on the 1872 slave register as fifty one. According to the prosecution this was ample evidence that Josefa must have been imported illegally, and therefore she and her children should all have been declared free. The defence tried to dismiss this as irrelevant on the grounds that it was supposedly well known that the ages entered on such documents were quite arbitrary, because a slave's age was not that important to their owners.

¹³¹ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 76-2730-3 (1883).

¹³² This slave trader appears to have been well-established in Salvador. He placed an advertisement in the *Journal da Bahia* in 1859 to sell "um preto nagô, moço, e perfeito marinho do recôncavo". See Pierre Verger, *Fluxo e refluxo: do tráfico de escravos entre o golfo do Benin e a Bahia de Todos os*

One angle of questioning to determine Josefa's age related to puberty, menstruation and menopause. Manoel dos Santos Silva, when asked about her age, responded that he was unable to say for sure what her age was, but he did notice "que ela estava com caroços de peito" when he brought her from Salvador to Laranjeiras. Questions 4 and 7 of the *quesitos* put to Josefa during the proceeding were as follows:

Qual sua idade atual e se ainda é regreda?

*Se acha-se grávida ou parida, e no último caso onde existe a criança
ou o que é feito dela?*

The responses were recorded as follows:

*..que não sabe precisar a sua idade de atual, mas é certo que pelo
primeiro Cólera (1855) ela se achava aqui de seis para sete anos, e que
ainda se acha no gozo de suas regras.*

*...não se acha parida, nem grávida, por quanto sua última filha
já tem dois anos de idade...*

On the basis that by 1883 Josefa had not reached the age of menopause it was argued that the age entered in the 1872 resister was probably close to her real age.

Other supporting evidence that Josefa was indeed imported to Brazil after 1831 actually came from Manoel dos Santos Silva, the brother-in-law of Josefa's owner, João Pinheiro Mendonça. While he could not remember the year in which he brought Josefa from Salvador, he remembered that it was before the first cholera epidemic of 1855 but after his second marriage which was to Major Pinheiro Mendonça's daughter on 10 May 1847.

In fact Manoel provided much of the evidence used against his bother-in-law in the case. He revealed how no bills of sale were produced for any of the transactions, not in Salvador or in Laranjeiras. As the prosecution pointed out, without documentation there could be no transfer of property and without proof of ownership it was more than likely that no taxes had been paid for Josefa and her family.

However, the defence for João was very dismissive of such evidence. First he claimed that at the time of the transaction documentation had not been introduced for the sale of slaves, arguing that “não era costume então, nem em tempo algum, passaram-se documentos de qualquer espécie sobre a compra de Africanos”, which was probably an accurate summary of the practice of turning a blind eye to the sale of illegally imported Africans in the area.

In addition, and rather incredulously, it was argued that it would have been impossible to carry out such a transaction “a vista e face da polícia, e do poder Judiciário” in the state capital city of Salvador. Besides, he added later, “a vigliância do Governo brasileiro que comprimiu o tráfico, mais ainda os cruzeiros ingleses que varriam as costas do Brasil, não davam lugar a importação, que foi abafada até hoje”. In effect, he argued that the illegal importation of African slaves never took place, but just to be sure he resorted to a “ignorância suprema em que viviam eles [Africanos]”. In sum, as an African, Josefa was incapable of recalling and claiming ownership of her own experience.

Josefa and her family won the case on 8 June 1863 but an appeal was lodged and the case referred the *Superior Tribunal da Relação*. At this stage the onus was placed on

Josefa to prove she was brought to Brazil after 1831 by giving the name of the ship, the month and the year of her arrival.¹³³ Despite the absence of any documentary evidence presented on behalf of Pinheiro Mendonça his appeal was upheld and the previous sentence in favour of Josefa and her children was overturned on 8 August 1884.

4.6 Slave/Free marriage.

The next three cases provide examples of marriage across the slave/free divide. As discussed in the context of race and status, marriage tended to take place between social equals.¹³⁴ Given the wealth of empirical evidence confirming the attachment of social status to marriage, it would be fair to assume that in these cases the socio-economic divide between these spouses was not that great, making marriage more probable and plausible. Significantly, though, as married women, it was the husbands who represented them in the proceedings. In historical perspective then, it is therefore somewhat ironic that single women *had to* represent themselves before the authorities because no one else could, but because no one else could represent them they were also *able to* represent themselves. For sure, many single women were involved in proceedings because of lack of ‘protection’ and ‘patronage’, but it is only through the proceedings in their name that female agency moves out of the shadows of social history and into the foreground where it can be more fully assessed and accounted for. It should be noted that in neither case did the ability to be represented by a husband bring any advantage to these women or their children.

(a) Paulo da Nossa Senhora and Domingas de Mello, *Africana*, Camumu

¹³³ Silva “Memórias” 37-82, has shown that in many cases the names of ships and dates of arrival were

(1859).¹³⁵

Domingas de Mello, an enslaved African woman, was bought by Marcelino Francisco de Mello in 1837, "e a destinou a serviços da lavoura". Ten years later, on 26 May 1847 she gave birth to a daughter, Joana, who was baptised the following year as freed. Approximately nine months earlier, on 19 August 1846, Domingas made a down payment of 50 mil reis on her freedom, valued at 300 mil reis. Henceforth, she would buy her freedom in instalments. On 28 December 1848 she paid Marcelino another 25 mil reis, a quarter of her total value. It was then agreed that she was be one quarter freed, and as such she could have one week 'free' every month to work for herself.

Marcelino's first wife, Izabel de Santa Anna died in 1846, and it was later claimed that he used the first payment from Domingas to pay costs for his wife's inventory. Marcelino later married again, to Luiza Maria do Amparo, and they had one daughter, Francellina Maria de Mello. When Marcelino died in October 1854 his assets were divided between his daughter and his widow. Luiza Maria inherited Joana, Domingas's daughter. By that time Domingas was already freed, having paid her final instalment on 6 October 1850. At some point she married Paulo da Nossa Senhora. It was against Marcelino's widow that Domingas and Paulo took legal action over the illegal enslavement of Domingas' daughter, Joana.

Having given birth to Joana after she had entered into an arrangement to purchase her own freedom, Domingas believed that her daughter had been born as freed. Indeed, when Joanna was baptised at six months old, Domingas had convinced the godfather

recalled.

¹³⁴ Holt, "Marriage" 25-41.

and the priest that her daughter was freed. On her baptismal certificate of 1 January 1848 Joana's status is recorded as *forra*. Luiza Maria, however, disagreed. Her lawyers argued that Joanna was born into captivity because her mother had not yet escaped it; she was still three-quarters enslaved when Joanna was born. For this reason, Joana had been included in Marcelino's inventory as part of his property, and passed on to his widow as her inheritance.

The first witness to give testimony was Manoel Caetano. He was described as "cabra, plantador de mandioca", and forty-eight years old. Along with the other seven witnesses called, he verified the arrangement Domingas had come to with Marcelino, and that during one of her 'free' weeks, she "trabalhou de aluguel a elle testemunha". The fifth witness was Joana's godfather. Described as "pardo, solteiro, lavrador," and thirty-four years of age, Celestino Ribeiro stated that he agreed to be a godfather to Joana because the child was freed. In fact, it was claimed by another witness that Marcelino had sent a message to Celestino stating that Joanna was not *forra*, because her mother was only one-quarter freed and that Joanna should be baptised as "hum quarto porque se ficesse de metade Domingas sendo muito experta aranjaria dinheiro metade para forrar a filha o que elle fariam por sua morte que antes não porque já estava velho e a queria em sua companhia". Evidently Celestino believed Domingas and not Marcelino.

There are (at least) two ways to view this arrangement between Domingas and Marcelino. First, that this was an extremely mean-minded scheme designed to delay as long as possible Domingas obtaining her freedom and make it as difficult for her as

¹³⁵ APEB, Colonial e Provincial, Sec. Jud. Ação de Liberdade, 68-2422-6 (1859).

possible; she was after all pregnant for most of the first year of earning her freedom. From another point of view, though, the arrangement could well have been something initiated and invented by Domingas herself. Marcelino was said to have described Domingas as *experta*, suggesting she knew how to negotiate to her advantage. Given the suggestion that Marcelino used the first instalment to pay to bury his first wife, it may be the case that the Domingas saw in his bereavement the opportunity to negotiate for her freedom; Marcelino needed the money and Domingas needed her freedom if she was to avoid bringing more captives into the world. Perhaps coincidentally but conveniently for Domingas the onset of pregnancy took place around the time her owner's wife died. Also, if after paying a quarter of her value she gained one week free in four, after paying half she would have two and so on. This way she could see liberty getting within her reach and made the necessary funds easier to acquire. The more she paid the more time she had off to earn money. This could have been seen as preferable to having to borrow money from a benefactor, and then having to pay them back after.

In this sense, this was a well-thought out arrangement and one that did in fact work. In four years Domingas had managed to pay for her freedom entirely. But this does not imply that she gained her freedom with any ease. One of the witnesses, Maria Vitoria da Conceição, Joanna's godmother, pointed out that after being freed Domingas had a son called Apolinário who later died. Another witness, Victoria Maria, explained that "Domingas não ganhava porque andava doente". Although she gained her freedom, having worked so long and hard to get it, she had perhaps rendered herself unfit to earn a living to support herself in that freedom.

Moreover, while the arrangement to purchase freedom may have made freedom more accessible for Domingas, when discussed in legal terms the idea becomes bizarre. How indeed can a person be one quarter free? And if Joanna was one quarter free at birth did she accumulate her freedom along with her mother or would she have had to purchase the rest of her freedom too? Could a partially freed slave be sold? The legal ramifications are endless and have been examined in detail by Heloísa Maria Teixeira in the context of nineteenth-century Minas Gerais.¹³⁶ But in the view of Marcelino's widow and her lawyers this was a perfectly logical and straightforward issue. Domingas was not freed until she had paid the full sum. Joana, her daughter, was born only after she had paid a quarter. Therefore, Joanna was born into captivity, as her mother was still (partly) enslaved. Eventually, the judge agreed and on 7 May 1861, after an appeal to the *Superior Tribunal da Relação*, a decision was reached in favour of Maria Luiza do Amparo. Joanna was to remain enslaved, a captive of Maria Luiza.

(b) Joaquim José de Sant'Anna and Prudência Maria da Conceição, and their daughter Maria, Rio de Contas (1877).¹³⁷

This is another case of a freedwoman being represented by her free husband, in a dispute over the status of her daughter. In 1872 Joaquim José de Souza registered Maria, daughter of Prudência Maria da Conceição as follows:

*Maria, parda, 29, solteira, filiação desconhecida,
capaz de qualquer trabalho cozinheria...*

In June or July 1877 Maria took ill and went to stay with her mother and her husband,

¹³⁶ Heloísa Maria Teixeira, "Buscando a liberdade: o injusto cativo e luta de famílias negras pela alforria (Mariana, século XIX)," paper no. 47 in *Anais do XIII seminário sobre a economia Mineira* (CEDEPLAR/UFMG, 2008), 9-12.

¹³⁷ APEB, Colonial e Provincial, Sec. Jud., Ação de Liberdade, 71-2544-9 (1877).

vizinhos of her owner. Souza maintained that she went with his permission and that during her stay he and his wife always enquired about Maria's health and sent food and medication for her treatment. On a number of occasions he asked for her to return but the reply was that she was still ill. Prudência and her husband claimed that they had no assistance in the care of Maria, and when Joaquim approached Souza about the expenses - it was claimed he asked for 300 mil reis - Souza told him he could keep Maria because he did not want her back anyway.

Joaquim and Prudência proceeded against Souza for 'abandoning' Maria, which entitled her to be declared freed under the Rio Branco Act of 1871. Souza denied abandoning Maria and called upon various witnesses to testify on his behalf. He also submitted written testimony from a local Justice of the Peace, a *Subdelegado*, and a Doctor from the Faculty of Medicine in Bahia. All stated that Maria had always worked as a slave for Souza and that she had gone to her mother's with his permission.

Joaquim and Prudência called upon four male witnesses. There was conflicting information about their status though. Initially, two were described as freed men and one a slave, but in their testimonies they were named in full and no reference was made to their colour or status. Three of the four were married, and three out of four were also in business.

This is a very brief case, only thirty *folhas*, so it is difficult to glean much about the relationship between mother, daughter, and slaveowner but for sure Maria's parents did not want her to return to her owner. Was the sum of 300 mil reis requested by

Joaquim from Souza an attempt to get some money out of Souza to buy Maria's freedom? If it was a parental strategy to get a child freed then unfortunately it failed. A sentence was reached in favour of Souza in May 1878, and Maria was ordered to return to him enslaved. Whether or not she did in fact return is impossible to say, but in an inventory for Joaquim José de Souza registered in Caetité in 1879 her name did not appear among his slaves.¹³⁸

4.7 Conclusion.

The cases examined in this section reveal a complex picture of slave family formations and slave family life during the latter half of the nineteenth century among rural and urban smallholders in Bahia. For sure, incidence of marriage is an important measure of slave family stability and unity but these case studies remind us that while marriage expressed a desire on the part of slaves for recognition of a family life, there was no guarantee that recognition would follow, or that family unity would be respected and preserved. Indeed, the evidence presented here supports findings from other studies demonstrating how marriage was most difficult to achieve for the enslaved in smallholdings and in urban areas where size of slaveholdings were small. In fact, it may well be the case that family formation and stability was hardest of all in port cities like Rio de Janeiro, Salvador da Bahia and Recife. Furthermore, this study highlights the role of domestic enslaved labour, the result of gendered and racial occupational hierarchies, as a major contributory factor to the problems of family stability and married life for enslaved women.

The trade-offs of urban life for the enslaved, though, were greater freedom of

¹³⁸ APEB, Sec. Jud., Testamentos e Inventários, 02-780-1247-07 (1879).

association and movement for many, facilitated by the needs and demands of the urban slaveholding economy. Some urban enslaved men and women even managed to rent rooms to share, allowing them a degree of independence and privacy not encountered elsewhere. Even though conjugal family life may well have been the desired outcome of such relationships, the conditions and constraints of enslaved domestic work made it almost impossible to achieve.

In the context of rural smallholdings such as those found in the Bahian sertão (Fernandes, Pina), on cassava and tobacco farms in the Recôncavo (Barickman, Holt), or on cacao farms in the Ilhêus region (Mahony, Silva), fragmentation and dispersal were common characteristics of enslaved family life which family members learnt to live with. This required a high degree of adaptability (Gutman) and creativity (Mahony), but ultimately it was a family life where ties and bonds between family members remained meaningful. As the case studies examined here illustrate, those ties were neither forgotten nor lost, and family fragmentation and dispersal did not prevent support and financial assistance in the pursuit of freedom for enslaved family members.

Separation through sale was for sure a disheartening experience to endure, but if the extended family was dispersed across the properties of the same or related slave-owning family, then connection and communication was possible. Visits from members of the slave-owning family would not have been done without the accompaniment of slaves who, if not directly related, would have been able to pass on messages, news, advice and gifts from one family member to another. As Mahony points out, in all likelihood such visits complimented and facilitated social networks

among the enslaved and may well have been the basis on which relationships were established.¹³⁹ Moreover, as Stephanie Camp has shown for the U.S South, skilled males had a greater degree of mobility in captivity than their female counterparts.¹⁴⁰ Having skilled males as slave family members would have facilitated opportunities for more long-term visits, visits that would have been utilised to the full by partners and relatives to consolidate existing relationships, establish new ones, as well as providing time and space to resolve problems and differences.

Moreover, manumission, like marriage (and particularly after 1869), was perceived and utilised as a mechanism for achieving unity and stability in family life. Having freed and free family members, though, came with mixed blessings. When respected, freed status only prevented separation through sale or inheritance of non-enslaved family members. As has been shown, even in late nineteenth-century Bahia, many families were divided across the freed/free/enslaved divide. Free and freed members were better able to assist those who remained enslaved, but raising funds to free children as well as grandchildren was a major endeavour which ate up hard-earned funds, compounding the impoverished conditions of many free coloured families.

As has been shown, freedom had the potential to divide as well as unite. Indeed, although freedom for enslaved women brought an end, once and for all, to the inheritance of captivity, freed mothers whose children remained enslaved still faced the prospect of separation through sale, just as they had in captivity. From the perspective of enslaved mothers the high levels of children among the manumitted makes perfect sense. The relative low price of children in the slave market, and

¹³⁹ Mahony, "Creativity" 641-42.

¹⁴⁰ Stephanie M. H. Camp, Closer to freedom: enslaved women and everyday resistance in the plantation South (Chapel Hill: University of North Carolina Press, 2004), see especially chapters 1 and

owner affections for enslaved infants, then, are not the only ways to explain the prevalence of children in manumission figures. The evidence examined here suggests this was also the result of a maternal logic which understood that mothers had a greater chance of remaining with their children and therefore in control of their fate if their children were freed first. This maternal logic was something quite distinct from the “womb logic” identified by Camilla Cowling, a discourse of freedom used by both abolitionists and enslaved mothers in freedom suits in late nineteenth-century Rio de Janeiro.¹⁴¹ This maternal logic was not a discursive device or strategy but calculated and practical understanding of the dilemmas enslaved women faced in their decision making process about freedom and family.

As the case of Margarida illustrates, for African mothers, claims to their freeborn Brazilian children were not always considered legitimate. In the view of some, at least, it would appear that these children belonged first and foremost to the Brazilian nation, and not to their African mothers. Perhaps unmarried African mothers, like Margarida, were particularly vulnerable, making marriage more of an imperative for Africans who did want to raise children in Brazil. Conversely, it is arguable that the prospect of having to surrender control of their children born during fulfilment of conditional manumission incentivised Africans to prefer purchase as a form of securing liberty. From this perspective, the high numbers of Africans among paid manumissions can be understood as an expression of preference rather than penalty as Florentino has argued; as a way of ensuring a distancing from the socio-political influence of former owners in their lives. It would also permit freed Africans to raise their (Brazilian) children away from the gaze of the former owners who generally

viewed African culture, religion and politics as either inferior or threatening.

Despite the obstructions, obstacles and disincentives the enslaved faced in their attempts to establish families the evidence here confirms that they did form families despite the odds against them. As legal proceedings, these cases provide us with insights into agency on the part of the enslaved to establish, protect and defend family members. However, these cases also alert us to the need for a broader and more inclusive interpretation of 'enslaved' family formations, particularly for the nineteenth-century, although the same could apply to late eighteenth-century Minas Gerais for example. We should not ignore, either, how the mixing of owner/enslaved familial relations created a stability that was as ambiguous as it was superficial. On this note, these cases force us to think more carefully about the nature of any advantages enslaved women appear to have had in manumission, particularly (but not exclusively) those women in relationships with free male slaveowners.

This section has examined questions of stability, unity and viability surrounding the slave family with the aim of questioning and providing evidence against the notion that the enslaved family was a mechanism of planter control or a mere structural condition of plantation slave society. Instead, these cases illustrate how the enslaved and their descendants produced, protected and maintained families in ways that challenged and contradicted slaveowners' views of slave family life. Moreover, some cases challenge too the prevailing views of what constituted the 'enslaved' family. Finally, although local conditions, as shown in studies by Slenes for the south east and Barickman for the Recôncavo, contributed significantly to the possible modes the

¹⁴¹ Camilla Cowling, "Defining freedom, debating womanhood: the Abolition of slavery in 1880s Rio de Janeiro," *Gender and History* (forthcoming).

enslaved family took, family life for the enslaved did continue, albeit in different and ever adapting forms.

To consider the enslaved family from the planter perspective alone, then, fails to acknowledge or account for responses on the part of the enslaved. This section has examined the legalistic and 'creative' types of responses of the enslaved to adversity and opportunity as part of enslaved family life. Although Góes and Florentino, and Mahony emphasise the peaceful and non-violent responses of the enslaved as strategies aimed at survival and self-preservation, the next section examines how the frustration and disappointment associated with the denial of freedom of family members, as well as the despair experienced as a result of separation, had a major role to play in determining how, when and against whom the enslaved did resist the constraints of captivity. In the next section we will see how enslaved family formation and freedom could also be linked to outright acts of resistance, demonstrating a different form of insistence on the part of the enslaved themselves to determine their own family life.

SECTION FIVE
RESISTANCE

5.1 Introduction: slave resistance and gender.

In North American and Caribbean historiography of slave resistance, discussion of enslaved women's resistance has tended to converge around issues of day to day resistance, usually non-violent and committed individually but as part of a continuum that undermined the system of slavery from within.¹ In this context enslaved women's reproductive capacity, sexual vulnerability, and the sexual division of labour determined the ways they resisted captivity. These conditions created gender specific opportunities for oppression and conversely created a gendered range of responses in terms of slave resistance. In general, for Caribbean and North American slave studies, the contradictory and ambiguous positioning of enslaved women with respect to the production of goods and reproduction of enslaved labour is acknowledged as central in theoretical and thematic formulations about gender and slave resistance.

Nonetheless, the way in which that contradictory position has been interpreted has produced a range of paradigms that at times overlap, at times contradict one another.² One of the main rationales identified in enslaved women's expressions of resistance was the extent to which their day-to-day resistance was devoted to avoiding the sexual aggression of a master and the sexually predatory behaviour of other men in the slaveholding household. The main tactics included sexual abstinence, abortion, infanticide and feigned pregnancies which have been categorised as a form of gender

¹ See Elizabeth Fox Genovese, "Strategies and forms of resistance: focus on slave women in the United States," In resistance: studies in African, Caribbean, and Afro-American history, ed. Gary Y. Okihiro (Amherst: University of Massachusetts, 1986), 143-65; Jacqueline Jones, Labor of love, labor of sorrow: black women, work, and the family from slavery to the present (New York: Basic Books, 1985), especially chapter 1, "My Mother Was Much of a Woman".

² Some theories are more closely associated with one region than another. However, all themes are apparent in both North American and Caribbean literature so they have been summarised together here for the sake of brevity.

specific resistance known alternatively as 'gynaecological' or 'reproductive' resistance.³ On the other hand, the role of the enslaved woman in slave family formation has been interpreted as her key contribution to resistance, in the sense that the family provided the slave community with its greatest source of strength and renewal, biological, spiritual and cultural.⁴

The enslaved woman as rebel has been discussed from two viewpoints. First, like her male counterparts, she participated in revolts and uprisings, as queens or spiritual leaders and as warriors.⁵ Second, that she was a 'natural rebel'; that is, that slave resistance was universal and enslaved women participated in all its forms.⁶ These approaches depart from the notion of gender specificity; the first emphasises the fact that women were capable of taking what has often been interpreted as male roles in resistance, and the second that resistance was as instinctive to enslaved women as it was men. Finally, the Africanist or cross-cultural approach (which is frequently incorporated into all of the above) stresses how enslaved African women "adopted strategies and values rooted in African cosmology" reflecting a tradition of identity

³ See Barbara Bush, Slave women in Caribbean society: 1650-1838 (Bloomington: Indiana University, 1990); Darlene Clark Hine and Kate Wittenstein, "Female slave resistance: the economics of sex," The black woman cross-culturally, ed. Filomina Chioma Steady (Cambridge, MA: Schenkman, 1981), 289-300.

⁴ Studies of the slave family are too numerous to mention. For some of the most noteworthy examples, see Herbert G. Gutman, The black family in slavery and freedom, 1750-1925 (New York: Pantheon, 1976); Barry W. Higman, "American and creole slave family patterns in Trinidad," Journal of Family History 3.2 (1978): 163-80; Michael Craton, "Changing patterns of slave families in the British West Indies," Journal of Interdisciplinary History 10.1 (1979): 1-35; Angela Y. Davis, "Reflections on the black woman's role in the community of slaves," Black Scholar 3.4 (1971): 2-15; Barbara Bush, "'The Family Tree is not cut': women and cultural resistance in slave family life in the British Caribbean," ed. Okihiro, In resistance 117-131. For an alternative view of the role of the slave family, see Marietta Morrissey, Slave women in the New World. Gender stratification in the Caribbean (Lawrence: University of Kansas, 1989).

⁵ Lucille Mathurin, The rebel woman in the British West Indies during slavery (Kingston: Herald, 1975); Kenneth Bilby and Filomina Chioma Steady, "Black women and survival: a maroon case," ed. Steady, The black woman 451-65; Stella Dadzie, "Searching for the invisible woman: slavery and resistance in Jamaica," Race and Class 32.2 (1990): 21-38; Silvia W. de Groot, "Maroon women as ancestors, priests and mediums in Surinam," Slavery and Abolition 7.2 (1986): 160-74.

⁶ Hilary McD. Beckles, Natural rebels: a social history of enslaved black women in Barbados (London: Zed, 1989).

with Africa and providing an extension of African Diaspora history.⁷

Collectively, these approaches have opened up new areas of meaning and provided valuable conceptual frameworks in which to explore the multiple forms of enslaved women's resistance, from psychological warfare to maroon leaders.⁸ However, as noted in the introduction to this study, despite some of the similarities in the slave regimes and societies across the Americas, Brazilian scholars in particular have not utilised the theoretical advances of gender and slavery from other regions to inform their studies, nor have they attempted to theorise slave resistance from a feminist or gendered perspective. Studies by Luciano Figueredo and Junia Furtado, for example, represent important contributions to the scholarship that is Brazilian slavery, and provide valuable insights into the lives and experiences of black women in Brazilian history. However, these are essentially regional and social histories of women in Brazilian slave society; they are not informed by the major theories or debates in gender history, or by any black feminist understanding of the history of slavery.

In comparison, there has been a very productive cross over in the field of slave resistance in the Americas in general, particularly in the context of collective acts of violence such as uprisings, strikes and rebellions. In addition, interpretations about the social and cultural life of the enslaved, freed and free coloured in general have been heavily influenced by, and benefited enormously from, ideas from the field of British social history in particular. In sum, although there has been an extremely healthy cross fertilization of ideas, theories and approaches for understanding slave

⁷ Rosalyn Terborg-Penn, "Black women in resistance: a cross cultural perspective," ed. Okihiro, *In resistance* 188-209; Steady ed., *The black woman*, chapter 2, 7-41.

⁸ The term Maroon is used to describe a person from a group of fugitive slaves in remote parts of the West Indies and Suriname. These communities of runaway slaves and their descendants are generally

agency as an expression of class or racial identity the same cannot be said for gender.

As a result, the study of gender in Brazilian slave society is somewhat restrained by the preference for 'social history' as opposed to gender history or black women's history and the resistance to feminist theory in general. This reluctance (or refusal) to incorporate alternative and, it has to be said, more radical approaches to the study of enslaved women in Brazil has produced a more limited understanding of the contribution made by enslaved women to Brazilian history in general as well the history of slavery in the Americas. In sum, despite the fact that more scholarly attention is now being given to the role of enslaved women in Brazilian history, the challenge set by Sonia Giacomini back in 1988 has for the most part been ignored by Brazilian scholars.⁹

In this section, I exam the position of enslaved women in slave resistance in a way that embraces more fully overt and the covert, direct and the indirect modes of resistance, as well as individual, daily and private moments and collective, public, historical events. This requires an opening up of enslaved women as a category of historical analysis to comparative analysis in a way similar to that used by Brazilian scholars to inform their understanding of social relations obtaining in Brazilian slave society in general. That is, through the introduction of approaches and theories in comparative context. Thus, this section will be divided into three parts. The first part will consider enslaved women and flight as revealed in adverts in nineteenth-century Bahian newspapers, police reports and court proceedings for the capture of runaway

referred to as Maroon societies. In Brazil they are known as *quilombos* or *mocambos*.

⁹ Sonia Maria Giacomini, *Mulher e escrava: uma introdução histórico ao estudo da mulher negra no Brasil* (Petrópolis: Vozes, 1988), 89: "é fundamental o reconhecimento da pertinência de um discurso específico *da e sobre* a mulher interior dos discursos feministas, bem como de um discurso *da e sobre*

slave women. Through a comparison of João José Reis and Eduardo Silva's paradigm of slave flight in Brazil and Stephanie Camp's theory of a gendered geography of containment I explore how and why male and female flight differed in the ways they did.¹⁰

The second part turns to the specific act of murder as perpetrated by enslaved women. Using four case studies of criminal proceedings against enslaved women this part examines the circumstances surrounding these murders, the way in which the murders were committed and the choice of victims. This part is particularly concerned with questions of agency and will consider the ways in which theories of subalternity, race and gender used in post-colonial and resistance studies in general, can explicate the positionality of enslaved women as agents of violent slave resistance and help identify what those acts were most likely to be.

The final part of this section on resistance addresses the very specific and problematic topic of infanticide. The topic is considered both within the context of reproductive resistance and through a comparative theoretical approach to the study of infanticide. That is, through comparisons of infanticide perpetrated by enslaved women with other groups of women in nineteenth-century Bahia, and through a comparison with the practice of infanticide in other non-slave societies. The aim is to explore which groups of women, enslaved and free, black and white, were at greatest risk of committing infanticide and why, and better understand the significance of infanticide as a form of slave resistance.

a mulher interior dos discursos emergentes do movimento negro”.

