

Child and Citizen: The Tutelage of Minors, Slavery, and Transition in Rio de Janeiro,  
Brazil, 1871-1900

By

Nicolette M. Kostiw

Dissertation

Submitted to the Faculty of the  
Graduate School of Vanderbilt University  
in partial fulfillment of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

in

History

May, 2015

Nashville, Tennessee

Approved:

Marshall Eakin, Ph.D.

Jane Landers, Ph.D.

Celso Castilho, Ph.D.

Lesley Gill, Ph.D.

For Deuce, my TLOML.

## ACKNOWLEDGEMENTS

Like Blanche Dubois, I too have relied upon the kindness of strangers in my years as a doctoral student. I was fortunate that those kind strangers soon became my support network. Thanks to my cohort: Dr. Angela Sutton, Dr. Erica Rhodes Hayden, Dr. Caree Banton, Dr. Nick Villanueva, Dr. Joanna Mazurska, Dr. Jeremy DeWaal, Dr. Steve Harrison, Dr. Adam Wilsman, and Clay Poupart. Without you, these last few years would have been severely lacking in laughter, karaoke, margaritas, laser tag, voodoo Easter eggs, bowling, coffee, dancing, fetal bunnies, and gossip.

My endless thanks to the History Department at Vanderbilt University for accepting me, training me, sustaining me, and then turning me loose into the world as the best possible version of myself. Thanks to Jane, Brenda, and Heidi for knowing the answers to every question under the sun. At Vanderbilt, I had the extraordinary luck to work with Dr. Marshall Eakin; I could not have asked for a kinder, wiser, and more patient mentor. His steady hand artfully guided this project, and its sometimes-frazzled author, toward success. Dr. Jane Landers—always good for a hug, a chat, and an endless list of recommended reading—was also an invaluable source of comfort and advice. Dr. Celso Castilho was the scholar I wanted to be; his vast knowledge, articulate prose, and singular talent for making connections was an inspiration. Dr. Bill Caferro ushered me into the wild world of teaching history with grace and compassion. I am still in awe of his lecturing skills and forever grateful for his sage advice and unswerving knack for truth telling over the years. Many thanks to Dr. Lesley Gill for getting a stubborn historian to look outside the box and consider interdisciplinary approaches. I am forever grateful for my undergraduate mentor at West Virginia University, Dr. Katherine Aaslestad, for her support, encouragement, and chapter comments.

In the pursuit of knowledge, someone has to pay for the plane ticket. I have been incredibly lucky to enjoy the financial support of several institutions and organizations over the years. The Vanderbilt History Department for several Binkley and Weaver summer grants, as well as conference funding. The Vanderbilt Latin American Studies Program for FIPSE summer funding. The National Security in Education Program (NSEP) and the Institute of International Education (IIE) for the Boren Fellowship, which allowed for ten months of dissertation research in Rio de Janeiro, Brazil. The University of California, Los Angeles (UCLA) Library for the James and Sylvia Thayer Grant, which provided supplemental dissertation research in rare sources. The Coordinating Council of Women in History (CCWH) for the Ida B. Wells Dissertation Award, which facilitated dissertation writing. The Vanderbilt Special Collections Library Dean's Fellowship facilitated the acquisition of technical skills and training in digital humanities.

I am greatly indebted to the librarians, archivists, and administrators in Brazilian institutions that allowed this chatty little *gringa* into their collections. Roseane at the Arquivo Nacional in Rio de Janeiro (ANB), a notoriously serious place, was as pleasant as she was helpful. I looked forward to her, "Ólaaa!" every day. Denise at the Colégio Salesiano Santa Rosa truly took me under her wing; I was only allowed to work in the collection after a nourishing lunch that often included her friends, family, and professional colleagues. Dr. Paulo Knauss at the Arquivo Público do Estado do Rio de Janeiro (APERJ) granted me the enormous honor of being able to work in an uncatalogued collection. Johenir and the staff at the APERJ always made me feel extremely welcome, which meant a lot to an often-lonely expat. Beatriz Kushnir's exceptional accommodation in the face of repeated requests for letters of affiliation from the Arquivo Geral da Cidade do Rio de Janeiro (AGCRJ), and her assistance with other official rigmarole was a lifesaver. Mariza Soares and Hebe Mattos de Castro provided

many helpful suggestions over lunch at *kilogramas* as I attempted to formulate the theoretical framework of this dissertation. *Um abraço enorme* to my indefatigable research assistant and friend, Renan Leite Oliveira da Silva. Lastly and most importantly, my profound thanks to Dr. Amanda Hartzmark for the beers, *salgadinhos*, stories, tears, and friendship during our year as Brazilian widows. Meeting you was best thing I ever got out of an academic conference. *Muito obrigada a todos!*

I would, of course, be a horrible person if I did not acknowledge the immeasurable amount of support I received from my family. Despite their daughter's inexplicable desire to remain a student into her thirties, Bill and Donna Wilhide never questioned her choices or encouraged her to quit. I am unquestionably blessed to have two individuals whose lifelong pride in me and love for me is endless. I am also lucky to have an amazing little brother who endured my know-it-allness growing up and now baffles me with his brilliance. The extensive and rowdy bunch of Figueiredo/Kostiws that I married into have, from the first moment, offered me open arms, full plates, and more Brazilian-American love than I ever thought possible.

To my baby monkey, Eli James—you have been a part of this project almost from the beginning. You kicked your way through my first chapters, giggled during the next ones, and ran through the last. This dissertation was my first creation but you are definitely my best. I'll love you forever...

And finally, to my husband Roger, you are the most incredible person I have ever met. Your capacity for selflessness and unconditional love humbles me and makes me fall for you over and over again. You endured the insanity of living with an aspiring academic and never lost your sense of humor. Without you, I would never have arrived at this point in my life-- and with such a big smile on my face. The smartest thing I ever did was marry you; thank you for not letting me out of your car.

# TABLE OF CONTENTS

	Page
DEDICATION.....	ii
ACKNOWLEDGEMENTS .....	iii
LIST OF TABLES .....	viii
LIST OF FIGURES .....	ix
ABBREVIATIONS .....	xi
Chapter	
INTRODUCTION.....	1
Overview.....	1
A Note About the Archives and Sources .....	5
Terminology .....	7
Historiography .....	11
Organization and Contributions .....	13
CHAPTER I- THE MINOR MAJORITY: SLAVES, CHILDREN, AND TUTELAGE.....	17
Introduction .....	17
Rio de Janeiro, Slavery and Children .....	20
The Free Womb Law, Abolition and the History of Childhood .....	29
Brazilian Tutelage and Quantifying the Law .....	46
Conclusion .....	61
CHAPTER II- FAMILY MATTERS: MOTHERS, FATHERS, AND KINSHIP NETWORKS AMONG PEOPLE OF COLOR .....	63
Introduction .....	63
Tutelage, Freedom, and the Modern Family .....	66
Women, Maternity and Negotiated Motherhood .....	78
Men, Paternity and Paternalism .....	88
<i>Parentes e Parentela</i> : Extended Families and Kinship Networks .....	96
Conclusion .....	105
CHAPTER III- THE CONFINES OF YOUTH: CRIME, PUNISHMENT, AND TUTELARY GUARDIANSHIP .....	107

Introduction .....	107
The Guilt of Innocents: Childhood, Crime and Exploitation .....	109
Everyday Rebellions and Outrageous Acts: Children	
Escaping Tutelage .....	128
Nowhere to Run: Punishment and the Rise of	
Institutionalized Childhood .....	138
Conclusion .....	150
 CHAPTER IV- “TO GIVE THEM A DESTINY”: CHARITY, GUARDIANSHIP, AND THE CHILDREN OF THE PATRIA .....	 153
Introduction .....	153
The Wretched, Miserable Children of God .....	158
The Poor, Abandoned Children of Men .....	172
The Hygienic, Obedient Children of the Patria .....	186
Conclusion .....	197
 CHAPTER V- CHILDREN IN CRISIS: LABOR, TRANSITION, AND THE RE-INVENTION OF INEQUALITY .....	 201
Introduction .....	201
The Labor Question and Answers .....	204
Tutelage and Transition .....	216
Captivity, Race and Place .....	229
Conclusion .....	239
 EPILOGUE .....	 242
 BIBLIOGRAPHY .....	 249

## LIST OF TABLES

Tables	Page
1. Total Population in the city of Rio de Janeiro .....	21
2. Rio de Janeiro Population Percentages Divided by Color .....	22
3. Rio de Janeiro Population by Age .....	26
4. Rio de Janeiro General Population by Gender .....	55
5. Color of Runaways in Tutelage .....	131
6. Gender of Runaways in Tutelage .....	131



## LIST OF FIGURES

Figures	Page
1. <i>A Revista Illustrada</i> (1883) .....	17
2. Map of the City of Rio de Janeiro, 1911 .....	20
3. Tutelage Cases by Year .....	51
4. Tutelage Cases by Race .....	51
5. Gender of All Tutored Children .....	55
6. Gender of Tutored Children of Color .....	55
7. Age Data Availability .....	58
8. Tutored Children by Age .....	58
9. Children of Color by Racial Identification .....	61
10. <i>A Revista Illustrada</i> (1882) .....	113
11. <i>A Revista Illustrada</i> (1885) .....	120
12. Gender of Emancipated Tutelados .....	135
13. Race of Emancipated Tutelados .....	135
14. “Escola Premunitória Quinze de Novembro, 1908” .....	145
15. “Escola Profissional, 1890” .....	147
16. “A Banda das Escolas Profissionais, 1896” .....	148
17. “Carpintaria na Escola Profissional, 1898” .....	148
18. Professor Octacílio Nunes (no date) .....	155
19. Schooling at the Casa dos Expostos, Rio de Janeiro (1914) .....	176
20. Abandoned Infants at the Casa dos Expostos, Rio de Janeiro (1914) .....	177
21. Moncorvo Filho treating children in 1918 .....	193
22. Moncorvo Filho in a slum in 1918 .....	194

23. <i>A Revista Illustrada</i> (1878) .....	201
24. Racial Categories for Tutored Children of Color .....	218
25. Prisoners in CDRJ by Gender .....	232
26. Prisoners by Age and Gender .....	234
27. Female Prisoners by Profession .....	236
28. Male Prisoners by Profession .....	237

## ABBREVIATIONS

### **Archives**

ANB (Arquivo Nacional in Rio de Janeiro, Brazil)

APERJ (Arquivo Público do Estado do Rio de Janeiro in Rio de Janeiro, Brazil)

AGCRJ (Arquivo Geral da Cidade do Rio de Janeiro in Rio de Janeiro, Brazil)

MIS (Museo da Imagem e do Som in Rio de Janeiro, Brazil)

CDRJ (Casa de Detenção do Rio de Janeiro in Rio de Janeiro, Brazil)

### **Sources**

*HAHR (Hispanic American Historical Review)*

*LARR (Latin American Research Review)*

*RBH (Revista Brasileira de História)*

# INTRODUCTION

## Overview

The passage of the Queiroz Law in 1850 officially ended Brazil's participation in the Atlantic slave trade, putting into motion the nation's gradual movement toward the abolition of slavery. The 1850 law restricted the international slave trade however, a booming domestic slave trade developed in its wake and those illegally enslaved in Brazil faced a circuitous path toward claiming liberty.<sup>1</sup> Slave manumission rates were on the rise and the population of free people of color in Brazil remained the largest among other slave holding nations in the Americas.<sup>2</sup> Over the course of the late nineteenth century, a duality with regard to the treatment of people of color in Brazil developed. As measures were taken to increase legal freedoms, social control tactics were employed that reduced the autonomy of people of color. These mechanisms, both formal and informal, limited the ability of people of color to achieve upward social mobility, economic stability, and to effectively exercise the rights to which they were entitled.

As the abolition movement gained momentum, these opposing currents generated significant social and legal conflict. Arguably the most contentious piece of legislation

---

<sup>1</sup> For more on the plight of emancipated Africans in Brazil, see Beatriz G. Mamigonian, "To Be a Liberated African in Brazil: Labour and Citizenship in the Nineteenth Century," (PhD diss., University of Waterloo, 2002). For more on the domestic slave trade in the late nineteenth-century, see Roberto W. Slenes, "The Brazilian Internal Slave Trade, 1850-1888: Regional Economies, Slave Experience, and the Politics of a Peculiar Market," in W. Johnson (ed.) *The Chattel Principle: Internal Slave Trades in the Americas* (New Haven: Yale University Press, 2004) and Kim Butler, "Slavery in the Age of Emancipation: Victims and Rebels in Brazil's Late 19<sup>th</sup>-Century Domestic Trade," *Journal of Black Studies* 42:6 (September 2011): 969-992.

<sup>2</sup> For data on manumission rates during this period, see Keila Grinberg, "Manumission, Gender, and the Law in Nineteenth-Century Brazil," in *Paths to Freedom: Manumission in the Atlantic World* (ed.) Rosemary Brana-Shute and Randy J. Sparks (Columbia: University of South Carolina Press, 2009). Compared to large slave-holding societies, Brazil boasted a free to slave ratio of nearly half in several regions. Rio de Janeiro, however, still held a greater number of slaves than free people in 1872. For more on the dynamics of free people of color during slavery in Brazil, see Herbert S. Klein and Francisco Vidal Luna, *Slavery in Brazil* (Cambridge: Cambridge University Press, 2010), 254.

enacted as part of Brazil's gradual abolition process was the Free Womb Law in 1871. The heated debate leading up to its passage and its imperfect implementation resulted in dissatisfaction within all sectors of society. The interaction of the 1871 law with the well-established system of tutelary guardianship for minors briefly opened a window for people of color to legally contest abuses and assert their rights, using the language of familial concerns. Set against the backdrop of abolitionism, examination of this legal opening illuminates the widening gap between de jure and de facto freedoms emerging during this period. By analyzing the experiences of people of color during this critical moment of legal and social transformation, this dissertation provides insight into the tension between continuity and change at the foundation of Brazil's uneven modernization process.

Prior to 1871, tutelage existed almost exclusively as an avenue for the wealthy, orphaned children of elites to receive their inheritance. In many ways, this system functioned continuously without significant change for over two hundred years. Emancipated Africans and their offspring within a few isolated cases in the 1850s and 1860s were the only exception. These cases, although limited in number, foreshadowed the larger changes produced in the wake of the 1871 law. Tutelage in the post-1871 period expanded temporarily to accommodate the newly freed offspring of slaves. Placing free children of color under the guardianship of elite males was seen as a prophylactic measure, inspired by the need for labor but satisfying deeper insecurities about the implications of their equal citizenship on the established social hierarchy. Following total abolition in 1888, tutelage quickly returned to its original intent by the turn of the twentieth-century. The way in which tutelage was re-appropriated in the post-1871 period demonstrates a watershed moment in both the application of tutelary law and, more broadly, the treatment of people of color in Brazilian society.

This dissertation uses the tutelage documentation generated during this brief period of expansion to analyze the process by which the children of slaves transformed into citizens. While the political, legal, and economic consequences of the 1871 law within the context of Brazil's gradual emancipation process are well documented, the response of people of color to this transitional moment remains largely unknown. The fate of children subject to this law remained a mystery until only very recently. This dissertation uses the micro-histories contained in tutelage litigation to begin to answer larger questions about a population that often remains invisible within other sources. Ultimately, this dissertation uses the purpose, structure, and implementation of tutelary guardianship to show how Brazilian society shifted from a system of undefined yet accessible rights to one of defined, yet inaccessible rights for people of color and their free offspring.

Children of color during this period were significant to both the future of the nation and the survival of their families. As a result, their role in society became heavily contested. In my analysis of tutelage legal cases, distinct patterns emerged, indicating four ways in which the system functioned: as a mechanism for consolidating kinship connections, a quasi-penal institution, an extension of charitable institutions, and a labor system. Through the relationships between children of color and their elite tutors, we see how modern inequality emerged and the mechanisms that made it possible. This dissertation shows how, over time, the intimacy of conflict and oppression between people of color and elites established during slavery transformed into the impersonal social control of the State.

Methodologically, this dissertation contributes by examining a collection of documents only a handful of scholars have utilized and placing them within a broader analytical context than ever before. Theoretically, it frames Brazil's transition out of

slavery as a profoundly hostile process by structuring it from the ground up using the experiences of people of color. In doing so, it shows how structural change in Brazil was achieved in conjunction with the maintenance of existing social hierarchies that limited people of color from exercising full citizenship. In this way, it provides a link between slavery and its legacy to the extreme race-based inequality that continues to plague the country today.

Using children as the entry point, this dissertation weaves together major themes existent in the larger historiographies of slavery and abolition, family, and gender. This dissertation contributes primarily to studies of slavery and abolition, illustrating how tutelage adapted amid the rising tide of abolitionism. Each chapter parallels the competing narratives for emancipation that existed in society; juxtaposing the elite imposition of modernity and social control on people of color and their reciprocal resistance, negotiation, and struggle for survival. By focusing on children of color, this dissertation adds to our understanding of children and childhood, both within Brazil and Latin America more broadly, as a nexus of social conflict over change and continuity in society. My work also adds to our understanding of gender through discussion of the mechanisms used by children of color to resist oppression and even violence. As a generation, these children provide a crucial link tying together the legacy of slavery and the construction of modernity; they offer insight into the incomplete formation of citizenship and rights for people of color in Brazil.

This dissertation is, in several ways, at the forefront of research on Brazil's abolition process. More than simply telling the stories of a few individuals, this dissertation interrogates the interactions between elite discourse (exemplified by the law) and the lives of people of color. In this way, my research on people of color is in constant conversation with historiographies of the broader political, social and economic shifts

taking place in Brazil. My interest in the localized influence of tutelage in the city of Rio de Janeiro also situates my dissertation at the cusp of research in the field, which looks at how national transformations—like the breakdown of slavery—can be reinterpreted through the analysis of micro-historical processes. Taken as a whole, this project balances a macro-historical view on social, economic, and political currents within micro-histories of slavery and freedom to construct a more contextualized representation of the lives of people of color. My work, by focusing on this transitional period, adds nuance to our understanding of Brazil’s emancipation process, its participants, and its enduring consequences.

### **A Note about the Archives and Sources**

The Arquivo Nacional (ANB) in Rio de Janeiro, Brazil, houses 1,404 tutelage documents, spanning from 1811 to 1932. When analyzed quantitatively, the data from these documents visually form a chronological bell curve. The line increases suddenly in 1871, peaks in 1888/1889, and then declines sharply before leveling off around 1900. The range of documents falling within the bell curve is the focus of this dissertation. The period from 1871 to 1900 represents the height of tutelage litigation in Rio and includes a total of 849 cases.<sup>3</sup> Out of 849 cases, 607 do not mention the racial category of the child in question. The remaining 220 documents with explicit color identifiers form the central focus of this dissertation. In the pre-1871 period, people of African descent appear in approximately 1% of cases; while, in the post-1871 period, they form approximately 25% of the total.

---

<sup>3</sup> A total of twenty-two cases were unavailable for consultation during my time in residence as a researcher.



Though not the numerical majority, these cases speak to a critical segment of the general population that became hidden within the historical record during this era. In the late nineteenth century, racial categories were gradually removed from most official documents including census records. These “silences” about race formed part of elite efforts to emphasize unity and national identity.<sup>4</sup> Detailed document analysis within this dissertation centers on cases in which racial categories are explicitly mentioned. However, it is statistically probable that a significant number of cases without a racial category were, in fact, connected to children of color.

Legal functionaries generally controlled the reporting of racial identifiers in tutelage cases—although they were occasionally confirmed by the child in question or a family member. For the purposes of this dissertation, the continuum of color categories presented is less important than the general notion of being non-white. I have attempted to counter-balance the unreliability of race reporting in legal documents by focusing on the status of children of color—as the free progeny of slaves— as much as possible.

The reliance of this dissertation on judicial records, which include inherent biases, is tempered in two ways. Tutelage cases are by nature a combination of sources. Though many contain a single sheet of judicial notation, others are extremely complex. At its most comprehensive, tutelage litigation is comprised of: ecclesiastical baptism records, death certificates, marriage records, newspaper clippings, and police reports. The sheer variety of evidence used to either corroborate or deconstruct a claim strengthens the credibility of these cases. Moreover, this dissertation utilizes a range of additional sources through which the ideas and even the subjects within tutelage cases can be corroborated. These include: Casa de Detenção prison records (CDRJ), government reports from the

---

<sup>4</sup> Brodwyn Fischer discusses the erasure of color categories and the political significance of “silences” with regard to race in, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford: Stanford University Press, 2008).

Arquivo Geral da Cidade do Rio de Janeiro (AGCRJ), newspapers, magazines, and education records from the Arquivo Público do Estado do Rio de Janeiro (APERJ).

## Terminology

As a general rule, I have tried to utilize the modern spellings of terminology related to locations and key terms for the sake of comprehension and consistency. With regard to proper names, I chose to retain the original spellings as they appeared in the documentation. I also utilized original spellings when quoting directly from sources. Rio de Janeiro, as the name of both the capital city and the surrounding province, can be somewhat confusing. Unless otherwise specified, usage of Rio de Janeiro (or Rio) is in reference to the city proper.

In the late nineteenth-century, Brazilian currency was measured in *réis*.<sup>5</sup> Tutors for children of color were contracted to pay between five and ten *mil-réis* per month for the services and care of minors.<sup>6</sup> Notarized paperwork for legal tutelage cost about fifteen to twenty-five *mil-réis*. By comparison, Thomas Holloway found that the daily wage of police officers equalled 800 *réis*.<sup>7</sup>

This dissertation utilizes the phrase “children of color” as a way to reference its primary subjects. A notoriously thorny issue in academic works, the decision to use this form of racial labeling comes primarily from the documents themselves. The expression, *criança/menino/menina/menor de côr* (child/boy/girl/minor of color) appears frequently in tutelage cases and has been translated literally to best reflect its original connotation.

---

<sup>5</sup> One thousand *réis* was referred to as *mil-réis*.

<sup>6</sup> This translates to approximately \$2.25- \$4.50 USD during the same period. For historic currency conversion, see Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a Nineteenth-Century City* (Stanford: Stanford University Press, 1993), xvi.

<sup>7</sup> *Ibid.*

Specific racial categories (i.e. *pardo/moreno/crioulo/preto*) are also used regularly within tutelage documents. Civil status identifiers, which also signal race (i.e. *liberto/escravo/ingênuo/livre*), are applied in addition to racial categories in some cases and used as racial place-holders in others. Rather than engaging in a discussion of the broad spectrum of Brazilian color categories and the accompanying literature, this dissertation favors a more dichotomous interpretation of white/non-white for the sake of analytical clarity. Terms like “people/children of African descent” and “Afro-Brazilian” are also used to add variety and denote the broad spectrum of internal divisions that existed within a single category.

This is not to say that Brazil operated under a bi-racial system. The prevalence of miscegenation and the diversity of racial categories within Brazil are well documented.<sup>8</sup> However, when examined on a micro-level, this study questions the flexibility of Brazilian race relations over time. As the slave system unraveled, the class gap between whites and non-whites became more pronounced and the selective permeability of the social hierarchy diminished.<sup>9</sup> The living conditions for people considered both *pardo* (brown) and *preto* (black) demonstrate little discernable difference quantitatively in the late nineteenth and early twentieth-century.<sup>10</sup>

As Jerry Dávila pointed out, elites in the late nineteenth and early twentieth-century were engaged in explicitly redefining whiteness and placing it in opposition to

---

<sup>8</sup> Skidmore suggests that status in Brazil is the result of the interaction of racial category and class (i.e. education, manners and wealth) rather than exclusively determined by phenotype, as in the United States. See, Thomas E. Skidmore, *Black Into White: Race and Nationality in Brazilian Thought* (New York: Oxford University Press, 1974), 39-40.

<sup>9</sup> Zephyr Frank pointed out that upward social mobility for free people of color was significantly diminished in the post-1850 period as a result of the shrinking underclass of slaves. See, Zephyr Frank, *Dutra's World: Wealth and Family in Nineteenth-Century Rio de Janeiro* (Albuquerque: University of New Mexico Press, 2004), 4-5.

<sup>10</sup> See, Sam C. Adamo, “The Broken Promise: Race, Health, and Justice in Rio de Janeiro, 1890-1940,” (PhD diss., University of New Mexico, 1983).

ideas of whiteness through scientific racism, setting the tone for future generations.<sup>11</sup> It is not surprising that, as explicitly racialized rhetoric emerged, implicitly race-based practices of discrimination also developed.<sup>12</sup> In his extensive study of people of color in São Paulo, George Reid Andrews “accepted” the social differences between *pardos* and *pretos* by labeling them as such when possible.<sup>13</sup> While acknowledging their “strong historical similarities and obstacles”, he pointed to the fact that upward social mobility became isolated within an increasingly smaller sector over time and the rest “remained in conditions indistinguishable from their darker counterparts”.<sup>14</sup> By the twentieth-century, he argued, the degree of difference among people of color reflected more of a black/white dichotomy.<sup>15</sup> Despite the inherent subjectivity of defining racial categories and an overwhelming silence on race within the documentation, Sueanne Caulfield found correlations between the race of litigants and negative case outcomes. This, she argued, “shows how prejudices creep into judicial theories that were supposed to be neutral”.<sup>16</sup>

This process has been analyzed in greater depth within the context of the late twentieth-century. Carlos Hasenbalg, investigating racial disparity in the 1970s, grouped his subjects in “white” and “black/brown” categories due to the insignificant margin of

---

<sup>11</sup> During this period, elites endorsed a “whitening” process based on social interpretations of race and modernity in which undesirable behaviors or characteristics could be unlearned by moralizing campaigns or mitigated by racial mixture. See, Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917–1945* (Durham: Duke University Press, 2003), 6-7.

<sup>12</sup> Emilia Viotti da Costa claimed that the powerful influence of class and clientelism in Brazil made discrimination based on explicitly racial ideologies unnecessary for the “practice of domination”. See da Costa, *Da senzala à colônia* (São Paulo: Editora UNESP, 1982).

<sup>13</sup> George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison: University of Wisconsin Press, 1991), 254.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Sueanne Caulfield, *In Defense of Honor: Sexual Morality, Modernity and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000), 176.

difference in the experiences of those identifying as “black” versus “brown”.<sup>17</sup> Research on affirmative action quotas for university admission offered further evidence that, while individual Brazilians acknowledge a broad spectrum of colors and the nuanced interaction of race and class, the State largely operates under a black/white dichotomy.<sup>18</sup>

Building upon the work of Dávila, Andrews, and Caulfield, this dissertation grapples with the way in which racial categories translated into legal and social freedoms over time. While exceptions existed, tutelage cases suggest that the State, as exemplified by the judicial system, recognized little difference between people of color that evolved in a racialized application of the law. This is evidenced by largely consistent case outcomes when litigants are identified as non-white. Therefore, this dissertation discusses people of color as a unified group while simultaneously uncovering the range of experiences that existed within this general category. This study, by engaging with notions of race prior to the twentieth-century, connects to larger questions of citizenship and inclusion in Brazilian society over time. As Brodwyn Fischer argued, “Although these conclusions apply directly only to one state institution in a single place and era, I suggest that a broader examination of the overlap between the social and the racial in Brazilian private and institutional life may be key to our understanding of the country's history of racial discrimination and social inequality”.<sup>19</sup>

---

<sup>17</sup> See, Carlos A. Hasenbalg, *Discriminação e desigualdades raciais no Brasil* (Rio de Janeiro: Graal, 1979).

<sup>18</sup> See, Sergio da Silva Martins, “Paving Paradise: The Road from ‘Racial Democracy’ to Affirmative Action in Brazil,” *Journal of Black Studies* 34:6 (Jul. 2004): 787-816.

<sup>19</sup> Fischer, *A Poverty of Rights*.

## Historiography and Methods

This project builds upon the vast historiography for slavery and abolition in Brazil. Thematically, it contributes to gender studies, the history of childhood, legal history, and nascent investigations of tutelage across Brazil. Current scholarly advances in each of these areas focus on the relationship of under-represented citizens with the State to better understand national transformations.

Methodologically, my use of legal documents to investigate these issues addresses questions raised by Frank Tannenbaum.<sup>20</sup> The title of this dissertation, a variation on his classic work, *Slave and Citizen*, reflects my contribution to scholarly inquiry with regard to the flexibility of the Brazilian system. Similar to Camilia Cowling, my research uses legal conflict to scrutinize the interaction of gender roles and rights for slaves and free people.<sup>21</sup> Through its early examination of exclusionary State structures and inequality, this dissertation functions as a prologue for works like, *In Defense of Honor, A Poverty of Rights*, and *Diploma of Whiteness*.<sup>22</sup> My focus on children as social actors engages the literature of Bianca Premo, Irene Rizzini, and Elizabeth Kuznesof, who see children as a nexus of social tensions and the embodiment of national virtues.<sup>23</sup>

---

<sup>20</sup> Frank Tannenbaum, *Slave and Citizen* (Boston: Beacon Press, 1947). Engagement with Tannenbaum also places my work into a decades-long discussion of race in Brazil linked to Gilberto Freyre's theory of racial democracy.

<sup>21</sup> Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013).

<sup>22</sup> Caulfield, *In Defense of Honor*; Fischer, *A Poverty of Rights*; and Dávila, *Diploma of Whiteness*.

<sup>23</sup> See, Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill: University of North Carolina Press, 2005); Irene Rizzini, *Olhares sobre a criança no Brasil, séculos XIX e XX* (Rio de Janeiro: Editora Universitária Santa Úrsula, 1997); and Elizabeth Kuznesof, "The Puzzling Contradictions of Child Labor, Unemployment, and Education in Brazil," *Journal of Family History* 23:3 (July 1998): 225–240.

Only five scholars have written about the intersections of tutelage and children of color. The first, Joan Meznar, argued that tutelage provided a channel for badly needed child labor in the Northeastern state of Paraíba.<sup>24</sup> Maria Papali also found that child labor formed the central purpose of tutelage in Taubaté, São Paulo, which contrasted with former slaves' visions of freedom.<sup>25</sup> Arethusa Helena Zero turned to Rio Claro, São Paulo, to offer a new perspective on Brazil's transition out of slavery using tutelage as the point of focus.<sup>26</sup> Around the same time, Patrícia Ramos Geremias used tutelage to examine the struggle of former slaves to maintain kinship ties.<sup>27</sup> Most recently, José Carlos da Silva Cardozo published an article framing tutelage in Porto Alegre as an "exchange of freedoms".<sup>28</sup>

Previous scholarship on the tutelage of minors over-simplifies the impact of the 1871 law and nature of tutelage for children of color. Geographically, each of these studies centers on regions either primarily rural or significantly less developed than Rio de Janeiro during the late nineteenth century. My research provides the first multi-faceted examination of tutelage in a major urban center. Tutelage in a metropolis like Rio de Janeiro, the national capital, demonstrates a more complex convergence of factors that resulted in a distinctive path toward emancipation.

---

<sup>24</sup> Joan Meznar, "Orphans and the Transition From Slave to Free Labor in Northeast, Brazil: The Case of Campina Grande, 1850-1888," *Journal of Social History* 27:3 (Spring, 1994): 499-515.

<sup>25</sup> Maria Aparecida C.R. Papali, *Escravos, libertos e órfãos: A construção da liberdade em Taubate (1871-1895)* (São Paulo: Annablume, 2003).

<sup>26</sup> Arethusa Helena Zero, "O preço da liberdade: caminhos da infância tutelada," (PhD diss., Universidade Estadual de Campinas, 2004). Zero was returning to the site of Warren Dean's classic study, *Rio Claro: A Brazilian Plantation System, 1820-1920* (Stanford: Stanford University Press, 1976).

<sup>27</sup> Patrícia Ramos Geremias, "Ser 'ingênuo' em Desterro/SC: A lei de 1871, o vínculo tutelar e a luta pela manutenção dos laços familiares das populações de origem africana (1871-1889)," (M.A. thesis, Universidade Federal Fluminense, 2005).

<sup>28</sup> José Carlos da Silva Cardozo, "A tutela dos filhos das escravas em Porto Alegre," *Revista Latino-Americana de História* 1:3 (Mar. 2012): 88-98.