¹⁰ João José Reis and Eduardo Silva, *Negociação e conflito: a resistência negra no Brasil escravista* (São Paulo: Companhia das Letras, 1989), 62-78; Stephanie M. H. Camp, *Closer to freedom: enslaved women and everyday resistance in the plantation South* (Chapel Hill: University of North Carolina

In sum, this section on gender and slave resistance has three main aims. First, to explore more fully the repertoire of enslaved women's resistance, in particular acts of violent resistance as components of that repertoire. Second, to account for enslaved women's agency in a way that resists a rigid historical separation and theoretical distinction between violent and non-violent spheres of resistance. Finally, through the use of approaches and theories adopted in the analysis of enslaved women in other slave societies across the Americas, and of other comparable socio-economic groups in non-slave societies it will be possible to foreground the role of enslaved women in slave resistance in Brazil, appreciate the complexity of their agency as resisters of captivity and recognise and account for the ways in which they expressed an anti-slavery ideology.

PART 1: FLIGHT

5.2 Paradigms.

Flight, as form of slave resistance is now acknowledged as “a mais típica” and most common expression of slave resistance across the Americas. As “a unidade básica de resistência” it represented a deliberate, radical attack against slaveowner interests.¹ As Stephanie Camp insists, planters perceived flight as a major threat to their economic well-being and a serious affront to their authority. As she puts it, “[i]n the inchoate language of violence, planters registered strong objections to truancy”.² A withdrawal of labour was not something slaveowners took lightly.

The motives that prompted flight were many, and the causes multi-factorial, but in general enslaved women across the Americas fled less than enslaved men. More specifically, young enslaved men comprised the majority of those who fled. According to Betty Wood, for enslaved women and the elderly options for resistance in general were “restricted”; in the case of women, it was not because of “their sex per se” instead “motherhood and their occupational experience” placed a number of constraints upon them in ways different to enslaved men.³ For Stephanie Camp, the ways in which gender and race were mapped onto a landscape of captivity created a ‘geography of containment’ which in turn produced a gendered range of responses. Consequently, in terms of flight, enslaved women were much more likely to resort to truancy or absenteeism than long distance flight.⁴

¹ João José Reis and Eduardo Silva, *Negociação e conflito: a resistência negra no Brasil escravista* (São Paulo: Companhia das Letras, 1989), 62.

² Stephanie M. H. Camp, “‘I could not stay there:’ enslaved women, truancy, and the geography of everyday forms of resistance in the Antebellum plantation South,” *Slavery and Abolition* 23.3 (2002): 13.

³ Betty Wood, “Some aspects of female resistances to chattel slavery in Low Country Georgia, 1763-1815,” *The Historical Journal* 30.3 (1987): 622, 615.

In Camp's analysis of the ante-bellum plantation South, it is the restriction of slave movement that formed the centre of the planter "theory of mastery". However, the practice of that theory and the associated mechanisms of control impacted differently on enslaved men than enslaved women. Camp argues that the occupational roles assigned to slave men and women produced a gender differentiated "geography of containment" because enslaved men were much more likely to occupy those roles which involved the use of passes and allowed off-plantation mobility. Although there were exceptions, enslaved women were generally "held more firmly than men within the plantations".⁵ Consequently, the demography of slave flight is a reflection of the gendered nature of the geography of containment. Thus, enslaved men were more likely to be outright runaways or fugitives - a term Camp reserves for those fleeing North - whereas enslaved women were more likely to partake in acts of temporary flight, that is absenteeism or truancy.⁶

Although this distinction does not hold the same meaning for Brazilian slave society because there were no 'free' states until the final years of slavery, Camp's gendered analysis of slave resistance is relevant in the sense that it provides a theoretical framework for understanding and interpreting restraints and constraints also identified by Wood. Basing her analysis on plantation slave experience, these restrictions emanate from within as well as without; that is to say, "gender ideals" operated among the enslaved as well as the planters, and brought to pressure to bear upon enslaved women in ways that were different to men. The emotional sanctions against women who fled were far greater than men; abandoned children and other relatives

⁴ Camp, "I could not" 6, found that on one estate women constituted between 19% and 40% of all cases of absenteeism and truancy.

⁵ Stephanie M. H. Camp, Closer to freedom: enslaved women and everyday resistance in the plantation South (Chapel Hill: University of North Carolina Press, 2004), 30.

were unforgiving.

As Camp puts it “[t]hus imbricated in dense social relations, women appear to have considered permanent escape to be even more difficult than did men”.⁷ Moreover, as enslaved men were more likely than enslaved women to have ‘legitimate’ reasons for being off-plantation they also had a greater familiarity of the terrain outside of the plantation and better knowledge of contacts too which improved the prospect of flight being successful. In this sense, “the geography of containment was somewhat more elastic for men than it was for women”.⁸ Mobility and occupation, then, once again, interfaced with gender and race in ways that circumscribed enslaved women’s agency mapping out the ways in which they responded to captivity.

In comparison, in Brazil in general, while the gender differentiated position of enslaved women in the context of slave resistance is acknowledged, rarely has this been used as a basis for theorisation about slave resistance. In Reis and Silva’s study of the slave flight, all cases used to illustrate their paradigm of ‘fugas-reinvidicatórias / fugas-rompimento’ draw on examples of male flight.⁹ Yet at no point is the possibility raised of the gender specificity of flight. Race, however, is identified as a factor. With reference to Genovese’s study of slave flight in the U.S. it is shown that the most acculturated or *ladino* among the enslaved were more likely to flee. Being more knowledgeable about the immediate and wider world facilitated their chances of success in flight, particularly over recently arrived enslaved Africans. The latter were more inclined to two other key forms of resistance: revolt and

⁶ Camp, *Closer* 39.

⁷ Camp, *Closer* 37, and see footnote 4 for bibliographic references to other studies with similar findings.

⁸ Camp, *Closer* 28.

suicide.¹⁰ Significantly, enslaved males also predominated in these two forms of resistance. Whether flight as form of demand for better treatment (*fuga-reinvidicatórias*) or as a rejection of captivity (*fuga-rompimento*), whether African, *crioulo* or *pardo*, enslaved males in general were more likely to be the ones to flee or fight.

In addition to the flight paradigm, Reis and Silva emphasize the ways in which the patterns of flight changed over time and in response to a changing political and social landscape. Under the colonial regime it is proposed that slave flight was more likely to be long-distance (*fuga para fora*) and to more remote locations.¹¹ With increasing urbanisation, particularly from the 1850s onwards larger cities and towns, with their growing free coloured populations, offered runaways the possibility of ‘*fuga para dentro*’. Moreover, from the 1870s onwards these urban centres were also locations of growing abolitionist sentiment favourable to those in flight. Thus, both the Camp paradigm of flight for the U.S. and the Reis and Silva model for Brazil, make comparable distinctions between different forms of flight.

Interestingly, if we add Camp’s gender dynamic to Reis and Silva’s interpretative framework, and the fact enslaved women comprised a larger proportion of the enslaved populace in cities (see section one) than they did on plantations, the implication is that urbanisation increased the likelihood and frequency of female flight. First, from the Camp perspective, because female flight was more frequent over short distances, and second from the Reis and Silva perspective that urban

⁹ Reis and Silva, *Negociação* chapter 4.

¹⁰ Jackson Ferreira, “‘Por hoje se acaba a lida’: suicídio escravo na Bahia (1850-1888),” *Afro-Ásia* 31 (2004): 197-234.

¹¹ Reis and Silva, *Negociação* 71.

centres facilitated and favoured short-distance flight.¹²

5.3 Male flight.

As discussed, enslaved males were more likely to flee than enslaved females. The youngest, recently arrived males were most likely of all enslaved males, but those who were more creolised were more likely to be successful in flight. The following examples of adverts for runaways illustrate why this might have been the case:

Gazeta da Bahia, Salvador, 10 Março, 1830.

*No dia 26 do corrente mez de fevereiro, desapareceo hum moleque
De 24 a 25 annos, baixo, com hum mez de terra, de nação Calabar,
de nome Duque, hindo buscar hum pote d'agua salgada no Cães novo,
com os signões seguintes: na pé direita hum letra A, e na testa hum
signal como Gegê, dentes de cima limados e sujos, fulo e
suspensorio de azul; quem delle tiver noticia, o levará
na loja de José dos Santos Correia, ou na rua da Oração
casa no. 22 a seu Sr. Miguel Marques de Souza, que terá
boa paga.*

Diário da Bahia, Salvador, 27 maio, 1859.

*Fugio no dia 12 de março do corrente anno, da fazenda de Santa Anna
dos Padrões do Rio de S. Francisco, termo da Villa Nova e provincia
de Sergipe d'El-rei, o escravo de nome João, cabra, baixo e secco
de corpo, barbado, idade de 26 a 28 annos, tem os dentes miudos,*

¹² For some figures on rates of flight in Brazil, see Silvia Hunold Lara, Campos da violência: escravos e senhores na capitania do Rio de Janeiro: 1750-1808 (Rio de Janeiro: Paz e Terra, 1988), 241, for figures on flight which show that out of 222 incidents of flight, 203 were male, 16 female and 3 were children.

Em uma das mãos pelas costas uma costura procedente de pizadella de um carro, é muito bem esparto bom vaqueiro, bom lacaio e tem feito muitas viagens pelo Sertão, Sergipe e para esta cidade. Levou um portamanta de couro curtido com sua roupa: pertence este escravo a seu senhor Francisco Simplício da Santíssima Trindade, religioso Carmelita; quem o prender ou delle ter notícia certa na mesma fazenda Santa Anna, a seu senhor na auzencia delle a sua irmã Eugracinda Amália d'Oliveira Castro, ou nesta cidade do Rev. Padre prior do Convento do Carmo, sera generosamente recompensado. Bahia, 23 de maio 1859.

Both of these were young enslaved men and both bore the scars of their enslavement. But João's familiarity with the region and with the language, together with his occupational skills gave him greater mobility and, no doubt, confidence. Duque, as he was known to his owners, would not have been able to venture far without arousing suspicion, and for sure his safest refuge would have been in one of the many *mocambos* in the *matos* surrounding the city. The resources, including the material possessions João took with him in his leather suitcase, would have made all the difference in determining success and failure in flight.

Over all, it must be stressed that the enslaved fled at all times from all locations, rural and urban, and from all types of enslavers, regardless of where they lived or who enslaved them. They fled from the formerly enslaved too. In 1869, Rufino, *crioulo, menor de 18 annos*, fled his owners, a freed African, Luciano Ribeiro Sanches and his wife, Marcellina d'Argolo. Marcellina was the former owner of Rufino's mother, who she had sold before marrying Luciano. Rufino fled after stealing an unspecified

item from his owners' house. He was absent for two months showing up in the fort of São Pedro, recruited for the 'Commando das Armas'. According to the three witnesses, all Africans, two of whom were his godparents, he had asked to be returned to his owners. The judge agreed and awarded Luciano and Marcellina the right to "vender a quem mais der, para fóra ou mesma na terra, recebindo o seu producto, e deste sendo logo pago do que por credito lhe dever o outorgante".¹³

Even though this is not a typical case of slave flight, in the sense that most slaveowners were not former slaves themselves, some aspects of this case are characteristic of slave flight in general. The language used by Luciano to describe Rufino was similar to that of other slaveowners. He claimed Rufino 'behaved badly' and had stolen from him and his wife. Indeed, it was after the alleged theft that Rufino fled, being arrested two months later in the suburban neighbourhood of Pirajá. It was then that he was recruited to the army presumably because he presented himself as either freed or free. Going by the name of José Rufino he clearly tried to disguise his slave status.

As Hendrik Kraay has examined, the military was the destiny of many runaway males.¹⁴ Some, like Angelo, may have deliberately targeted the military.¹⁵ In January 1840 his owner wrote a letter to the then provincial president, claiming ownership of Angelo who had been arrested and was being held in the home of a Justice of the Peace. Apparently Angelo had been on the run for a year and had "até sentado praça

¹³ APEB, Colonial e Provincial, Escravos Assuntos, maço 2885 (1823-1878), 6 de Julho 1869.

¹⁴ Hendrik Kraay, "'The shelter of the uniform': the Brazilian army and runaway slaves, 1880-1888," *The Journal of Social History* 29.3 (1996): 637-57.

¹⁵ APEB, Colonial e Provincial, Escravos Assuntos, maço 2885 (1829-1869), 27 Janeiro, 1840.

num dos Bathalões rebeldes”.¹⁶ His owner complained that he “apresentado sempre péssima conducta” so now wanted to sell him outside of the province.

The military appears to have been the place twenty-seven year old Praxedes, *pardo*, sought refuge when he fled his widowed owner.¹⁷ Praxedes had been granted a letter of liberty upon the death of his owner, Domingos José da Silva Lima, in 1857, conditional upon him remaining with his owner’s widow until her death. Praxedes, instead, “evadir-se elle de seu poder” and ended up in the *contingente* do Coronel Domingo Rodrigues Seixas’ in October 1865. A slaveowner from Iguapé placed an advertisement in the *Diário da Bahia* in 1833 announcing that his eighteen year old *pardo* carpenter, João, was believed to be heading for the capital “com o destino de sentar praça ou embarcar”.¹⁸ For sure, many runaway slaves deliberately sought the military as a place to hide, and many others were impressed while on the run. But, if the number of letters of complaints made by slaveowners is anything to go by, many enslaved males were simply impressed while going about their normal business.¹⁹

The military, then, was a site where mobility, masculinity and race coincided in ways that exposed the contradictions and ambiguities of the institutions and ideologies of Brazilian slave society, and thus provided a ‘shelter’ from captivity for runaway males. Therein, the boundaries between enslaved, freed and free were far from fixed or clearly marked. Moreover, the lack of prestige, professionalism and remuneration made military life distinctly unappealing to wealthy free whites making the Brazilian military heavily dependent on free coloured and enslaved males for recruits. Indeed,

¹⁶ This is probably a reference to the Sabinada revolt of 1837-1838.

¹⁷ APEB, Colonial e Provincial, Escravos Assuntos, maço 2885 (1829-1869), 13 Outubro, 1865.

¹⁸ *Diário da Bahia*, 24 Abril, 1833.

¹⁹ Kraay, “The shelter” 641-643.

freedom was offered in exchange for enlistment on a number of occasions.²⁰

At other times, many males simply used the cover of the military to claim freed status. This was the case with two *crioulos*, Theopilho and Estevão who, in November 1867, disputed the ownership claimed by the heirs of Dona Antónia Teixeira do Sacramento.²¹ So too did sixteen year old *cabrinha*, Vincente, who, after being arrested by the police and placed in the navy, declared himself freed despite the claims of his owner to the contrary.²²

The existence of large free black communities in urban centres provided runaways with a location in which it was relatively easy to disguise enslaved status and mingle and merge with other freed and free blacks. In nineteenth-century Brazil, unlike the U.S. South, the free coloured constituted the largest sector of the population in many urban regions. This demographic in itself would have been a powerful dynamic in shaping the patterns of flight. Similarly in the case of the military, the presence of large numbers of black and mixed-race Brazilians, as well as free Africans, made it relatively easy for men to invent an identity and disguise enslaved status. The navy and sea faring trade in general offered other options.²³ In a climate of illegal enslavement followed by the demands of an internal trade, this was a somewhat risky strategy, but it was one pursued with vigour by many men. Indeed as Kraay has shown, despite the “stubborn bureaucracy” of the military in processing claims of slave-ownership of recruits, the military generally returned slaves to their owners

²⁰ Kraay, “The shelter” 639.

²¹ APEB, Colonial e Provincial, Judiciário, maço 2671 (1842-1883), Juizes da 2a Vara, 4 Novembro 1867.

²² APEB, Colonial e Provincial, Escravos Assuntos, 2885 (1839-1869), 24 Dezembro 1850.

²³ Jaime Rodrigues, “Cultura marítima: marinheiros e escravos no tráfico negreiro para o Brasil (séculos xiii e xix),” *Revista Brasileira de História* (São Paulo) 19.38 (1999): 15-53.

upon documentary proof of ownership.²⁴

5.4 Female flight: single women.

For enslaved women, the military and the navy were not options. As Betty Wood has observed, the personal and intimate nature of domestic labour meant that private individuals were much more likely (although not always) than institutions to question the origins and credentials of someone presenting themselves as a free black worker.²⁵ However, runaway women did attempt to disguise their enslaved status as best they could.²⁶ An 1833 advert for runaway slave Marcellina, *crioula*, noted that at the time she fled she had a ‘French’ style haircut but that she may well have had it cut short since.²⁷ Because most slaves only had one set of clothes, it was usually easy for owners to list the items they were wearing when they fled. However, Joana, African, “escrava da família”, managed to flee with “toda sua roupa boa” and for this reason her owners could not say with any certainty what she might have been wearing.²⁸ Joana also had the advantage of not having facial markings many other Africans, like Duque, were noted for. As such, the advert for her capture noted how she was capable of “parecendo crioula”.

Although the guise of acculturation was not an option available to all runaway Africans, particularly those recently arrived, it was a device that was put to good use by those who had it at their disposal. João José Lins da Silva offered 20 mil reis for

²⁴ Kraay, “The shelter” 638.

²⁵ Wood, “Some aspects” 616-17.

²⁶ Wood, “Some aspects” 617. Isabel Cristina Ferreira dos Reis, ““Uma negra que fugio, e consta que já tem dous filhos”: fuga e família entre escravos na Bahia,” *Afro-Ásia* 23 (1999): 30-31.

²⁷ *Diário da Bahia*, 10 Maio, 1833.

²⁸ *Diário da Bahia*, 9 Junio, 1858.

the return of his thirty year old African runaway slave, Anna.²⁹ In his description of her he noted that she was “muito bem fallante e parece crioula, por ter vinda pequena”.

As Camp has proposed for the U.S. South, female runaways were less likely than males to flee over long distances. Nonetheless, when the need or opportunity arose, enslaved women were capable of long-term and long-distance flight. Thereza (Angola), fled the city of Salvador in 1826.³⁰ Her owner, Joana Mattos, heard nothing about her again until December of 1830 when she learnt that Thereza was being held in the town’s jail in Marajogipe, in a tobacco-growing region on the north side of the bay of Bahia. As a “poor widow” Joana was desperate to get Thereza back. Felicidade (Nagô), also managed to evade capture for four years.³¹ In a letter to the chief of police in 1843 it was explained how she had refused to go to her new owner, Bartolomeo Joaquim d’Oliveira, when sold by her then owner, José Francisco de Abreu in Estância, Sergipe, on 24 February 1836. Where she fled to and why she refused to go to the new owner we do not know, but she emerged – as many runaways did – in one of Salvador’s prisons in December 1842.

We should not, though, take it for granted that Thereza and Felicidade and others like them managed to circulate successfully as a freed/free Africans for the whole of their time in flight as it was commonplace for the freed and free coloured to be captured as slaves and resold by private individuals.³² Nonetheless, both these women evaded

²⁹ Diário da Bahia, 18 Julho, 1861.

³⁰ APEB, Colonial e Provincial, Escravos Assuntos, maco 2883 (1821-1857), 16 Dezembro 1830.

³¹ APEB, Colonial e Provincial, Polícia, maço 6307, Pedidos de Passaportes (1842-1843), 15 Maio 1843.

³² The prison records for the city prisons, as well as the daily reports of the rounds of various blocks (*quarteirões*) reveal how frequently arrests were made on suspicion of being a runaway. APEB,

being returned to their former owners for a considerable amount of time as well as fleeing over long distances, particularly in the case of Felicidade, suggesting a degree of success. At the very least, they were expert enough to deflect attention from authorities and suspicious individuals on a number of occasions.

Maria do Nascimento also managed to evade capture in the city of Salvador for a number of years, and her flight resulted in proceedings that exposed an undignified drama in the lives of an already infamous Bahian family, Junqueira Freire.³³ Maria, it was claimed, was owned by the family of the Bahian poet-monk Luís José Junqueira Freire and it was after his death in 1855 that Maria appears to have resisted the demands of her alleged owner, Luís José's mother, Felicidade Augusta de Oliveira Junqueira Freire. In the proceedings for the case which took place between 1866 and 1869, Felicidade, by then a widow, described how Maria "foi tornando-se desobediente" after the death of her son. Although Maria "obedecia ao seu filho como seu senhor" she did not show the same inclination towards his mother.

The first flight we know about took place in 1859 when Maria would have been about eighteen years old. Maria had fled after being arrested for a theft from the home of Maria da Paixão while visiting her house on an errand. Released two days later due to lack of evidence it was then that Felicidade "havia mandá-la castigar"; as a result Maria fled. Although Felicidade hired someone to capture Maria, he died before finding her. Maria was finally picked up by the police again in 1866. Felicidade,

Colonial e Provincial, Polícia, Mapa de Presos, Casa de Correção, and Polícia Assuntos. The practice was widespread and not restricted to Bahia. See Sidney Chalhoub, "Seigneurial customs: the practice of illegal enslavement and the precariousness of freedom in nineteenth-century Brazil" (paper presented at ISOS conference, University of Nottingham, UK, Sept. 2006); Judy Bieber Freitas, "Slavery and social life: attempts to reduce free people to slavery in the Sertão Mineiro, Brazil, 1850-1871," *JLAS* 26.3 (1994): 597-619.

claiming she inherited Maria upon her husband's death in 1843, was awarded the right to release Maria from jail and claim ownership of her in 1867, but Maria attempted to have an injunction brought against her. Although it failed, during an appeal in 1869 it emerged how Maria was the freeborn daughter of a freed African woman, Maria Quitéria (Nagô) who had also had to take legal action to secure her freed status in 1846. While it is not known in what year she became freed, witnesses maintained that Maria do Nascimento was born *do ventre livre* in 1841, so by the time her mother took legal action, Maria Quitéria had already been freed for some five years.

Maria Quitéria's freedom had been obtained from Antônia Joaquina Rosa, described in the documents as *parda*. Antônia and Maria Quitéria lived in a property owned by Felicidade on the "Rua Gravata, nas lojas do sobrado", along with a sister of Felicidade. When Antônia died she owed eight months rent in arrears to Felicidade. So, Felicidade went to claim what she could and left with a number of boxes with all Antônia's papers, including Maria Quitéria's letter of liberty. Maria was pregnant at the time with her daughter, Maria do Nascimento (so Antônia must have died around 1840 to 1841) and Felicidade persuaded her to work for her.

The order of events here are not entirely clear as the evidence from the witnesses varied. Indeed, in one witness's statement it was claimed that Maria Quitéria did not live with Antônia, but instead had a home in Armação, some 18km from the city centre taking the coastal road which is mostly flat, and around 10km overland which is incredibly hilly. The story goes that Maria went into labour "na Estrada de Brotas, vindo da Armação carregando peixe", indicating that she had taken the overland route

³³ APEB, Sec. Jud., Processos Crime, 65-2318-03 (1866).

from her home to the city. From there other street sellers took her to the home of Felicidade where she remained. At some point, Maria's house burnt down so she literally had nowhere else to go. A couple of years later Felicidade went to her *engenho* taking Maria's daughter with her. According the lawyers for Maria do Nascimento, it was "lá nas trevas, engendrou a célebre doação". He pointed out that Maria had "sempre tido e havido por todos que conheciam sua mãe, por livre, e nascida de ventre livre também". After the final appeal Maria won her case, but it had taken three years during which time she had been returned to Felicidade as her slave.³⁴

As the details of the previous case confirm, adverts for runaway slaves concealed much more than they revealed. Many a pursued runaway may actually have been freed, or like Maria do Nascimento, even been born free. However, others clearly fled before they obtained their freed status, so strong was the desire to escape captivity.

Presenting oneself or 'passing' for free/freed, either when still enslaved or living out conditional manumission, was a tactic adopted by both men and women in flight. Conditional manumission, or manumission by instalments, no doubt provided an opportunity to establish a reputation as a freed person and hence the regard that went with it. This is something that Alexandrinha, *parda*, tried out to while conducting her trade in flower selling.³⁵ Her owner complained that the way in which she presented herself as freed, rather than enslaved, was interfering with her business. As such, her owner responded by revoking the conditional freedom and making it public

³⁴ Why it took so long for all the background information to come out is unclear. Nor is clear why Maria's lawyers did not request a *depositário*, the normal procedure when status was in dispute. Although complaints were made against Maria's captivity during the proceedings, no proceedings were initiated to find a *depositário* for her safe keeping, normal practice while legal action was in progress.

³⁵ Diário da Bahia on 27 Julho 1861.

through an announcement in the *Diário da Bahia* on 27 Julho 1861 and offering her for sale. Perhaps she too, like many others, chose this moment to flee.

The prospect of sale was clearly one of the motives for flight for those slaves owned by Ana Gertrudes Theodoria Bothelo of Lençóis, the main town of the diamond mining area known as the Chapada Diamantina.³⁶ In this case, manumission was also used as a mechanism for regulating and controlling the behaviour of slaves as Sidney Chalhoub has explored.³⁷ Ana Gertrudes claimed she inherited her husband's slaves upon his death in 1856. The inventory for Bento José de Carvalho shows that at the time of his death he was the owner of eight slaves in total.³⁸ These included Theotina, *cabra*, 13 years old, valued at 400 mil reis; João, *cabra*, 7 years old, valued at 350 mil reis; Alexandrinha, *caboclada*, 10 years old, valued at 500 mil reis, and Rozalina, *cabra*, 8 years old, valued at 400 mil reis. Listed separately were four slaves that were due to be freed: Rozalina, *parda*; Benedicta, *parda, já velha*; Luiz, *pardo*, and Benedicto, *pardo*. These slaves received their letters of liberty from Bento José de Carvalho and his wife, on 5 August 1855, a year before his death. The letter states that all the slaves would be freed “de dia de nossa morte em diante nos sendo sempre obedecientes, os forramos”. This is done in return “por esmola e dos bons serviços que nos tem prestado”, and with the condition that, “aquelle ou aquella que nos for desobedientes ficará então a sua liberdade de nenhum efeito”.

While on the one hand the letter of liberty was ostensibly being rewarded for ‘obedience’ and ‘good service’ on the part of Rozalina, Benedicto, Benedicta and

³⁶ APEB, Colonial e Provincial, Sec. Jud., Processos Crime 04-118-02 (1866).

³⁷ Sidney Chalhoub, *Visões da liberdade: uma história das últimas décadas da escravidão no corte* (São Paulo, 1999).

³⁸ APEB, Sec. Jud., Testamentos e Inventários, 03-1331-1880-14 (1856).

Luiz, on the other they were reminded that the freedom was a condition and a gift and not a right. The wording of this condition for revoking freedom was common in letters of liberty of the time as demonstrated in the case of Alexandrinha.³⁹ Like Alexandrinha's owner, for Ana Gertrudes the inclusion of the condition was no idle threat, but was followed through. In 1858 Ana Gertrudes initiated legal proceedings to have the letter of liberty revoked alleging that the four were not entitled to their freedom "desde que por força das maos tractos que com sua ingratidão deo a sua Senhora e protectora deixando de observar as condições com que lhe fiz autorgada essa liberdade [...] e isto ainda debaixo da outra condição de serem obedientes, e não ingratos, os réos desobedecerão e tem sido ingratos". The four fugitives, however, claimed that they had not been disobedient or ungrateful, but had fled "por aborecimento ao captiveiro, e receios de serem vendidos pela Authora". The judge ruled in her favour on 22 November 1858 and the next month Ana Gertrudes proceeded to sell Rozalina and Benedicto to Antônio de Paula Montenegro for the princely sum of 2 contos and 400 mil reis.

Although the age ranges and naming patterns revealed in Bento's inventory do suggest some type of kinship among the enslaved in question, as does the opposition to being sold, the documents do not provide sufficient evidence to state with any certainty what the relationship was between Rozalina and Benedicto, and the others. We do not know either, how long the two remained with Antônio Montenegro. At some point, though, Rozalina was rented out to Capitão Guilherme Neville de Irlanda in Lençóis, but from there she fled to Palmeiras, "onde de público reside". Then, in May 1866, Antônio Montenegro pursued the capture of Rozalina through the courts.

³⁹ Ligia Bellini, "Por amor e por interesse: a relação senhor-escravo em cartas de alforria," in

On 19 May she was captured and arrested in Palmeiras and jailed in Lençóis. In his report, the arresting officer noted that Rozalina had injured her foot and was unable to walk, an injury that could have been sustained in an attempt to escape capture or the result of a punishment inflicted for attempting to flee. In fact, the injury was so bad that Rozalina was unable to walk at all, forcing Antônio Montenegro to “allugue[r] um burro por cinco mil reis pra sua condição”. Rozalina Carvalho Bothelo then declared that she had been freed for eleven years, that is since the death of Bento José de Carvalho, and was now resident in the “Povação das Palmeiras, districto da Serra Negra, deste Muncípio”. She made clear that the letter of liberty had been issued and notorised by her now “fallecidos senhores”, indicating that Ana Gertrudes too had died since 1858. The knowledge of this surely reinforced Rozalina’s belief that she was a freedwoman.