Region also appears to influence chronology in these studies. The timeline for tutelage in the Northeast is earlier and shorter than that of the Southeast and the South. Within the Southeast, Rio de Janeiro produced more tutelage cases that stretched over a longer period of time than other areas. Examining Rio's transition into the post-emancipation era through the experiences of tutored children of color adds an important new dimension to previous scholarship on the breakdown of slavery, the structure of the slave family, gender roles, and the history of childhood in Brazil.

### **Organization and Contribution**

This dissertation is organized thematically rather than chronologically. Each chapter traces the development of a particular theme over time. Taken in sum, these chapters illuminate the ways in which tutelary guardianship was used in Rio de Janeiro and the diverse outcomes.

The first chapter places the evolution of the tutelage system, the debate over the enactment of the Free Womb Law, and their convergence into historical context. This chapter focuses primarily on tutelage as a controversial step toward gradual emancipation and children of color as a critical ideological element within the abolitionist movement. Using quantitative tutelage data, this chapter attempts to chip away at the racial "silences" of this period. I argue that the unique position of Rio de Janeiro, as the capital city and center of culture, produced tutelage conditions distinct from those seen in previous studies. Thanks to the "failures" of the Free Womb Law, the consequences of its implementation differed from region to region. This chapter shows how the Free Womb Law, despite being a legislative fiasco, succeeded in shifting the function of tutelage into a temporary point of legal access for children of color in Rio de Janeiro.



Chapter two looks at tutelage as a method to maintain or re-constitute slave families. The Free Womb Law allowed tutelados and their families to save money, purchase freedom for family members, pass along inheritance, and legal recognize kinship connections. Undocumented in previous studies, this possible use for tutelage litigation appears to be connected to urban conditions and the access to legal resources it afforded. This chapter argues that gender exerted a more powerful influence over family formation than color or status due to long-standing legal restrictions on women.

The third chapter argues that abusive and exploitative tutelage relationships functioned much like a quasi-penal institution. Elites and lawmakers in the late nineteenth century repeatedly voiced their concern over the increasing criminality of minors and slaves. Legal measures like tutelage, as well as the growth of state-sponsored institutions, were seen as a way to combat the vices inherent in the lower classes and ensure Brazil's progressive future. Tutored children of color suffered physical, sexual, psychological, and economic violence at the hands of their guardians. This chapter contends that the parents of tutelados, often displeased with the disciplinary measures taken against their children, would protest the perceived over-reach of the state into the intimate sphere of the family through tutelage litigation. Far from helpless, children of color also demonstrated agency and resisted mistreatment in formal and informal ways that corresponded to their gender.

In chapter four, tutelage is positioned in the context of Latin America's long history with charity and charitable institutions. A preoccupation with the well-being of children, as seen in the rise of pediatrics and administrative changes at the Santa Casa de Misericórdia, evolved into elite worries over the future of the nation. In the midst of rapid changes, tutelage occupied a middling position between families of color and charitable institutions. Poor children ideologically transformed into *filhos da pátria* for lawmakers

in the late nineteenth century. The rhetoric of Christian charity permeated the language of charitable institutions and tutelage despite the gradual implementation of prohibitive practices. For the extremely destitute, charitable organizations traditionally provided a social safety net. This chapter argues that, as the selectivity of beneficence increased, welfare institutions and the tutelage system excluded children of color over time.

The final chapter looks at intersections of race, labor, and tutelage as part of Brazil's transition out of slavery. Labor defined the role of children of color in society. Elites anticipated that the end of slavery would produce a labor crisis. In response, lawmakers expanded legal and extra-legal methods of extracting coerced labor to guarantee social and economic stability. I argue that the economic stagnation seen in children of color offers insight into elite attitudes about the human capital of people of color in Brazil during this period. Despite their importance as laborers, children of color were continually placed in situations that challenged their opportunities for economic security and upward mobility. This chapter compares data on the occupations of tutored children of color and those in prison. The similarities seen in privileged tutored and disadvantaged juvenile inmates indicate limited options for children of color. The occupational restrictions placed on children of color kept them in manual labor or domestic service, resulting in diminished opportunities for upward social mobility and economic stagnation that carried over into adulthood.

Through these five chapters, this dissertation contributes to scholarship on the history of Brazil in four ways. It demonstrates the importance of tutelage document, an under-utilized source, as a new perspective on a highly scrutinized historical location like Rio de Janeiro. It highlights the significant role that an under-represented population—people color and their children—played in Brazil's transition into the post-emancipation period. Most importantly, this dissertation shows the degree to which national

transformations produced tangible changes in the lives of people under their influence. Reciprocally, it demonstrates how the response of individual people of color to the social, economic, and legal changes occurring in the late nineteenth century collectively altered their reality.

## CHAPTER I

### THE MINOR MAJORITY: SLAVES, CHILDREN, AND TUTELAGE



*Figure 1- A Revista Illustrada (1883)- Rio de Janeiro, RJ*

#### Introduction

In 1883, the satirical magazine *A Revista Illustrada* published a cartoon poking fun at Brazil's monarch, Dom Pedro II. The cartoon showed the king attempting to enter a room labeled, "International Congress". A young servant boy, labeled "Slavery", carrying all of Dom Pedro's belongings, dutifully followed behind him. A man stopped the king at the entrance and said, "Pardon me, but you can't come in here with that little black boy". To which the monarch replied, "But I can't be separated from him. He dresses me, feeds me...does everything for me! And that's final!" The man sardonically

responded, “It’s just that...Oh well, in light of such illustrious personal qualities from such a wise leader, I’m sure that the civilized nations won’t hesitate to admit him”.<sup>29</sup>

Although meant to be humorous, this cartoon illustrated quite clearly one of the most contentious issues Brazil faced in the late nineteenth-century—the abolition of slavery. In the image, Brazil, as represented by its head of state, was torn between its desire to join the exclusive group of “civilized” nations that had left slavery—personified by a young boy of color— behind and the comfort and service that slavery provided. By the time this cartoon was published, Brazil was consumed by disagreements and tension over the future of slavery. The abolitionist cause was in full force and, though emancipation appeared as an unavoidable eventuality, opinions diverged widely over how and when this gradual process would unfold.

While the symbolism of Dom Pedro II and the “civilized” man behind the curtain is apparent, the representation of “Slavery” as a young boy is less straightforward. It raises the question, why is “Slavery” a child? Perhaps it was supposed to signify weakness or powerlessness; maybe, in the role of hand servant, the image of a young slave boy was truest to life. Or, possibly, it reflects general opinions about the place of people of color in society.<sup>30</sup> The true motivation of the cartoonist who created this image must remain conjecture; however, the idea that a child could embody the institution of slavery in popular culture raises the question of the actual role of children of color in Brazilian society in the late nineteenth-century. Specifically, how does the examination

---

<sup>29</sup> *A Revista Illustrada*, 1883. Emphasis and translation are mine.

<sup>30</sup> Discussions of race and defining racial categories are notoriously complex in the Brazilian context. My decision to use “of color” to reference Afro-descendants is based on the way in which children are typically discussed within tutelage cases and how they often self-identify. Tutored children of color are more often referred to by their physical color than their status (i.e. *ingênuo*, free, etc.), see Figure 5.

of children of color during this period shed new light on our understanding of Brazil's transition from a slave-holding society to a free society?

To answer this question, this chapter examines a key piece of legislation in that transition—the Free Womb Law (or Rio Branco Law) of 1871<sup>31</sup>—expressly aimed at the children of slaves. Tutelage cases initiated after the implementation of the 1871 law provide a narrative window into the lives of children of color and their families in the midst of the country's abolition movement. Although tutelage existed in Brazil for several centuries before the passage of the 1871 Law, the post-1871 period showed a marked shift in both the number of cases and the profile of litigants. These changes lasted until roughly the turn of the twentieth-century.

This chapter examines this shift and how changes in the tutelage system can be explained by larger transformations taking place within Brazilian society as it struggled to bring slavery to an end. The first section of this chapter briefly looks at the history of the city of Rio de Janeiro and the role of people of color within it. The following section outlines abolitionism and the Free Womb Law in the scholarship. The final part of this chapter identifies the intersections of the Free Womb Law and the tutelary system and dissects tutelage data from Rio de Janeiro on a macro-level. This data is then used to explain how larger shifts in Brazilian society are exemplified in the tutelage system.

More broadly this dissertation, by focusing on children of color, adds to our understanding of children and childhood both within Brazil and in Latin America more broadly. Using children as the entry point, this dissertation weaves together the major themes existent in the historiography (i.e. family, slavery, illegitimacy and gender). Through reliance on legal documents, it also provides perspective on the modernization of institutions and the evolution of elite perspectives on poor children. As a result, this

---

<sup>31</sup> Hereafter, the 1871 Law.

dissertation balances a macro-historical view on social, economic and political currents with micro-histories of slavery and emancipation to construct a more contextualized representation of the lives of people of color.

## Rio de Janeiro, Slavery and Children

Discovered in 1502 and dubbed the “River of January”, the city of Rio de Janeiro exerted a powerful influence on Brazilian history from the start.<sup>32</sup> Ideally located along

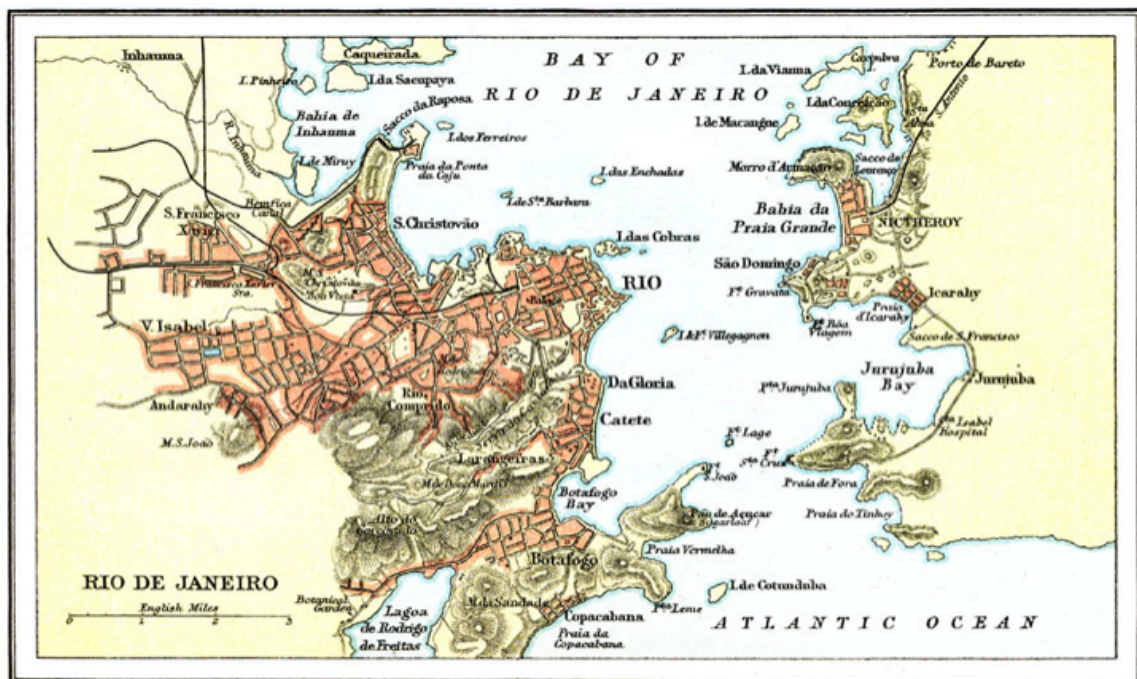


Figure 2- Map of the City of Rio de Janeiro, 1911<sup>33</sup>

<sup>32</sup> Teresa A. Meade, *Civilizing Rio: Reform and Resistance in a Brazilian City, 1889-1930* (University Park: The Pennsylvania State University Press, 1999), 17.

<sup>33</sup> “Rio de Janeiro Historical Map, 1911,” accessed July 15, 2012, <http://etc.usf.edu/maps/pages/10300/10383/10383.htm>.

*Table 1- Total Population in the city of Rio de Janeiro*<sup>34</sup>

Year	Population
1872	1.057.696
1890	1.399.535
1900	1.737.478
1920	2.717.244

southeastern coast of the country at the confluence of Guanabara Bay and the Atlantic Ocean, it quickly became an important port city. Up until the twentieth century, Rio de Janeiro was the most densely populated city within the most populated province (also called Rio de Janeiro) in the country (Table 1).<sup>35</sup> The city of Rio also became an important stop on the transatlantic slave trade routes. The number of African slaves brought to Brazil as a whole is thought to be around 4,864,374 or, roughly 45% of the total number of slaves taken from Africa during the entire duration of the transatlantic slave trade.<sup>36</sup>

By the late nineteenth century, the number of slaves in the province of Rio de Janeiro decreased as the free and manumitted population increased.<sup>37</sup> Estimations for the population of people of color in Rio de Janeiro during this period vary, but the first national census in 1872 (as well as the second in 1890) records a population of color—

---

<sup>34</sup> *Anuário Estatístico do Brasil*/IBGE-Rio de Janeiro, volume 56, 1996.

<sup>35</sup> It remained the primary city in terms of population as late as 1940. James R. Scobie, “The Growth of Latin American Cities, 1870-1930,” in *The Cambridge History of Latin America*, ed. Leslie Bethell, et al. (Cambridge: Cambridge University Press, 1986), 245.

<sup>36</sup> The Trans-Atlantic Slave Trade Database. Emory University, accessed January 22, 2014. <http://www.slavevoyages.org/tast/index.faces>.

<sup>37</sup> Robert E. Conrad, *The Destruction of Brazilian Slavery* (Malabar: Krieger Publishing Company, 1972), 214.



preto (black) and pardo (brown) combined—that outnumbered those not of color (see Table 2).<sup>38</sup> Rio de Janeiro was, comparatively, the most “African” city in Latin America during this period based on the origins of its inhabitants.<sup>39</sup>

*Table 2- Rio de Janeiro Population Percentages Divided by Color<sup>40</sup>*

Year	Branca	Preta	Parda	Amarela	Indígena
1872	38,1	19,7	38,3	-	-
1890	44	14,6	32,4	-	-
1940	63,5	14,6	21,2	-	-

As a result of Rio’s extensive involvement in the slave trade and its significant population of color, African influence on city of Rio de Janeiro became an enduring characteristic, much to the chagrin of local elites. The memoirs of European expatriates, like Parisian Madame Adele Toussaint-Samson, confirm the strong African presence in Rio and describe the role of people of color in Brazilian society in the nineteenth century.<sup>41</sup> Toussaint-Samson, in contrast to most travel accounts written by men, paid particular attention to women in Brazil. While running errands in the historic downtown area of the city, she noted the dress, bearing and appearance of female slaves. Regarding the children of slaves, she asserted how it was common for slave women to carry small children with them as they worked, saying, “As regards the negresses, nothing has been

<sup>38</sup> “Recenseamento Geral do Imperio, Municipio Neutro.” Diretoria Geral de Estatística. Rio de Janeiro: Typ. de G. Leuzinger e Filhos, 1872. <https://archive.org/details/recenseamento1872bras>.

<sup>39</sup> Keila Grinberg, “Freedom Suits and Civil Law in Brazil and the United States,” *Slavery & Abolition* 22:3 (2001): 66-82.

<sup>40</sup> Ibid.

<sup>41</sup> Adele Toussaint-Samson, a Parisian society woman, and her husband (the Brazilian-born son of French parents) moved to Brazil in the 1850s and stayed for twelve years, hoping to improve their fortunes. Her insight into slavocracy and the presence of African slaves in Brazil is invaluable, despite obvious biases. *Women Through Women’s Eyes: Latin American Women in Nineteenth-Century Travel Accounts*, ed. June Edith Hahner, et al. (Lanham, MD: Rowman & Littlefield Publishing Group, Inc., 1998), 81-102.

exaggerated in saying that they easily nursed their children placed on their backs. I have seen it done by some of my servants...”.<sup>42</sup>

She also invoked the horrors of slavery by recounting how she witnessed slaves being brutally beaten and sold a public auction.<sup>43</sup> Her outrage at Brazilian slave owners was clear as she described how heavily elites relied on their young female slaves.