This case comprises only seventeen pages and is obviously incomplete but the little information that has survived confirms how Rozalina and her companions fled on a number of occasions, and how they were able to interpret for themselves the terms and conditions of their enslavement. Rozalina and Bendicto, like thousands of others, had had their fill of enslaved labour and felt the liberty they had been promised was a liberty they deserved. In addition, although the threat of sale was often sufficient motive in itself to flee because it usually involved separation from family and friends, the cases examined so far illustrate how sale was often associated with denial – or at least delaying – of a freedom that had been long promised. It is not difficult to understand how this may well have been enough to turn a hitherto dutiful and obedient slave into an ungrateful and rebellious one.

5.5 Female flight, family, and protection.

The cases of female flight examined thus far concern, as far as we can tell, childless, single women suggesting that at this stage in the life-cycle the behaviour of women in flight closely resembled that of men. Marriage, and in particular motherhood, may well have changed that. Many an advert for enslaved women in flight in the city of Salvador mentioned their state of pregnancy or being accompanied by young children, even infants.⁴⁰ Esmeria, African, fled with her daughter Silvina in April 1853. A letter to the provincial president in February 1854 revealed her former owner had discovered she was residing with “o Dr Curador dos Africanos”, Dr. Villaboas, an act which earned him his dismissal by order of the president himself.⁴¹

Some adverts for female runaways made clear their advanced state of pregnancy, others made reference to the women’s physique which alluded to the condition, such as “barriga grande” or “peitos grandes”. References to the advanced state of pregnancy of enslaved women were made along side their (other) occupational attributes, such as the advert placed by the senator Anceido José da Cunha in 1859; he wanted to sell “uma preta crioula grávida do 7 meses, perfeita costueira, engomadeira e cosinha o ordinário da casa”.⁴² As portrayed poignantly in the case of Maria Quitéria, enslaved women, both rural and urban, would have worked up to “as vésperas de parir”.⁴³

⁴⁰ Isabel Cristina Ferreira dos Reis, ““Uma negra que fugio, e consta que já tem dous filhos’: fuga e família entre escravos na Bahia,” *Afro-Ásia* 23 (1999): 31-34.

⁴¹ APEB, Colonial e Provincial, Judiciário, Escravos Assuntos, 2896, 10 Fevereiro 1854.

⁴² *Diário da Bahia*, 7 Jan. 1859.

But, it was perhaps not just the extent to which these women were forced to work during pregnancy, as Ferreira dos Reis suggests, that prompted them to flee; slaveowners would have had plans for mother and baby after the birth that would have played heavily on the minds of urban enslaved women in particular. The type of work could be found advertised on the very same pages of the newspapers where announcements about runaways were placed. It would have read something like this one which appeared in the *Diário da Bahia* on 18 July 1861:

Ama de leite.

Aluga-se uma escrava crioula, parida ha poucas dias, na casa no. 5, a rua de Bispo, ou a rua Direita do collégio, no 12f.

Slaveowners were not known for their discretion when describing enslaved women's bodies, particularly in reference to reproduction. Adverts for wet-nurses were a regular feature of nineteenth-century newspapers across Brazil, in which the insensitive language used promoted the healthy and plentiful state of their nameless enslaved women's bodies, such as "uma crioula moça, da primeira barriga com muito leite" or another with "leite sadia" and of course "bons costumes".⁴⁴

Maternity was in itself a powerful motive for flight, and more than any other type of runaway, a pregnant woman would have needed a secure place of refuge, with people she could trust.⁴⁵ Finding a safe refuge was a task for all those in flight, but finding a refuge where you could give birth presented a gender-specific situation which demanded a different degree of trust. The same applied to flight with dependent

⁴³ Reis, "Uma negra" 31, 39, 46.

⁴⁴ *Diário da Bahia*, 9 Abril, 1858.

⁴⁵ For examples of similar cases in Recife, see Marcus J. M. de Carvalho, "De portas adentro de portas afora: trabalho doméstico e escravidão no Recife, 1822-1850," *Afro-Ásia* 29/30 (2003): 64-65.

children; it was not only trust that was needed but protection too, as the next case of Joaquina reveals.

(a) Joaquina, *crioula*, her 5 children and 6 grandchildren, Rio de Contas (1863).⁴⁶

On 20 March 1810 José Lourenço de Araújo sold three slaves to Francisco José da Silva for a total cost of 275\$040 mil reis. Two of these slaves were brother and sister, Joaquina and José, both described as *crioulos*. The third was an Angolan called João. In the case brought against the Silva family later on in the century, the widow of Araújo, Maria dos Santos Vieira, alleged that the bill of sale was false because it did not have her husband's signature, but instead an x where his name should have been. Furthermore, the lawyers for Maria dos Santos (as she is referred to in the documentation) claimed that Araújo was mentally unstable, “um velho imbecil, e tonto, um homem do mato...não soube o que fêz..”.. Moreover, Araújo sold the three slaves not for money, but for the equivalent value in cotton: “mediante a retribuição annual equivalente ao valor de tãoes cargas de algodão”.

His wife, Maria dos Santos, did not approve of the sale and managed to convince Silva, shortly after, to let her have her slaves back for a while as she was short of labour. In the meantime Maria set about getting the sale invalidated and obtained a judgement in her favour on 26 November 1814. Another thirteen years elapsed, by which time Araújo had died, before Silva managed to get a court order issued against Maria to return Joaquina to him. She failed to comply with the court order and put Joaquina into hiding in Caetité. Once again, Maria turned to the legal system to get the matter resolved and on 24 October 1828 a Juiz Superior overturned the court order

⁴⁶ APEB, Colonial e Provincial, Ação de Liberdade, 80-2850-1 (1863).

against her.

Joaquina gained her letter of liberty from Maria dos Santos in August 1833, by which time she already had three children. The first, Antônio, was freed at the baptismal font in return for a payment from his father, Venácio Ribeiro Novães. Anna, *cabra*, was freed in 1835 for the sum of 70 mil reis, and her brother Joaquim, *cabra*, for 100 mil reis the following year. Both sums were paid by José Rodrigues Ramos da Oça, who later became Joaquina's husband. Possibly, he was the children's father.

As a freed person Joaquina had two more children, Maria and Sabina. By the time of the proceedings in 1863 she also had six grandchildren and one great-grand daughter; all freeborn. Maria had a son called Innôcenio, and a daughter called Sabina, mother of Eduviges. Anna had four children, Martinho, Romão, Marcário, and Dulcinea, married to Rodrigo José da Silva. All the children had been baptised as freeborn, in fact, Maria dos Santos's grandson admitted in his testimony that he objected to the baptisms "pelo interesse de ser elle testemunha um dos herdeiros de sua Avô". Although all of Joaquina's family were either freed or freeborn, they lived most of their lives as fugitives, and were returned to captivity on a number of occasions.

In 1834 Joaquina was taken by force, captured by José Antônio Gomes on behalf of Silva. Joaquina remained a captive of Silva's for about a year before she managed to escape. The Silva family maintained that she was taken by force by a local villain and enemy of the family, Venácio Ribeiro.⁴⁷ The Silva family claimed they were unable to capture Joaquina again because Maria dos Santos, Venácio and the brothers João

⁴⁷ It is not clear from the documents whether or not Venácio Riberio and Venácio Ribeiro Novães are

and Damião Ferraz kept her hidden on various *fazendas* about the region. Silva's lawyers accused Venácio and João of being “reconhecidos aquelle como assassino e este como coutador de escravos”. Between them, they helped keep Joaquina and her family in hiding, constantly moving them around from one *fazenda* to another in order to avoid capture.

However, in 1853, Joaquina's daughter, Anna, along with her four children were captured by Silva in the town of Valença. In 1860 Joaquina and two other daughters Maria and Sabina and their two children were also captured by Silva. Meanwhile, Joaquim and Antônio remained in hiding.

In 1862 Maria dos Santos presented a judge with letters of liberty for Joaquina, Anna and Joaquim and denounced the Silva family as “reductores de pessoas livres a escravidão”. By that time Joaquina, Maria, Sabina and their two children had already been sold to slaveowners in Minas Gerais. With the initiation of the proceedings a court order was issued requiring their return to Caetité. Anna and her freeborn children had spent the last decade as captives, during which time she had become “acostumada com o azorrague”. After a life attempting to escape captivity Joaquina was described as “já velha, valetudinaria e com os pés para a sepultura”.

It was two years before a judgement was reached, and on 2 June 1866 a sentence was declared against the Silva family. An appeal launched on 19 March 1867 was rejected the following month. The Silvas tried three more times to appeal and the final rejection was given on 30 August 1868 due to lack of new evidence.

the same person.

The threat of separation through sale or inheritance clearly provided the enslaved with good cause for flight. In the case of Joaquina, life on the run meant that the threat of separation was something that had to be lived with on a daily basis. Freed status was a fragile freedom, and one not far removed from enslavement. Joaquina had three freed children, and two freeborn, six freeborn grandchildren, and one freeborn great-granddaughter. However, the status of the whole family remained under constant threat the whole of their lives. Confirming Camp's gendered theory of slave flight, it was Joaquina's daughters that were captured and enslaved, while her sons managed to flee permanently. Whether Joaquina saw them again before she died remains unknown.

The cases examined thus far illustrate how flight as an act of resistance, was rarely a solitary and spontaneous act. On the contrary, for flight or even absenteeism to be successful, it relied on the cooperation and support of those inside and outside the slaveowning household. As Camp has argued, the occupational hierarchies obtaining in slave plantation labour made it more difficult for women than men to establish those networks of support off-plantation. For this reason as well as the ones discussed above, runaway women with children required something more than a safe refuge in flight; the degree of protection required meant they were more likely to have to utilise existing systems of patronage which could include other slaveowners.

Consider the case of Perpétua, or Maria, depending which part of her life we join her story.⁴⁸ To João Gonzaga dos Humildes of Santo Amaro she was known as Perpétua,

⁴⁸ APEB, Colonial e Provincial, Judiciário, Escravos Assuntos, 2896, 26 Fevereiro 1844.

crioula, cria. She was the daughter of Joaquina, Gegê, also owned by João. On 22 August 1843 João sold Perpétua to Vincente Ferreira de Freitas for the sum of 200 mil reis in the city of Salvador. According to João, though, Perpétua fled, encouraged to do so by his wife, Donna Anna Joaquina de Jezus, on the basis that she was freed. Apparently, Donna Anna had issued Perpétua with a letter of liberty, under the name of Maria, and had the letter notarised on 5 August 1843 in Santo Amaro, a matter of weeks before the sale took place. She supposedly received 50 mil reis, which it was alleged was never paid. Her husband and eldest son, though, wanted to sell Perpétua “por andar sempre fugida, seus absentimentos, além de outros defeitos morais”. Moreover, they wanted to sell her “para prevenir seu prejuizo, e de seos filhos, providenciando outra compra mais lucrativa”. Evidently João wanted to invest in a property less troublesome than Perpétua.

Whether or not this was the real motive behind the sale we cannot be sure. Like Rozalina and Beneditico, it may well be the case that Maria, had she been given the opportunity to respond, would have denied the accusations. Whatever the case may be, it is clear that something other than benevolence had motivated the mother and wife of the Humildes family to act in the way she did, against the wishes and desires of her husband and eldest son, the pillars of patriarchy in Brazilian slave society. Moreover, although it may appear that the enslaved here were mere pawns in the much bigger and more serious game of family feuds, there is evidence that suggests otherwise. Alliances were forged within the slaveholding household and without with other slaveowners, and hearts and minds were won as well as lost as the enslaved sought to take control of their own destiny and secure freedom for themselves and their relatives.

The next two cases, then, will be examined in detail because they reveal more completely than others considered so far, three important features of the specificity of the gendered dynamic in slave-master relations in the context of resistance. First, as Camp has argued for U.S. South, the dichotomy between overt and covert resistance is false, as is the division between the personal and political. Second, these two cases in particular reveal the nexus of race-gender power relations within the slaveowning household and illustrate how the balance of power across the nexus could shift over time, exposing points of weakness, and affording enslaved women the opportunity to exploit their positions within the nexus. Third, these cases draw attention to specific places and spaces enslaved women were most able and likely to flee. In turn, the trajectories of these cases expose the risks these women and their families ran and the price they paid when they pushed the boundaries that marked the limits of their positions in the hierarchy of race, gender and enslaved labour relations.

(b) Roza, *mulatta*, and her son Bernardino, Inhambupe (1860).⁴⁹

Roza's first owners were probably Maria Josefa de Brito and her husband Bernabé Vieira de Vasconcellos. In Vieira's inventory drawn up just after his death in May 1849, Roza was listed as a twelve year old *mulata* slave girl and valued at 350 mil reis.

Cuja escrava for doada pela cabeça do casal ao orfão seo neto

Pedro Nolasco Mascarenhas cuja cabeça do casal foi Dona Maria

⁴⁹ APEB, Sec. Jud., Ação de Liberdade, 80-2877-04 (1860).

Josefa de Brito e seo procurador foi o dito seo genro Francisco da Costa Baptista.

In the same inventory six other slaves were named as having been passed to their daughter and only heir, Ana Úrsula de Brito, after her second marriage to Francisco da Costa Baptista, the executor of the will. The grandson, Pedro, was from Ana Úrsula's first marriage to José Alexandre Mascarenhas. At the time the *doação* of Roza, Pedro was still a minor, so Roza remained the property of the grandmother. When she died in June 1855 the ownership of Roza passed temporarily to Pedro's guardian and uncle, Francisco Gomes Mascarenhas. In 1859 a rather hasty baptismal ceremony was arranged for Roza's son, Bernardino. The local priest was called out to the home of Francisco Gomes and his wife, and Bernardino was baptised as Roza's son.

However, Bernardino's father, Manoel Henrique Baptista, was a freeman and an *official da justiça*. According to Pedro's defence, Baptista approached Pedro when Roza and Bernardino were in his power, requesting that his son be freed. Pedro flatly refused so Baptista then approached Pedro's mother. Between the two of them and Roza, it was alleged that they conspired to get Roza and Bernardino freed. Ana Úrsula then entered into proceedings against her son over the ownership of Roza and Bernardino and managed to get a *depositário* named for them. However, they were never placed with the named *depositário* and instead went into hiding on a farm belonging to João Simões de Brito, probably Ana Úrsula's brother. Pedro obtained a court order of *Busca e Apreensão* and in November 1859 Roza and her son were imprisoned and another *depositário* named. Roza escaped, aided by her local police officer *amásio*, Baptista, and went into hiding again. Eventually, Pedro came across

Roza and Bernardino by accident and had them arrested again. Meanwhile, Pedro's mother had taken steps to ensure that he did not inherit Roza. On 30 April 1860 she issued Roza and Bernadino with an unconditional letter of liberty in exchange "por dinherio que para isso lhe dara o fallado Manoel Henrique Baptista".

In her case against Pedro, Roza's lawyers argued that although his grandmother had intended to donate Roza to him, he gradually fell out of favour. As a result, she changed her mind about the donation before she died and never had it notarised. Pedro's lawyers argued that Baptista either stole the letter, or that it simply disappeared. Moreover, Pedro had difficulty finding witnesses to support his claim. Even his uncle and guardian eventually gave testimony against him declaring that "nunca lhe conferia Escripta Pública de doação da justificante, nem tampouco tratar de insinuação". Instead, Roza had remained with Pedro's uncle only until Pedro's mother learned that her son had no legitimate claim to Roza.

Although Roza initially gained her *manutenção de liberdade*, in Pedro's appeal against the sentence in the *Supremo Tribunal da Relação*, she lost. Roza's lawyers appealed against the decision to the *Chancelaria*, and the previous sentence in favour of Pedro was overturned. On 13 July 1863 Roza finally and officially became a freedwoman. After this decision two additional petitions were made on behalf of Pedro Nolasco Mascarenhas, but there is no evidence of any further action taken.

Although flight could well be a strategy of temporary relief from the hardness of slave labour (Camp), or a device to find time for leisure and pleasure in the form of truancy, (Reis, Reis and Silva, Camp), here the act of flight, whether over long distances or

short was invariably wrapped up in a more complex history of slave-master relations than adverts for runaways suggest. Moreover, these cases do not fit easily into the Reis-Silva model of ‘fugas-reinvidicatórias / fugas-rompimento’. In the case of Roza, for example, flight was not merely an act of resistance in itself but part of a repertoire of resources and responses in the course of achieving the very specific goal of permanent freedom. Roza’s aim here was not to overturn the system, but she did not want to spend the rest of her life in hiding with her son either. Instead, she wanted a more secure, and permanent state of freedom with Bernardino’s father. The act of flight alone would not achieve this, but when co-ordinated with other strategies of resistance it was a useful and effective response. Moreover, Roza’s act of flight was carried out with the assistance, co-operation, and protection of her free partner *and* her former owner. Together, they exploited the changing dynamics and petty self-interests that could make or break, unite and divide the power held by slaveowning clans in the interior of nineteenth-century Bahia. As Reis and Silva have pointed out, manifestations of resistance “ocorriam mais frequentemente quando os homens livres, os brancos sobretudo, estavam divididos”.⁵⁰ The opening up of divisions within slaveowning households then, not just within social groups, provided the enslaved with valuable opportunities for seizing their freedom.

In the next case of Elizaria, we see just how fatal the consequences can be when private, domestic divisions coincide with public, political ones. In addition, the positive outcome for Elizaria was a consequence of the second major piece of anti-slavery legislation in Brazil, the 1871 Rio Branco Act, to which certain members of the slaveowning class were vehemently opposed. In this legislation the enslaved were

⁵⁰ Reis and Silva, *Negociação* 10.

granted the right to purchase their freedom if they could raise the sum equivalent to their market value. As shown in section one, prices enslaved women and children had to pay for their freedom rose in expectation of legislative change. Nonetheless, some did manage to find the funds to purchase their freedom in this way. Many slaveowners, however, were reluctant to recognise this new right and accept the larger political changes taking place in late nineteenth-century Brazilian slave society.

(c) Elizaria, *parda*, Viçosa (1876).⁵¹

In Viçosa in 1876, Elizaria presented her *pecúlio* to the local judge with the intention of entering into arbitration for the purchase of her freedom from her owner. She had 500 mil reis. She was pregnant at the time and for this reason, as explained in the letter from her lawyer, all the more anxious to have the matter resolved before the baby was born. Before examining the events as they unfolded in the proceedings it is worth quoting this part of the opening document at length which describes how a sum of 500 mil reis was offered to João Pires de Carvalho Jr for Elizaria's freedom.....

*que houve por suas economias e doações de pessoas caridosas
a que não tem podido conseguir amigavelmente do seu senhor,
que pelo contrário começou maltratar-a desde que revelou
tal intenção a parte de ultimamente tracta preza em huma
corrente, não obstante o seu estado avançado de gravidez,
pelo que, que he natural aos que soffrem, procurou ella
livrar-se dos ferros o que conseguiu, abrindo o cadeado
que trancaria ao corrente.*

⁵¹ APEB, Colonial e Provincial, Sec. Jud., 13-439-41 (1876). For an overview of the history of settlement of the south of Bahia, see B. J. Barickman, "'Tame Indians', 'Wild Indians', and settlers in southern Bahia in the late eighteenth and early nineteenth centuries," *The Americas* 51.3 (1995): 325-68.

Elizara had always worked as a *mucama*, a house slave, often regarded as a privileged position on a plantation. According to various witnesses Elizaria had always been “estimada e considerada pelos seus senhores”. Her owners were Major João Pires de Carvalho and Dona Sancha Sá de Carvalho. All members of the Pires family, except the former, were known to think highly of Elizaria, and when Dona Sancha died in 1875 the children agreed to waiver half of her value in favour of her freedom. So Elizaria became “forrada metade”, and as a result lived “como se fosse forra sempre protegida por sua senhora moça Dona Ana Pires”, one of the couples’ daughters. It was said by one witness that Ana Pires also offered to pay her father the other half to free Elizaria completely, but she suddenly changed her mind when Elizaria was accused of a number of thefts of cloth, money, jewellery, wine and food that had taken place, on various *fazendas* belonging to the family. Elizaria was subsequently thrown out of the house.

Judging by her lawyer’s previous statement the thefts were blamed on Elizaria after she tried to buy her freedom. In fact, the punishments and abuse began as soon as João Pires Jr became aware of the attempts to raise money for Elizaria’s freedom. As the local subdelegado explained:

*quanto mais ella aproximava-se aos estranhos, quanto mais
acrescentarão-se os rigores, até que finalmente foi fixada e
encarrentada com a única esperança de ahí adiar a morte.*

It was to this subdelegado, Pedro Augusto Caasandier, that Elizaria fled once she escaped “hum quarto que na fazenda serve de prizão” where João Pires Jr had put her in chains and foot irons. During Augusto’s testimony it emerged that Elizaria’s

partner, Cezário Monteiro, had offered Pires Jr the money for her freedom. According to Augusto, the two had been together some six or seven years, ever since Cezário had worked for the Pires family. They already had one son, born in 1873, and Cezário had already bought his freedom. Now with the second pregnancy it was said that Cezário wanted to free Elizaria too so that they could get married, and avoid the possibility of bringing children into the world as captives. After Cezário's proposal was made known to Pires Jr he was sacked from his position as *feitor*.

Having made the circumstances surrounding her flight known to the subdelegado, he realised that this was beyond his remit and went into Viçosa to consult the Municipal judge. Meanwhile, João Pires de Carvalho Jr had discovered Elizaria's escape and requested a warrant for her capture and arrest. Elizaria had been placed in hiding while Augusto was away in Viçosa, but believing she was at Augusto's, Pires Jr sent soldiers and hired gunmen to capture her there. When Augusto returned from Viçosa his home was ambushed twice. On the night of 22 January 1876 some of Augusto's slaves spotted four armed individuals in hiding. A fight followed and two were arrested, one injured. Later the same night armed men accompanied by soldiers arrived with a warrant for Elizaria's arrest. At 6am the Delegado arrived and demanded an explanation. Having established that Elizaria was not there he sent the soldiers away and released the two prisoners.

The following week, Elizaria was placed with a *depositário* and her savings placed with the Treasury in preparation for the proceedings against the Pires family.

João Pires de Carvalho Jr was nominated to represent his father in the proceedings.

He argued that Elizaria was not entitled to purchase her freedom with the money she had saved because she had obtained it through the theft of goods and money from various members of his family. This did not, therefore, give her the right to purchase her freedom as she had not acquired the money licitly. Nor was it conceivable that she had obtained the money from others because, “sendo ella mucama, não tendo nem donde tirar dinheiro, como podia ajuntar de suas economias, e menos ainda acha estas pessoas caridosas”. Elizaria claimed she had raised some of this money through donations, and gave a list of people who helped her. Three-hundred mil reis had come from her partner, Cezário Monteiro.

Elizaria’s lawyers argued that there was no proof that she had carried out the thefts, and attributes them to another slave, Constantino. Indeed, no one saw or caught Elizaria stealing, although some of the items stolen were said to have been found in her chest. Elizaria claimed that they had been entrusted to her for safe keeping. Relying on this line of argument Pires Jr presented evidence from other cases in which slaves had been denied the right to purchase their freedom because they were shown to have obtained the money from means other than their own savings. Pires also emphasised that under the 1871 law, slaves were not allowed to receive money for third parties, an act which he described as “liberalidade”. A slave’s *pecúlio* was supposed to be managed and administered by a slave’s owner, so any contributions to it had to be authorised by him too.

His attacks on those who were alleged to have assisted Elizaria exposed his thinly veiled disgust at the changes taking place in society which clearly threatened his position of power. Here is one tract which reveals his horror at the changes in

attitudes that are occurring around him.

*se a liberalidade de quem quer que seja por isso só constituisse pecúlio,
ou antes se para se alforria, não entrar se ella unicamente como elemento
de pecúlio..... ficava aberta a porta a todas as immoralidades, e esse
vulcão chamado escravidão tantas explosões teria feita, que poderia dizer,
que a ordem social do Brazil estava completamente destruida.*

He is equally outraged at the extent his ‘enemies’ would go to harm him. He goes on

*Depois de uma torpe accusação engendrada por inimigos tochanos,
qual for a de assassino, não deve admirar, que elles se queirão
locupletar com parte de minha fortuna, a honra ou a bolsa
o que importa, se convem, que eu com minha família sejamos
aniquilados a fim de que paixão impor os de Policia
ou seus descendentes varridas, pela argente necessidade, que
tem o Brasil de calorosos das ruas ou lupanares da Europas.*

The extent of his paranoia was perhaps relative to that of his wealth, as the Pires de Carvalho clan were probably one of the wealthiest anywhere in the region. Much of this wealth seems to have belonged to his mother, Dona Sancha de Sá de Carvalho. When she died in 1875 she had ninety-three slaves, twenty-one of which were African (ten women and eleven men), and the rest *crioulo* (thirty-nine men and thirty-three women).⁵² However, the measure of their status can be found in other documents too. In 1872, Pires Jr was involved in a dispute with a neighbouring slaveowner for the murder of one of his slaves.⁵³ This happened in an ambush of a local *quilombo* at Pau

⁵² APEB, Sec. Jud., Testamentos e Inventários, 07-3131-15 (1875). The gender balance found here is interesting, particularly during a period of rising prices and high demand, and no other supply of enslaved labour other than through natural reproduction.

⁵³ APEB, Sec. Jud., Processos Crime, 21-746-10 (1876).

Alto, led by Pires Jr. Most of the slaves fled before the *quilombo* was attacked, but four were taken prisoner, one of whom died of a gunshot wound. However, he was not charged with murder but *crime de responsabilidade*, because it was considered damage to property. The judge found him not guilty, though, because he considered the task of riding the community of the local *quilombo* as praiseworthy.

The Pires de Carvalho's were a large influential family, but insufficiently so in Elizaria's case by which time it would appear that their power was in dispute and decline. Elizaria won and Pires Jr was summoned to enter into arbitration for the purchase of her freedom. He failed to appear before the judge despite the number of orders issued. He claimed to have eye problems, that a dog had bitten his leg and that he had been preoccupied with legal matters in Pau Alto; the latter, at least, we know not to be an excuse. Finally, his father appeared and received 500 mil reis for Elizaria's freedom. The transaction took place on 20 June 1876, hopefully before Elizaria gave birth.

5.6 Conclusion.

The acts of flight committed by Joaquina, Roza, Elizaria and others illustrate two main points about gender and slave resistance. First, for enslaved women there was no fixed or clear line that separated overt from covert resistance, direct from indirect, and the personal from the political. Second, that the conditions and responsibilities of motherhood and maternity, frequently identified as constraints in the context of slave resistance, could conversely (as Beckles has theorised for the Caribbean), explain and reveal enslaved women's agency. Joaquina, Rosa and Elizaria were mothers, and Elizaria was pregnant with her second child. They fought for freed status for

themselves and their children, and in Joaquina's case her grandchildren too. Significantly it was the presence of those children, and more specifically the condition of maternity, that prompted the pursuit of freedom. More importantly, given the intimate knowledge both women would have had about their slave-owning families, it is hard to imagine that they did not know that freedom would not come without a fight.

As Camp has observed for the U.S. South, for these women flight was no 'safety value'.⁵⁴ It was not a mechanism of release from the harshness or rigours of slave labour described by Reis.⁵⁵ Nor was it a tactic for negotiating better terms and conditions of captivity as identified by Schwartz.⁵⁶ Instead, it was a rejection of the condition of captivity through an assertion of the right to an independent emotional existence and the right to an autonomous family life, one beyond the control of slaveowners.

In Camp's view, truancy in general, "represented the source of a fundamental conflict of interests between owner and owned".⁵⁷ Flight, as expressed by Joaquina, Roza, Elizaria and countless other women like them, when linked to an anti-slavery statement against the rights of slaveowners over both the reproductive and productive area of their lives, thus represented a major threat to the "sense of mastery and their security in the money making purpose of their farms" that all slaveowners shared.⁵⁸ The experiences of enslaved labour coupled with the conditions of motherhood, then,

⁵⁴ Camp, *Closer* 3.

⁵⁵ João José Reis, "Resistência escrava na Bahia: 'Poderemos brincar, folgar e cantar...', o protesto escravo na América," *Afro-Ásia* 14 (1983): 107-123.

⁵⁶ Stuart B. Schwartz, "Resistance and accommodation in eighteenth-century Brazil: the slaves' view of slavery," *HAHR* 57.1 (1977): 69-81.

⁵⁷ Camp, *Closer* 2.

not only fashioned enslaved women's versions of resistance, but also their visions of freedom too.

Two other factors need to be taken into account, though, in analysing these cases. Two of the women were light skinned, Roza *mulatta* and Elizaria *parda*, and both were involved in relations with free men. Although we do not know what work Roza carried out in captivity, in the case of Elizaria we know that she was a favoured and favourite house slave of some key members of the slave-owning family. Her light skin colour would have surely been a factor in achieving the place she had in the hierarchy of enslaved labour owned by the Pires de Carvalho clan. Likewise, as a *feitor* in late-nineteenth century Bahia, Elizaria's partner, Cezário would have almost certainly been free coloured.⁵⁹ We cannot be sure about the colour of Roza's partner but the position he held in the location he held it would usually have been the occupation of a free man of colour. For these women, relations with free men offered them an important element of advantage, but as pointed out elsewhere, that advantage needs qualifying and should not be overstated.

The benefits (if any) extracted from such advantages were hard won, but in both cases the favourable outcomes were facilitated by the existence of local political allegiances and enmities. In the case of Roza, Pedro appears to have found very little support in his claim to her ownership, which in all likelihood was a reflection of his own status in the familial hierarchy. The son of Ana Úrsula's first marriage, no one seemed to

⁵⁸ Camp, *Closer* 3

⁵⁹ On the use of *feitores* on sugar plantations, see Stuart B. Schwartz, *Sugar plantations in the formation of Brazilian society: Bahia, 1550-1835* (New York and Cambridge: Cambridge University Press, 1998), 142-48. On the position of *feitores* on coffee *fazendas* in the south east, see Luiz Alberto Couceiro, "A disparada do burro e a cartilha do feitor: lógicas morais na construção de redes de sociabilidade entre escravos e livres em fazendas do Sudeste, 1860-1888," *Revista de Antropologia*,

look upon him favourably suggesting some unfortunate family connection or association on the side of his deceased father. In the case of Elizaria, the representations made by João Pires Jr on behalf of his father become increasingly desperate as the case dragged on. Although a member of the local council, a trained lawyer and a well-known slave murderer, he must have had a formidable reputation.⁶⁰ Given the ferocious and at times despotic nature of his responses to Elizaria's pursuit of freedom he was surely a man who not only disliked being challenged but one accustomed to winning and having his own way.

But the inventories for this clan for the remainder of the nineteenth-century and the early part of the twentieth reveal how their demise was imminent and would accompany the demise of slave society itself. João Pires Jr was clinging to a crumbling personal empire in a changing political landscape. The feeble and stubborn excuses proffered for his failure to appear for the final judgement were no doubt deliberate displays of disrespect for the process as well as embarrassment at the outcome. It was only his father's willingness (and wisdom) to appear before the judge and settle the matter once and for all that brought this sorry episode to a close.

Thus, Elizaria won her freedom due to a crucial coincidence of a number of factors: she was light-skinned and held a privileged occupation for enslaved females; she had useful connections among the free coloured; she was in position (like Roza and Perpétua) to exploit in-family fighting; the internal family conflict was a reflection of the declining status of the family locally, and finally, that local decline was a result of

USP 46.1 (2003): 41-83. For Rio de Janeiro, see Lara, *Campos* 57-96.

⁶⁰ João Pires de Carvalho Filho appears as a signatory for various documents from the Municipal Council for Vila Viçosa and for the Justice of the Peace. See APEB, *Seção Colonial e Provincial, Série Presidencial da Província, Câmara da Barra do Rio de Contas* (1851/1870).

larger national political and economic change.

Consequently, the advantages of colour and gender associated with Elizaria and Roza and other women like them were not ones that operated independently or in isolation of other factors. They only became advantages when they coincided with other favourable conditions frequently beyond the control of the women themselves. Crucially, it is these conditions which help contextualise and qualify the extent of advantage associated with gender and light-skin colour in nineteenth-century Brazil. If we recall the case of Monica and her twenty-year relationship with a free man, this failed to produce a favourable result in her case. It should also be remembered that although *parda* and mulatta women were over represented among the manumitted, most were freed as infants. Moreover, the lightness of skin colour did not exempt *parda* and mulatta women from punishments and abuses as the following report from an 1865 Bahia newspaper makes clear:

Hontem pelo manha apresentou-se ao Sr. Chefe de Policia uma cabra de 24 annos de idade, de nome Maria, escrava de um comerciante Portugues. Fazia lástimo ver essa infleiz no estado de maus tratos de que se queixava; parecia um esqueleto do que uma criatura.

*Fazia uma corrente de ferro preso aos dous pés, e fechada por um cadeado de segredo letras: as costas e cabeça cobertas de feridas e outras abertas e em supuração; as costas e braços tinham sinões salientes de chicotadas e queimaduras de ferro, e com falta de dous dentes: declarou a victima que elles havia sido arrancados, ou quebrados com uma chave de porta!*⁶¹

⁶¹ Diário da Bahia, 24 Novembro, 1865. I am grateful to Cristiana Ferreira Lyrio Ximenes for

Even though colour and gender helped elevate Roza and Elizaria above other slaves, particularly African and *crioulo* field hands, the extent to which they could rise remained conditioned by race and gender. Perceived as a challenge to the racial and gendered order that João Pires Jr guarded and preserved, Cezário lost his job and home as a result of pursuing freedom for his family. Elizaria was beaten and enchained in the homemade prison on the Carvalho family estate. Roza too was imprisoned and spent months on end in hiding and on the run with her son while the lives of her partner and his friends were put at risk.

While not attempting to deny the advantages light skin brought to those enslaved in Brazilian slave society, any advantages were, like manumission itself, regarded as favours rather than rights. There were conditions and limitations associated with these advantages which reinforced the racial hierarchies and prejudices obtaining in Brazilian slave society. For sure, there were laws that discriminated against Africans which in turn operated in favour of Brazilian blacks.⁶² But the ways in which those favours were denied was just as important a mechanism of race relations and social control as was the awarding of the favours themselves. Furthermore, the punishments and pursuits of Roza and Manoel, of Elizaria and Cezário stood as powerful reminders to all the enslaved and free coloured of the risks they ran when challenging the formidable forces of property and patriarchy. Conversely, the outcome of these cases no doubt prompted enslaved and enslaver alike to re-assess the price paid for freedom in late nineteenth-century Bahia.

bringing this case to my attention.

⁶² Reis and Silva, *Negociação* 93, claim there was a type of “pacto paternalista entre os crioulos e senhores brasileiros”.

PART 2: MURDER

5.7 Introduction.

As we have seen in the case of Elizaria against João Pires de Carvalho, there was no such crime as murder of an enslaved person, it was instead an act of criminal damage against property, be it human chattel, livestock or real estate. As such, the act of murdering an enslaved person was a crime committed against the slaveowner and not the enslaved individual. But it was a “novel” and notorious event for slaveowners to be brought to court for abuse or murder of their own slaves.¹ Murder of a property owner, on the other hand, was the most serious of crimes for which the enslaved, and freed Africans as non-citizens, were treated differently.² The Criminal Code of 1830, and subsequent amendments of 1835 and 1843, made the death penalty the punishment for murder of masters or members of his family, his administrators and *feitores* by enslaved men. For enslaved women it was a life in the galleys.³ There was no appeal process for these crimes.⁴

The degree of gravity attached to the murder of slaveowners reflected a fear rather than frequency of such events. In the sugar producing region of Campos de Goitacases, in the

¹ For some insights into one such case, see Nancy Priscilla Naro, “Fact, fantasy, or folklore? A novel case of retribution in nineteenth-century Brazil,” *LBR* 1 (1996): 59-80. Patricia Ann Aufderheide, *Order and violence: social deviance and social control in Brazil, 1740-1840* (PhD diss., University of Minnesota, 1976), 182, found that “[a]lmost never did slave- and landowners come to court for abuse of their own slaves and servants”, see also 213, 241. Maria Helena P. T. Machado, *Crime e escravidão: trabalho, luta, e resistência nas lavouras paulistas, 1830-1888* (São Paulo: Brasiliense, 1987), 73, and 29 table 1, found that only during the last decade of slavery in Brazil were slaveowners prosecuted for “maus tratos de escravos”.

² For a discussion of criminal law in this respect, see Aufderheide, *Order*, chapter 8, ‘Judicial Law’, especially 270 and 306-10. See also, Machado, *Crime* 65.

³ Aufderheide, *Order* 306-10; Machado, *Crime* 28-33.

⁴ On the death penalty and its implementation against the enslaved, see Alexandra K. Brown, “‘A black mark on our legislation’: slavery, punishment, and the politics of death in nineteenth-century Brazil,” *LBR* 37.2 (2000): 95-121. Silvia Hunold Lara, *Campos da violência: escravos e senhores na capitania do Rio de Janeiro, 1750-1808* (Rio de Janeiro: Paz e Terra, 1888), 279.

present day state of Rio de Janeiro, Silvia Hunold Lara failed to find “um único caso de agressão física do escravo contra seu próprio senhor” for the period 1759-1807. Similarly, a study of two towns in the interior of Bahia (1780-1840), found that while violence pervaded the life of the inhabitants of the region, murder of slaveowners by slaves was rare.⁵ However, for late nineteenth-century Campinas Suely Queiroz identified forty-one cases of “agressão contra a integridade física de seus senhores ou seus agentes”.⁶ Maria Helena Machado also found forty-one cases of attacks against “autoridade senhorial” in her study of Campinas for the period 1830-1888.⁷

The difference in the findings from the eighteenth to nineteenth century is attributed in the main to two factors. First, to the increased pressure on production brought about as a result of the end of the trans-Atlantic slave trade in 1850 and the increased demand for Brazilian coffee on world markets. In addition, Machado notes how absentee landlordism should be taken into account in assessing the frequency of attacks against slaveowners, as a way of accounting for the difference in levels of attacks between the two areas studied in the São Paulo region.⁸ However, despite the apparently low levels of violent crime against senhorial authority, the patterns of criminal behaviour among the enslaved as well as the way in which the behaviour of the enslaved was criminalised, are far more revealing than the figures alone suggest.

Both Aufderheide and Machado found that although the enslaved as a group were mostly

⁵ Aufderheide, *Order* 213.

⁶ Suely Robles Reis de Queiróz, *Escravidão negra em São Paulo: um estudo das tensões provocadas pelo escravismo no século XIX* (Rio de Janeiro: José Olympio, 1977), 152, 160.

⁷ Machado *Crime* 63-64.

under-represented among those arrested and convicted in nineteenth-century Brazil, acts of violence committed by the enslaved accounted for the majority of slave arrests and convictions.⁹ This reflected two main characteristics of the judiciary and legislature. First, that control and discipline of the enslaved was a matter usually left to slaveowners, and second that the criminal code was unconcerned by crimes perpetuated among the enslaved. As Aufderheide puts it, “[s]laves rarely were arrested for violence arising out of their own conflicts, although they were arrested overwhelmingly, more than any other group, for violent acts”.¹⁰ Moreover, the slaveowner was accountable and financially responsible for any criminal damage committed by a slave. Thus, the profile of the enslaved that emerges in arrests and criminal proceeding reflects the narrow range of legal interests in slave behaviour and conduct.

The proportion of violent crimes among the enslaved confirms the concerns of the judiciary and legislature with the regulation of slave behaviour as well as the socio-economic place and legal status of the enslaved themselves. Without legal or social status, the law was primarily concerned with crimes the enslaved perpetuated against figures of senhorial authority. Furthermore, the enslaved were frequently used to commit acts of violence on behalf of their owners, and were easily blamed for crimes which carried the heaviest penalties.¹¹ However, Aufderheide emphasises how in the case of Bahia murder and other acts of personal violence comprised the majority of all cases

⁸ Machado *Crime* 88.

⁹ Aufderheide, *Order* 209-10, notes how both the enslaved and whites were under represented in criminal cases, although the enslaved to a lesser degree. The enslaved accounted for 60% of the area’s population and 20% of those arrested, and whites accounted for 22% of the population and 14% of those arrested. Machado, *Crime* 28-30, 37.

¹⁰ Aufderheide, *Order* 210. Machado, *Crime* 73.

¹¹ Aufderheide, *Order* 210, and chart x, appendix.

brought before the judiciary.¹² Indeed, murder accounted for “one-fifth of all court business” and 40 per cent of these crimes were murders, among which free men of colour accounted for 67 per cent of the accused and enslaved men 26 per cent.¹³ Enslaved men, then, were overrepresented in this category of crime in comparison to their share of the total number of arrested males, but Aufderheide adds that “[b]lacks, free or slave, most often entered courts because they had obeyed a master’s orders”.¹⁴ Most of these crimes were not, therefore, straightforward crimes of slave resistance, but formed part of a hierarchied culture of aggression and violence, as well as banditry. However, it was a culture of aggression that characterised all social groups in the interior of Bahia, regardless of colour or status.

Of the handful of studies referred to here, only one, that of Aufderheide, considers the role of gender in analysis of patterns of crime and criminal behaviour. In line with other societies, recordings of female crime were generally low, between 4 and 16 per cent of all arrests.¹⁵ Although the letter of the law reflected concerns about female honour and purity and enforced “proper feminine behaviour”, personal violence accounted for 62 per cent of female arrests for the town of Cachoeira for the period 1790-1833, a proportion comparable to that of arrested males.¹⁶ Similar figures for female crime emerge in another study of Bahia for the period 1832-1899 by Marila Muricy Machado Pinto who identified 106 out of a total of 710 court proceedings (15%) in which the accused was

¹² Aufderheide, *Order* 209, 212.

¹³ Aufderheide, *Order* 213.

¹⁴ Aufderheide, *Order* 212.

¹⁵ Aufderheide, *Order* 216, 380 table xv, 393 table va.

¹⁶ Aufderheide, *Order* 217, 380 table xv. In the towns of Geremboa and Cachoeira from 1781-1819, personal violence accounted for 47% of all female crime. See also 383 table va. It should be noted that for this period Aufderheide does not analyse arrests of enslaved women, possibly due to the small number of

female.¹⁷ The majority of these women, 67 per cent, were single and 90 per cent of all women were Brazilian, while 5 per cent were African.¹⁸ Among these, violent crime in the form of murder, attempted murder or personal injury accounted for 77 per cent of all prosecutions.¹⁹ In the majority of these cases, also 77 per cent, the crime took place in the interior of the province as opposed to the capital, and these cases accounted for 87 per cent of all female criminal cases from the interior.²⁰ In Aufderheide's study, enslaved women comprised 40 per cent of women arrested for violent crimes.²¹ In Machado Pinto's study the findings are similar with enslaved women comprising 47 per cent of all women prosecuted for violent crimes in the Bahian courts between 1832-1899.²² In addition, Machado Pinto's data makes it possible to distinguish between murder and personal injury. From this perspective, the former accounted for 33 per cent of all female crime, the latter 44 per cent. In cases of female murder, enslaved women accounted for 57 per cent of women prosecuted, and for other incidents of personal violence, 39 per cent of women prosecuted.²³ Although like enslaved men, enslaved women were over represented in cases of violent crime, when compared to Aufderheide's study, enslaved women were more over represented than their male counterparts.

However, from the perspective of arrests which resulted in criminal prosecutions for the

cases.

¹⁷ Marila Muricy Machado Pinto, Criminalidade feminina na Bahia do século XIX (MA diss., UFBA, 1973) 13.

¹⁸ Machado Pinto, Criminalidade gráfico 5, 68 gráfico 7, 70.

¹⁹ Machado Pinto, Criminalidade 66 table 2.

²⁰ Machado Pinto, Criminalidade 66 table 2. For the capital, there were 8 cases of murder and 11 cases of personal injury, while for the interior the figures were 27 and 25 respectively.

²¹ Aufderheide, Order 393.

²² Machado Pinto, Criminalidade 67 table 2.1.

²³ Machado Pinto, Criminalidade 67 table 2.1. Three of the 8 cases of murder for the capital had enslaved women as the accused and the remainder were against free women. For the interior, Machado Pinto found

interior of Bahia, levels of violent crime among women were comparable to that of men.²⁴ In comparison, lists of police arrests for the capital reflected the reality of quotidian life encountered on the city streets. Here, Machado Pinto found that most of the arrests of women were for “disorders” or public order offences, as well as infractions of public ordinances such as lack of licences to trade.²⁵ In addition, specific analysis of female arrests for the capital reveals how enslaved women were most likely to find themselves in police cells for punishments requested by their owners (23%), or for flight (24%). Furthermore, the overwhelming majority of women arrested in the city were either *crioula* (47%), *parda* or *cabra* (22%). Only 12 per cent were *negra* (African) and 2 per cent white.²⁶ Although marital status was identifiable in only 33 per cent of cases, 64 per cent of these women were single and only 2 per cent married.²⁷

In the city, then, single, free coloured women comprised the majority of those arrested. However, at provincial level enslaved women comprised 66 per cent of all women prosecuted in the Bahian courts between 1832 and 1899, but only 26 per cent in the interior.²⁸ While the numbers of women arrested in nineteenth-century Salvador appear to be proportionate in terms of the race and status for the female population in general, once arrested enslaved women in the city were much more likely be prosecuted than free

a total of 27 cases of murder where the accused was female; 10 of these were enslaved, 15 free and 2 unknown.

²⁴ Aufderheide, *Order* 393 table va. In comparison to Rio de Janeiro for the same period, violent crime was much more closely correlated to maleness. See 353 table va.

²⁵ Lara, *Campos* 275-76 and 272. Although she does not distinguish between male and female crime, Lara too found that the proportion of enslaved in violent crime was greater in criminal court proceedings than in police arrests.

²⁶ Machado Pinto, *Criminalidade* 63 gráfico 2, and 62 gráfico 1, show that 86% of women arrested were Brazilian and 13% African.

²⁷ Machado Pinto, *Criminalidade* 64 gráfico 3.

²⁸ Machado Pinto, *Criminalidade* 67 table 2.1.

women.

In general, violent crime, and murder in particular, was more strongly associated with the interior than the capital, but was as much a female crime as male crime in this area. In the city, enslaved women were more likely to be involved in crimes of personal offence or insult (*injúria*) than violent crime, whereas free women were prosecuted for violent crimes but not insult. In comparison, in the interior enslaved women were far more likely to be prosecuted for violent crime than insult, but again no free woman was found to be accused of insult. However, more free women than enslaved women were accused of murder, and free women were more likely to be accused of murder than personal injury. Whereas insult was a crime that correlated to status, violent crime was strongly correlated to a region: the interior. Moreover, for female crime in general in the interior, status was not as strong a variable as in the city where violent crime was less common a feature of female criminality in general but where enslaved women were clearly overrepresented among those women prosecuted.

The four case studies examined in this section address a number of issues identified in the literature discussed above. First, they all took place in the interior of Bahia and they were all committed by enslaved women against slaveowners and their families. Research for this study failed to find more than four cases of this type for the capital or the interior for the period under study. Machado Pinto's study, which extends beyond the period of this study, identified only thirteen cases (three for the capital, ten for the interior) of female murder in total in which enslaved women were prosecuted. As such, it is possible that

these four cases constitute the only ones that have survived for this type of crime, or indeed the only ones that took place during this period.

As discussed in the introduction to this section, the historiography on enslaved women and resistance has emphasised two main features: resistance of predatory sexual behaviour on the part of males, and so-called indirect or day-to-day resistance including minor acts of insubordination. In the four cases considered here all but one of the victims are female and in two of the cases the victims include the women's children. As such, these cases reveal a dimension of enslaved women's resistance that falls outside the existing analytical framework for gender and slave resistance. If flight, as Camp has argued, as an act of enslaved resistance, represented a deliberate and damaging act of defiance on the part of the enslaved against slaveowner, then the act of murder of a slaveowner registered a complete renunciation of captivity. Significantly, though, it was not male slaveowners who were the targets; it was their women and children.

5.8 Case Studies.

(a) Angêlica, Africana, Palmas de Monte Alto (1850).²⁹

On 25 July, 1850 in the local church in the Villa de Monte Alto, a post mortem was carried out on the body of Maria de tal, *mulher* of Modesto Rodrigues Munção. The local *subdelegado*, the court recorder and two doctors were present. The following was noted:

*Achara uma brecha na testa, uma pancada na mão esquerda,
uma outra brecha na cabeça no lugar da fonte da parte direita, e outra
na nuca.....que tais ofenças mostrarão ser feitas com pau.*

Angêlica, a thirty year old, enslaved, African woman, was brought before the judge for questioning on 30 September 1850. Part of the questioning went as follows:

Perguntada onde estava no dia da morte de sua senhora

Respondeu que estava junto com ela dormindo no quarto

Perguntado quem a tinha matado?

Respondeu que tinha sido ela Ré que a tinha matado.

Perguntado com que instrumento a tinha matado?

Respondeu que com uma mão de pilão.

Perguntado se ela estava dormindo ou acordada quando ela matara?

Respondeu que estava dormindo.

Perguntado qual o motivo que teve de matar a sua senhora?

Respondeu que por ter sua senhora lhe surrado.

The first witness called was also the first person to arrive after the murder. Joaquim Rodrigues Trindade was a neighbour and on the night in question, Angêlica had gone to fetch him to tell him Maria had fallen from her bed. Joaquim explained that he arrived he could see that Maria had not fallen out of bed but had been murdered. He then saw the corn grinder on the floor smattered with blood. He went on to state how there was no one else in the house and that Angêlica confessed to the murder. He mentioned how on previous occasions Angêlica had complained to him that Maria “tinha dado muita pancada”.

The second witness, Marçal Rodrigues Munção, *pardo*, corroborated the previous witness's statement and added that he knew that “a mesma Ré lhe tinha dito que nas

²⁹ APEB, Tribunal da Justiça, Sec. Jud., Processo Crime, 13-464-4 (1850).

vésperas sua senhora lhe tinha dado umas bofetadas”. Subsequent witnesses all tell the same story, attributing the motive to the beatings Angêlica received from Maria. The local Juiz Municipal found Angêlica guilty on 30 May 1851. The case went before a jury in June 1852. Once again Angêlica was brought before the court for questioning. She gave the place of birth as Barbá in Africa, but did not know her parents or her age. She admitted to the murder and when asked why she did it replied: “que por apanhar muitas chicoteadas e palmateadas de sua senhora”. She denied knowing any of the witnesses who testified against her. Angêlica was condemned to life imprisonment on 11 June 1852, but only after two sittings of the jury. They found Angêlica guilty on both occasions but on the first one they agreed there were attenuating circumstances (*circunstâncias agravantes*) that provoked the attack. It is not clear who decided that they should sit again, but after the second sitting the decision was changed and this time there are no “circunstâncias agravantes”.

(b) Faustina, *crioula*, Cachoeira (1853).³⁰

Francisca Maria de Jesus died on 11 March 1853. She had given birth a few days earlier to a baby boy but he had not survived. While she was still in bed recovering, her husband, José Esequiel de Santa Ana attended their son’s burial in town. He had left Faustina, *crioula*, to take care of his wife and had taken another *crioula* slave woman, Rosa, with him to the funeral. Faustina had made a meal for Francisca and her two daughters, Simplicia and Mariana. After Francisca had eaten she requested a drink of water. Faustina told her there was no water and gave her broth to drink instead. After drinking it she began to vomit, as did her daughters. Francisca sent for her brother in

law, Francisco José de Santa Ana. When he arrived with another neighbour Francisca was vomiting violently. Faustina had already washed the dishes but when they checked Francisca's cup and the pan in which the chicken had been made, some white grains were found. Francisca then explained she had seen Faustina put something white in the chicken but thought that it was salt. Faustina was accused of trying to poison Francisca and her daughters and when José Esequiel returned from the funeral he had her tied up and locked away. Faustina escaped during the night and Maria died the following day.

The first person brought in for questioning was Rosa. Faustina had fled and the police suspected Rosa of collaborating with Faustina in the murder. Rosa denied this and explained how Faustina had gone to a neighbour's house, Marcelino de Souza, *pardo* after she escaped. She knew this because she had seen him on the following Saturday and he had told how Faustina had arrived at his house in the middle of the night banging on the door, saying that she had “feita uma asneira e que tinha envenenado a sua senhora”. Marcelino told the court this was all lies, and indeed, Rosa later admitted that she had made it up because she was afraid of being sent to prison. After Faustina, Rosa was the next most likely suspect. She admitted that Faustina had shown her the poison and that she had told her she planned to get her revenge on Maria for all the beatings she had given her. When asked about the punishments Rosa explained:

*Que há meses seu Senhor, querendo castigá-la, havia chamado
a ela respondente, e a sua senhora para agarrá-la, o que fizerem,
e que sua Senhora também castigara Faustina neste dia.
Que no dia seguinte a mesma Faustina dissera a ela*

³⁰ APEB, Tribunal da Justiça, Sec. Jud., Processo Crime, 21-750-13 (1853).

respondente que se havia de vingar de sua Senhora.

When asked why she did not try to stop her or inform her owner she replied that she had not realised Faustina would carry out the threat.

At this stage a post mortem was carried out on Maria's body. This process was described quite graphically in the report. Maria's stomach was cut open and the contents and organs removed. There was severe bruising and the stomach walls were damaged. The organs were sent to a doctor for further examinations to determine the cause of death. The results showed that she had died of arsenic poisoning. The proceedings then began in earnest and the witnesses were called to give testimony on 20 March 1853. There were five witnesses in all and two *informantes*, Rosa and Antonio, the boy who had bought the poison for Faustina. Slaves like minors could not take the oath and give testimony before a judge. They could only make statements.

Faustina, however, was never brought before the court as she could not be found. Even after the hearing was closed on 23 March 1853 she had not been captured. A whole series of orders for her capture were sent to the local police from the Juiz Municipal and Delegado in Cachoeira, Rocha Passos, but either the orders were not carried out or they could not find her. The orders were issued in December 1853, October 1854, February 1855, and June 1855. Finally, the husband of the deceased was requested to appear before the judge for further questioning on 26 August 1861. He failed to appear and a court order was delivered to him at home. When it was presented to him he replied that he was unable to attend because he had a bad leg. Three more orders were sent out for

the capture of Faustina, in September and December 1862, and then finally in March 1868. Faustina was never caught and José Esequiel left the district.

(c) Florência and Florêncio, *cabras*, Santo Antônio da Barra (1859).³¹

Brother and sister Florêncio and Florência, *cabras*, were owned by father and son. Bento Manoel Almeida and José Bento de Almeida respectively in the small town of Santo Antonio da Barra in the interior of Bahia. José Bento was murdered in August 1852 and Florência and Florêncio were accused of his murder. According to the post mortem he suffered five stab wounds, and had been clubbed about the head, legs and mouth. This had happened in the middle of the night when the only person in the house with José Bento was a young slave boy aged about six or seven. Florência had been in her *ranchino* near by and had heard the struggle but had been afraid to leave her house. When she did she saw a *negro* dressed in white escape down a stream beside the house. She ran to get Manoel da Silva Gusmão, *hedeiro dos bens* of José Bento, and brother in law. Others arrived on the scene shortly after. One of them was the local *Inspector de Quarteirão*, accompanied by a friend, Ignacio da Silva Fernandes. They had both seen Florêncio in the area on their way. When they arrived Florência re-told the same version of events that she had already told Manoel, but when they went to check the stream there was no evidence of anyone having passed there. They then asked the little boy what he had seen and he said it was *um cabra* who did it.

In the hearing there were eight witnesses and no one testified in defence of Florêncio and Florência. However, some believed that Florêncio was innocent and that it was Florência

who had carried out the murder alone. One witness testified that Florência had admitted to the crime and had told her that “para matar o seu senhor, que se fingira de homen, vestindo-se de roupas do mesmo seu senhor para não ser reconhecida”. Two other witnesses testified that they had heard the same version of events from a third party by the name of Ana Teixeira. She told them that she had spoken to both Florêncio and Florência in jail and it was the latter who admitted to the murder. Apparently she had done it because Bento had “prometido forrá-la, só depois tinha declarado não fazer”. The Juiz Municipal sentenced Florência to prison for the murder and Florêncio was freed.

(d) Benta, *negra*, Santo Antônio da Barra (1862).³²

On 10 November 1862 Benta, was brought before the Juiz Municipal for the Vila de Santo Antônio da Barra “preza por uma corrente a fera humana”. Presented as a slave of Antônio Alves da Silva, she was described as “esse monsturo [que] acaba de apresentar em casa de seu sehnor um scena horrorosa”. A few days later day Benta and other witnesses were questioned before the judge about the crime. There is very little variation in the version of the story told so it is probably best to let Benta tell her version first.

Perguntada qual o seo nome?

Respondeu chamar-se Benta.

Perguntada de onde era natural?

Respondeu que de Suçuarana, Freguesia do Sincura.

Perguntado onde mora?

³¹ APEB, Tribunal da Justiça, Sec. Jud., Processo Crime, 13-444-08 (1859).