Toussaint-Samson depicted one society woman who,

...interrupt[ed] at every instance her party...to call out: “O negrinha (little negress), ‘pass me my fan!’ ‘Oh, give me my snuff-box!’ ‘O negrinha, bring me a glass of water!’ ‘Oh, pick up my handkerchief!’ and that handkerchief, above everything, she would throw down more than twenty times during the evening, so as to give herself the pleasure of having it picked up as many times by a little negress of seven or eight years, who squatted at her feet. When they returned to France, they brought with them a little negro hardly five years old. It was a curiosity which they exhibited. I still can see that poor little unfortunate squatting in the corner of the mantel-piece, shivering in all his limbs...At the end of six months, he died...<sup>44</sup>

Like many Europeans at the time, Toussaint-Samson was sympathetic to the abolitionist cause and took pains to portray African slaves in ways that humanized them and emphasized their exploitation. It is also worth noting that, like Brazilian elites, she repeatedly displayed her negative opinion of slaves’ appearance, behavior and morality.<sup>45</sup>

Of slave women she says,

“There is nothing more debauched than these Mina negresses; they are the ones who deprave and corrupt the young people of Rio de Janeiro; it is not rare to see foreigners, especially Englishmen, maintain them and ruin themselves for them”.<sup>46</sup>

Her sharpest criticisms were directed at free people of color in Brazil, about

---

<sup>42</sup> Adèle Toussaint-Samson, *A Parisian in Brazil: The Travel Account of a Frenchwoman in Nineteenth Century Rio de Janeiro* (Wilmington: Scholarly Resources Inc., 2001), 34.

<sup>43</sup> *Ibid.*, 44.

<sup>44</sup> *Ibid.*, 35-36.

<sup>45</sup> Hahner, 83.

<sup>46</sup> Mina refers to African slaves from the Mina nation of Africa. *Ibid.*, 34.

which she wrote,

“Only the large number of free negroes is a great black spot on the Brazilian horizon; their number already surpasses that of whites... That which is most appalling is the mulatto race”.<sup>47</sup>

Although a foreigner, Madame Toussaint-Samson offers valuable insight into the seemingly contradictory elite visions of African slaves in Brazil. As a long-time resident in Brazil, Toussaint-Samson demonstrated how dependent Brazilian elites were on slave labor, particularly the labor of slave children. She revealed popular sentiments about the barbarous influence of the institution—on both the slave and the slave owner—as a reason to abolish slavery. On the other hand, she frankly discussed her personal distaste for African slaves and her concerns about their position as the numerical majority in Rio, especially once they acquired freedom.<sup>48</sup> In these contrasting ideas, the limitations of the Brazilian emancipation project can be seen. Elite preoccupations revolved around the institution of slavery and its control over Brazil as a nation, not necessarily the well being of African slaves.<sup>49</sup>

This general disregard and distaste for people of African descent and their perceived influence on Rio manifested itself through elite fixation on European culture and its reproduction within Brazil. As a Portuguese colony, Brazil adopted the language and customs of its colonizer. Rio de Janeiro became the colonial capital in 1763 and, after

---

<sup>47</sup> Ibid., 47.

<sup>48</sup> Being outnumbered by people of color—slave and free—created a lingering fear among elites that a slave revolt like Saint-Domingue (Haiti) could possibly occur in Brazil. Celia Maria Marinho de Azevedo, *Onda negra, medo branco: O negro no imaginário das elites--século XIX* (São Paulo: Annablume, 2004), 28-29.

<sup>49</sup> Once freed, slaves still faced the harsh realities of survival and received no help from abolitionists. In Bahia, slave owners accused abolitionists of not caring about the well being of slaves and entering into the movement for personal gain. Dale Thorston Graden, *From Slavery to Freedom in Brazil: Bahia, 1835-1900* (Albuquerque, NM: University of New Mexico Press, 2006), 169.

the monarchy took up residence there in 1808, the imperial capital as well.<sup>50</sup> The monarchy promptly installed a palace, schools, a national bank, a theater, a botanical garden and other vestiges of culture in the new tropical center of governance.<sup>51</sup> Despite these reforms, Brazilians displayed uneasiness with their status as compared to the “civilized” nations of Europe and, to a lesser extent, North America. In an unabashed display of mimicry, downtown Rio de Janeiro was reformed at the beginning of the twentieth century into an urban center modeled after Paris—with broad boulevards, green spaces and centers for the fine arts.<sup>52</sup> In an effort to “clean up” the downtown area, city planners demolished 590 buildings in the downtown area, most of which were tenement houses, or *cortiços*, which housed the city’s poor, who were often people of color. Countless slum residents were displaced but foreigners and Brazilians alike applauded the final product.<sup>53</sup> Although the city’s façade changed over time, elite desires to mold Rio into a progressive European model were perpetually confounded by the city’s deep multi-cultural roots.

Not only were *cariocas* (residents of Rio de Janeiro) typically of African descent in the late nineteenth century, they were also young (Table 3). According to census data, the largest sector of the population remained under the age of 10 even into the twentieth

---

<sup>50</sup> Brazil is a Portuguese-speaking nation of predominantly Catholic faith. Following Napoleon’s takeover in Western Europe, the Portuguese crown fled to Brazil. The monarchy remained in residence in Rio de Janeiro until 1822, when Brazil became independent nation. Brazil remained a monarchy, however, until 1889 when Dom Pedro II was deposed and the nation entered the Republican era. For more on a general history of Brazil, see Boris Fausto, *A Concise History of Brazil* (Cambridge: Cambridge University Press, 1999) and Marshall C. Eakin, *Brazil: The Once and Future Country* (New York: St. Martin’s Press, 1998).

<sup>51</sup> Teresa A. Meade, “*Civilizing Rio*”: *Reform and Resistance in a Brazilian City, 1889-1930* (University Park: The Pennsylvania State University Press, 1997), 84.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 85-86.

century, despite a shockingly high infant mortality of roughly 30%.<sup>54</sup> Average life expectancy, even for those who made it passed infancy, was only approximately 35 years during this period.<sup>55</sup> Therefore, the largest sector of the population in Rio de Janeiro during this period was comprised of children of color. In spite of their significant presence in the city, there are very few records that mention Brazilian children; even less that document the lives of children of color. Often, these children are seen fleetingly within narratives with an entirely different focus, like those of Madame Toussaint-Samson—almost as if they are part of the scenery. One narrative that provides a more substantive glimpse into the lives of children of color is that of João do Rio.

**Table 3- Rio de Janeiro Population by Age<sup>56</sup>**

Year	0- 4	5-9	10-14	15-19	20-24	25-29	30-39	40-49	50-59	60-69	70 +	N/A
1872	1,045,044	1,400,073	1,046,655	1,049,797	1,056,686	1,058,148	1,154,197	838,462	574,627	355,431	340,299	11,059
1890	2,121,790	2,068,685	1,709,800	1,399,778	1,351,702	1,181,548	1,802,272	1,233,137	733,361	429,554	243,711	58,577
1900	3,001,523	2,622,485	2,062,315	1,862,761	1,573,072	1,453,300	2,040,009	1,350,029	771,330	355,235	203,164	143,211
1920	4,593,163	4,575,530	3,909,630	4,217,917	2,139,364	2,487,431	3,560,225	2,401,200	1,451,319	800,866	433,310	65,650

Famed popular author João do Rio, a descendent of slaves, described the presence of African slaves in all facets of life in Rio de Janeiro in vivid details.<sup>57</sup> His love of “the streets” inspired him to record snippets of daily life that reveal the eclectic

<sup>54</sup> Thomas W. Merrick and Douglas H. Graham, *Population and Economic Development in Brazil, 1800 to the Present* (Baltimore: Johns Hopkins University Press, 1981), 58.

<sup>55</sup> *Ibid.*, 264.

<sup>56</sup> IBGE, “Censo Demográfico,” accessed July 15, 2012, <http://www.ibge.gov.br>.

<sup>57</sup> Although he went by “João do Rio”, among other pseudonyms, João Paulo Barreto was a well-known writer for his time. Highly educated, prolific and homosexual, Barreto was an unusual character but his work was celebrated and he was inducted into the Academy of Letters in 1910. Allegedly, 100,000 people attended his funeral in 1921 and, posthumously, a street in the Botafogo neighborhood of Rio was named after him. For more on the life of João do Rio, see João Carlos Rodrigues, *João do Rio: uma biografia* (Rio de Janeiro, RJ: Topbooks, 1996).

character of the city in the late nineteenth century. In *A alma encantadora das ruas*, he “interviewed” several children of color while walking around historic downtown Rio. He wrote,

In four days, we interviewed 96 children, foreigners, blacks, mulattos—a swiftly moving and anguished society. Young children help sustain their families, including young thieves that cheat at card games down by the docks during drunken fights. The first person we encountered was the negrinho Felix, an orphan who lives on the Rua do Costa in the house of his employers. Things being as they are, he walks around in rags, to beg and steal in the streets. He has already been to prison for stealing from a store but a policeman infatuated with a girl in his household, let him go.

-- What are you doing today?

-- Today I have to steal some cheese. The mistress says that they are out of cheese.

[...] João Silva, who lives on the Rua Senador Pompeu, is thirteen years old and also engages in underhanded practices. His mother, who is unemployed, is beaten by her lover and he takes all her money. Painfully skinny, pretinho Franzino, sick of life, walks around in a paltry sack.

Behind all these forgotten names are poignant dramas, scenes of horror, lost lives. The observation of so many of these cases does not reveal the exploiters, the dandies living at the expense of poor children who are afraid to show me the houses where they are tortured. I did encounter, however, an ideal type in whose abstract drama we see an entire social class and a sobbing tragedy that grows each day.<sup>58</sup>

Similar to Madame Toussaint-Samson, João do Rio reported the appalling circumstances in which the city’s poor existed; however, João do Rio differed in his evaluation of the source of their misery. Rather than the natural outcome of debauchery, inferiority or immorality that Madame Toussaint-Samson pointed to, he identified exploitation by elites as the cause of suffering for the poor, people of color and children. In doing so, João do Rio presented a perspective in direct opposition to eugenics and the medically-justified racism prominent among other intellectuals during this period both in

---

<sup>58</sup> João do Rio, *A alma encantadora das ruas* (Rio de Janeiro: H. Garnier, 1910), 83. Translation is mine.

Brazil and abroad.<sup>59</sup>

As the writing of João do Rio and Madame Toussaint-Samson illustrate, people of color in late nineteenth century Rio de Janeiro occupied a tenuous position in society. As slaves, their circumstances were dependant upon the will of their master. Despite the existence of theoretical protections, slaves were abused, families were separated and freedom was difficult to achieve and sustain.<sup>60</sup> Even after freedom was achieved, free people of color often languished in poverty; living in putrid shantytowns, enduring exhaustive labor and the struggling to survive on a daily basis. While some former slaves did achieve upward social mobility (as did the parents of João do Rio), the vast majority lived and died in perpetual privation.

The children of slaves and freed people were in a particularly vulnerable position,

---

<sup>59</sup> Contemporaries like Raimundo Nina Rodrigues published works that argued that scientific evidence proved the inferiority of people of African descent. Therefore, Brazil's history of racial mixture was the reason for the country's backwardness. "Whitening" the population through racial mixture and European immigration was touted as the solution to Brazil's racial quandary. These ideas became embedded in Brazilian popular culture and then institutionalized through official policies of the State. Gilberto Freyre turned these ideas on their head in the early twentieth century by claiming the mixing of the races in Brazil was both a unique and beneficial characteristic of the national history. Scholarly examination of race in Brazil has been extensive because it is a subject that has profoundly influenced Brazilian national identity over time. For more on the evolution of racial thought and eugenics, see Raimundo Nina Rodrigues, *As raças humanas e a responsabilidade penal no Brasil* (Rio de Janeiro: Editora Guanabara, 1894); Gilberto Freyre, *Casa-grande & senzala: formação da família brasileira sob o regime da economia patriarcal*. 8a ed. Rio de Janeiro: Livraria J. Olympio, 1954; Florestan Fernandes, *The Negro in Brazilian Society* (Atheneum, 1971); Carl Degler, *Neither Black Nor White: Slavery and Race Relations in Brazil and the United States* (Madison: University of Wisconsin Press, 1971); Nancy Leys Stepan, *The Hour of Eugenics: Race, Gender and Nation in Latin America* (New York: Cornell University Press, 1991); Thomas E. Skidmore, *Black Into White: Race and Nationality in Brazilian Thought* (New York: Oxford University Press, 1974); Richard Graham et al., *The Idea of Race in Latin America, 1870-1940* (Austin: University of Texas Press, 1990); George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison: University of Wisconsin Press, 1991); Dain Borges. "Puffy, Ugly, Slothful and Inert': Degeneration in Brazilian Social Thought, 1880-1940," *Journal of Latin American Studies* 25:2 (May 1993): 235-256.

<sup>60</sup> Tannenbaum argued that Brazil's foundation in Roman law, which recognized the personhood of slaves, resulted in a slave system that offered legal protections and was therefore less harsh than North American slavery, which was based in Germanic law. While Tannenbaum correctly identified the legal protections theoretically available for Brazilian slaves, scholars have largely deconstructed the myth of Brazilian slavery as a "softer" version of bondage. Frank Tannenbaum, *Slave and Citizen* (Boston: Beacon Press, 1947).

as each of these narratives suggest. As the cartoon at the beginning of the chapter illustrates, children—and particularly children of color—were an important source of labor for elites. Over time, children of color came to be seen as merely extensions of their masters and owners (and parents to a lesser extent) will. For historians, society often projected its desires, fears and hopes onto the idea of children while their actual thoughts and experiences remain unknown. More so than any other subaltern group, children are the “invisible participants” in history.<sup>61</sup> The chapters that follow will reconstruct both what is projected upon children as well as how those ideas transformed into realities.

In Brazil, children of color became an increasingly important nexus of conflict between elites and their parents as the nation transitioned out of slavery. Children embodied the future for both groups. To their employers and former owners, children represented the future of labor, law and order. At the same time, children represented a crucial component in their vision of freedom and the future of rights and citizenship to their parents. In the following section, I trace how and why the evolution of Brazil’s abolition movement placed children at the center of discourse and legislation.

### **The Free Womb Law, Abolition and the History of Childhood**

After the official end of the trans-Atlantic slave trade into Brazil 1850, the nation’s attention increasingly turned toward the *questão servile* (“servile question”) in the 1860s. Without a continuous supply of new slaves, issues like slave mortality,

---

<sup>61</sup> Children, lacking rights and a “voice” in society, fit the definition of subaltern, particularly those of low socio-economic status. For more on subaltern theory, see Ranajit Guha, ed., *Subaltern Studies* Vol. VII (Oxford: Oxford University Press, 1982); Gayatri Spivak, “Can the Subaltern Speak?” in, *Marxism and the Interpretation of Culture*. Cary Nelson and Lawrence Grossberg (eds.). (London: MacMillan, 1988); El Habib Louai, “Retracing the Concept of the Subaltern from Gramsci to Spivak: Historical Developments and New Concepts,” *African Journal of History and Culture* 4:1 (January 2012): 4-8.



reproduction, abuse, manumission and rising costs came to the forefront.<sup>62</sup> Slave owners became concerned that ending slavery would lead to a labor crisis in which former slaves would refuse to work. Liberals, on the other hand, argued that slavery was a dehumanizing institution—for both slave and owner—that held the country back from modernity. They believed that emancipation would put Brazil on the industrializing path that “civilized” countries like France and the United States were already on.<sup>63</sup> Following the precedent of Chile, Gran Colombia, Portugal, Spain and several U.S. states before it, Brazil passed a “free womb” law in 1871 that emancipated the children born of slave women.<sup>64</sup> Initially, the law was applauded as a great reform and a strategic political compromise; it soon became apparent, however, that the complex law ushered in changes that neither side had anticipated.<sup>65</sup>

The controversial passage of the Free Womb Law did not end the battle over Brazilian emancipation. In fact, it resulted in general dissatisfaction from both sides of the political spectrum and a fracturing of the Liberal party. The inability of the Free Womb Law to clarify Brazil’s path to total emancipation led to a widening gap between political factions as the 1880s wore on. The reason for this, as Celso Castilho pointed out, was that the law, “...served as the main reference point from which political parties, abolitionist groups, and individuals defined their position on abolitionism. The debate centered on how much one believed that the 1871 Free Womb Law provided the legal

---

<sup>62</sup> Maria Aparecida Papali, *Escravos, libertos e órfãos* (São Paulo: Annablume, 2003), 21.