³² APEB, Tribunal da Justiça, Sec. Jud., Processo Crime, 13-446-02 (1864). This case is also considered in Maria de Fátima Novães Pires, *O crime na cor: escravos e forros no alto sertão da bahia (1830-1888)* (São Paulo: Annablume, 2003), 202-04.

Respondeu que em Alagoa do Félix.

Perguntada a quanto tempo ali mora?

Respondeu que de quatro para cinco meses, depois que vieram de Suçuarana.

Perguntada qual a sua profissão?

Respondeu que todo o servir da casa.

Perguntada onde estava quando se diz ter acontecido o crime?

Respondeu que em casa de seu senhor Antonio Alves da Silva, o qual tinha ido para Suçuarana.

Perguntado como se tinha dado os fatos de morte e ferimentos de suas senhoras?

Respondeu que na segunda-feira de manhã sua senhora lhe rachara, e xingara por motivo da casa suja, e mandou varrer, e depois a mandou pilar milho, o que estava ela fazendo, quando sua senhora menor a menina Rita, de seis anos, chegando-se à beira da pilão meteu a mão, e sem ela ver o machucou, e se pôs a chorar. Sua senhora que cuzia na sala, sentada em um cotre, se levantou, e vindo à porta, lhe perguntou o que tinha a menina, e ela lhe repondeu que perguntasse à mesma menina; sua Senhora agastada a xingar, e mandou que pisasse dois pelões de milho, e foi se sentar, na costura dela, e ela continuou a pisar. E logo depois acrescentou-se por detras dela um negro, muito preto, e vestido também preto, que lhe pareceu um Quintiliano que tinha em Brejo Grande, e de então sua cabeça transformou-se. O negro lhe disse que pegasse um pau e fosse matar sua senhora, que ela não o querendo fazer, ele lhe dizia que era bom, e a foi empurrando até que ela entrou e deu a mão de pilão na cabeça de sua senhora. Da primeira pancada, aliás da segunda, a mão se quebrou, e sua senhora correu

para a varanda enquanto que ela saiu ao quintal, e apanhou outra mão de pilão. E o negro, que ela tomara pelo diabo, a seguia dizendo empurra e mata tudo que é bom, ela seguindo a sua senhora a alcançou indo na varanda, e lhe continuou a dar, até que adeixou por morta no terreiro, junto a um ambuzueiro. Como tinha corrido os meninos Maria Madelena, e seus irmãos Cândido, José e Herculino pela estrada adiante, em procura da casa de Manoel Alves, o negro lhe disse que fosse atrás deles, e depois de os matar, voltasse a matar ainda duas meninas que em casa tinham ficado, e ela correu, e o negro atrás: Ela alcançou a menina Maria e com paus a matou, e quando acabou o negro lhe disse que procurasse o menino Cândido para o matar, mas este se tenha escondido, e ela o não achou. Então o negro lhe disse que puxasse atrás dos outros, e ela o fez, mas porque tivesse desvariada do juízo não acertou mais com a estrada, e entrou dentro de uma cajueira no mesmo caminho, e tornando a sair já encontrou a Manoel Alves, que com Ferreiro Ramos, e os dous meninos vinham para sua senhora, e ali lhe foi dizendo que acudisse sua senhora que em negro a tinha matado, mas ele lhe perguntava pelo negro, ela lhe dizia: “ali, ali, ali”, mas ninguém o via, senão ela, e os meninos disseram que ela mesmo é quem tinha matado a sua mãe. No entanto, Manoel Alves a fez amarrar, e ela pedia que a matasse, e enquanto ela ia seguindo com o Ramos, Manoel Alves puxou em socorro de sua senhora. No caminho achou morta a menina Maria, e o menino Cândido que saiu do mato, e que depois de tudo isto feito, o negro desapareceu.

Perguntado se também havia ofendia a menina Rita?

Respondeu que também dera nela com um pau, que caiu.

Perguntado se conhece as pessoas que juraram neste processo?

Respondeu que conhece.

Perguntado a quanto tempo?

Respondeu que há muito tempo.

Perguntado se tinha algum coisa que alegar mostrando sua inocência?

Respondeu que não.

E como nada mais disse, me lhe foi perguntado, mandeu o Juiz o presente auto....

Benta admitted to murder and attempted murder, but under the influence of devil possession. The four witnesses who testified against her all told the same story, but they had heard most of it second-hand. While the local Juiz Municipal found her guilty and had her imprisoned, when the case was passed on to the *Promotoria Publica da Comarca*, in order for it to proceed before a jury, he found a number of irregularities. First, Benta was never officially charged with any crime, and nor was she nominated a *curador*, without which she could not give evidence in court because she was a slave. Second, there were insufficient witnesses to bring a case against Benta; there were only four and there should have been at least eight. He declared that if all the irregularities were corrected the case could proceed, and recommended that Benta be sentenced for the crime.

The case went before a jury hearing in January 1864. This time there were eight witnesses and while the testimonies were not so graphic this time, all witnesses accused Benta of the murder. However, when Benta was questioned she denied the murder, still

blaming *um negro*. She explained that on the day of the attack she had gone to the fountain close by to do the washing. Returning about lunchtime she found Maria Magdalena dead in her bed and her mother was not in the house. She also found *o negro* there, “que o ficou em casa quando ela seguiu para a casa de Manoel Alves”. This time she did not hear him say anything to her or anyone else in the house. On 19 October 1864 Benta was condemned to *prisão perpétua*. In the hearing she gave her age as twenty.

5.9 Analysis.

(i) Location.

All four cases presented here originate from the interior. However, it is not always clear in every case precisely where the women lived as the proceedings were held in the main towns of the areas where the judge resided. Although there are references to the names of the place of residence in some instances, it is impossible to locate these names with any precision with places in the surrounding areas.

In the case of Faustina, we know that she resided in the parish of Muritiba and was tried in the nearby town of Cachoeira which was the largest town in the hinterland of the provincial capital, lying some 110km north along the River Paraguaçu. Many still take the relatively short journey downriver and across the bay to get to the capital, a journey which, in the nineteenth century, took several hours by river but days over land.³³ Although colloquially Cachoeira is be referred to as part of the *interior*, its geographic location and economic configuration made it somewhat different to the other towns

where the prosecutions of Angêlica, Florência and Benta took place.

The town of Cachoeira served as the main port on the River Paraguaçu along which travelled goods and people from the interior to the city and beyond. Cachoeira, then, was the main distribution point for the sugar-producing region that surrounded the capital and the Bay of All Saints. Known as the Recôncavo, the region, produced tobacco as well as sugar, both of which were linked directly to the trans-Atlantic slave trade, but also kept the city and the local economy in foodstuffs and timber.³⁴ The parishes in and around Cachoeira, though, mainly produced tobacco, coffee and cotton alongside cassava and other foodstuffs such as beans for the local economy.³⁵ According to Barickman, during the period from 1845-1860, the time around which Faustina was prosecuted, the region experienced a period of economic recovery due to “renewed growth in the exports” of sugar, tobacco, coffee and diamonds from deeper in the interior.³⁶ Indeed, from the 1820s onwards coffee was a key crop in the mixed-economy of tenant farmers that was characteristic of the western and southern Recôncavo, and by mid-century, when Francisca Maria de Jesus was murdered, coffee cultivation was well established in the parish of Muritiba where she lived with Faustina.³⁷

Florêncio and Florência, and Benta were tried in the Vila de Santo Antônio da Barra,

³³ Mattoso, *Bahia* 92-93.

³⁴ B. J. Barickman, *A Bahian counterpoint: sugar, tobacco, cassava, and slavery in the Recôncavo, 1780-1860*, especially chapters 2 and 3. Katia M de Queiros Mattoso, *Bahia, século XIX: uma província no império* (Rio de Janeiro: Nova Fronteira, 1992), 91-92. Aufderheide, *Order* 151-52

³⁵ Barickman, *Bahian* 23-33 and 44-65. Barickman demonstrates how sugar production spread into the tobacco-growing parishes around Cachoeira from the 1820s onwards. See especially 33-41.

³⁶ Barickman, *Bahian* 42. On the growing economic importance of tobacco and coffee in late nineteenth-century Bahia, see Michiel Baud and Kees Koonings, “*A lavoura dos pobres*: tobacco farming and the development of commercial agriculture in Bahia, 1870-1930,” *JLAS* 31 (1999): 287-329.

known as Condeúba since 1889, which was part of the parish (now municipality) of Caeteté. At a distance of 660km from the capital it lies on the southern border with Minas Gerais and only became part of Bahia officially in 1839. Part of the geological region known as Serra Geral it was originally populated by Botocodo Indians, the name Condeúba being derived from a Tupi name for *pau de candeia*. Colonists arrived in the mid-eighteenth century on the trails of gold and mineral wealth and the town was established like many others in the regions having been taken in battle from the Botocodo. This conquest has been attributed to Coronel João Gonçalves da Costa in 1805. Thereafter he established his *grande fazenda* and the area became developed through pastoral agriculture.³⁸

The harsh climatic conditions of the region led this southern portion of the *Sertão Baiano* (Bahian interior or backlands) to be known as the *Sertão da Ressaca*.³⁹ One of the cyclical droughts hit the region in 1860, the year between the prosecutions of Florência and Benta.⁴⁰ Droughts were not unusual in the *sertão* and the region is still associated with the famine and poverty that blights Northeast Brazil in general. However, in 1860 “a situação era mais grave que em outra regiões da provincia da Bahia” and the Vila de

³⁷ Barickman, *Bahian* 124 and 118-26.

³⁸ Francisco Borges de Barros et. al., eds., *Diccionario geographico e histórico da Bahia* (Salvador: Imprensa Official do Estado, 1923), 54, is the only source I came across that directly links da Costa to Santo Antônio da Barra. He is also mentioned in John Hemming, *Amazon frontier: the defeat of the Brazilian Indians* (Cambridge, MA: Harvard University Press, 1987), 88. See also Ruy Medeiros, “História: documentos da conquista do sertão da ressaca,” <http://blogdopaulonunes.com>. However, none of these sources identify da Costa as a black freedman from Portugal turned *bandeirante*. See Isnara Pereira Ivo, “A conquista do sertão da Bahia no século xviii: mediação cultural e aventura de um preto forro no império Português” (Conference paper presented at ANPUH, xxiii simpósio nacional de história, Universidade Estadual de Londrina, Brazil, 2005).

³⁹ This phrase does not easily translate into English as it is loaded with cultural context, but *ressaca* describes the roughness and harshness, in a variety of senses, of the region. The closest translation, then, would be ‘The Harsh (or Rough) Backlands’. Colloquially the term also means hangover.

⁴⁰ Erivaldo Fagundes Neves, “Sertanejos que se venderam contratos de trabalho sem remuneração ou

Santo Antônio da Barra had one of the highest death rates in the region that year.⁴¹

In addition to drought and famine, the region was also associated with lawlessness and banditry. When the *Juiz de direito* (Court Judge), Manuel Carrilho da Costa arrived in Santo Antônio da Barra in 1864, upon the request of the local police chief, Jozé Antônio Gomes Netto, he despaired at the state of lawlessness in the region. There was no municipal court and all prisoners had “fled”, supposedly while the prison guards had gone to Mass but he clearly believed they had been tipped off about his arrival. According to the Judge the concept and practice of justice had yet to be introduced to the people of the district, and in his view such matters should not be left to the local “partidarios”, nor their friends or relatives who protect their interests; left to them, justice “nada servirá”.⁴² Interestingly, he presided over the final stages of Benta’s case during the months of September and October 1864 and declared her life sentence.

In the case of Angêlica, Monte Alto, like many other towns in the interior, did not officially become a town until the nineteenth century. Palmas de Monte Alto was awarded the status of a town in 1841, but the church where Maria’s body was laid out for examination by local officials in 1850, Nossa Senhora Mãe de Deus e dos Homens de Monte Alto, dates back to the 1740s.⁴³ Like Santo Antônio da Barra and countless others in the *sertão*, the town started out as a *fazenda*; in this case the Fazenda Riacho da Boa Vista which belonged to an illegitimate, female line of one of the founding families of the

escravidão dissimulada?” *Afro-Ásia* 19/20 (1997): 239.

⁴¹ Neves, “Sertanejos” 240.

⁴² APEB, Sec. Colonial, maço 2287 (Caetité), “Despacho ao Presidente da Província,” 23 Abril 1864.

⁴³ Barros, *Dicionário* 77.

Bahian political and landowning elite, Guedes de Brito. The inheritance was disputed and usurped in the 1830s upon the death of the granddaughter of the original founding family. Some 865km from Salvador and on the edge of the Serra Geral, the town lies along southern end of the great São Francisco river valley that cuts through the western part of Bahia from north to south. According to Mattoso, in the nineteenth century this region remained “isolated” and disconnected from the rest of the province, producing only for its own consumption “em un sistema de economia fechada”.⁴⁴

Although the geographical location produced a different economic context for Faustina, in the sense that Cachoeira is part of the *interior* but not of the *sertão* all women shared the common condition of being enslaved domestics on slave-owing smallholdings. In the case of Angêlica, Benta and Florência these smallholdings were located in very remote regions. In the case of Faustina the smallholding where she resided was outside of the main town of Cachoeira, in the “thinly settled” parish of Muritiba.⁴⁵ As Barickman has described, the local economy was based on a mix of subsistence and export agriculture through the cultivation of tobacco, coffee, cassava and cotton. Labour too was mixed, but enslaved labour was found in all areas. However, levels of slave-ownership were lower for the area around Cachoeira than for the Recôncavo in general, but particularly lower than those areas given to the cultivation and production of sugar.⁴⁶ In this sense, even though the economy of Muritiba had stronger links to external and export markets than that of the pastoral regions of the São Francisco River Valley or the Serra Geral the daily conditions of captivity meant all four women were from comparable social strata in

⁴⁴ Mattoso, *Bahia* 93.

⁴⁵ Barickman, *Bahian* 158.

the socio-economic slave-owning hierarchy.

(ii) The smallholders and witnesses.

The precise socio-economic status of the slave-owning households in this study is difficult to establish with any certainty. First, because the victims in these crimes were murdered so there was no testimony from them. Second, because the victim's spouses were not interrogated or did not testify, and finally because wills and testaments, if they existed, have not survived for these families. In addition, the victims in three of the cases were women and children for whom no occupation was stated, and in these same cases it was either the couple who were identified as owners of the enslaved women or just the husbands. As already noted in Angêlica's case the victim was only referred to as "Maria de tal" and "mulher de Modesto Rodrigues Munção". The other two female victims had their full names recorded and they were both married. The fourth victim who was male, José Bento de Almeida, appears to have been single and was identified as Florência's owner. Her brother, Florêncio, was owned by José's father, Bento Manoel de Almeida.

Although a great deal of information about the conditions and context of the cases can be gleaned from secondary sources, other information from the proceedings themselves provides some indication of the socio-economic status of the slaveowners and their families. One indicator of the socio-economic position of these slave-owning households is the status of the witnesses called on behalf of the victims and their families.

In the case of Angêlica, there were five male witnesses; four *pardos*, all of whom *vive de lavoura* and one white Portuguese who had a business in Portugal. Two of the *pardo*

⁴⁶ Barickman, *Bahian* chapter 6, and 124 for examples of how smallholders combined crop cultivation.

males had the same surname as the victim's husband, suggesting a familial connection of sorts, albeit unidentifiable, and all were born in the district in which they resided and the crime was committed. In Benta's case there were ten male witnesses. One was a blacksmith, one was an *inspector do quarteirão*, seven listed their occupations as *lavrador*, and one other as *oficial de justiça* and *lavrador*.⁴⁷ Eight of the ten witnesses lived in the same area of Alagoa Nova. A similar profile of the witnesses emerges in the case of Florência and Florêncio, including the brother-in-law of the victim. One of the seven witnesses was female, the other six were all male. All males stated their occupation as *lavrador* and three resided on the same estate, Fazenda Gameleira. Colour was not mentioned in reference to any of the witnesses in the cases of Benta and Florência, but their occupations suggest that they were at the very least free men of colour.⁴⁸

The descriptions of the witnesses in Faustina's case indicate a different social status. For a start, only five of the eight were classified as witnesses because the other three were minors or slaves and therefore classified as *informantes*. Three of the witnesses were *pardos*, one was *crioulo*, and another one *branco*. All the men, except one who was a goldsmith, declared their occupations as *lavradores*. Of the three *informantes*, two were enslaved *crioula* women who did not note their occupations but stated instead that they *vive em companhia de seu senhor*. The other *informante* was a *crioulo menor*, who

⁴⁷ *Lavrador* literally translates as farmer but not necessarily a property owner. As Barickman has shown many *lavradores* were tenant farmers, although some were wealthy smallholders too. An *oficial da justiça*, in this case, was more than likely a very minor post, someone who carried messages and court orders for more senior officials. An *inspector do quarteirão* was a member of the police or *guarda civil*. He was supposed to check on local neighbourhoods, especially during hours of curfew, for vagrants, prostitutes and misdemeanours.

⁴⁸ On the development of tobacco and the origin of tobacco producers, including smallholders, in the

bought the poison for Faustina. Even though the slave owner here was described as white, and there is evidence of at least one other slave (Rosa) in the household, most of his neighbours and contacts in the local community belonged to the free, mixed-race population comprising mainly tenant or peasant farmers.

(iii) Smallholder slave-master relations: isolation and proximity.

All smallholders involved in these cases owned no more than a few slaves. Indeed, in some cases the enslaved women in question may have been their only slaves. As such, these slaveowners relied on the labour of their slaves for the economic survival of the household. This type of slaveowner was therefore obliged to entrust his slaves with a wide range of responsibilities as well as expecting performance of a diverse number of tasks. The proximity of working and living arrangements in these households generated an ambiguous emotional environment in which trust could easily flip over into suspicion and dedication into deceit; the same could be said for the slaveowner. I would agree, therefore, with Slenes's assessment of master-slave relations on smallholdings that they were "more ambiguous" than on large slaveholdings, and that higher manumission rates among this group of slaveowners were the result of a combination of "'favor forced" and "reluctant consent".⁴⁹ However, the gender dynamics of smallholder slave relations, particularly rural ones, makes me less 'hopeful' than Slenes about the potential in this type of social relations for Brazilian citizenship.⁵⁰

region, see Baud and Koonings, "*A lavoura*" 287-329.

⁴⁹ Robert W. Slenes, "A 'Great Arch' descending: reflections on manumission rates, slave identities and black social mobility in southeastern Brazil, 1791-1888" (Conference paper presented at, Rethinking histories of resistance in Brazil and Mexico, University of Manchester, UK, Sept. 2008. <http://jg.socialsciences.manchester.ac.uk/docs>).

⁵⁰ The role of manumission and miscegenation in the formation of Brazilian race and gender relations is dealt with in this thesis in the introductory sector and the conclusion. See also Jane-Marie Collins, "Intimacy and inequality and *democracia racial*: theorizing race, gender and sex in the history of Brazilian race relations," *Journal of Romance Studies* 7.2 (2007): 19-34.

Indeed, contrary to the neo-Freyrian case made by Versiani for a ‘benign’ type of master-slave relation among smallholders, the likelihood and frequency of punishment and abuse of enslaved women on rural smallholdings is likely to have been greater than he imagines given the ease with which it could be hidden and hence go undetected.⁵¹ Contrary to the cost-coercion model proposed by Versiani, it does not necessarily follow that a diminishing of social distance between power groups leads to reduced levels of violence or confrontation, particularly on an individual basis.⁵² As Auferdeheide has shown for the interior of Bahia, levels of violent crime were greatest among those who were closer in terms of social status.⁵³ More recently Pires has illustrated through her analysis of court proceedings the “truculência de senhores e senhoras no sertão baiano” in relations with their slaves.⁵⁴ Here, Pires found no “brandura” of the type suggested by Versiani, but instead found substantial evidence of torture, brutality and violence particularly in punishments of domestic slaves by their slaveowners in the Bahian sertão.⁵⁵

For enslaved women the stresses of sexual abuse and exploitation can only have added to the highly charged and antagonistic atmosphere of the smallholder’s household. Indeed many observers of slave societies across the Americas have commented on the extreme cruelty with which slave mistresses treated their household slaves, usually attributing this to sexual jealousy.⁵⁶ That jealousy played a role in determining enslaved women’s

⁵¹ Flávio Rabelo Versiani, “Escravidão suave no Brasil: Gilberto Freyre tinha razão?” *Revista econômica política* 27.2 (2007): 163-83.

⁵² Versiani, “Escravidão suave” 170-72, 177-80.

⁵³ Auferdeheide, *Order* 4.

⁵⁴ Pires, *O crime* 206.

⁵⁵ Pires, *O crime* 124, 178-79, 180-81, 190, 200, 202, 206.

⁵⁶ Giacomini, *Mulher escrava* 75; Bush, *Slave women* 44 and 114.

resistance is without doubt, but the cases examined here suggest other additional causes for conflict which had little or nothing to do with the promiscuity of the husband.

In poorer households with only one or two slaves, socio-economic distance between wife and enslaved domestic would not have been that great.⁵⁷ In the case of Angêlica, her victim was only ever referred to as *Maria de tal*. This suggests a number of things about her status. First, that she was not married to Modesto, second that she was not white, and third that she was poor. In the previous section the case of Monica illustrated how the two roles of ‘wife’ and ‘household-slave’ were so closely associated that they blended seamlessly into one another one from day to the next. The servile status of the wife to her husband ensured a gendered hierarchy of power relations in smallholder households even when all members of the household were engaged in some form of productive labour. Race and status also shaped the hierarchy of power. Barickman has observed the ways in which labour was divided between enslaved and enslaver among smallholders in the Recôncavo. As he points out, for these property owners, ownership of enslaved labour “would not free a farmer and his family from house- and fieldwork: at most it reduced their drudgery”.⁵⁸ For the women in these smallholdings, the domestic drudgery would have been carried out by household slave women, work that the mistress would otherwise be doing for herself and her family, and for sure she knew how degrading it was to have to do it.

⁵⁷ João José Reis, Slave rebellion in Brazil: the Muslim uprising of 1835 in Bahia, trans. Arthur Brakel (Baltimore: Johns Hopkins University Press, 1993), 12,13; Jocélio Teles dos Santos, “Ex-escrava proprietária de escrava (um caso de sevícia na Bahia do século XIX),” (Salvador, UFBA, 1991); Mattoso, Bahia 617-18.

The grinding of corn appears to have been one task reserved exclusively for domestic slave women; the act of grinding itself being a marker of servile enslaved status and the capacity to order to grind a marker of being a free owner. Angêlica and Benta clubbed their victims with a “mão de pilão”. Indeed, Benta cited the order to “grind twice as much corn” as the trigger in the fatal chain of events. There was evidence too of José Bento having being “clubbed” as well as stabbed to death in the case against Florência. Faustina used arsenic disguised as salt in preparing food for her ailing mistress, food that perhaps she would not have been permitted to eat herself. The act of distinguishing status in small ways through the unequal distribution of the many tasks and meagre resources of the smallholder household, then, was no less meaningful or degrading than it would have been on larger slaveholdings where power relations were more “polarized”.

As we have seen in the case of Florêncio and Florência, reference was made by two witnesses to the fact that on the afternoon before the murder took place Florência had accompanied her owner to his *roça*. It may well be the case that they worked the *roça* together, side by side that day as usual. Indeed Florência and many others like her probably felt all the more frustrated as a result of having that freedom denied from someone whose place in the hierarchy of race and status was only marginally superior to their own. Whatever the case may be there is little evidence from these cases or those examined by Pires that physical proximity in the fields and the homes of smallholders eased the sense of injustice of enslavement or diminished the desire for freedom on the part of the enslaved. For sure, the evidence from manumission patterns indicates that greater proximity to owners facilitated freedom. However, it does not follow, in the way

⁵⁸ Barickman, *Bahian* 153.

that Versiani has argued, that owners only manumitted slaves they never had to punish, nor that the manumitted had always managed to avoid punishment in enslavement.

Conversely, then, the narrow socio-economic spaces, as well as physical ones, that divided owned and owner only served to heighten hostilities and tensions between them, not reduce them. As Barickman has described for the Recôncavo, slaves of smallholders worked in the fields and ate at the same table, but tasks were not divided equally; nor were resources such as food, drink and clothes. Using a contemporary play to illustrate the small but significant ways in which smallholders “reaffirmed [their] authority” over their slaves, Barickman notes how “intimacy did not imply equality”.⁵⁹

Details about the slave owner's homes that emerge in the proceedings confirm how meagre the material difference was between slavery and freedom for this sector of the populace. In the course of her testimony Benta revealed how her duties included food preparation, laundry, and taking care of the bean crop near by the house. That is to say, the household was not wealthy enough to buy more slaves to carry out the full range of tasks required to sustain the family. She was also a recent acquisition and had been brought into the region from the place of her birth, and presumably her family, only four or five months before the murder was committed. Her expressions of resentment may well, therefore, be rooted in an opposition to her sale in the first place. As Nascimento has shown for the region of Brejo Grande, the area where Benta probably resided at the time of the murder, it was not uncommon for slave families to move with their

⁵⁹ Barickman, *Bahian* 152-53.

slaveowners around the region.⁶⁰ He also demonstrates how from the late 1860s onwards, the enslaved were frequently sold as families too.⁶¹ This did not happen in the sale of Benta, though, who did not have a single witness testify on her behalf in her trial.

In Faustina's case there were other slaves, at least there was one, Rosa. At the time of the murder Faustina was preparing and serving food for her mistress and her family in the kitchen where her bed had been moved because she was ill. Such lack of formalities and economical use of space also suggests that the owner's home was simple and functional. In the case of Florênica, as far as we can tell she laboured the land with her owner and lived alone with him in his house. Indeed, her victim and his father pooled their resources in enslaved labour. We do not know precisely what work Anglêcia carried out in the Munção household, but when asked what was her "profissão" (occupation) she replied "serviço de seus senhores", suggesting her work extended beyond the physical four walls of the house and was not purely 'domestic' in nature.

In fact, combining work in the home and the field – cooking, cleaning, childcare, looking after cattle and sowing and harvesting crops – would not have been unusual even in suburban households owing one or two slaves. As Maria Cristina Pinheiro has pointed out, late nineteenth-century Salvador retained its "característica agrária", surrounded as it was by *engenhos*, smallholdings and garden plots.⁶² Indeed, many homes in towns and cities across Brazil depended on gardens and small plots for sustenance, for cultivating

⁶⁰ Washington Santos Nascimento, "Famílias escravas, libertos e a dinâmica da escravidão no sertão baiano (1876 1888)," *Afro-Ásia* 35 (2007): 148-51.

⁶¹ Nascimento "Famílias" 149-50.

⁶² Maria Cristina Luz Pinheiro, "O trabalho de crianças escravas na cidade de Salvador, 1850-1888," *Afro-*

produce for their own consumption as well as for sale; this would have included fruits and vegetables, grazing a cow, raising poultry and possibly a pig, work which in many cases would have fallen to the domestic slave to take care of.⁶³

The socio-economic proximity and meagre material resources identified by Aufderheide in her study of slave societal relations in the interior of Bahia, emerge here too as a defining feature of these cases. Aufderheide has argued that disputants were “roughly, from the same social group” and that “[i]n group competition minimized social tensions between groups with differing access to strategic resources”.⁶⁴ The violence expressed by enslaved women found for this study was directed not against the socially distant and powerful owners of *engenhos* or the *grande fazendeiros* of the *sertão*; it was against slaveowners of smallholdings, particularly their wives and children, with whom these women lived and worked cheek by jowl. As Pires stresses in her study of slavery and crime in the *sertão* during nineteenth century, the cases of slave-master violence “negam plenamente as attitudes de “benignidad” our “brandura entre escravos e senhores no sertão baiano”.⁶⁵ The cases examined in this study also confirm arguments made by Machado about slave violence in general that it was directed at the figure of authority “sobre a qual estavam tecidas as relações pessoais de dominação escravista”.⁶⁶ In the case of plantation slave labour, as Machado has explored, this was invariably the *feitor*.

Ásia 32 (2005); 159-83.

⁶³ Sandra Lauderdale Graham, *House and street: the domestic world of servants and masters in nineteenth-century Rio de Janeiro* (New York and Cambridge: Cambridge University Press, 1988), chapter 2; Maria Odila Silva Dias, *Power and everyday life: the lives of working women in nineteenth-century Brazil* (New Brunswick, NJ: Rutgers University Press, 1995), chapter 5.

⁶⁴ Aufderheide, *Order* 4.

⁶⁵ Pires, *O crime* 200.

⁶⁶ Machado, *Crime* 93.

But, in the absence of a *feitor* the owner became vulnerable to attack.⁶⁷ In the case of the enslaved women studied here, the attacks were all against the individuals who gave out the direct daily orders as well as the punishments.

In addition, these four cases also suggest two potentially pivotal moments in terms of timing of violent attacks. The first, as argued already for the case of female slave flight, was in moments of disruption to or weakness in senhorial authority, such as the illness of the mistress, death in the family or absence of husband. In this sense, the timing of these acts bears comparison to collective and organised form of resistance, particularly revolts and uprisings.⁶⁸ Alternatively, as argued by Machado about smallholders in general, slave violence was most likely to erupt “nos momentos em que os senhores procuravam valer-se de sua autoridade para forjar normas disciplinares mais estritas”.⁶⁹ Thus, Benta identified the order to “grind more corn”, notably within a period of famine (1862), as the final act of provocation in her case. Angêlica and Faustina both describe how repeated beatings, an act designed to punish for failures in performance and production, drove them to the point of despair. Florência, having been denied her freedom, was therefore also required to continue to provide services of slave labour above and beyond that which she expected. The increased demands in time and production and a denial of expectations of freedom, then, were clearly the two identifiable causes in the motives for violent attacks on slaveowners and their families in these cases.

⁶⁷ Leila Mezan Algranti, *O feitor ausente: estudo sobre escravidão urbana no Rio de Janeiro (1808-1822)* (Petrópolis: Vozes, 1988).

⁶⁸ Reis, *Slave* part 1.

⁶⁹ Machado, *Crime* 91

Seen from this perspective, although all slave/slave owner relationships are by their nature antagonistic, it is arguable that that of slave mistresses-household slave, was one of the sites of tension where this focalisation was the most intense. In comparison, a field hand who had been punished by her overseer or owner did not then have to proceed to cook and serve his dinner, bathe his children and sleep on the floor in their room in case they awoke at night, as did Faustina. For the solitary domestic slave on smallholdings there was no *senzala* in which to seek peace, solace and refuge with kith and kin, no other enslaved men and women or family members to comfort and console her in the ways described by Slenes and Florentino – albeit with different arguments – for coffee plantations in the Brazilian south east.

The high levels of trust and dependency invested in the household slave owned by the smallholder created a double bind for both enslaved woman and mistress. First, such personal proximity provided occasions for punishments that could remain hidden from view, as is the case with any form of domestic violence. Secondly, it also placed the slave owner's family in a vulnerable position as the isolation also provided the enslaved woman with special opportunities for resistance. The possibility that a domestic slave, responsible for the smooth running of the household, could single-handedly finish off a whole family between breakfast and lunch must have created a tension and nervousness that made the basis of smallholder slave ownership questionable.

However, it was the two key factors of isolation and proximity that made these relations so explosive and tragic. First, the isolation of the setting in which rural smallholders

lived frequently meant greater isolation for both enslaved than the enslaver. Second, that the socio-economic proximity between them made slaves owned by smallholders even more resentful of their status because the high degree of dependency compounded the competition for material resources and increased pressures on production. And third, that the daily physical proximity of the lives of enslaved and enslaver, be it in the smallholder's home or on his land, exposed both parties to individual acts of personal violence which could go unwitnessed.

A closer examination of the cases which provide the most detail, Faustina and Benta help expand on these interpretations, and help illuminate different ways of exploring questions of gender, agency and slave resistance.

(iv) Agency: Faustina and Benta.

Let us return to the circumstances under which the murder of Francisca Maria de Jesus occurred. Francisca was recovering from an evidently difficult childbirth during which her son died, and her husband was away at the funeral. Why did Faustina decide to kill her mistress at this particular moment? The baby had died so Faustina did not face the prospect of having more children to care for. Beaten on more than one occasion by her owners, she had perhaps felt like murdering them before. But this was not a moment of madness; it was a premeditated murder and evidently Faustina was waiting for the most opportune occasion.

The occasion she chose was precisely the one when her owners and their family were

must vulnerable - emotionally and physically. Francisca was bedridden and ill and Faustina was responsible for her care. It was the moment in which her actions would have had the most impact and when it was least expected. Faustina murdered Francisca precisely when she was required to comply with the image of the obliging and trustworthy slave, it was the moment when her owners most depended on her to fulfil her ascribed role as obedient and trustworthy subject. She refused. She rejected this role in the most urgent of circumstances and created chaos. Moreover, she not only rejected her own role but effectively ruptured the whole trope of the slave-owning family. She left an absence not just in the space that she occupied within the slaveholding household but caused the household itself to implode. Eventually, the site of her exploitation and her resistance was vacated, abandoned. Faustina not only reversed the role of dominating/dominated subject positions but refused the role even of victim. Instead her former owners became victims, victims of her agency.

In the second case, the perpetrator, Benta, was caught and imprisoned. Although her subjectivity was central to the proceedings her agency was compromised through capture. As Gyan Prakash points out in the context of the Indian subaltern, “the moment of rebellion always contains within it the moment of failure”, which in this case would be Benta’s capture, or failure to escape.⁷⁰ However, these two ‘moments’ are not always so distinct. In court, Benta was portrayed as a “monster”, chained like a wild animal. Despite these constraints she salvaged her subject-position and marked her site of resistance through a process of dissemblance and disguise with masks and mirrors,

⁷⁰ Gyan Prakash, “Subaltern studies as postcolonial criticism,” *American Historical Review* 99.5 (1994): 1480.

creating what Homi Bhabha has described in another context as the “ambivalent turn of the discriminated subject”.⁷¹ Benta maintained it was the dead slave Quintiliano, in the form of the devil, who committed the murders. He possessed her mind and body and ordered her to – “mata tudo... que era bom”. By projecting her actions onto a third party she was not simply shifting blame, but displacing a subjectivity that had been forced upon her through captivity. In effect, Benta split the subject in two, deflecting attention to a second subject-agent, and made the threat twice as menacing. First, because as a spirit Quintiliano cannot be caught: he was unpredictable and uncontrollable, a warning that this could occur again anywhere and at anytime. Second, his actions function as a mirror into which slaveowners cannot avoid looking only to see their own barbarous acts reflected back at them. Although chained before the judge Benta remained the hybrid colonial subject that presents an “exorbitant object of paranoid classification, a disturbing questioning of the images and the processes of authority”.⁷²

In summary then, while Faustina was absent from the proceedings, her agency was undeniable and unavoidable and her subjectivity, subversive. Here, the voice of the subaltern speaks loud and clear through her actions which put an end to her immediate slaveowning world.⁷³ In comparison, although Benta was captured and imprisoned, she displaced the enforced subjectivity of monstrous slave women to another more menacing figure of slave-devil-spirit who, like Faustina, remained at large, producing a subjectivity that spilled over into the consciousness of the local community.

⁷¹ Homi K. Bhabha, “Signs taken for wonders: questions of ambivalence and authority under a tree outside Delhi,” *Critical Inquiry* 12 (1985): 153.

⁷² Bhabha, “Signs” 35.

⁷³ Gayatri Chakravorty Spivak, “Can the subaltern speak?” in *Marxism and the interpretation of culture*, ed.

It is this final point that transforms Faustina's and Benta's apparently separate and isolated acts of violence against their own individual condition of bondage into collective actions of resistance against the system of slavery. In both cases, other slaves were involved on different levels. In Faustina's case it is clear that in order for her to obtain the poison to kill her mistress she required the co-operation of others. In all likelihood, she deliberately chose a minor to carry out this part of the plan in order to avoid suspicion, telling him she was going to use it “para deitar nas formigas”. Then there is the question of Rosa. She admitted to knowing of Faustina's intentions to murder Francisca for some time, just as she knew about the beatings Faustina received. She had been called upon by her master, José Esequiel to assist in them. Was she a willing accomplice in this murder? Was it Rosa who freed Faustina in the night and aided her escape? And how was it possible for Faustina to remain at large for such a long period of time? While we cannot assume that Faustina managed to avoid captivity for the remainder of her life, the very fact that she escaped the attention of the authorities for so long was a feat in itself. Someone somewhere would have protected Faustina, perhaps unwittingly, but she would have had to travel a long way for her crime not be known. What on the surface appears and individual act of resistance in fact required a high degree of collaboration.

Benta's case is different. She was caught, almost red handed, and she had no witnesses to come to her defence, which is hardly surprising given the gravity of the case. However, she conjured up an alibi in the form of a spirit. The question that hangs over this case, then, is who does Quintiliano speak for when he say's it is good to kill slave owners? In

one sense, it is possible to argue that Quintiliano was not someone Benta invented on the spur of the moment to get her out of a fix. Instead, he may well have been someone with whom Benta was familiar, even if he was not of this world. Described as a former slave from the local area, this was someone recognisable to Benta. In one way, he could be described as a subversive spirits. If, as Monica Schuler has argued in terms of African-American religion in general, that slavery was understood as a form a sorcery, a “force” which could be eradicated with “religious weapons”, then Benta's inspiration, dream or vision of Quintiliano might be described as a “continuation of one of the most persistent African traditions in the diaspora”: spirit possession.⁷⁴ Belonging to a slave religion which had developed from deities and spirits from the ancient world of Africa and the Amerindians, Quintiliano may well have been one of the many “lesser spirits” of the cosmology which, through spiritual intervention and transfiguration, provided “explanation, prediction, control and communion” for slaves and former slaves alike.⁷⁵

Benta acted alone but it would be a mistake to view her actions only as an isolated incident. This was a reflection of more than just one aggrieved enslaved woman. Benta, in her attack and her testimony, confirmed what many slave owners already suspected of all their slaves. That it was, for all the right reasons, difficult to trust slaves; their power of dissemblance was so great that it made it impossible to judge their words or interpret their behaviour with any certainty. Despite the fact Benta's prison sentence provided a degree of closure in the sense that it determined the remainder her life, her actions would have echoed over generations. Likewise, the possibility that enslaved men and women

⁷⁴ Monica Schuler, “Afro-American slave cultures,” in *Roots and branches. Current directions in slave studies*, ed. Michael Craton (Toronto, Pergamon, 1979), 132-33.

like Faustina remained on the loose (and there were certainly others) meant that the horrors of José Esequiel's experience had terrifying implications for all slave owners.

Read in this way Benta's and Faustina's very personal and individualised court proceedings take on meanings that extend way beyond the margins of the texts themselves and the immediate worlds of their slaveowners. It would be naïve to think that Faustina planned and executed the murder and escaped without the aid of those around her who were enslaved. The collective silence of the wider community must have echoed long and loud in the rooms of the Judges residence where the hearings were conducted, and Faustina's absence must have loomed large in more than one slaveowner's vision of a living hell. Moreover, although Benta acted alone, her double articulation created a second voice through which to speak, enunciating feelings that went beyond her own personal sense of injustice. Demonised by the authorities she returned the demon to them reminding them that the threat of harm to slaveowners and their families did not end with her imprisonment.

5.10 Conclusion.

The apparent absence of cases of murder of slaveowners by the enslaved in Salvador, the capital of the province of Bahia, suggests that the dynamic of master-slave relations for the enslaved who lived in small slaveholdings in urban centres was somewhat different to those for the enslaved on rural smallholdings where levels of slave-ownership were similar. The more visible presence of the state, particularly the military and the police,

⁷⁵ Schuler, "Afro-American" 128-29.

may well have contributed to this difference too. It also suggests that the enslaved found other ways to confront and challenge their owners and that there were alternative avenues open to urban slaves for conflict resolution that were not as readily available to their rural counterparts. In addition, while urban life made family formation more difficult for the enslaved in cities than on plantations, the diversity of city life and the density of the population, particularly the free coloured, meant that the enslaved had greater opportunities for casual companionship and association, and for formation of formal and informal support networks - social, cultural, occupational or spiritual.

As discussed in section three, for enslaved women in particular access to social and material resources was crucial for their survival and their mobility. For enslaved women of rural smallholders, such resources were even harder to secure. As Aufderheide insists, “[a]ccess to strategic resources was a source of competition within social groups rather than between unequals”.⁷⁶ The fierce nature of that competition extended not only to the ownership of slaves, but impinged upon the lives of the enslaved themselves. In the process of eking out an existence from the land, owner and owned alternately asserted and contested their places on the bottom rungs of the social and racial hierarchy.

The material and socio-economic proximity between the lives of the enslaved and enslavers in these cases had implications for access to freedom too. Smallholders such as those examined here relied heavily on the labour of a very small number of slaves, and in many cases only one. Thus, although it has been established that belonging to smallholder slaveowners brought a statistical advantage in terms of manumission, until

recently very little attention has been given to the qualitative experience of the economic pressures and constraints that smallholder life placed on the enslaved in question. Moreover, in the post 1850 period, as Mattos has shown for southeast Brazil, the demands of the internal slave trade increased the potential of separation of slave families through sale, while the increase in slave prices during this period left rural slaveholders out of the market for purchasing new slaves.

Thus, in ways similar to urban slaveholders of little means such as single women and impoverished widows, rural smallholders relied on the natural reproduction of enslaved women as the sole means by which to increase (or maintain) slaveholdings. In addition, analysis of childhood manumissions in section two also suggests that prices exacted for the freedom of enslaved women and girls increased as the promulgation of the Free Womb Law drew closer. Indeed, as shall be demonstrated in the case of Benedicta in part 3 of this section, political and economic change at a national level continued for the remainder of the nineteenth-century and drew enslaved women and their children into the centre of political debate in an unprecedented way.

⁷⁶ Auferderheide, Order 223

PART 3: INFANTICIDE.

5.11 Introduction.

Historical studies of infanticide are rare for Latin America as a whole and non-existent for Brazil.¹ Indeed, the lack of historical investigation of this area in Brazil is all the more surprising considering the amount of scholarly attention given to issues of ‘reproductive resistance’ in other slave societies in the Americas.² In the case of Caribbean slave society it has been argued that through a combination of despair and defiance, enslaved women, in a gendered response, exercised “a most effective form of resistance [that] extended into bio-social zones”.³ Barbara Bush and Hilary Beckles have claimed that such actions were central to slave women’s role in slave resistance and that this contributed to the failure to reproduce the slave population through natural increase.⁴ However, as most Brazilian slave owners were not as fastidious in their record keeping as their counterparts in the United States and the Caribbean there is less certainty about slave demographics for Brazil. Nevertheless, it is clear that some demographic comparisons can be made: in Brazil levels of slave mortality, including neo-natal, child and adult were all high, and fecundity, and

¹ Kristin Ruggiero, “Not guilty: abortion and Infanticide in nineteenth-century Argentina,” in Reconstructing criminality in Latin America, ed. Carlos A. Aguirre and Robert Buffington (Wilmington: Scholarly Resources, 1987), 149-94; Kristin Ruggiero, “Honor, maternity, and the disciplining of women: infanticide in late nineteenth-century Buenos Aires,” HAHR 72 (1992): 353-73. Although there are a number of studies of child abandonment in Brazil there is nothing on infanticide, with one exception: Maria Lucia de Barros Mott, “Ser mãe: a escrava em face do aborto e do infanticídio,” Revista de História, São Paulo 120 (1989): 85-96, which examines literary and secondary sources rather than archival material.

² See for example Elizabeth Fox-Genovese, “Strategies and forms of resistance: focus on slave women in the United States,” in In resistance: studies in African, Caribbean, and Afro-American history, ed. Gary Y. Okihiro (Amherst: University of Massachusetts Press, 1986), 157-58; Barbara Bush, Slave women in Caribbean society (London: James Curry, 1990), 147-48; Darlene Clark Hine, “Female slave resistance: the economics of sex,” Western Journal of Black Studies 3 (1979): 123-27; Deborah White, Ar’n’t I a woman?: female slaves in the plantation South (New York: Norton, 1985), 86-88.

³ Hilary McD. Beckles, Centering woman: gender discourses in Caribbean slave society (Kingston: Ian Randle, 1999), 159.

⁴ Bush, Slave 137-49; Beckles, Centering chapter 10.

dependency ratios very low, similar to the Caribbean. Yet this has not led scholars of Brazilian slavery to similar conclusions about reproductive resistance. On the other hand, Brazilian scholars have found reference to both direct references to infanticide among the enslaved in primary sources, as well as indirect references about the frequency of infanticide among slave women in traveler's accounts and literature.⁵ Nonetheless, the number of recorded cases found to date remains low. Consequently, the reproductive area of slave women's lives has never been fully incorporated into the field of slave studies in Brazil. Nor has it been explored as a potential form of gendered resistance as it has for the Caribbean and the United States.

In this part I analyze three cases of infanticide: one involving an enslaved woman, one a freed black woman and her granddaughter, and one a free black woman. All took place in the interior of Bahia in the second half of the nineteenth century.⁶ As I argued in a comparative study of infanticide in Bahia, it is evident how infanticide in Brazil produced a different profile of infanticide defendant to that of non-slave societies. In Brazilian slave

⁵ See for example Keila Grinberg, *Liberata: a lei de ambiguidade. As ações de liberdade da corte de apelação do Rio de Janeiro no século XIX* (Rio de Janeiro: Relume-Dumará, 1994), 15-21, where the opening chapter presents a case of infanticide and of child murder among slaves.

⁶ The primary sources used in this section are criminal court proceedings from APEB) from a search for the period 1830-1890. This search failed to find any cases of infanticide for the period 1830-1854 and only eight cases in total, one of which was illegible and another where the defendant was male and for reasons of expediency excluded from this study. Child murder is only identifiable through a reading of cases of homicide and is not identifiable as a separate category. The cases examined here came to light through a search of criminal cases involving slave women. However, at the time this research was conducted not all criminal cases had been catalogued, so it may be that more may be found in the future. In addition, while there may be a relationship between the end of the trans-Atlantic slave trade in 1851 and the dates of infanticide cases discovered it was felt that the evidence was not strong enough to develop a causal link in this instance. All eight cases of infanticide are considered in comparative perspective in Jane-Marie Collins, "Bearing the burden of bastardy: infanticide, child-murder, race and motherhood in Brazilian slave society," in *Killing infants: studies in the worldwide practice of infanticide*, ed. Brigitte Bechtold and Donna Cooper Graves (Lampeter: Edwin Mellen, 2006), 199-229.

society, race rather than status, and race relations rather than relations of class, were the main determinants in defining the cultural codes of honor and shame that shaped these cases.

Although recorded cases of infanticide in Brazil are hard to find, reasons for their scarcity are not. First, while the enslaved bore the brunt of a brutally biased and prejudiced justice system, for reasons explained in the previous section, in fact, prosecutions of slaves were not as numerous as might be expected. The legislation and the authorities generally allowed slaveowners to operate their own private system of justice, particularly on plantations. Indeed, for owners of large slaveholdings in particular the penal system was often seen only as a last resort.⁷ A slave who was found guilty and incarcerated represented not only a loss of labour but also an additional cost as the owner was liable for his upkeep in prison.

In addition, in nineteenth-century Brazil infanticide had not become the legislative issue it had elsewhere.⁸ This can be explained by two main factors which, historically, have provided the political elite and the aspiring middle classes in Brazil with a continual source of collective cultural shame. First, infanticide was linked to the status of race relations in a

⁷ When Elizaria, a house slave of Major João Pires de Carvalho, and a favored one at that, was accused of stealing goods from her master's family, she was beaten and "put in a room that serves as a prison on the *fazenda*". APEB, Sec. Jud., Processos Cíveis, 13-439-41, 1876.

⁸ On how the state and society dealt with infanticide in Britain, see for example Mark Jackson, New-born child murder: women, illegitimacy and the courts in eighteenth-century England (Manchester: Manchester University, 1996), chapter 7; Lionel Rose, The massacre of the innocents: infanticide in Great Britain 1800-1839 (London: Routledge and Keegan Paul, 1986), chapters 5 and 6; R. Sauer, "Infanticide and abortion in nineteenth-century Britain," Population Studies 32 (1978): 81-93; Ann R. Higginbotham, "'Sin of the Age': infanticide and illegitimacy in Victorian London," Victorian Studies Spring (1989): 319-37. For a Latin

slave society, and second it was associated with rural backwardness and ignorance. Both factors exposed an image of Brazil the elite were keen to disguise in the face of a rapidly changing and modernizing western world. As such, to explain or even explore incidents of infanticide through the prism of race and the absence of civilization was far too politically explosive as well as diplomatically embarrassing.

There are other ways in which and reasons why the incident, practice and discourse of infanticide differed in Brazil. In the case of Europe and North America studies of infanticide have identified illegitimacy as the main determinant, but also revealed a strong correlation between levels of infanticide, low-paid occupation, poor marriage prospects and strong cultural codes of female honor and shame.⁹ More specifically, studies have shown how high levels of female employment in domestic service, along with poor institutional support in terms of health and welfare, created conditions that exacerbated the professional, personal and economic vulnerability of women. Under such circumstances, child-rearing became more of a burden than a blessing thus increasing the likelihood of infanticide being committed. Furthermore, higher levels of infanticide have been found among female domestic servants who were young, unmarried, and childless.¹⁰

American perspective, see Ruggiero, "Honor".

⁹ See for example Peter Charles Hoffer and N. E. H. Hull, Murdering mothers: infanticide in England and New England, 1558-1803 (New York: New York University Press, 1981), chapter 4; Rose, Massacre chapter 3; R. W. Malcolmson, "Infanticide in eighteenth-century England," in Crime in England, 1550-1800, ed. J. S. Cockburn (London: Methuen, 1977), 187-209; Higginbotham, "'Sin of the Age'". There are some variations on these generalizations. See for example Jeffrey S. Richter, "Infanticide, child abandonment, and abortion in imperial Germany," Journal of Interdisciplinary History 28:4 (1998): 529-35. For an alternative view of the role female honor, status and occupation, see Stephen Wilson, "Infanticide, child abandonment, and female honor in nineteenth-century Corsica," Comparative Studies in Society and History 30 (1988): 762-84.

¹⁰ Jackson, New-born 48-51; Hoffer and Hull, Murdering 47 and 98-102; Kenneth Wheeler, "Infanticide in nineteenth-century Ohio," Journal of Social History 31 (1997): 411-13; G. S. Rowe, "Infanticide, its judicial

According to Mark Jackson, “servants, perhaps more than any other group of women, possessed strong motives for concealing their pregnancies and giving birth in secret”, because of fear of dismissal and the economic burden of raising a child alone.¹¹ In their study of infanticide in England and New England, Hoffer and Hull also identified servitude as one of the main characteristics of the infanticide defendant, and suggested that black servants and slaves in particular “had good reasons to avoid the stigma and burden of bastardy”.¹² However, the authors stop short of stating what those reasons might be.

Nonetheless, we know from the historiography of slavery in the Americas that the enslaved woman was usually born illegitimate, as were most of her children whom she would have from at least two different partners. Legally her children belonged to her owner and not to her and there was a strong likelihood of her being violated by her master or another male member of the household, even his friends. She may even have borne their children.¹³ She had no legal status in court, no right to marriage, no economic independence and no property rights. Such levels of penury and social exclusion could have made childbearing

resolution, and criminal code revision in early Pennsylvania,” Proceedings from the American Philosophical Society 135:2 (1991): 220-22.

¹¹ Jackson, New-born 49.

¹² Hoffer and Hull, Murdering 46.

¹³ There are some important variations over time and between regions. See for example Stuart B. Schwartz, Sugar plantations in the formation of Brazilian society: Bahia, 1550-1835 (New York and Cambridge: Cambridge University Press, 1998), chapter. 14; Katia M. de Queirós Mattoso, “Slave, free, and freed family structures in nineteenth-century Salvador, Bahia,” LBR 21 (1988): 69-84; Robert W. Slenes, Na senzala, uma flor: esperanças e recordações na formação da família escrava - Brasil sudeste, século XIX (Rio de Janeiro: Editora Nova Fronteira, 1999), chapter 2. Manolo Florentino and José Roberto Góes, A paz das senzalas: famílias escravas e tráfico atlântico, Rio de Janeiro, c.1790-c.1850 (Rio de Janeiro: Civilização Brasileira, 1997), chapters 4, 5 and 6; Richard Graham, “Slave families on a rural estate in colonial Brazil,” Journal of Social History 9 (1976): 382-402; Mary C. Karasch, A vida dos escravos no Rio de Janeiro, 1808-1850 (São Paulo: Companhia das Letras, 2000), 379-92. For an overview of the slave family in the Caribbean, see Hilary Beckles and Verene Shepherd, “Slave women family and households,” in Caribbean slave society and economy: a student reader, ed. Beckles and Shepherd (Kingston: Ian Randle, 1991), 228-86.

and rearing particularly burdensome to the point of being, at times, undesirable. In sum, it would appear that enslaved women had the economic profile, the social conditions, and the cultural and political imperative to be more prone to commit infanticide than any other group of women.

Indeed, as Elna Green has shown in her study of turn of the century Richmond, race, and its associated socio-economic conditions, did shape free women's responses to prospective motherhood.¹⁴ But the condition of enslaved motherhood was perhaps even more complex.¹⁵ Furthermore, although there are some similarities in terms and conditions of the labour of domestic servants and slaves, there are some decisive differences that would have made incidents of infanticide less frequent among enslaved domestic women than free domestic servants.

First, codes of shame and honor which brought about sufficient social pressure to bear upon women to commit infanticide in non-slave societies, are complicated in Brazil by the condition of race and slavery where society and the law failed to recognise that enslaved women possessed a sense of honor. As Kristin Ruggiero has shown for nineteenth-century Buenos Aires, "[t]o invoke the 'privilege' of the motive of honor, a woman had to demonstrate that she in fact had honor to lose," and in Brazil the view was that slave

¹⁴ Elna C. Green, "Infanticide and infant abandonment in the New South: Richmond, Virginia, 1865-1915," *Journal of Family History* 24 (1999): 187-211. See also Hoffer and Hull, *Murdering* 48.

¹⁵ It has to be emphasized, though, that the majority of slave women in the Americas lived and died as field laborers not as domestic slaves which may well be a factor in explaining levels of infanticide in slave societies, a point I shall return to later.

women had none.¹⁶ Second, although there is evidence of considerable ambivalence in the attitude of plantation slave owners towards the welfare of the slave family, attitudes would have been different among other groups of slave owners.

Indeed, as has been emphasized throughout this study, for urban and rural smallholders, the production of slave children, illegitimate or otherwise, was crucial to the success of the household economy, and all the more so once slaves became a more expensive commodity after the end of the trans-Atlantic slave trade in 1850.¹⁷ Moreover, enslaved females of childbearing age were often preferred property of these two categories of slaveowner, as it was an investment that would ensure some economic security for the future. As such, the pregnancy of an enslaved domestic woman in many a Brazilian household represented a potential source of income and domestic comfort in old age, not an object of shame and disgrace. Indeed, wills and testaments of Brazilian slave owners often included expressions of affection and fondness for their enslaved women's babies, although such warm heartedness did not usually extend much beyond the first few years of the child's life.¹⁸

Although some house slaves were expected to maintain certain standards of decorum in terms of behavior most slaveowners could ill afford to be so exacting. In nineteenth-century Bahia, the demise of the sugar industry resulted in a fall in the size of slaveholdings

¹⁶ Ruggiero, "Not guilty" 153.

¹⁷ The trans-Atlantic slave trade to Brazil was finally abolished in 1851. For an introduction to this and the internal slave trade that followed, see Robert Edgar Conrad, *The destruction of Brazilian slavery, 1850-1888* (Malabar, FL: Krieger, 1993), chapters 2 and 3.

¹⁸ Ligia Bellini, "Por amor e por interesse: A relação senhor-escravo em cartas de alforria," in *Escravidão e invenção da liberdade; estudos sobre o negro no Brasil*, ed. João José Reis (São Paulo: Brasiliense, 1988), 71-86.

and slave-ownership became more widespread. Indeed, it was not uncommon for freed slaves to become slaveowners. But most urban slaveowners did not have the means to own more than two or three slaves who would have been put to work on the streets selling their skills and wares to make money to maintain the master's household.¹⁹ In this way, slaveowners compromised surveillance for profit, confirming the productive function of urban slaves which, for slave women, included bearing and rearing enslaved children as a way of expanding an owner's economic assets. As we have seen in the cases of murder already examined, rural smallholders were just as resourceful in extracting the maximum value from their investment in human chattel.

Although much of the historiography of infanticide in Europe for the modern period has focused on urban domestic labour, studies of rural workers have reached similar conclusions about those who committed infanticide and why. As Jonathan Dalby has found for nineteenth-century rural France, those charged with infanticide were "female, unmarried, illiterate, trying to scrape together a makeshift livelihood in that marginal world of the rural proletariat".²⁰ However, in contrast to findings for domestic servants who predominate in urban figures for infanticide, among agricultural workers illegitimacy was

¹⁹ Sandra Lauderdale Graham, House and street: the domestic world of servants and masters in nineteenth-century Rio de Janeiro (New York and Cambridge: Cambridge University Press, 1988), chapters 1 and 2; Marilene Rosa Nogueira da Silva, Negro na rua: a nova face da escravidão (São Paulo: Editora Hucitec, 1988); Maria José de Souza Andrade, A mão de obra escrava em Salvador, 1811-1860 (São Paulo: Corrupio, 1988), chapters 1 and 3; Maria Odila Leite da Silva, Power and everyday life: the lives of working women in nineteenth-century Brazil (New Brunswick, NJ: Rutgers, 1995), chapters 4 and 5.