<sup>63</sup> Following the closure of the Atlantic slave trade, the internal slave trade in Brazil flourished. For a more detailed discussion of the political currents that developed around the abolition of slavery, see Celso Castilho, “Abolition Matters: The Politics of Antislavery in Pernambuco, Brazil, 1869-1888” (PhD diss., University of California, Berkley, 2008).

<sup>64</sup> Conrad, *The Destruction of Brazilian Slavery*, 64.

<sup>65</sup> *Ibid.*

and philosophical foundation from which to hasten the end of slavery”.<sup>66</sup>

The finalized Rio Branco Law was approved September 29, 1871 and contained ten articles that purported to address the most pressing concerns in the slavery debate. The first and most famous article stated that children born of slave women were, from that date on, free; although, as the text of the article demonstrated, this freedom was conditional. The subsections of the first article stipulated that children freed by this law (known as *ingênuos*) were still under the authority of their mothers’ owners until the age of eight, because of the inability to separate mothers from young children by law. Upon reaching the age of eight, slave owners were given the choice to hand *ingênuos* over to the state and receive a bond totaling 600,000 mil-réis in compensation, or legally benefit from their labor until the age of twenty-one. This labor contract could only be broken if mothers could prove that their owners imposed “excessive castigation” upon their children.<sup>67</sup>

The second tenet of the new law gave the government the power to hand *ingênuos* over to associations, organizations or private citizens it deemed appropriate. Conservative elites feared that, upon enactment, the Free Womb Law would lead to the abandonment of slave children en masse.<sup>68</sup> As a protection against this possibility, the law put in place safeguards that any child deemed “orphaned” or “abandoned” as a result of the law would become a ward of the state and cared for by an alternate entity (i.e orphanages, reform schools, religious orders, individuals, etc.). Whoever gained custody of an *ingênuo* was required to raise, care for and educate them. In return, guardians were allowed to enjoy

---

<sup>66</sup> Castilho, “Abolition Matters”, 114.

<sup>67</sup> For a translation of the complete text of the Free Womb Law, see Conrad, *The Destruction of Brazilian Slavery*, 305. To read the original text in Portuguese, see “Leis Históricas: Lei do Ventre Livre,” accessed July 15, 2012, <http://www.soleis.adv.br/leishistoricas.htm>.

<sup>68</sup> Conrad, 98.

the unpaid services of their wards. Guardians were also asked, upon reaching the end of their term of care, to place emancipated minors into an appropriate job.

The third article dealt with the newly created emancipation fund. A fund was created that would be used to privately free slaves and the government was required to meet an annual quota of slaves freed by the fund. Slaves were allowed to accrue money, with or without the permission of their owners or employers, to purchase their freedom. The emancipation fund could also be used to supplement the personal savings of a slave in order to reach the amount required for manumission. If the slave should pass away before acquiring the money needed to gain manumission, their savings would be transferred to a family member or, if no family member existed, it would go back into the general emancipation fund.

Article six dictated that all slaves (adults and minors) in the service of the government, the Crown, those who had been abandoned by their masters and those of unknown heritage were also declared free. The government, however, would monitor these freed people for five years. They were required to be employed. If they were found to be unemployed, the government had the right to incarcerate them for vagabondage or place them in the service of the government.<sup>69</sup>

In the final two articles, the government mandated the matriculation of all slaves in the country. Necessary information for the record included: name, age, gender, civil status, profession and parentage. Slaves that were not registered, if discovered, would be automatically freed. The children of slave women freed by the law were to be recorded in

---

<sup>69</sup> The crime of vagabondage was one that used to specifically targeted people of color in the late nineteenth and early twentieth century. For more information on vagabondage in Brazil, Martha Knisely Huggins, *From Slavery to Vagrancy in Brazil* (New Brunswick: Rutgers University Press, 1985); Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a Nineteenth-Century City* (Stanford: Stanford University Press, 1993); Amy Chazkel, "Social Life and Civic Education in the Rio de Janeiro City Jail," *Journal of Social History* 42:3 (Spring 2009): 697-731.

a separate book—the Livro de Tutela. Slave owners found to be withholding information regarding ingênuos faced a fine between 100,000 and 200,000 mil-réis as well as criminal charges for fraud that carried a month-long prison sentence. Parochial records for ingênuos were also to be kept separate from those of other slaves or parishes would face similar fine.

The Free Womb Law was, in many ways, greater than the sum of its parts. As historian Sidney Chalhoub pointed out, it marked a pivotal shift in the relationship between slaves, slave owners and the State, especially in urban areas.<sup>70</sup> Manumission rates in the city of Rio de Janeiro were already exceptionally high by the late nineteenth century. Roberto Slenes calculated that 36% of the slave population in Rio had been manumitted by 1886.<sup>71</sup> By comparison, only 11% and 5.6% were manumitted in São Paulo and Minas Gerais, respectively.<sup>72</sup> Despite the relatively large free population already in place, the Free Womb Law represented a fundamental change in the “social ideology” of relations between slave and master by codifying into law what was previously customary practice.<sup>73</sup>

After the law was implemented, the possibility of manumission was no longer dependent on the permissiveness of slave owners. Emancipation funds aided self-purchase, slaves were entitled to accumulate money toward self-purchase and prices were firmly established. This (theoretically) eliminated negotiations of conditional freedom

---

<sup>70</sup> Sidney Chalhoub, “Slaves, Freedmen and the Politics of Freedom in Brazil,” *Slavery & Abolition* 10:3 (1989): 64-84.

<sup>71</sup> Roberto Slenes, “The Demography and Economics of Brazilian Slavery, 1850-1888,” (PhD diss., Stanford University, 1976).

<sup>72</sup> Ibid.

<sup>73</sup> Mieko Nishida, *Slavery & Identity: Ethnicity, Gender and Race in Salvador, Brazil, 1808-1888* (Bloomington: Indiana University Press, 2003), 144.

and the ability of a freed person to be re-enslaved.<sup>74</sup> These changes shattered the foundation of traditional manumission practices grounded in the gratitude of slaves. As Chalhoub pointed out, this loss of control resulted in a new, fearful sense of urgency regarding the issue of emancipation for elites. At the same time, it ushered in a period of “hope and achievement” for people of color.<sup>75</sup>

Contemporary reactions to the law varied. Brazilian intellectual and abolitionist Joaquim Nabuco stated that he did not see the law as a compromise between elites and the government but, rather, a symbol of a new national project—total emancipation.<sup>76</sup> His favorable first impressions of the law soon changed, however. Later, he called the law “incomplete” and “absurd” for the abysmal number of manumissions it achieved.<sup>77</sup>

Nabuco was also quick to point out the dual impact of the law on slave families. While it granted their children freedom, it forced them into labor contracts and structured their lives in a way that closely resembled slavery. The shortcomings of the law inspired Nabuco and other abolitionists to wage a renewed campaign in 1879, with total emancipation as the goal.

Even slave owners were inconsistent in their feelings about the Free Womb Law. Despite the many concessions the law offered them—including compensation and a

---

<sup>74</sup> Theoretical because illegal slave trade and illegal re-enslavement were practices virtually untouched by the law and, therefore, continued to occur. David Eltis has provided proof of Brazil’s continual participation in the slave trade even after its abolishment. See, David Eltis, “The Nineteenth-Century Transatlantic Slave Trade: An Annual Time Series of Imports into the Americas Broken down by Region,” *HAHR* 67:1 (February 1987): 109-138, 114. Similarly, Kim Butler has offered evidence of Brazil’s extensive internal slave trade, which lasted into the final decades of the nineteenth century. See, Kim Butler, “Slavery in the Age of Emancipation: Victims and Rebels in Brazil’s Late 19th-Century Domestic Trade,” *Journal of Black Studies* 42:6 (September 2011): 968-992.

<sup>75</sup> Chalhoub, “Slaves, Freedmen”, 82.

<sup>76</sup> Joaquim Nabuco, *O abolicionismo* (London: Abraham Kingdom, 1883), 30.

<sup>77</sup> *Ibid.*, 55-56.

prolonged timeline for the end of slavery—they were dissatisfied.<sup>78</sup> The law undercut owners' authority over and control of labor and shook the foundations of their economic future.<sup>79</sup> They were also perturbed by the strong reaction of slaves to the law.

Slaves were aware of the tenets of the Free Womb Law and the significance of its passage. The reaction of people of color to its enactment was swift and intense. Slaves and freed people took their complaints to court and, when that failed to produce results, they later took to the streets.<sup>80</sup> Urban slaves in the city of Rio de Janeiro had access to an exceptional amount of information regarding rights. Camillia Cowling specified the many ways in which slaves and freed people, who were often illiterate, gained access to legal information in an urban context like Rio.<sup>81</sup> In addition to the greater earning potential and freedom of movement that cities offered generally, Rio also provided direct contact with elites and lawmakers because of its unique position as the national capital. It was a city teeming with allies to the anti-slavery cause as well, including abolitionists, journalists, lawyers and the Brazilian imperial family.<sup>82</sup> As Cowling pointed out, slaves in Brazil were given assistance in court in the form of *curadores* (court-appointed legal representatives), scribes, notaries and occasionally lawyers.<sup>83</sup> Scholars like Rebecca Scott and Keila Grinberg have analyzed case studies of slaves who successfully utilized the

---

<sup>78</sup> Castilho, “Abolition Matters”, xxix.

<sup>79</sup> *Ibid.*, xviii.

<sup>80</sup> For a more comprehensive discussion of slave revolts, riots and general unrest in the 1880s, see Maria Helena Toledo Machado, *O plano e o pânico: Os movimentos sociais na década da abolição* (Rio de Janeiro: Editora UFRJ, 1994).

<sup>81</sup> Camillia Cowling, “As a Slave Woman and as a Mother’: Women and the Abolition of Slavery in Havana and Rio de Janeiro,” *Social History* 36:3 (August 2011): 294-311, 299.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

courts to achieve personal gain in Brazil.<sup>84</sup> Moreover, the influence of free people of color and informal social networks in supplying knowledge about how to navigate the legal system cannot be overlooked.<sup>85</sup>

Treatment of the Free Womb Law by historians has been similarly mixed but, overall, it is limited and dichotomous. Martha Abreu recently offered the most comprehensive treatment of the law, its significance and review of the literature. In her evaluation, most scholars dismiss the law as a “failure” lacking “teeth”.<sup>86</sup> As Abreu explained,

Generally speaking, both the early and the more recent historiography has concentrated its analyses on the somewhat paltry results of the Law of the Free Womb. There are many reasons for the law's inefficacy: people resisted the law; the emancipation fund was responsible for few manumissions; and there was wide-spread fraud and hobbling of the courts in their protection of slaves' savings. On top of this, and directly related to freed children, masters continued to put children to work, ingênuos continued to live as slaves on plantations, and slave children's mortality rate began to rise, as did their abandonment to charity institutions. At most, scholars acknowledge that in urban areas public support for emancipation grew.<sup>87</sup>

In light of these historical confines, Abreu put forward a new perspective on the

---

<sup>84</sup> See Rebecca Scott, et al., *The Abolition of Slavery and the Aftermath of Emancipation in Brazil* (Durham: Duke University Press, 1988); Frederick Cooper, Thomas Holt, and Rebecca J. Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill: University of North Carolina Press, 2000); Keila Grinberg, *Liberata: a lei da ambigüidade* (Rio de Janeiro, RJ: Relume Dumará, 1994).

<sup>85</sup> Cowling offers an excellent example of this in Havana. Mothers waiting on the steps of the courthouse before going in front of the judge would discuss the details of their cases and share tips. Cowling, “As a Slave Woman”, 307.

<sup>86</sup> For studies that evaluate the Free Womb Law in this way, see Conrad, *The Destruction of Brazilian Slavery*; Emilia Viotti da Costa, *Da senzala à colônia* (São Paulo: Editora UNESP, 1982); Manoela Carneiro da Cunha, *Antropologia do Brasil: Mito, História e Etnicidade* (São Paulo: Editora Brasiliense, 1986); Lana Lage and Renato Pinto Venancio, “Abandono de Crianças Negras no Rio de Janeiro,” in Mary del Priore (ed.), *História da criança no Brasil* (São Paulo: Editora Contexto, 1991); Katia Q. Mattoso, “O filho da escrava (em torno da lei do ventre livre),” *RBH* 8:16 (março/agosto 1988).

<sup>87</sup> Martha Abreu, “Slave Mothers and Freed Children: Emancipation and Female Space in Debates on the 'Free Womb' Law, Rio de Janeiro, 1871,” *Journal of Latin American Studies* 28:3 (October 1996): 567-580, 569.

Free Womb Law by arguing that contemporary debate over the passage of the law contained evidence that the “rights of the slave family were recognized” as common knowledge and that the criticisms voiced by opponents of the law acknowledged the changes that would inevitably take place in the lives of slaves and their families.<sup>88</sup> Seen in this way, the 1871 Law can be more accurately described as a failed attempt by elites to enact change in the way they desired. Therefore, although the law failed to produce the intended results, it did produce results.

What those results actually are has remained hidden for the reasons Abreu mentioned above. The lack of compliance to the law has resulted in few records. Those that did comply with the law generally kept *ingênuo* children under their care and quietly made the transition from slave owner to employer. The slave matriculation lists mandated by the law have not stood the test of time and are exceptionally rare. As Robert Conrad pointed out, the fate of *ingênuos* has remained an unknown due to the arbitrary levels of participation in and enforcement of the Free Womb Law.<sup>89</sup> Tutelage, however, offers an opportunity to re-examine this topic and rescue a fraction of *ingênuos* and other children of color from historical anonymity. The content of tutelage legal cases also supplies a fresh perspective on the workings of the Free Womb Law and Brazil’s transition to total emancipation. An increasing amount of research on the Free Womb Law delves deeper into the political and social implications of the law and uncovers the complexities inherent in the law, its passage and its influence on Brazilian society.<sup>90</sup>

---

<sup>88</sup> *Ibid.*, 570.

<sup>89</sup> Conrad, *The Destruction of Brazilian Slavery*, 82.

<sup>90</sup> For a deeper analysis of the law, see Sidney Chalhoub, *Visões da liberdade: Uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990); Sandra L. Graham, “Slavery’s Impasse: Slave Prostitutes, Small-Time Mistresses, and the Brazilian Law of 1871,” *Comparative Studies in Society and History* 33:4 (October 1991); Hebe Maria Mattos de Castro, *Das cores do silêncio: Os significados da liberdade no sudeste escravista, Brasil, século XIX* (Rio de Janeiro: Arquivo Nacional, 1995).



Studies of the Free Womb Law fit within the larger historiography of Brazilian slavery and abolition.<sup>91</sup> Compared with the narrow scope of research on the Free Womb Law, scholarship on Brazil's transition from a slavery to free wage labor society is broad and exceptionally rich.<sup>92</sup> Over time, scholars developed a particular interest in the nature of Brazilian abolition. The most extensive and hotly contested area of study within this field revolves around why an institution like slavery, so entrenched in every aspect of Brazilian society, ultimately collapsed. Jeffrey Needell separates this vast historiography into four periods: the 'elite celebratory' trend (1880-1940s), the 'classical Marxist' trend (1950s-1960s), the 'radical agency' trend (1970s) and the 'subaltern agency' trend (1970s to present).<sup>93</sup>

---

<sup>91</sup> Scholarship on Brazilian slavery in general is so immense that I have limited my historiographic discussion to works that deal with abolition specifically. For an excellent review of research on slavery in Brazil, see Jean M. Hébrard, "Slavery in Brazil: Brazilian Scholars in the Key Interpretive Debates," *Translating the Americas*, Vol. 1 (2013): 47-95.