²⁰ Jonathon Dalby, "Women and infanticide in nineteenth-century rural France," in Engendering history: Caribbean women in historical perspective, ed. Verene Shepherd et.al. (Kingston: Ian Randle, 1995), 338. See also James M. Donavon, "Infanticide and the juries in France, 1825-1913," Journal of Family History 16 (1991): 169. However, many rural women accused of infanticide were also domestic servants. See Wheeler, "Infanticide" 411; Richter, "Infanticide" 529-35; Laura Gowing, "Secret births and infanticide in seventeenth-

not found to be a key factor. Instead, outright poverty produced “stagnating environments” which imposed conceptual as well as material limitations on women’s lives, where alternatives to infanticide, including birth control strategies and abortion, were either not available or unknown.²¹ This meant that women who committed infanticide did so with the belief that it was a form abortion.²² Indeed, Darby, Schulte and Richter have taken the view, albeit from different approaches, that rural peasant community culture accepted newborn death, even as a result of infanticide, without any great sense of shock, sadness or horror.²³ Rather, it was the standing of the person in the community itself that shaped the response, not the infant death per se.

In comparison, the lack of ‘hard’ evidence of infanticide among enslaved plantation women in Brazil has produced a distinct reluctance on the part of historians to accept the possibility of infanticide among them, even from within a cultural context which may have tolerated its practice in a similar fashion to that observed in rural Europe. Indeed, in Brazilian slave studies, there is a tendency to maintain at arms length any comprehensive theory of reproductive resistance. Florentino and Goes’s study of slave family life typifies this view. Their study opens with a case where a freed father, facing the break up of his family,

century England,” *Past and Present* 156 (1997): 89. An exception to this seems to be the case of Corsica, see Wilson, “Infanticide” 766.

²¹ The quote is from Richter, “Infanticide” 534, but see also Darby, “Women and infanticide” 360-61, and Regina Schulte, “Infanticide in rural Bavaria in the nineteenth century,” in *Interest and emotion: essays on the study of family and kinship*, ed. Hans Medick and David Warren Sabean (New York and Cambridge: Cambridge University Press, 1984), 84 and 98.

²² Richter, “Infanticide” 534.

²³ In a report on prison records for 1831 compiled by the government and based on summaries from provincial presidential reports, ‘Abortion’ is listed as one of the six categories of crime. Bahia is shown as having the highest number of prisoners (82) detained for this crime. Aufderheide, *Order* 327.

murders all three of his slave children.²⁴ But, this case is presented as the exception to the rule and is used to challenge preconceptions about slaves' responses to captivity. Furthermore, the authors make no reference to infanticide in their assessment of reproductive practices and child rearing among enslaved women, emphasizing instead that even in captivity there was still a powerful imperative to procreate.²⁵ In brief, in the context of slave resistance the authors argue that the enslaved were more likely to strive for stability and continuity in the face of adversity than surrender to destiny and destroy themselves and their children.

Evidence for such interpretations arises from the knowledge that the brutality of the plantation regime and the hardships of a long day in the field were often eased through a shared sense of culture in the slave community that evolved in the *senzalas*.²⁶ As discussed in previous sections of this thesis, studies have shown that the longer established a plantation the greater the likelihood of slave familial stability which in turn provided the focus of the slave community.²⁷ But the question remains, did the strength and centrality of the family in plantation slave community life make infanticide as unthinkable or as unlikely as some have argued?

The cultural cohesion that is believed to have existed among plantation slaves was made

²⁴ Florentino e Goes, *A paz* 13-22.

²⁵ Florentino e Goes, *A paz*, 133. Karasch, *A vida* 162, accepts that infanticide and abortions were practised by slave women, but does not believe it contributed to low birth rates. See also Schwartz, *Sugar* 354.

²⁶ *Senzala* refers to the slave quarters on a plantation.

²⁷ Some of the most revealing studies of slave culture and community have come from the United States. See for example Sterling Stuckey, *Slave culture: nationalist theory and the foundations of black America* (New York: Oxford University, 1987); Phillip D. Morgan, *Slave counterpoint: black culture in the eighteenth-century Chesapeake and Low Country* (Chapel Hill: University of North Carolina, 1998); for Brazil see Slenes, *Na senzala* chapter 3; Karasch, *A vida* chapters 8 and 9.

possible by the continual high number and concentration of enslaved Africans in Brazil. This brutal demographic ensured the continuation (reproduction or reinvention) of African cultural practices in which African attitudes towards motherhood and childcare are believed to have been particularly enduring. Prolonged lactation, usually up to two years after birth, and corresponding sexual abstinence and birth spacing, are some of the reproductive practices cited by Stuart Schwartz in his study of colonial plantation life in Bahia.²⁸ This is in line with findings for the Caribbean with one exception; Schwartz makes no reference to the survival of the nine-day rule, presumably because it did not appear in his sources, although he did find comments about poor midwifery. Given the similarity in the observations of childbirth and reproductive practices between the Caribbean and Brazil, it would be surprising if the nine-day rule had not survived here too.²⁹ It is this nine-day rule which proponents of reproductive resistance for Caribbean slave society claim allowed cases of infanticide to go undetected.

While the possibilities for cultural discontinuities must be acknowledged, as well as the dangers inherent in (mis)reading resistance into all areas of slave behavior, it is hard to ignore the implications of Beckles' view of slave motherhood in the Caribbean where, he argues, "[c]hild-bearing became politicised in ways that tortured enslaved women to a degree that historians may never comprehend".³⁰ If Beckles is right, and slave women responded as proportionately in Brazil as they did in the Caribbean, then the uncertainty

²⁸ Schwartz, *Sugar* 363-64.

²⁹ According to Bush, *Slave* 146, until the child had survived the first nine days of his or her life it remained nameless and was regarded as a ghost-child, "a capricious visitor from the underworld".

³⁰ Beckles, *Centering* 159.

and anonymity that surrounds the issue of slave reproductive resistance may well be a testament to the its effectiveness in more ways than one. It may well be the case that acts of reproductive resistance helped prevent increases in the slave labour force in the way slave owners desired. Conversely, knowledge about these acts, especially infanticide, often remained beyond the reach of plantation owners and historians alike.³¹ As has been noted in other studies, acts of infanticide could only go undetected if carried out completely alone or if there was sufficient motive or consensus among those in the know not to report it.³² Plantation slave women, then, may well provide us with a case in point.

Instead of assuming that the absence of recorded incidents of infanticide for enslaved Brazilian field women means that infanticide did not take place on Brazilian plantations, I would suggest that we approach this absence from a perspective informed by a comparative understanding of enslaved women's lives in the Americas. In this way we arrive at a conclusion that includes the reproductive area of slaves women's lives and therefore expands the scope and range of acts of slave resistance. But in addition to the hidden transcript of reproductive resistance, this absence can also be attributed to the political order and social hierarchy of the time. First because Brazilian slave labourers did not have recourse to the courts in the same way that farm workers and peasants did in, say, England

³¹ For a summary of West African abortifacients, see Bush, *Slave* 140. For the most comprehensive guide to slave medicines and treatments, see Richard Sheridan, *Doctors and slaves: a medical and demographic history of slavery in the British West Indies, 1680-1834* (New York and Cambridge: Cambridge University Press, 1985).

³² See Hoffer and Hull, *Murdering* 115, who refer to this as "covert assent"; Gowing, "Secret births" 103-05, notes the existence of a "collaborative project of denial" among live-in domestic servants; Ruggiero, "Not guilty" 155, observes how scientists and professionals held a "long-standing suspicion of collusion between

and France and therefore could not easily denounce other slaves.³³ Second, because Brazilian plantation owners were renowned for their dislike of state interference in their private business of profit making. In this sense, cases of infanticide among enslaved plantation women may well have gone unrecorded simply because Brazilian plantation owners and the slave community, for quite different reasons, were complicit in their silence. It was not something that either group wanted to draw attention to.

The main areas of concern in the study of infanticide in historical perspective have been, in brief, who, why and how often. In the case of Brazilian slave society, I would argue that the women least likely to commit infanticide were urban, enslaved domestics. This contrasts with non-slave societies where women belonging to the equivalent free occupational group have been identified as the most likely to commit infanticide. In Brazilian slave society, urban enslaved domestics were more likely to be Brazilian than African and therefore creolized, increasingly so during the nineteenth century. In addition, the close proximity in which enslaved domestics lived with their owners made it difficult, if not impossible, to continue with the practice of the nine-day rule, thus precluding the possibility of its use as a cover for infanticide. Above all, given the interest in the newborn by the master's household, giving birth in secret was not an option for most enslaved domestic women. In comparison, enslaved plantation women had a stronger African profile and the relative (cultural) privacy of the *senzala* meant that the nine-day rule could be more

midwives and their females to deceive male society”.

³³ Officially, the justice system regarded slaves as property. At best they were treated as *persona non grata* or minors. See for example “Código do Processo Criminal, 1832,” in Documentação jurídica sobre o negro no Brasil, 1800-1888 (Salvador: Secretária da Cultura, DEPAB, 1989), 21.

routinely practiced. Moreover, for the most part, plantation owners had little economic interest in the welfare of the progeny of their enslaved field women, and despite their occasional protestations about poor midwifery, pregnancy and childbirth were viewed as inconveniences to the working regime.

But there is an intermediate category of enslaved women that were neither field slaves nor domestic slaves, or rather in a sense they were both.³⁴ That is, enslaved owned by rural smallholders such as those involved in the cases of murder examined previously. They often lived alone with their owners in isolated locations and carried the burdens of both house and field labour. For Benedicta, Benta, Faustina and Florência, and countless enslaved women like them, the hardships of the field were matched by the demands of the master's hearth leaving them precious little time spare for other things, including looking after their own children. It is this category of enslaved women whose profile emerges in the cases examined in the next section.

5.12 Infanticide and slave resistance.

Benedicta, Santo Antonio da Barra, 1873.³⁵ Joaquim Henrique de Oliveira and Maria dos Santos Perreira were married in early 1872. Both were from local families who owned a number of *fazendas* in the area.³⁶ As part of her dowry Maria brought to the marriage one

³⁴ It should be noted that this separation of slave women into different occupational groups, while serving to illustrate a comparative point, is somewhat artificial. It would not have been unusual for so-called domestic slave women in urban areas to take care of the master's home as well as watch over a cow or tend to a crop on a small plot of land some distance from the house on the edge of town. As such, the strict division between urban and rural labour is not always an accurate one.

³⁵ APEB, Sec. Jud., Processos Crime, 13-448-22, 1873.

³⁶ A *fazenda* describes an area of cultivated land something similar to a large farm or plantation. It was not

of the *fazendas* and four of the family's slaves. They were Manoel, Benedicta and her two children Maria aged four and Roza, about a year old. Benedicta was in her early twenties at the time and about the same age as her new *senhora*. There was no reference to the relationship between Benedicta and Manoel and he was not mentioned in the trial that took place less than two years after Joaquim and Maria dos Santos were married.

In the documentation presented at the trial we learn how Benedicta and Maria were separated when Maria was sent to work in the kitchen of her owner's grandmother who lived close by. Maria was five years old at the time and would have probably worked with her own grandmother, Romana, who was owned by Maria dos Santos Perreira. That same year, on 16 July, Benedicta gave birth to a third daughter, Thereza. Born after the Free Womb Law of 1872, which declared free all future children born of slave women, this was Benedicta's first child not born into captivity.³⁷ However, she died within six months, on 23 December. The subsequent post mortem revealed how Thereza was nothing more than a bag of bones when she died, and while the doctors believed there were a number of causes contributing to her death the most likely was malnutrition. As a result, Benedicta's owners were charged with infanticide.

The following week, on 29 December, Benedicta was subjected to a physical examination where her breasts were checked to establish if "the death of the innocent Thereza was

uncommon for a landowning family to own a number of farms of varying sizes in separate locations.

³⁷ Conrad, *Destruction* chapter 5; Martha Abreu, "Slave mothers and freed children: emancipation and female space in debates on the 'Free Womb' law, Rio de Janeiro, 1871," *JLAS* 28 (1996): 567-80; Katia de Queirós Mattoso, "O filho da escrava (em torno da lei da ventre livre)," *Revista Brasileira de História* 8 (1988): 37-55.

caused by the lack of mother's milk". Benedicta's breasts were described in the doctor's report as "shriveled and dried up, not big and full" as they would have been if she had been nursing. Her nipples were said to be "underdeveloped" and her milk as thin as water. The doctor who examined Benedicta concluded that she was in no state to breastfeed.

Benedicta's owners were accused of preventing Benedicta from taking care of her baby by constantly keeping her busy, sending her to work in the bean field for hours on end, to tend to the pigs, to wash clothes at the fountain everyday, to cook the family meals and take care of her owners' daughter, Jesuina. When Benedicta finally returned home late at the end of the day she was too tired and weak to take care of her children. For the rest of the time, Benedicta left Thereza in a hammock with her two-year-old sister, Roza, who was supposed to feed her bean broth and flour.³⁸ Because Benedicta was unable to breastfeed her milk soon dried up. Thereza did not receive the proper nourishment, became ill and died. According to Benedicta her owners responded to the news saying that she should have died a long time ago, adding that even if the funeral only cost one *real* it would be Benedicta who paid for it, not them. In her testimony Benedicta also disclosed how she had been regularly beaten and punished by her owners. When asked why she did not alert others about her treatment she replied that it only turned people against her. She had told people in the past but they then told her owners who punished her all the more for saying bad things about them.

³⁸ The type of food described here forms part of the staple diet of the vast majority of poorer Brazilians even today.

The motives cited by the prosecution against Benedicta's owners reveal a political dimension of slave-master relations and add some historical specificity to the dynamics of the relations in this case. Joaquim and Maria were accused of allowing Thereza to die because she was not their slave but was free-born having been born after the enactment of the 1872 Free Womb law. Although used by the prosecution, this argument actually confirmed the somewhat menacing predictions of the pro-slavery lobby who argued that if masters had "no interest" and "no affection" for their property, instead of "humanitarianism" there would be "slaughter".³⁹ Indeed, this case brings to light the limitations and contradictions of the law itself as the defense were able to use the same law in their case against Benedicta. They argued that Benedicta neglected Thereza so badly that Joaquim and Maria threatened to hand Thereza over to the state when she reached the age of eight which the new law entitled them to do. Had they done so, they would have been eligible for compensation from the state as the Free Womb law also gave the owners the right to use the child's labour until the age of twenty-one.⁴⁰

In their own words, the threat to separate mother and child only served to infuriate Benedicta, causing her to neglect her baby even more which led to her death. But, read in historical context, this attempt to demonstrate the extent of Benedicta's willful neglect instead highlights the brutality inherent in slave-master relations, and as abolitionists had argued, the callous disregard with which the slave family was treated. Furthermore, from the perspective of slave resistance theory, the slave owners themselves had unwittingly

³⁹ Conrad, *Destruction* 69-70.

⁴⁰ See note 38.

provided the motives for and conditions in which infanticide may have been plausible.

Having been separated from one very young daughter, still a slave and put to work at the age of five, unable to take care of another and threatened with the loss of her only free-born child, Benedicta may well have been inclined to infanticide. Was it the case that Benedicta had reached such a point of despair that the death of her free-born baby daughter - whom she would lose just like her enslaved daughters - was perceived of as a way of saving her from the fate her mother most feared? Benedicta's statements, however, did not even hint at such a possibility; on the contrary she had two witnesses, Thereza's godmother, a free woman, and a free male witness, who supported her testimony. Continuing their defense, however, Benedicta's owners denied that they purposely kept her away from the home and her baby, and claimed that she was only sent to work in the bean field a couple of days a month. According to Joaquim and Maria, Benedicta was disinclined to breastfeed Thereza with the required regularity, failed to wake up when she cried during the night and refused to administer the treatments her owners acquired for the baby's ailments. In sum, and in line with anti-Abolitionist thinking, Benedicta simply confirmed that enslaved mothers were bad mothers. Furthermore, together with her accomplices, a case had been concocted against her owners in a vicious attempt to gain her freedom, supposing that if they were found guilty and imprisoned Benedicta would be freed.⁴¹

Although the owners were initially found guilty and imprisoned, within a couple of weeks

⁴¹ A quote from an anonymous letter in a regional newspaper typifies this view: "[t]he slave woman's womb was and is a slave. As soon as it is emancipated without due compensation to the master, we are dealing with

the decision was overturned and Benedicta jailed instead. In a final hearing, the jury cleared Benedicta and she was released too. No indication is given as to how this decision was reached.

The evidence from this case and the previous ones of murder of slaveowners raise some, perhaps unanswerable, questions about gender and slave resistance. Were enslaved women more likely to kill their masters' children than their own? Did slaveowners adopt a practice of deliberate neglect in the face of abolitionist legislation? Did enslaved women purposely allow their babies to die rather than be separated from them? Although the evidence presented here may be slender in comparison to that used in studies like that conducted by Florentino and Goes, I would argue that the evidence is sufficient to warrant a discussion of the issues raised rather than a dismissal of them. Furthermore, the cases examined thus far suggest the need for further examination of the role of infanticide in Brazilian slave resistance. These cases also highlight which occupational group of enslaved women were more prone to violent acts of slave resistance, and indeed confirm the very reasons why the subject of infanticide did not reach the level of public concern it did in non-slave societies; for it masked some unspeakable truths about the violent and abusive nature of master-slave relations in Brazil be they rural smallholders or plantation owners.

5.13 Infanticide and Illegitimacy: A Question of Honor?

The remaining two cases involve a free black woman, and a freed black woman and her granddaughter in charges of infanticide. As the proceedings reveal, however, the cultural

extortion". Abreu, "Slave Mothers" 572.

codes of conduct associated with female shame and honor did not necessary follow lines of status, that is slave and free. Instead, the evidence from these cases suggests that all black women were ascribed the same cultural codes of behavior in Brazilian slave society, to the extent that they were not expected to conform to traditional standards of female propriety. In contrast, the expectations of white women were much higher, and perhaps for this reason, as has been argued elsewhere, those who had most to lose were in fact more likely to be driven to the extremes required to commit infanticide.

(a) Febrônia, Barcelos (1878).⁴²

Caetano Godinho refused to go to look at the putrefying body of a new born baby boy with a smashed skull when it was found on his land on 21 January 1878. Instead, he left his house as planned and headed off in the other direction. As he did, he met with the police heading towards his home and directed them to the place on his land where the body had been found. In his summary of the police investigation, the Promotor Público, cited Caetano's twenty-five year old daughter, Febrônia, a free black woman, as the perpetrator of the crime. The report noted how witnesses had come forward and made statements attesting to the fact that she had been pregnant and was present at the time the baby was found. Some witnesses also stated that during her stay at her father's Febrônia had complained of abdominal pains for which she had sought medication. Others claimed to have seen another woman, a known midwife, washing Febrônia's blood-stained clothes in the fountain, which the women in question denied.

Some eleven days after the proceedings began, Febrônia, like Benedicta, was subjected to a detailed physical examination; externally, of her breasts for signs of lactation and her belly for indications of swelling, and internally using a speculum, apparently while she was menstruating, for evidence of pregnancies and childbirth. The examination revealed evidence of previous pregnancies but none recently. Indeed, Febrônia was the mother of two daughters, and had not been pregnant for over a year and a half. Moreover, she had gone to her parents' home with her daughters to fetch her mother for the celebration of the local festival of São Sebastião de Marahú. She felt ill having been caught in the rain during the journey, and procured some ginger for relief, then returned to her home in Quitungo the same day. The slave man who ferried her to and from Quitungo came forward to support Febrônia's testimony.

No physical evidence of infanticide having been committed was found at the home of Febrônia's parents or on their land, and Febrônia put the accusations down to the fact that the witnesses were simply her "devoted enemies". Interestingly, in the end, the case was dismissed on the grounds not of lack of evidence against Febrônia, but because having had children already she had no recognizable motive for infanticide. Reading between the lines there appears to have been a link in the minds of judge and jury, a link not unlike that found by scholars of infanticide in Western Europe, between illegitimacy and infanticide. As a mother of illegitimate children already, it appears the assumption was that Febrônia would not have a reason to commit infanticide.

⁴² APEB, Sec. Jud., Processos Crime, 9-298-3, 1878.

Although Febrônia's innocence was obvious to the authorities, their narrow understanding of infanticide obscures from history some of the more telling aspects of women's lives in historical perspective. As Ruggiero and Jackson, among others, have shown for different locations, only unmarried, virginal women were viewed as potential perpetrators of infanticide as it was only this group of women who were believed to experience sufficient depths of dishonor and shame to provoke such a crime. Moreover, while enslaved women were presumed not to have honor, free black women were presumed to bear the burden of bastardy in ways similar to their slave sisters; without a sense of shame.

(b) Joana Maria, Porto Seguro (1872).⁴³

Belizaria Antonia was a *crioula* freedwoman who shared her simple house with her *parda* granddaughter, Joana Maria José, who she had raised since she was six years old. The house she owned was on land where she grew goiabas, bananas and coffee and kept livestock. But this was not enough to make a living and she often worked on other peoples' land cutting cane and chopping wood as well as taking in washing.

On the 15 February 1872 some children found dogs digging up the corpse of a dead baby under a tree on Belizaria's land. The baby was assumed to be Joana's and both her and her grandmother was arrested and charged with infanticide. However, Joana claimed that it was her grandmother who assisted in the birth, killed the baby "beneath the bed," and then disposed of it. Belizaria, after first denying all knowledge of the pregnancy and birth, later admitted to knowing her granddaughter was pregnant but added that she had only found out

about the birth when she returned home one day from cutting cane. On that day in question, Joana came after her grandmother and told her she had given birth to a stillborn baby boy in the woods and buried it. Joana later changed her version of events and admitted to giving birth alone but insisted that the child had been stillborn.

Inevitably with murders there is a highly unpleasant physical side to the case which cannot be ignored. We have seen how both Benedicta and Febrônia were subjected to very intrusive physical examinations. Although Joana was not subjected to one because she admitted to being pregnant, the physicality of the two women was introduced into the proceedings on rather spurious grounds. When the two women appeared before the local judge in his home, the scribe, perhaps dictating the words of the judge or acting on his instruction, noted the “physical characteristics” of the two women. Belizaria was described as *crioula*, tall and thin with white kinky hair, black-skinned, with a pox-marked face, a big fat nose, broad mouth and fat lips. In addition she was noted as having hairs on her chin and being toothless. Joana, *parda*, twenty years of age, the daughter of a *crioula* was described as short, stocky, wide-faced, with “regular” eyes, nose, ears and mouth, although her mouth was said to be contorted on one side with thick lips and two front teeth missing on the top.

What purpose such information was meant to serve is hard to say. The highly unflattering language used, though, could only be described as hostile, exposing a barely concealed distaste for the women present. Moreover, the manner in which the appearances were, by

⁴³ APEB, Sec. Jud., Processos Crime, 17-585-02, 1872.

implication, contrasted, belies a rather unsubtle attempt to demonise Belizaria, in line with local opinion. According to witnesses who testified against her, Belizaria had a formidable but dubious reputation for being hardworking and hard headed. She argued and threatened her neighbors and beat up on her granddaughter, and was even accused by one witness of having killed her own babies, not just Joana's.

Belizaria, in her testimony, admitted that she had beaten Joana, but denied hitting her for being pregnant. But, she had paid for her granddaughter's freedom, put a roof over her head and taught her how to earn a living. Life had been tough in slavery and not much easier in freedom. In her testimony she sounds weary and exploited but resilient. After the first judgment found them both guilty Belizaria mustered up three witnesses to testify on her behalf. They all confirmed that Joana had given birth alone and disposed of the baby by herself. However, Belizaria's character did not quite come up smelling of roses, as her witnesses revealed how Belizaria had tried to induce Joana to miscarry on a number of occasions.

When the jury failed to find against either women, the *Promotor Público* was outraged and wrote numerous letters to the High Court in Salvador to have the judgment overturned, which he eventually agreed to do. But the final outcome is not known as the case is incomplete.

5.14 Conclusion.

The stigma of illegitimacy, so central to our understanding of infanticide in non-slave societies, does not come through as strongly in the cases found for nineteenth-century Bahia. Moreover, in a society where to be slave marked the lowest category in terms of class, and African in terms of race, it was skin color and occupation that combined to define and confer, or conversely deny, status and honor upon the individual.

As already suggested, infanticide was not a topic of open public debate in Brazilian slave society. This produced an environment accepting of a collective yet unspoken, even unspeakable, cultural tolerance of its practice in two very different sets of circumstances which cut to the very quick of what it meant to be Brazilian. First, there was an uneasy acquiescence between slave owners and Abolitionists regarding the practice of infanticide by slave women. As the poem of the black abolitionist Castro Alves demonstrates, it was better to secure a place in heaven for your newborn than to allow it to suffer an unknown fate at the hands of cruel slave master.⁴⁴ Meanwhile, slaveowners did little more than occasionally moan about poor midwifery as the cause of high levels of neonatal deaths, because for the most part there was plenty more cheap labour available from Africa anyway.⁴⁵ Had slaveowners made an issue of infanticide, they would have exposed themselves and their private practice of justice and profit making to public scrutiny, something they were loath to do. Second, in a society where no more than thirty per cent

⁴⁴ Castro Alves, "Mater Dolorosa," in *Os escravos* (São Paulo: Livraria Martins, 1976), 53.

⁴⁵ Conrad, *Destruction* 69, summarizes the comments of a member of the house who argued against the Free Womb Law, stating how "Capanema thought that the bill would create a situation like that which had existed before the abolition of the slave trade, when slaves were cheap and ninety-five per cent of the children,

of the population married, the shame a white woman could bring upon her family through illegitimacy, no matter how lowly her background, could not compare to the disgrace of giving birth to a dark-skinned baby.⁴⁶ In such circumstances, abortion and infanticide were necessary correctives to protect the family's honor and to ensure it was never tarnished with the stigma of slavery.⁴⁷

For these reasons, the motives for infanticide in Brazilian slave society provide an interesting point of departure from the traditional lines of debate. What the Bahian cases reveal, then, is that illegitimacy itself was not a prime factor in explaining incidents of infanticide among black women (enslaved, freed, or free) in a slave society. Instead, in order to better understand the significance of illegitimacy in Brazilian slave society and the way it contributed to incidents of infanticide, we need to look to cases committed by free white women, poor and rich alike. As explained in more detail in a separate study, when this group of women had to face the double indignity of illegitimacy and darkness the latter was the greater source of shame. Indeed, it may be the case that the presence of foundling hospitals in Brazilian cities helped rid urban free white women of the burden of bastardy

neglected or unwanted, died before they reached the age of eight".

⁴⁶ Elizabeth Anne Kuznesof, "Sexual politics, race and bastard bearing in nineteenth-century Brazil: a question of culture or power?" *Journal of Family History* 16 (1991): 241-60; Muriel Nazzari, "An urgent need to conceal: the system of honor and shame in colonial Brazil," in *The faces of honor: sex, shame, and violence in colonial Latin America*, ed. Lynman L. Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico, 1998), 103-26; Muriel Nazzari, "Concubinage in colonial Brazil: the inequalities of race, class and gender," *Journal of Family History* 21 (1996): 107-24. See also Verena Martinez-Alier, *Marriage, class and colour in nineteenth-century Cuba: a study of racial and sexual values in a slave society* (London: Cambridge University Press, 1974).

⁴⁷ Ruggiero, reaches a similar conclusion about infanticide cases in nineteenth-century Buenos Aires, "Not guilty," 149-50.

and the shame of color, while for many of their rural counterparts this was not an option.⁴⁸ Enslaved women in Brazil, when they did commit infanticide, their motives would have differed from those of free white women in Brazil and from those of their occupational equivalents in non-slave societies. In the case of Benedicta we cannot be sure whether Theresa died of deliberate neglect on the part of her mother, or deliberate neglect on the part of her mother's owners. The case, though, exposed the brutal immorality of slave-ownership as well as the flawed logic of both the Abolitionist and anti-Abolitionist agendas in the framing of the Free Womb law, as well as the human cost of both. On the other hand, enslaved mothers lived in constant fear of separation from their children and as such were reluctant if not unwilling to give away the few children they had that did survive. Indeed, the loss of a child through sale or separation was, as North American slave narratives attest, the worst of all fates for a slave family and as has been documented, drove some enslaved mothers to point of despair and acts of desperation, including murdering their own children.⁴⁹ Nonetheless, the ability to keep a family together must have been, as Harriet Jacobs has portrayed in the case of Linda Brent, a great achievement and an immense source of pride.⁵⁰

But the heroic efforts required to raise a slave family should not blind us to the fact that

⁴⁸ Johildo Lopes de Athayde, "Filhos ilegítimos e crianças expostas (notas para um estudo da família baiana no século XIX)," *Revista da Academia de Letras da Bahia* 27 (1979): 9-25. For examples of how illegitimacy was handled by white Brazilian families, see Linda Lewin, "Natural and spurious children in Brazilian inheritance law from colony to empire: a methodological essay," *The Americas* 48 (1992): 351-96; Nazzari, "An urgent need" 103-26.