<sup>92</sup> For more about the causes of the breakdown of Brazilian slavery, see Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question: 1807-1869* (Cambridge: Cambridge University Press, 1972); Sidney Chalhoub, *Visões de liberdade: Uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990); Dale T. Graden, "An Act 'Even of Public Security': Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-56," *HAHR* 76:2 (May 1996): 249-82; Emilia Viotti da Costa, *Da senzala à colônia* (São Paulo: Editora UNESP, 1982); Richard Graham, *Britain and the Onset of Modernization in Brazil: 1880-1914* (Cambridge: Cambridge University Press, 1968); Stanley J. Stein, *Vassouras: A Brazilian Coffee County, 1850-1900* (Princeton: Princeton University Press, 1986); Mary Karasch, *Slave Life in Rio de Janeiro* (Princeton: Princeton University Press, 1987); Stuart B. Schwartz, *Slaves, Peasants and Rebels: Reconsidering Brazilian Slavery* (Urbana: University of Illinois Press, 1992), Warren Dean, *Rio Claro: A Brazilian Plantation System, 1820-1920* (Stanford: Stanford University Press, 1976). For a discussion of the speed of Brazil's move toward abolition, see Conrad, *The Destruction of Brazilian Slavery*; Robert Brent Toplin, *The Abolition of Slavery in Brazil* (New York: Atheneum, 1972); Rebecca J. Scott, *The Abolition of Slavery and the Aftermath of Emancipation in Brazil* (Durham: Duke University Press, 1988). More information on the transitional period from slavery to abolition from an economic perspective can be found in, Peter Eisenberg, *The Sugar Industry in Pernambuco, 1840-1910: Modernization Without Change* (Berkeley: University of California Press, 1974).

<sup>93</sup> For an excellent synthesis of the major historiographical trends and a more detailed discussion of their theoretical features, see Jeffrey D. Needell, "Brazilian Abolitionism, Its Historiography, and the Uses of Political History," *Journal of Latin American Studies* 42; 2010; (231-261).

As Needell explains, the elite celebratory trend in the period immediately proceeding and following total abolition, elites (pro)claimed abolition was the inevitable outcome of Brazil's march toward progress and civilization and supported by a majority of society.<sup>94</sup> Although largely discredited, these ideas continue to inform discussions of contemporary intellectuals' perceptions of abolition. Critique of this rendering of Brazilian history ushered in the classical Marxist trend. Although also making a case for the predictability of total abolition, Marxist historians pointed to shifting socio-economic factors and the rise of the urban middle class as the real driving force behind the collapse of the Brazilian slave system.<sup>95</sup> Many works that embody this trend come from the "São Paulo School" of thought.<sup>96</sup> In arguing for the inevitability of abolition, both the elite celebratory and classical Marxist trends, virtually ignored the role of enslaved Africans--portraying them as an anonymous underclass, woefully unprepared for freedom in a capitalist society. The radical agency trend accepted the Marxist undergirding but added that the contribution of Brazilian abolitionists was crucial in the evolution of abolition as

---

<sup>94</sup> Needell points to a few sources from the period that demonstrate this perspective, like Maurílio de Gouveia, *História de escravidão* (Rio de Janeiro: Editora Tupy, 1955). Contemporary sources include Cristiano Benedito Otoni, *Autobiografia* (Brasília: Editora Universidade de Brasília, 1983 [c.1908]); Osório Duque-Estrada, *A abolição (esboço histórico): 1831–1888* (Rio de Janeiro: Leite, Ribeiro & Maurillo, 1918); Afonso Celso, *Oito anos de parlamento* (Rio de Janeiro: Laemmert & Co., 1901); Tobias Monteiro, *Pesquisas e depoimentos para a história* (Rio de Janeiro: F. Alves & Cia., 1913); Evaristo de Moraes, *A campanha abolicionista, 1879–1888* (Brasília: Editora Universidade de Brasília, 1986 [1924]); Joaquim Nabuco, *Minha formação* (Rio de Janeiro: H. Garnier, 1900 [1893–99]); J. M. Pereira da Silva, *Memórias do meu tempo* (Rio de Janeiro: H. Garnier, 1895).

<sup>95</sup> See, Fernando Henrique Cardoso, *Capitalismo e escravidão no Brasil meridional: o negro na sociedade escravocrata do Rio Grande do Sul* (São Paulo: Difusão Européia do Livro, 1962); Octavio Ianni, *As metamorfoses do escravo: apogeu e crise da escravatura no Brasil meridional* (São Paulo: Difusão Européia do Livro, 1962); and Florestan Fernandes, *A integração do negro na sociedade de classes* (São Paulo: Dominus Editora, 1965).

<sup>96</sup> This is in reference to the period in the 1960s in which the social sciences at USP and other major universities in São Paulo became the locus of intellectual and political agitation. For more on this movement, see Luiz Carlos Jackson, "Gerações pioneiras na sociologia paulista (1934 - 1969)," *Tempo Social* 1:4 (2008): [cited online February 2, 2014].

part of the national political agenda.<sup>97</sup> Currently, the subaltern agency trend is interrogating the role of African slaves in the history of Brazilian abolition, especially through their forms of resistance to slavery. By focusing on slaves (subalterns), recent studies are attempting to shift the focus from national movements to a narrative that centers on the role of individuals in affecting social change.<sup>98</sup> A critique of this methodology, as Needell points out, is that micro-histories tend to obscure the influence of national political, social and cultural trends and, as a result, can lack context.<sup>99</sup> Attempts to integrate both national currents of change as well as the rich detail of case studies have resulted in a growing number of juridical and provincial works examining abolition.<sup>100</sup>

---

<sup>97</sup> See, Robert Brent Toplin, *The Abolition of Slavery in Brazil* (New York: Atheneum, 1972); Rebecca Baird Bergstresser, "The Movement for the Abolition of Slavery in Rio de Janeiro, Brazil, 1880–1889," (PhD diss., Stanford University, 1973); Richard Graham, "Causes for the Abolition of Negro Slavery in Brazil: An Interpretive Essay," *HAHR* 46:2 (May 1966):123–37; *Britain and the Onset of Modernisation in Brazil: 1850–1914* (New York: Cambridge University Press, 1972); Roger Frank Colson, "The Destruction of a Revolution: Polity, Economy and Society in Brazil, 1750–1895," (PhD diss., Princeton University, 1979).

<sup>98</sup> Warren Dean, *Rio Claro: A Brazilian Plantation System, 1820-1920* (Stanford: Stanford University Press, 1976); Donald Cleveland, Jr., "Slave Resistance and Abolitionism in Brazil: The Campista Case, 1879–1888," *Luso-Brazilian Review* 13:2 (Winter 1976): 182–93; Maria Helena Pereira Toledo Machado, "From Slave Rebels to Strikebreakers : The Quilombo of Jabaquara and the Problem of Citizenship in Late-Nineteenth-Century Brazil," *HAHR* 86:2 (May 2006): 247-274; *O plano e o pânico: os movimentos sociais na década da abolição* (Rio de Janeiro: Editora UFRJ, 1994); and Carlos Eugênio Líbano Soares, *A negregada instituição: os capoeiras no Rio de Janeiro* (Rio de Janeiro: Access Editora, 1994).

<sup>99</sup> Jeffrey Needell, "Brazilian Abolitionism, Its Historiography, and the Uses of Political History," *Journal of Latin American Studies* 42:2 (May 2010): 231- 261; 236.

<sup>100</sup> For juridical works, see Joséli Maria Nunes Mendonça, *Entre a mão e os anéis: A lei dos sexagenários e os caminhos da abolição no Brasil* (Campinas: Editora da UNICAMP, 1999) and Eduardo Spiller, *Pena, pagens da casa imperial: jurisconsultos, escravidão e a lei de 1871* (Campinas: Editora da UNICAMP, 2001). Studies of abolition from a more localized perspective include, Roger A. Kittleson, *The Practice of Politics in Postcolonial Brazil: Porto Alegre, 1845–1895* (Pittsburgh: University of Pittsburgh Press, 2006); Dale Torston Graden, *From Slavery to Freedom in Brazil: Bahia, 1835–1900* (Albuquerque: University of New Mexico Press, 2006) and Celso Castilho, "Abolition Matters: The Politics of Antislavery in Pernambuco, Brazil, 1869-1888" (PhD diss., University of California, Berkley, 2008).

Scholars of Latin America have, over time, used the experiences of children across social classes and centuries to explore broader themes within Latin America history. Although the specific examination of children as historical actors is a rather recent phenomenon, the historiography of childhood—broadly defined—stretches across several decades and fields of analysis. In its earliest manifestations, research on minors and their role in society grew out of interest in four major historical sub-fields: family, slavery, illegitimacy and gender. Bianca Premo argued that the increased attention paid to these areas during the 1960s, 1970s and 1980s indirectly developed historical perspectives on children.<sup>101</sup> It was not until later, in the 1990s, that childhood became a distinct field of study.

Historians on both sides of the Atlantic look to Phillippe Ariès and his benchmark tome, *Centuries of Childhood*, as the origin of studies on the history of childhood.<sup>102</sup> European and North American scholars responded to his mentalité approach throughout the 1960s, 1970s and 1980s by publishing works that tracked institutional and state responses to children, stretching back to the Renaissance era.<sup>103</sup> Latin American historians, although exploring similar themes, did not expressly focus their analysis on children until Mary del Priore's, *História da criança no Brasil* in 1991. Bianca Premo contends that Latin American historians resisted European and North American structures of analysis for social history because of the regions "uneasy relationship to 'modernity'

---

<sup>101</sup> Bianca Premo, "How Latin America's History of Childhood Came of Age," *The Journal of the History of Childhood and Youth* 1:1 (Winter 2008): 63-76; 63.

<sup>102</sup> Ariès' primary concern was pinpointing the emergence of "modern" notions of childhood within the evolution of more generalized ideas of modernity in Europe. His work inextricably linked studies of childhood with the concept of modernity. Phillippe Ariès, *Centuries of Childhood*. Translated by Robert Baldick (New York: Vintage Books, 1962).

<sup>103</sup> For a broad overview of the history of childhood in Europe and North America see, Hugh Cunningham, "Histories of Childhood," *The American Historical Review* 103:4 (October 1998): 1195-1208.

and its status as part of the ‘West’ but also one of the ‘rest’”.<sup>104</sup> As evidence, she points out that most of the work on Latin America up until the 1990s was, “...often written with the end of explaining economic underdevelopment rather than the advent of modernity.”<sup>105</sup>

Some of the earliest “accidental” forays into the history of childhood in Latin America were undertaken in pursuit of research on the family in the 1970s and 1980s. Institutional data like census records, population demographics and parish records inevitably revealed the quantitative presence of children.<sup>106</sup> As Premo points out, the early studies that used institutional and governmental records as their basis offered a view of children, at best, as an “aggregate” and “at an angle”.<sup>107</sup> Although somewhat problematic, scholarly research based on quantitative records in Latin America blossomed during this period.<sup>108</sup> The diverse interpretations of these records contributed to the advancement of social history through the lens of family, slavery, illegitimacy and gender studies.

For some scholars, the dissection of quantitative sources revealed vastly different familial experiences across socio-economic and racial lines. Growing interest during this same period in the history of slavery also, unexpectedly, entered slave children into the

---

<sup>104</sup> Premo, 64.

<sup>105</sup> Ibid, 65.

<sup>106</sup> For quantitative studies that analyze family in Latin America see, Mark Szuchman, “Household Structure and Political Crisis: Buenos Aires, 1810–1860,” *LARR* 21:3 (1986): 55–94; Elizabeth Anne Kuznesof, *Household Economy and Urban Development in São Paulo, 1765–1836* (Boulder: Westview Press, 1986); Susan Socolow, “Marriage, Birth and Inheritance: The Merchants of Eighteenth-Century Buenos Aires,” *HAHR* 60:3 (1980): 387–406; Diana Balmori and Robert Oppenheimer, “Family Clusters: Generational Nucleation in Nineteenth-Century Argentina and Chile,” *Comparative Studies in Society and History* 21 (1979): 231–261.

<sup>107</sup> Premo, 65.

<sup>108</sup> For a discussion of the confounding variables inherent within Brazilian census data, see George Reid Andrews, “Racial Inequality in Brazil and the United States: A Statistical Comparison,” *Journal of Social History* 26:2 (Winter 1992): 229–263.

historiography. Research in the 1980s on plantations provided information on the gender, age and role of slave populations across Latin America. Studies of manumission showed a pronounced preference for women and minors.<sup>109</sup> Slavery in Latin America was also extensively studied in comparison to North America, stemming from different rates of natural procreation and mortality. These trans-national studies analyzed economics, demographics, manumission and the legacy of slavery on society.<sup>110</sup> By combining data from various countries across centuries, scholars developed theories that connected the character of slavery in a given region and the tone of race relations in the post-abolition period. Modern race relations, as a unique legacy of slavery, became an especially relevant point of comparison.<sup>111</sup>

In Latin America, one of the most enduring legacies of slavery has been that of racial mixture, or miscegenation. Interest in the intersections of family history and race relations in the 1980s, resulted in a surge of studies probing the issue of illegitimacy. The high frequency of illegitimate births, across several countries and centuries in Latin America was initially attributed to the economic underdevelopment of the region.<sup>112</sup> Sexual interactions between indigenous groups, European colonizers and African slaves were often violent, yet accepted by a society steeped in Catholicism and fierce currents of honor and shame. Later studies delved deeper into case studies that exposed the character

---

<sup>109</sup> See, Stuart Schwartz, “The Manumission of Slaves in Colonial Brazil, Bahia, 1684–1745,” *HAHR* 54:4 (1974): 603–635.

<sup>110</sup> See, Stanley L. Engerman and Eugene D. Genovese ed., *Race and Slavery in the Western Hemisphere: Quantitative Studies* (Princeton: Princeton University Press, 1975) and Philip D. Curtin and Paul E. Lovejoy ed., *Africans in Bondage: Studies in Slavery and the Slave Trade* (Madison: African Studies Program, University of Wisconsin-Madison, 1986).

<sup>111</sup> For an exceptional comparison of race relations between the United States and Brazil (as well as a survey of the relevant literature), see Thomas E. Skidmore, “Racial Mixture and Affirmative Action: The Cases of Brazil and the United States,” *The American Historical Review* 108:5 (December 2003): 1391-1396.

<sup>112</sup> Premo, 67.

of intimate topics like sex and marriage and how the illegitimate children they produced fared in society.<sup>113</sup>

Inquiries into the intimate lives of Latin Americans revealed a society embedded in rigid gender roles. The result was a bevy of new studies on gendered topics like marriage that exposed: intricate kinship networks, the influence of the Catholic Church, the complex relationship between race and class and notions of patriarchy that now form the foundation of current scholarly imaginings of the fabric of Latin American culture.<sup>114</sup> Research in the 1990s and into the 2000s by “feminist” historians turned away from the idea of women as part of the collective to women as independent, political actors. They expanded traditional notions of political participation by those on the margins to include women who, in their capacities as wives and mothers, were able to fight for their rights using the language of domesticity.<sup>115</sup> Ironically, it was from feminist readings of the past that the history of childhood was born.

The development of family, slavery, illegitimacy and gender as sub-categories for historical analysis led to increasingly complex questions regarding the interaction of individuals with the nation-state in Latin America. For studies based in the nineteenth and

---

<sup>113</sup> Studies of illegitimacy across Latin America include, Maria Emma Mannarelli, *Pecados públicos: La ilegitimidad en Lima, siglo XVII* (Lima: Ediciones Flora Tristán, 1994); Guiomar Duenas Vargas, *Los hijos del pecado: Ilegitimidad y vida familiar en la Santafé de Bogotá colonial* (Bogotá: Universidad Nacional de Colombia, 1997); Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999); Lyman Johnson and Sonya Lipsett-Rivera ed., *The Faces of Honor: Sex, Shame and Violence in Colonial Latin America* (Albuquerque: University of New Mexico Press, 1998).