⁴⁹ Steven Weisenburger, *Modern Medea: A family story of slavery and child-murder from the Old South* (New York: Hill and Wang, 1998).

⁵⁰ Harriet Jacobs, *Incidents in the life of a slave girl: written by herself*, ed. Jean Fagan Yellin (Cambridge, MA: Harvard University, 1987) (orig. 1861).

slave infants may well have died in their first nine days of life due to the cultural practice of ritual neglect, nor how easily this could have provided an effective cover for infanticide. Moreover, to attribute the lack of slave population growth entirely to demographics is to ignore the very gendered nature of captivity and the ways in which enslaved women, formulated their own, necessarily covert, responses to it.⁵¹

In summary, the physical and emotional demands made of women in domestic servitude in slave societies and domestic service in free societies were in some ways similar, but the stigma of illegitimacy and the economic burdens that came with it did not hold the same meaning for both groups of women. Thus, although Hoffer and Hull have suggested that we would expect to find higher levels of infanticide among enslaved women on the basis that the hardships of enslaved motherhood were greater than for free women, in nineteenth-century Bahia elevated levels have not been found among the occupational category most associated with infanticide; that is domestic labour. This is not because enslaved mothers were intrinsically better and more loving mothers than free women, or because it was an anathema to the cultural values of the slave community. Rather, it is because in Brazilian slave society plantation slave owners were in a position where they could afford, economically and legally, to ignore infanticide, while most urban slave owners were not.

For smallholders, urban and rural, children of their enslaved domestic women were, above

⁵¹ For a historiographical overview of the case for slave women as a category of historical analysis, see Claire Robertson and Marsha Robinson, "Re-modeling slavery as if women mattered," in Women and slavery. Volume two: the modern Atlantic, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2008), 253-83.

all, pieces of property, *gratis pro Deo*. Thus, enslaved domestic women in Brazil were not burdened with the same sense of shame young domestic servants felt in London for falling pregnant outside of marriage, nor would they lose their position because of it. For sure, some codes of shame and honor were shared by free and slave, white and black alike, but in the case of motherhood, the conditions of race and slavery overrode all other factors, shifting the experience of enslaved motherhood into a different cultural orbit altogether.

SECTION SIX

CONCLUSION

In his meticulous study of manumissions in Rio de Janeiro from 1871 to 1888, Sidney Chalhoub uses the ideas revealed in the writings of contemporary politicians and authors to illustrate the changing attitudes towards the institution of slavery.¹ A favourite of Chalhoub is the astute writer and commentator of late nineteenth-century *carioca* life, Machado de Assis. In his 1888 novel, Memórias póstumas de Bras Cubas, Machado provides an example of a slaveowner bestowing freedom on his slave and his slave's response. Pancrácio, the fortunate slave, despite having been slapped around a bit by his benevolent owner, declines the offer of exercising his full rights as a free person and “ir para onde queres” and instead he chooses to remain with his former owner. Read on one level, this incident acted as a reassuring example - at least for former slave owners - of the ease with which Brazil slipped from a slave society to free one. There would be no wars, rebellions, or uprisings, nor murdering of former owners in their beds or poisoning of their children; no, Brazilian slaves had been treated fairly and in return they would behave like upright, law abiding citizens and stay put.

While outright rebellion may not have been on the horizon, the horror of anarchy was never far from the minds of plantation owners throughout Brazil in final years of the institution. Thus, by the late 1880s they were doing their best to manage the transition from slave to free labour as it was clear, to most, that it could no longer be prevented. In an attempt at damage limitation, and an arguably successful one at that, plantation owners, particularly coffee planters, knew the best strategy was to be in control of the

¹ Sidney Chalhoub, Visões da liberdade: uma história das últimas décadas de escravidão na corte (São

process to avoid huge losses at harvest time.

As Brazilian slaveowners knew too well, not all slaves were as loyal, contented and passive as Pancrácio. Indeed, Machado's ideal slave is not as one dimensional as he first appears. As Chalhoub notes, he literally grows in stature during the course of the novel. He becomes taller than his owner. Metaphorically at least, it appears, former slaves gained something from Abolition. Greater in stature than his owner, Pancrácio perhaps literally has the moral high ground, in the sense that he had been a loyal slave (read worker) while his owner clearly had not, despite his rhetoric, been a model slaveowner (read employer). Indeed, it would appear that Machado was suggesting here that there was a lot still to be sorted out in the new social and economic order; abolition was only the beginning. Besides, Pancrácio's apparent devotion to his owner is perhaps a canny narrative device (akin to the canny behaviour of slaves anxiously awaiting their freedom?) that serves to highlight the pompous hypocrisy of his absurdly deluded owner.

Pancrácio acquired his freedom only weeks before Abolition which means that for the previous eighteen years of Pancrácio's life, his owner had not been inclined to manumit him. In an earlier abolitionist text, *A escrava Isaura*, by Bernardo Guimarães, Isaura attempts to obtain her freedom through manumission from an equally ungracious owner. Although the routes and mechanisms by which Pancrácio and Isaura obtained their freedom differed somewhat, there is one key aspect that these fictive slaves had in common, that is they were both house slaves. Significant in the context of this study too is the fact that both slaves endured ambiguous relations with their owners. The proximity

Paulo: Companhia das Letras, 1990), see chapter 2.

between enslaved and enslaver in both cases meant that powers to issue punishments and privileges, rewards and retributions were invested in the same individual.

Based on the evidence from the case studies examined in this study it has been argued that such ambiguity was the hallmark of slave-master relations in smallholdings, be it rural or urban. Focus on these relations in moments of contestation as presented in this thesis allows for an analysis of the ways in which inequality worked at the lower end the slaveholding regime where material differences between the enslaver and enslaved reduced the outward appearance of inequality, but not the experience of it as lived by the enslaved themselves. Thus, greater degrees of familiarity between enslaver and enslaved be it on isolated rural smallholdings or within the larger slaveholder's 'big house', within urban slaveowner households or in relations of concubinage between enslaved women and their owners, did not diminish the experience of inequality in enslavement even if it did, statistically speaking, increase the chances of manumission.

Contrary to the ways manumission patterns have been portrayed by neo-Freyrian proponents of racial democracy, and even by some who have questioned this position, manumission was an expression of the power relations inherent in a slave-owing society, and that includes the power to be 'benevolent' or not towards the enslaved. But it would be a mistake to understand these power relations as always absolute, or that manumission was merely a mechanism of planter control. Even so, the ways in which manumission was awarded as well as denied should have prompted scholars long ago to consider the significance of manumission patterns for the history of both race and gender

relations in Brazil, and in more depth as well as scope. Instead, the emphasis on advantage and privilege among women, *pardas* in particular, has produced myopic visions of Brazilian manumission and led to inadequate theoretical frameworks and incomplete understandings of the extent and complexity of inequality. Consequently, scholars have repeatedly fallen back on notions of ambiguity and contradiction as if the history of race relations in Brazil were the historical equivalent of the black hole – something so impossibly complex it evades description and understanding for all but the exceptionally gifted.

The ambiguity of Brazilian race relations, as argued here, can be traced back to the ambiguous nature of slave-master relations themselves. Out of that ambiguity certain categories of the enslaved have emerged with labels of ‘privilege’ and ‘advantage’ in the context of manumission. However, those labels are part of the language of racial inequality in Brazil, not just the words scholars have used in their analysis of manumission patterns. Section two of this study, then, examined the two groups of the enslaved who have been most closely associated with notions of privilege and advantage in manumission: children and adult mulattas and *pardas*. This section attempted to move beyond the simplistic statistical advantage and investigated limitations of age, colour, as well as the potential benefits these conditions brought in obtaining manumission. In terms of manumission this section also demonstrated how the boundaries between gratis, conditional and paid manumissions were not clear cut, and that the hierarchy scholars have used to interpret manumissions is not a particularly useful framework for understanding the ways in which the enslaved experienced the

processes.

The idea that paid manumission was a penalty and conditional or gratis a gift has pervaded the language used to describe the ways the enslaved obtained their freedom and the ways their enslavers agreed to it. For sure, slaveowners would have attempted to extract the maximum financial benefits from enslaved Africans by sending them to sell goods and services on the streets, but as shown in section three, Africans may have exercised a cultural and political preference for self-purchase rather than conditional manumission. As the case of Margarida indicates, and as Faria has suggested for Rio de Janeiro, it is not improbable that some groups of Africans found self-purchase a more acceptable route to freedom, the concessions involved in conditional and testamentary manumission being too risky and too compromising for their cultural and political sensibilities. However, as illustrated in the analysis of childhood manumissions, and the case studies from both sections two and three, manumission was never truly 'free'; a price was always paid by someone.

The complex routes of cultural adaption and change – or creolisation – that encompassed the transition from enslaved to freed status, are hinted at in section two, but investigated more deeply in section three. Here it is shown how the intersection of the demographics and economics of the slave labour market with marriage markets produced different avenues for mobility for African, *crioula* and *parda* women within the existing hierarchies of occupation, status, race and gender. Marriage and property, and particularly slave-ownership, as evidenced in wills and testaments of African and black

Brazilian women, are here interpreted as indicators of mobility and measurable markers of belonging. Above all, the ways in which the demographics of the urban slave labour market intersected with the preferences of the marriage market, produced a degree of advantage for African women, giving them the potential to enhance their prospects of marriage as well as their levels of prosperity in marriage. *Crioulo* women, on the other hand, did not emerge as advantaged in this respect, but the absence of wills and testaments for their light-skinned descendants suggests that *pardas* and mulattas were in a better position to achieve mobility socially rather than economically. In sum, the analysis from this section confirms the importance of understanding the roles of both the material and social in developing frameworks for interpretations of mobility. Access to resources and skills are crucial in this regard, but access was determined by gender as well as race; for women access to marriage made mobility more likely and family life more sustainable.

Section four confirms how the link between expectations of freedom and the desire for an independent emotional existence centred around family life. Recent studies suggest that from the 1860s onwards marriage became a viable defence mechanism against separation through sale, and that this met with a degree of success. Conversely, the case studies in this section also illustrate the obstacles and challenges families faced, particularly those challenging their illegal enslavement down the generations. Ironically, their attempts to overcome their illegal enslavement resulted in separation across the freed/enslaved divided. However, section four also confirms that the fight to defend the family across the slave-freed divide was a gendered one. Being married or light skinned afforded no

protection against re-enslavement and it was along the female line of descent that status was inherited and judged. The ways in which slaveowners, their witnesses, and judges responded to these cases illustrates the wider political context in which women extracted so-called 'advantages' and 'privileges' in the process of manumission. Their responses reveal the penalties imposed and costs paid when enslaved and freed women questioned the ways in which such advantages and privileges were distributed or withheld.

The dangers and difficulties involved in keeping an enslaved family together as well as protecting the freed status of those members who had successfully escaped it, provide some insights into the gendered analysis of slave resistance presented in section five. The adverts for runaways from local and regional newspapers and the case studies of prosecutions against women confirm that women in similar conditions to men responded similarly in flight. But the responsibilities of maternity and motherhood made flight more risky and reduced the chances of success. Enslaved women were therefore more likely, out of necessity, to turn to sources of patronage and protection than men, and in different ways. But that too came with risks.

The cases of enslaved women's violent resistance, frequently ignored in Brazilian historiography, provide additional insights into the gender differentiated experience of resistance to enslavement. Theoretical frameworks about enslaved women's resistance have tended to focus on day-to-day resistance and avoidance of sexual aggression of male owners. However, the cases in section five illustrate the ways in which female subordination in a patriarchal, slave society produced a potentially explosive set of

relations between mistress and household slave woman, particularly in the homes of rural smallholders.

Studies of manumission have confirmed that the enslaved were more likely to be freed by their owners if they had the opportunity to negotiate with them directly; that is if they lived and worked in small slaveholdings rather than large ones or plantations. In some cases, this has lead scholars to believe that slave-master relations on smallholders were benign. However, the frequency of manumission among such slaveholders has given a misleading impression of the lengths to which the enslaved had to go to secure that freedom. In turn, higher manumission levels in Brazil, along with a greater degree of race-mixture have, until recently, mislead scholars of race to assume that a more tolerant form of race relations emerged in Brazil than in other parts of the Americas.

This thesis has tried to demonstrate that such conclusions have no historical basis. Instead, it is the sidelining of gender in the understanding of race relations which has lead to such misleading conclusions, conclusions that have stressed contradiction and ambiguity as much as inequality. The ways in which ambiguity blighted slave-master relations was portrayed by Machado in the figure of Pancrácio as the regime was in decline. However, the focus on the female experience of enslavement and freedom in this study reveals how for enslaved women the historical basis of ambiguity is further complicated on two counts; first by the intersection of the reproductive, productive and restorative labour in the commodity that was enslaved female domestic labour, and second in the way the status of women related to that of men in a slave-owning society.

For male owners there was a vested interest in the way rights over wife/mistress/slave blurred and merged. Above all, the right to claim sexual relations with enslaved women was part of the bundle of rights to control, when it suited, the emotional life of the enslaved on the part of the slaveowner. That enslaved women both resisted such control and tried to turn such adversity to their advantage and obtain their freedom, or more likely the advantage of their children, should not come as any surprise, but such responses require more serious scholarly attention in the history of slavery in Brazil, particularly in theoretical formulations about slave resistance and race relations.

However, the gender specific ways in which the boundaries between freedom and enslavement became blurred were not restricted to relations with male slaveowners. In addition, the desire for, and denial of, the right to family life and an independent emotional existence extended to enslaved men as well as women. However, the way in which the rights were denied to enslaved women coincided with racial and gendered hierarchies of power and status in ways that were distinct from enslaved men. At least in theory freed husbands could assume rights over the freed wives comparable to that of free men, even if they could not claim rights over their enslaved children, legitimate or otherwise. As such, the denial of paternal recognition of children born of enslaved women rendered invisible the role and influence of fathers in the lives of their children in official sources such as those used for this study, with few exceptions. Conversely, though, this meant that enslaved women found themselves at the frontline of the legal defence of their children's freedom as well as their own, with the full force of patriarchal power against them.

In contrast, in the story of Isaura, it is her father, a free man – her enslaved mother has long deceased – who leads her to freedom. Here, freedom for women is presented as a patriarchal gift. The narrative, then, charts the many failed attempts to get freedom from Isaura's tyrannical owner in what amounts to a veritable game of pass the parcel; her status is literally passed from one owner to another, then to her father, then to her owner/husband. In fact, he becomes her owner and husband in the same sentence. From a textual point of view the overlap between the two conditions (slave/wife and owner/husband) is so neat, that unravelling of the two is presented as totally unnecessary.

However, as the cases of Monica and Marcolina have illustrated the conflation of the roles produced no simple overlap and, as discussed in section four, social mobility through marriage was not as straightforward as Guimarães suggests. For most enslaved women – with the interesting exception of some African women - mobility was not easy to generate either economically or socially and there was fierce competition in the market place for work as well as in the marriage pool for husbands. Marriage, then, contrary to the way portrayed by Guimarães in Isaura, was not the way most enslaved and freed women in Brazil engendered mobility or obtained manumission. Moreover, light-skin colour alone, as argued in this study, did not guarantee access to social spaces and places that could lead to mobility; it was merely a precondition.

In Guimarães's portrayal of the trajectory to freedom, liberty is so closely associated with male power and identity that it is a narrative necessity to lose Isaura's enslaved mother.

Similarly, in *Bras Cubas*, Pancrácio's transition from enslavement to freedom is presented as an exclusively male experience. This is because Pancrácio's tale is one of freedom and citizenship and not unlike the male slave narratives of the United States, here citizenship is clearly associated with manhood.

Indeed, the historic nature of gender inequalities in Brazilian citizenship continues to be underestimated in the scholarship on race and race relations in Brazil. For example, Anthony Marx's study produces a completely gender-blind approach in his understanding of the significance of racial order(ing) and conditions of citizenship in the nation building process.² In George Reid Andrews' study of race in Latin America the results are similar. The trajectory to freedom and citizenship for black Latin Americans is presented as genderless, but the language of citizenship and equality, as well as the struggle for it, is decidedly male.³ Although it is understood that all references to 'equality' would have automatically excluded all free women – black and white – in nineteenth-century Brazil, Andrews makes no acknowledgement of this fact, nor does he take into account the implications of this for expectations and experiences of citizenship. Thus, the image of a rebel slave, insurgent mulatto, free worker, plebe or peasant in Brazil is presented as almost exclusively male. Scholars need to consider the constraints and opportunities enslaved women experienced as a result of the gender differentiated experience of enslavement in order to appreciate the full spectrum of women's agency, instead of excluding them from historical analysis of enslavement and race relations by omission.

²Anthony W Marx, *Making race and nation: a comparison of South Africa, the United States and Brazil* (Cambridge: Cambridge University Press, 1998).

³George Reid Andrews, *Afro-Latin America, 1800-2000* (New York: Oxford University Press, 2004). Nira Yuval-Davis, *Gender and nation* (London: Sage, 1997), 2-3, makes a similar comment on "hegemonic

In this study I have tried to demonstrate that just as enslavement was a gender differentiated experience so too was freedom as forged through manumission; in the way it was obtained, in the way it was defended and the way liberty was lived out. Even though patterns of manumission reveal differing profiles for both race and gender, gender has remained an underexplored category for historical analysis in the history of slavery in Brazil as well as an undeveloped one in the history of race relations. Despite the prominence given to manumission and miscegenation in studies of race relations in Brazil the role of gender in these processes has not been linked to the contradictory or ambiguous nature of *democracia racial*. In this thesis the roots of contradiction and ambiguity have been traced to the expressions and experiences of intimacy and inequality in relationships of manumission and miscegenation in historical perspective, and in such a way that foregrounds the positionality and subjectivity of enslaved women.

APPENDIX

Section Two.¹

Table 1a: Childhood Manumissions, 1830-1871: gender.

Year	Male	Female	<i>Total</i>
1830-1831	39 (43%)	51 (57%)	90 [29%] (100%)
1840-1841	26 (47%)	29 (53%)	55 [18%] (100%)
1851-1852	22 (32%)	46 (68%)	68 [22%] (100%)
1860-1861	17 (33%)	35 (67%)	52 [17%] (100%)
1870-1871	20 (47%)	23 (53%)	43 [14%] (100%)
Total	124 (40%)	184 (60%)	308 (100%)

Table 1b: Childhood Manumissions, 1830-1871: race and colour.

Year	Crioulo	Total Mixed Race	Uk.	Total
1830-1831	42 (47%)	37 (41%)	11 (12%)	90 (100%)
1840-1841	35 (64%)	15 (27%)	5 (9%)	55 (100%)
1851-1852	28 (41%)	24 (35%)	16 (24%)	68 (100%)
1860-1861	24 (46%)	17 (33%)	11(21%)	52 (100%)
1870-1871	17 (40%)	20 (46%)	6 (14%)	43 (100%)
Total	146 (47%)	113 (37%)	49 (16%)	308 (100%)

Table 1c: Childhood Manumissions, 1830-1871: manumission type.

	Male	Female	Total	%
Free	57	79	136	44
Conditional	36	44	80	26
Paid	31	61	92	30
Total	124	184	308	100

¹ All data derived from: APEB, Sec. Jud., Livros de Notas da Capital (Salvador), 1830-1831, 1840-1841, 1851-1852, 1860-1861, 1870-1871.

Table 2a: Childhood Manumissions, 1830-1871: racial profile of gender.

	Crioulo	Mixed Race	Unknown	Total
Male	51%	35%	14%	100%
Female	45%	38%	17%	100 %

Table 2b: Childhood manumissions, 1830-1871: gender profile of race.

	Male	Female	Total
Crioulo	43%	57%	100%
Mixed race	39%	61%	100%
Unknown	35%	65%	100%
<i>Totals</i>	<i>40%</i>	<i>60%</i>	<i>100%</i>

Table 2c: Childhood Manumissions, 1830-1871: sex ratios and colour.

	M	F	Total	%	Sex Ratio	Males:Females(per100)
Crioulo	63	83	146	47	43:57	100:113.6
Total						
Mixed Race	44	69	113	37	39:61	100:122.1
Unknown	17	32	49	16	35:65	100:130.6
Totals	124	184	308	100	40:60	

Table 3a: Childhood manumissions, 1830-1871: manumission type and colour.

	Free	Con.	Paid	Total	%
Crioulo	58	48	40	146	47
Total					
Mixed race	52	21	40	113	37
Unknown	26	11	12	49	16
Total	136	80	92	308	100
Total%	44	26	30	100	

3b: Childhood manumissions, 1830-1871: manumission type and race [%].

	Free	Con.	Paid	Total
Crioulo	42 [40]	60 [33]	43 [27]	[100]
Mixed race	39 [46]	27 [19]	44 [35]	[100]
Unknown	19 [53]	13 [22]	13 [25]	[100]
Total	100	100	100	

3c: Childhood Manumissions, 1830-1871: manumission type and gender.

	M A L E				F E M A L E			
	Free	Con	Paid	Total	Free	Con	Paid	Totals
Totals	57	36	31	124	79	44	61	184 308
Total %	46	29	25	100	43	24	33	100

Table 4a: Child Manumissions, 1830-1871: manumission type, colour and gender: male.

	Free	Con.	Paid	Total	%
Crioulo	29 (46%)	20 (32%)	14 (22%)	63 (100%)	51
Total					
Mixed Race	18 (40%)	13 (30%)	13 (30%)	44 (100%)	35
Unknown*	10	3	4	17 (100%)	14
Total	57	36	31	124 (100%)	100

*no percentages given as numbers too small.

Table 4b: Child Manumissions, 1830-1871: manumission type, colour and gender: female.

	Free	Conditional	Paid	Total	%
Crioulo	29 (35%)	28 (34%)	26 (31%)	83 (100%)	45
Total					
Mixed Race	34 (39%)	8 (12%)	27 (39%)	69 (100%)	38**
Unknown*	16	8	8	32 (100%)	17
Total	79	44	61	184 (100%)	100

*no percentages given as numbers too small.

** 1% difference due to rounding.

Table 5: Child Manumissions, 1830-1871: Average age according to manumission type

	Male	Female
Free	6.24	4.3
Conditional	5.8	5.7
Paid	1.9	4.4
Overall average	4.9	4.7

Table 6a: Child Manumissions ages 0-5, 1830-1871: manumission type, colour and gender: male

	Free	Conditional	Paid	Total
Crioulo	11	4	8	23
Mixed Race	5	5	6	16
Unknown	3	0	1	4
Total	19	9	15	43
%	<i>44</i>	<i>21</i>	<i>25</i>	

Table 6b: Child Manumissions ages 0-5, 1830-1871: manumission type, colour and gender: female

	Free	Conditional	Paid	<i>Total</i>
Crioulo	8	8	13	29
Mixed Race	10	6	12	28
Unknown	5	1	2	8
Total	23	15	27	65
%	<i>35</i>	<i>23</i>	<i>42</i>	

Table 6c: Child Manumissions ages 0-5, 1830-1871: manumission type (%)

	Male	Female
Free	44	35
Conditional	21	23
Paid	35	42
	100	100

Table 7: Child Manumissions ages 0-1, 1830-1871: manumission type (%)

	Male		Female	
	Nos	%	Nos	%
Free	5	24	12	40
Conditional	1	5	7	23
Paid	15	71	11	37
Totals	21	100	30	100

Section Three

Table 1: Dates of wills and testaments*

Brasileiras (24)	Africanas (59)
1830	
	1831
1834	1834
	1835
1836	1836 (2)
1837 (2)	
	1838
1839	1839 (2)
1840	1840
1845	
1846	
1849	
	1850 (2)
1851	1851 (2)
1852	
	1853
1854	1854
	1855 (2)
	1856
	1857 (3)
1859	1859
	1860 (2)
1861	1861
	1862 (2)
1863	1863 (2)
	1864 (2)
	1865 (2)
	1866 (2)
	1867
	1868 (2)
1869	1869 (3)
1870	1870 (3)
	1872 (2)
	1873 (2)
1874	1874
1875	1875
1876	1876 (2)
	1879
	1880 (2)
	1882
1883	
	1885
1887	

* Numbers in brackets indicate number of wills and testaments found for that year. For years without numbers, only one will and testament was found. The same years were researched for both Africanas and Brasileiras. Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

Table 2: Africana origins

<u>Africa</u>	28
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<u>West Africa</u>	
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da Costa	17
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Mina	3
------	---

Gege	2
------	---

Nago	2
------	---

Guine	1
-------	---

Ussa	1
------	---

Calabar	1
---------	---

<i>Total</i>	27
--------------	----

<u>Other</u>	
--------------	--

Congo	1
-------	---

Angola	2
--------	---

Marqui Sacomé (?)	1
----------------------	---

<i>Total</i>	4
--------------	---

Africa	28
--------	----

West Africa	27
-------------	----

Other	4
-------	---

Total	59
--------------	-----------

Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

Table 3: Brasileira parentage*

African mother only named parent	11
African married parents	1
African unmarried parents	2
African & Crioulo married Parents	2
SUBTOTAL	16
Other	2**
Parentage not mentioned	6***
TOTAL	24

* Eleven out 21 women identified themselves as *crioulas*.

** Includes one *crioula* daughter of a *cabra forra* and a *crioula forra* who names her mother by does not identify her by colour or origin.

*** Three were identified as *crioulas* but no mention of parentage and 3 as *libertas* but no mention of parentage.

Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

Table 4: Family forms and marital status: Africanas and Brasileiras (%)

	Africanas	Brasileiras
Single w. children	11 (19)	4 (17)
Single w/o children	18 (30)	15 (63)
Partner w. children	0 (0)	1 (4)
Partner w/o children	4 (7)	0 (0)
Married w. children	3 (5)	1 (4)
Married w/o children	12* (20)	1 (4)
Widow w. children	3 (5)	1 (4)
Widow w/o children	8 (14)	1 (4)
TOTAL	59 (100)	24 (100)
Total single	29 (49)	19 (80)
Total w. partners	4 (7)	1 (4)
Total married	15 (25)	2 (8)
Total widow	11 (19)	2 (8)
TOTAL	59 (100)	24 (100)
Total ever had children	17 (28)	7 (39)
Total never had children	42 (72)	17 (61)
TOTAL	59 (100)	24 (100)
Total ever married/partner	30 (51)	5 (20)
Total never married/partner	29 (49)	19 (80)

*includes one widow who married again.

Total no. of children 38 11*****

** includes 19 deceased

*** includes 8 deceased (not include one widow 'all children deceased')

Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

Table 5a:
Property owned by Africanas: slaves, houses, land

	Status			Total
	S	M/P	W	
No slaves or property	3 (5)	4 (7)	0 (0)	7 (12%)
Slaves only	16 (27)	5 (10)	2 (4)	23 (39%)
House &/or Land only	5 (8)	1 (2)	4 (7)	10 (17%)
Slaves, house, &/or land	5 (8)	9 (14)	5 (8)	19 (32%)
TOTAL	29 (49%)	19 (32%)	11 (19%)	59 (100%)

Table 5b:
Property owned by Brasileiras: slaves, houses, land

	Status			Total
	S	M/P	W	
No slaves or property	1 (4)	0 (0)	0 (0)	1 (4%)
Slaves only	8 (33)	0 (0)	0 (0)	8 (33%)
House &/or Land only	8 (33)	2 (8)	1 (4)	11 (46%)
Slaves, house, &/or land	2 (8)	1 (4)	1 (4)	4 (16%)
TOTAL	19 (80%)	3 (12%)	2 (8%)	24 (100%)

Key: S = single; M/P = married/partner; W = widow

Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

Table 6a: Slave-ownership: Africanas

	Single (19)	Married/ Partner (13)	Widow (9)	
African Male	4	12	4	20 (10%)
African Female	21	15	17	53 (27%)
Brazilian Male	6	12	1	19 (10%)
Brazilian Female	14	8	4	26 (13%)
Crias	27	34*	16	77 (39%)**
TOTAL	72 (37%)	81 (41.5%)	42 = (21.5%)	195 SLAVES

* includes one woman who owned 16 crias

** total = 99% due to rounding

Table 6b: Slave-ownership: Brasileiras

	Single (10)	Married/ Partner (2)	Widow (1)	
African Male	4	0	0	4 (11%)
African Female	10	0	1	11 (31%)
Brazilian Male	5	0	0	5 (14%)
Brazilian Female	0	2	0	2 (6%)
Crias	10	2	1	13 (37%)*
TOTAL	29 (83%)	4 (11%)	2 = (6%)	35 SLAVES

* total = 99% due to rounding

Source: APEB, Sec. Jud. LRT and Testamentos e Inventários, 1830-1888.

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