<sup>114</sup> See, Asunción Lavrin ed., *Sexuality and Marriage in Colonial Latin America* (Lincoln: University of Nebraska Press, 1989) and Patricia Seed, *To Love, Honor and Obey: Conflicts over Marriage Choice in Colonial Mexico, 1574–1821* (Stanford: Stanford University Press, 1988).

<sup>115</sup> See, Nikki Craske, *Women and Politics in Latin America* (New Brunswick: Rutgers University Press, 1999) and Sonia E. Alvarez, *Engendering Democracy in Brazil: Women’s Movements in Transition Politics* (Princeton: Princeton University Press, 1990). A recent work also in this vein is, Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013).

early twentieth centuries, the influence of the state on the life of its citizenry became inextricably connected to notions of modernity. In the 1990s, historians discovered that concerns regarding the future of the modern, Latin American nation placed children, as future citizens, at the center of national identity discourse.<sup>116</sup> The role of children in the nation's future, as envisioned by elites, differed widely based on their socio-economic status and shifting notions of childhood over time.<sup>117</sup>

According to Maria Luiza Marcílio, the history of poor children in Brazil can be divided into three phases: charitable (personal, based on recognized need), philanthropic (institutional, impersonal, for the betterment of humankind or general welfare) and the emergence of the Wellness State.<sup>118</sup> She argues that the charitable phase, lasting from the colonial era until the nineteenth century, was characterized by “a sense of brotherhood” and “paternalism” but lacked a the “pretension of social change”.<sup>119</sup> The end of the nineteenth century witnessed “profound social transformations” that altered public attitudes toward poor children until the late twentieth century, according to

---

<sup>116</sup> For examples of this, see James E. Wadsworth and Tamera Marko, “Welfare State Ideologies at the 1922 Rio de Janeiro International Centennial Exposition,” *The Americas* 58:1 (2001): 65–90; Patience Schell, “Nationalizing Children through Schools and Hygiene: Porfirian and Revolutionary Mexico City,” *The Americas* 60:4 (2004): 559–587; Elizabeth A. Kuznesof, “The Puzzling Contradictions of Child Labor, Unemployment, and Education in Brazil,” *Journal of Family History* 23:3 (July 1998): 225–240; Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917–1945* (Durham: Duke University Press, 2003); Tobias Hecht, *Minor Omissions: Children in Latin American History and Society* (Madison: University of Wisconsin Press, 2002).

<sup>117</sup> For a comprehensive history of children and childhood from a legal perspective, see Irene Rizzini, *A criança e a lei no Brasil: revisitando a história, 1822-2000* (Rio de Janeiro: USU Ed. Universitária, 2002). Rizzini examines how laws involving children were shaped over time by medical and psychological shifts in the definition of childhood.

<sup>118</sup> Maria Luiza Marcílio, *História social da criança abandonada* (São Paulo: Editora Hucitec, 1998), 132.

<sup>119</sup> *Ibid*, 134.



Marcílio.<sup>120</sup> This “philanthropic” phase was marked by the strengthening of institutions aimed at “educating...protecting, and reforming” poor children into useful citizens and good workers to prevent their involvement in crime.<sup>121</sup> The upheaval generated by the end of slavery, the end of the monarchy, demographic shifts, and the growing separation of Church and State, translated into new legislation, a growing preoccupation with medical science and “modern” ideas about the role of children in society. Terms like “child” and “minor” evolved different social connotations due to the increasing influence of juridical and medical terminology; the latter implied poverty and delinquency while the former suggested a family structure, education and higher social status.<sup>122</sup>

The final section of this chapter is an overview of the way in which the discourse of abolition, as seen through the implementation of the 1871, translated into changes in the lives of children of color. To do this, I briefly discuss the history of tutelage in Brazil and examine quantitative changes to the tutelage system over time. The way in which theoretical, social changes “trickled” down in Rio de Janeiro touches on the many factors that determined the city’s distinctive abolition process. The data provides a general profile for tutored children, their tutors and their parents; it also paints a general picture of the tutelage system and the idiosyncratic context from which it emerged.

### **Brazilian Tutelage and Quantifying the Law**

As described in the previous section, the debate over the future of slavery in Brazil grew more heated as a result of the Free Womb Law in 1871. Despite being a new

---

<sup>120</sup> Marcílio explains that the “philanthropic” phase lasted until 1960 when children became “individualized targets of protection” as well as the subject of “research, classification, [and] control” with the goal of better caring for them. She labels this final phase the “Wellness State”. Ibid, 224.

<sup>121</sup> Ibid, 208.

<sup>122</sup> Ibid, 195.

piece of legislation, the 1871 law intersected in several significant ways with the country's long-standing tutelary system. The roots of the tutelary system stretch back to 17<sup>th</sup>-century Portugal and the codification of the Phillipine Ordenances in 1603. This collection of laws, enacted by King Phillip III of Spain, consolidated and solidified legal structures and procedures in Brazil that, for the most part, remained intact until 1917.<sup>123</sup> Among the many issues that fell within the purview of this civil law code was the treatment of orphaned and abandoned children within the empire. Tutelage, born out of this long-standing preoccupation with parentless minors, was originally conceived as a system through which children could receive the inheritance of their deceased parents.

In a typical tutelage process, orphaned children were taken in as wards of the state and given a tutor (de jure guardian) who could represent their interests in court. After being awarded their inheritance, children would often stay with their tutors until reaching adulthood. Tutors were given the responsibility of protecting their wards and responsibly applying their inheritance toward the cost of their upbringing. Upon reaching the age of majority (21 years of age), children would be “emancipated” and given the remainder of their inheritance.<sup>124</sup> Safeguards were put into place for the protection of minors within tutelage system, although problems did occur. Abuses were most commonly connected to financial fraud. The misappropriation or mismanagement of inheritance funds was grounds for legal termination of a tutela (tutelage) contract. Physical abuse, although less frequent, could also be used to justify the dissolution of guardianship. Tutored children in

---

<sup>123</sup> Boris Fausto, *A Concise History of Brazil* (New York: Cambridge University Press, 1999), 40-41.

<sup>124</sup> For more on minors and inheritance law, see Linda Lewin, *Surprise Heirs II: Illegitimacy, Inheritance Rights, and Public Power in the Formation of Imperial Brazil, 1822–1889* (Stanford: Stanford University Press, 2003).

the pre-1871 period were almost exclusively part of the elite class and stood to inherit a significant sum.

According to common law practices, only certain members of society were allowed to become tutors. Those deemed completely unable to legally be tutors were: minors, women, members of the clergy, criminals, slaves, non-Catholics, the mentally unstable and those condemned to death. Women, specifically mothers and grandmothers, were an occasional exception to this rule. Direct maternal relatives (i.e. mothers, aunts or grandmothers) could, with special permission from the judge of the orphans, be granted tutelage if the required conditions were met, although this was rare.<sup>125</sup>

In Brazil during this time, no laws existed to protect a mother's right to retain custody of her children. Even wealthy widows were required to submit proof to the Judge of the Orphans, often through character witness statements, that they had a proper domicile, were legally married to their deceased spouse and that they lived "honorably" in order to keep their children in their home.<sup>126</sup> They also had to demonstrate the presence of a male family member willing to represent the minor in court. Unmarried mothers, already tainted by the stain of illegitimacy, faced an even greater bias, especially in justifying their lives as "honorable". Without proof of the existence of *pátrio poder* (a paternal figure) for their children, single mothers were at the mercy of the court.<sup>127</sup>

Scholars of law and illegitimacy in Latin America, like Nara Milanich, argue that

---

<sup>125</sup> Nara Milanich argues that, in terms of rights, mothers could be (at best) the legal guardians of their children. There were no laws in Brazil during this period to allow mothers to exercise full parental control over their offspring. Nara Milanich, *Children of Fate: Childhood, Class and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009).

<sup>126</sup> Ibid.

<sup>127</sup> *Pátrio poder* literally translates to "paternal power". The importance of having a male figure for protection and representation in court cannot be understated. For a discussion of state-sponsored movements to remove children from family situations lacking male authority, see Irene Rizzini ed., *Olhares sobre a criança no Brasil, séculos XIX e XX* (Rio de Janeiro: Editora Universitária Santa Ursula, 1997), 48.

unmarried, single mothers were, at best, guardians of their children but never legally achieved parental control.<sup>128</sup> All others petitioning for tutelage fell into the “incapable due to distrust” category; this included: powerful elites, the child’s enemies, those who had financial ties to the child, those who intend to “confine” the child, those that the father had expressly forbid, those who volunteered themselves, stepfathers and the poor.<sup>129</sup>

While the tutelage of elite heirs was considered a private arrangement, unwanted or orphaned children became the domain of the state and of common law practices.<sup>130</sup> Traditionally, poor children who had been orphaned or abandoned and did not stand to receive an inheritance were the responsibility of charitable organizations and institutions. Within Brazil, charity almost invariably came from the Catholic Church. In colonial Brazil, as in Portugal, the Church established special locations where women could anonymously leave their unwanted infants; often connected to an orphanage or convent, a device known as the *roda dos expostos* (wheel of abandoned children), allowed women to safely deposit babies into the hands of religious caretakers.<sup>131</sup> Due to the heavy influence of the Church, Portuguese laws emphasized the charitable aspect of society’s responsibility toward foundlings, orphans and displaced or abandoned children.

---

<sup>128</sup> Nara Milanich, “Historical Perspectives on Illegitimacy and Illegitimates in Latin America” in *Minor Omissions: Children in Latin American History and Society* ed. Tobias Hecht (Madison: University of Wisconsin Press, 2002), 87.

<sup>129</sup> Papali, *Escravos, libertos e órfãos*, Chapter 4.

<sup>130</sup> Although labeled “wards of the state”, tutored elite children were often placed under the care of extended family members, godparents or other persons with a relationship to the deceased parents. Judges, also part of the elite, kept tutelage within the network of *gente boa* (decent society). Later, with the children of slaves, this was not the case. Additionally, the usage of the title “orphan” during this period was a technical term whereas, post-1871, it became a political one.

<sup>131</sup> For more on the *roda de expostos*, charitable institutions and orphans, see Irene Rizzini, *Crianças desválidas, indígenas e negras no Brasil: cenas da Colônia, do Império e da República* (Rio de Janeiro: USU Editora Universitária, 2000) and Erica Windler, “A City of Children: Boys, Girls, Family, and State in Imperial Rio de Janeiro, Brazil,” (PhD diss., University of Miami, 2003).

The most desirable outcome for “unwanted” children was their unofficial circulation and placement within extended family networks or adoption by suitable, Christian parents from within the local community.<sup>132</sup> Occasionally, elites would adopt their own biological children if they were conceived out of wedlock to avoid the stigma of illegitimacy.<sup>133</sup> Children in this early system had very few rights and even less power over their fate. Frequently, poor and abandoned children endured exhaustive work conditions, illness, malnourishment and abuse. It was not until the twentieth century that childhood was even recognized as a distinct developmental phase with unique medical, environmental and cognitive requirements in Brazil.<sup>134</sup>

Prior to 1871, tutelage was the exclusive domain of wealthy orphans accessing the inheritance of their deceased parents. After the passage of the Free Womb Law, tutelage expanded to include ingênuos (children freed by the 1871 law) of which, the vast majority were poor and had no inheritance. Their involvement began around 1871, increased rapidly and remained considerable up until roughly the start of the twentieth century (Figure 3). The introduction of hundreds of poor ingênuos into a centuries-old system designed for elite heirs represented a fundamental, although short-lived, change. The period between 1871 and 1902 was the proverbial “boom” time for tutelage, as the 871 cases issued by the Judge of the Orphans during those years demonstrate (Figure 3).

---

<sup>132</sup> Milanich describes the “child circulation” phenomena in detail in *Children of Fate*, 161-170.

<sup>133</sup> While illegitimacy carried a stigma, Brazil is an exception within the Latin American context. Milanich argued “Brazilian exceptionalism” with regard to the stringency with which illegitimacy was defined. Milanich, *Children of Fate*, 315. Elizabeth Kuznesof also pointed out that, based on statistical analysis of illegitimacy, Brazilians appeared to view “bastardy” as a temporary, changeable condition; the real disadvantage of illegitimate birth being the lack of a social network. This suggests a greater level of flexibility in sexual norms in Brazil as compared to Spanish colonies in Latin America. Elizabeth Kuznesof, “Sexual Politics, Race and Bastard-Bearing in Nineteenth-Century Brazil: A Question of Culture or Power?” *Journal of Family History* 16:3 (1991): 241-260.

<sup>134</sup> Tamara Lynn Marko, “When They Became the Nation’s Children: The Foundations of Pediatrics and its Raced, Classed and Gendered (Re)Inventions of Childhood in Rio de Janeiro, 1870-1930,” (PhD diss., University of California, San Diego, 2006), 16.

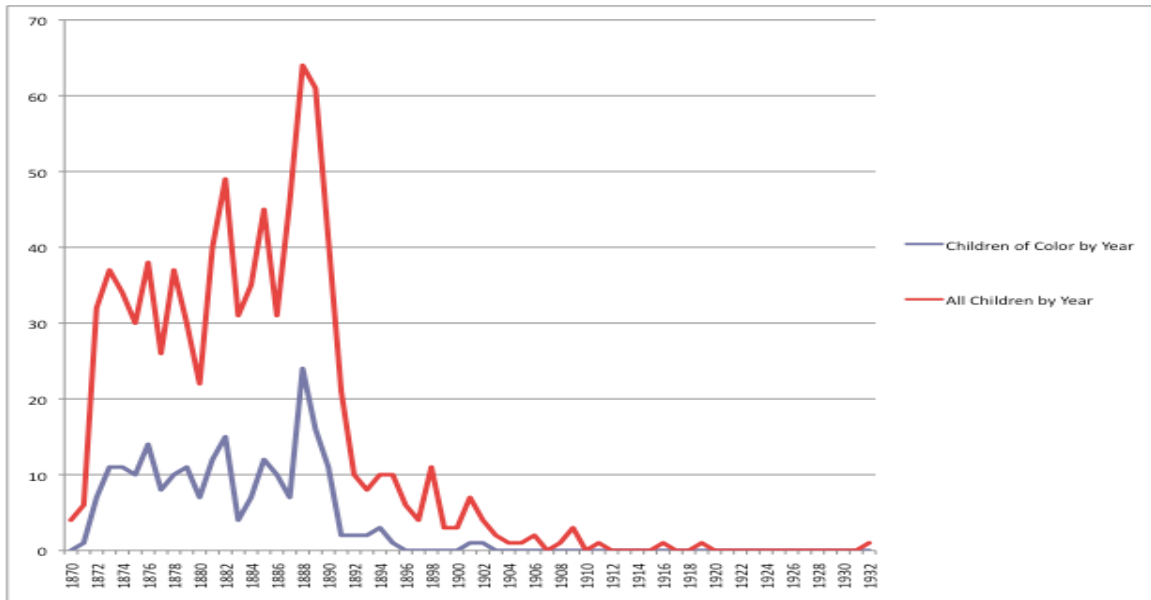


Figure 3- Tutelage Cases by Year

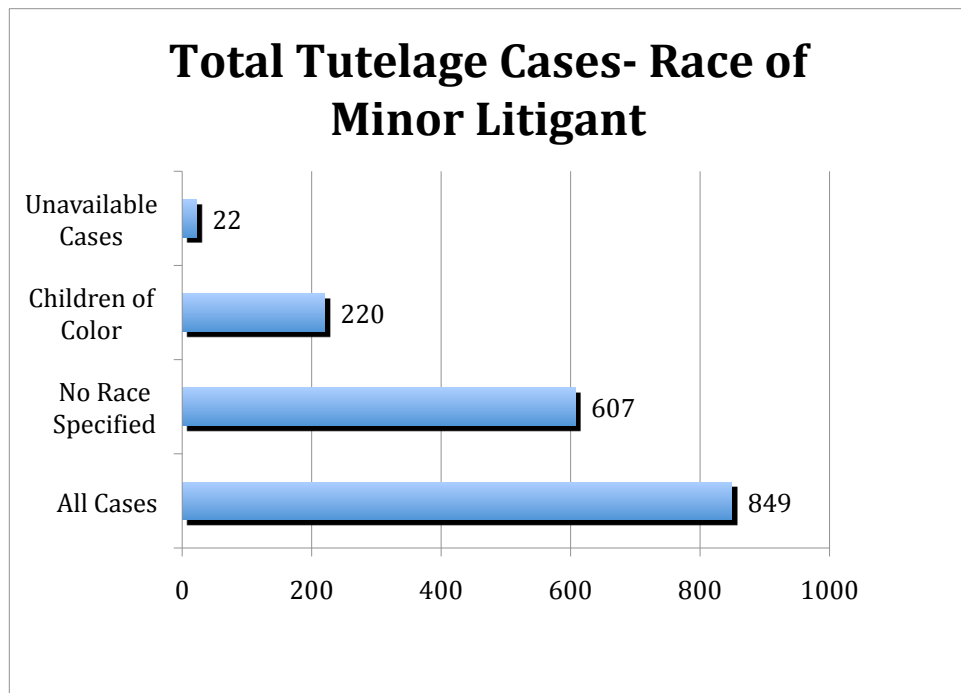


Figure 4- Tutelage Cases by Race

The significant rise and fall in the number of cases during this period is a direct result of the Free Womb Law and its interaction with the tutelage system.<sup>135</sup> Several scholars have examined the relationship between the Free Womb Law, tutelage and children of color in other parts of Brazil. The data on tutelage in Rio de Janeiro demonstrates similarities and differences that, in comparison with other regions during the same period, indicate the need for more localized studies of systems involved in the abolition process. It appears that the inconsistency found in tutelage data across Brazil reflects the diversity with which former slaves interacted with the state and the varying degrees of state power present in different regions. If the 1871 law was simply about Brazil's labor transition, the data would be the same across the country but this is not the case. The differing results—seen through tutelage—across regions indicate that scholars still have not fully grasped the impact of the law and how it was enacted. My work, by focusing on Rio de Janeiro, adds to the body of knowledge about this subject but a comprehensive comparison of tutelage across Brazil still needs to be done.

Acknowledging the existence of regional differences inherent in tutelage, while important to the historiography, is not enough. Examining the factors that contributed to variations in tutelage data is, for the purposes of this dissertation, more valuable. As scholars of the abolition movement have already argued, national processes are dealt with locally and local circumstances influence the way those ideas are ultimately disseminated. Reciprocally, local interactions can exert pressure on national issues.<sup>136</sup> In this way, tutelage is no exception.

---

<sup>135</sup> Several scholars have confirmed the direct cause and effect relationship between the implementation of the Free Womb Law and the spike in tutelage cases in the period between 1871 and the turn of the twentieth century. See, Conrad, *The Destruction of Brazilian Slavery*; Papali, *Escravos, libertos e órfãos*; Joan Meznar, "Orphans and the Transition from Slave to Free Labor in Northeast Brazil: The Case of Campina Grande, 1850-1888" *Journal of Social History* 27:3 (Spring 1994); 499-515.

<sup>136</sup> Castilho, "Abolition Matters", xii-xv.

Comparing the limited number of tutelage studies to the data on Rio de Janeiro, a few general patterns come to the forefront. Urban locations appear to generate a greater number of tutelage cases, more complex cases and a greater variety of cases than rural locations. Similar to research on slave manumission, tutelage data suggests that urban locations provided more access to the legal system, which resulted in greater participation in legal cases.<sup>137</sup> The profile of tutored children varies across regions but, overall, appears to favor children considered most desirable to the local economy. The most complex aspect of cross-regional comparisons of tutelage is timeframe. The increase in the number of post-1871 tutelage cases—although always present—varies greatly in terms of duration and consistency. Explanations for these differences are complex but appear to be broadly influenced by: slave populations, economic growth/decline, social unrest and the degree of clientelism present in local culture. Future studies will need to unravel these unique circumstances in order to better understand the localized character of tutelage and its impact on children of color. This dissertation, however, is focused the socio-economic factors at play in Rio de Janeiro and the tutelage system they fostered. Overall, it appears that Rio—because of its large Afro-descendent population, its position as an economic hub, its contentious political climate and the moderating influence of urbanization on clientelistic relationships—provided the most favorable atmosphere for tutelage arrangements.

Tutelage data from Rio de Janeiro shows a rapid increase in the number of cases in the post-1871 period. This “boom” period lasts until approximately the beginning of the twentieth century.<sup>138</sup> The exceptional number of cases in Rio (nearly 900) suggests a

---

<sup>137</sup> Cowling, *Conceiving Freedom*, 34.

<sup>138</sup> In other regions, it appears to be much shorter; Joan Meznar, working in the Northeastern province of Paraíba, saw tutelage cases rise and fall quickly between 1871 and 1874. In other parts of the Southeast, like São Paulo, nearly all of the tutelage cases were initiated in 1888.



legal process that was very accessible.<sup>139</sup> This is supported by the wide variety of litigants and types of situations seen within tutelage cases. However, participation does not equate success or fairness. Although people of color were a significant presence in the legal system, they faced greater challenges to receive a favorable outcome. The ability of slaves and freed persons to generate cases that stretched over several years and included up to a hundred pages is also significant. It speaks to their understanding of the system as well as their potential to manipulate it. In contrast, the extraordinary duration of the tutelage “boom” in Rio and the length of cases also suggests a city steeped in bureaucracy and theoretically fixated on the idea of the rule of law. For a more in-depth look at tutelage in Rio, an examination of the litigants is necessary.

The typical profile of a tutored child in Rio de Janeiro is that of an eleven-year-old female.<sup>140</sup> In Rio, the majority of tutored children, regardless of color, are female (see Figure 5 and 6).<sup>141</sup> This gender imbalance is not consistent with demographic information; the male to female ratio in Rio de Janeiro during this period was nearly equal; among the general population as well as within the slave population (Table 3).<sup>142</sup> The preponderance of female tutelados can be best explained by urban preferences in labor and manumission.

---

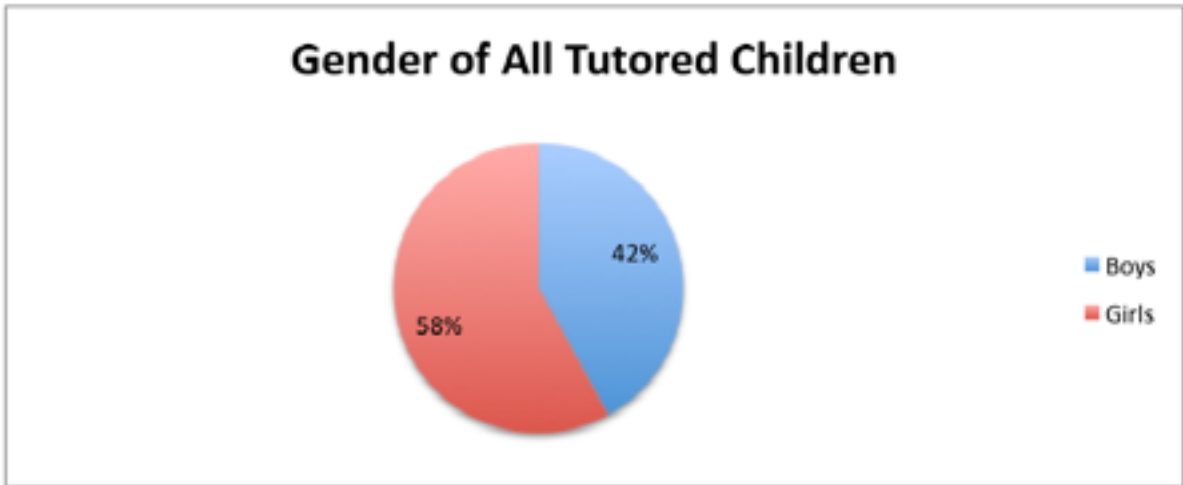
Studies on the South of Brazil seem to indicate a later concentration of cases—from the 1880s into the 1890s. See, Joan Meznar, “Orphans and the Transition from Slave to Free Labor in Northeast Brazil: The Case of Campina Grande, 1850-1888” *Journal of Social History* 27:3 (Spring 1994); 499-515; Maria Aparecida Papali, *Escravos, libertos e órfãos* (São Paulo: Annablume, 2003); José Carlos da Silva Cardoso, “A tutela dos filhos de escravas em Porto Alegre,” *Revista Latino-Americana de História*, 1:3 (Março de 2012): 88-98.

<sup>139</sup> This is in comparison to 250 total cases reported by Meznar and 330 by Papali.

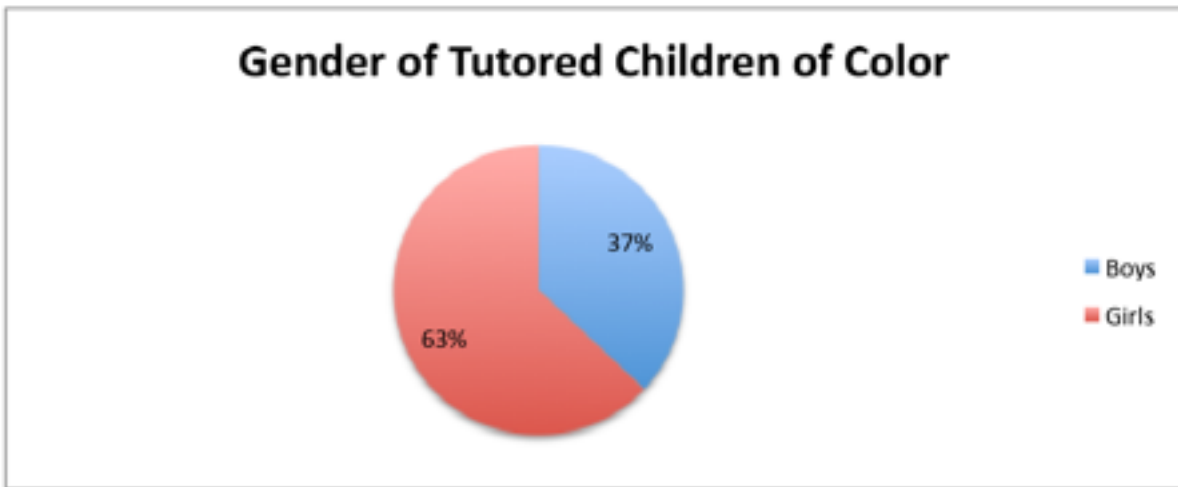
<sup>140</sup> All of the data used for the following charts was taken from the Arquivo Nacional do Brasil (ANB), Coleção Judicial, Segunda Vara dos Órfãos in Rio de Janeiro, RJ.

<sup>141</sup> In the Northeast, the number of males is higher. See, Meznar, “Orphans”, 1994. Other studies of tutelage do not include information on gender.

<sup>142</sup> Conrad, *The Destruction of Brazilian Slavery*, 286.



*Figure 5- Gender of All Tutored Children*



*Figure 6 – Gender of Tutored Children of Color*

*Table 4- Rio de Janeiro General Population by Gender*

<b>Year</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
1872	9.930.478	5.123.869	4.806.609
1890	14.333.915	7.237.932	7.095.983
1900	17.438.434	8.900.526	8.537.908
1920	30.635.605	15.443.818	15.191.787

Scholars like Sandra Lauderdale Graham have noted that an urban preference for female labor—particularly in Rio de Janeiro—was the direct result of high numbers of domestic servants at the turn of the century.<sup>143</sup> An urban interest in labor is also cited as the reason for the disproportionately high number of female slaves freed by emancipation funds in the 1880s.<sup>144</sup> Aside from labor, abolitionists took a greater interest in freeing female slaves precisely because it would ensure the freedom of any of future progeny.<sup>145</sup>

Although 41% of tutelage cases do not indicate the age of the tutelado involved, the remaining cases demonstrate that a significant portion of children fall into the 10-16 year old range (Figure 7). Generally (Figure 8), male tutelados appear to have been younger than females. The greatest number of females were 11 years old and most males were 8 years old.<sup>146</sup> Tutored children of color also fall into this pattern; most females were 13 years old and most males were 10 years old. After the age of eight, the children of slaves could legally be separated from their parents. Eight was also the age at which *ingênuos* were eligible to be tutored. After the age of eleven, children were freed from any educational requirements and no longer physically dependent on their parents. They were also still too young to marry and exit the tutelage system. This convergence of factors meant that the most valuable period in a child's life in terms of the labor that an owner or employer could extract began at age 11. As Kátia Mattoso states,

---

<sup>143</sup> Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro* (Cambridge: Cambridge University Press, 1988).

<sup>144</sup> Conrad, 108.

<sup>145</sup> As Camillia Cowling points out, his proclivity probably came (in part) from the commonly known notion of *partus sequitur ventrem* ("the offspring follow the condition of the mother"), derived from Roman law. The Free Womb Law, by reversing this, effectively ended centuries of traditional thinking about the status of slave children. See, Camillia Cowling, "As a Slave Woman and as a Mother: Women and the Abolition of Slavery in Havana and Rio de Janeiro," *Social History* 36:3 (August 2011): 294-311, 300.

<sup>146</sup> Previous studies of tutelage also demonstrate a preference for children in this approximate age range. See Meznar, Papali and Cardoso.

...we can quickly discern two stages in the childhood of slaves: ages zero to seven or eight, when they are referred to as crioulinho or criulinha, or pardinho or pardinha...these are young children, generally without an economic role; from seven or eight to about twelve years of age, young slaves stop being children and enter the world of adults as apprentices...<sup>147</sup>

Quantifying the color of tutored children is somewhat problematic. Only 28% of tutelage cases contain an explicit reference to race. The racial profile of the remaining 72% is less clear. Demographic data on race from the 1872 census identifies roughly half of the population as being of color—that is, either preto or pardo. If we analyze the demographic data alongside the tutelage data, it would be reasonable to speculate that approximately 30% (or more) of the remaining tutelage cases probably involved a child of color.<sup>148</sup> While these numbers must remain an educated guess, it is important to point out the significance of this pervasive silence in the official documentation with regard to race.

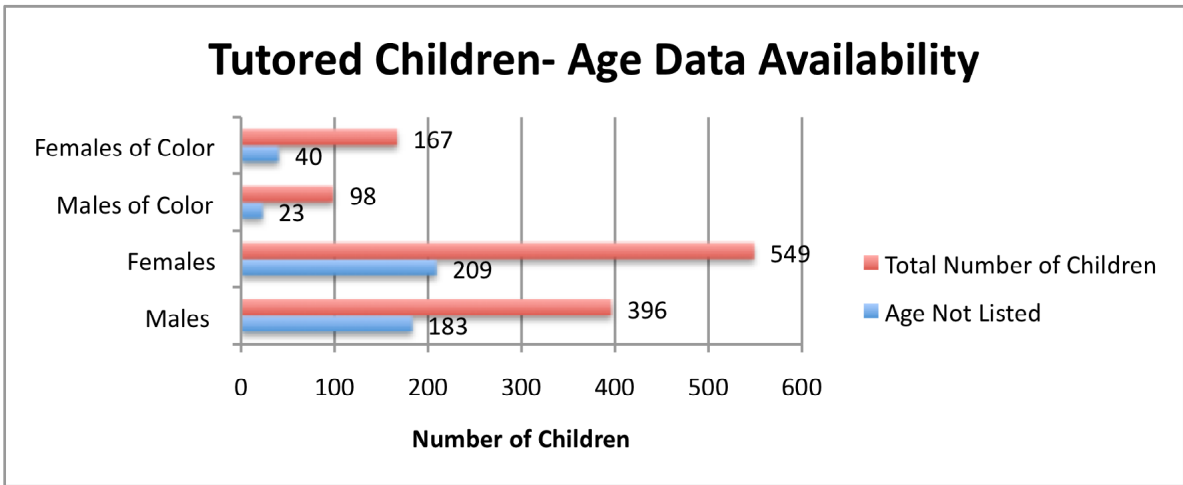
These racial “silences” can be explained by several factors. Primarily, data collection for official documentation in the late nineteenth and early twentieth century was, in many respects, an imprecise science. Brazil’s first national census was in 1872, rather late compared to the North American census, and Brazil did not conduct a census at regular intervals until the middle of the twentieth century.<sup>149</sup> Even travel narratives make mention of the fact that census data was often flawed.<sup>150</sup> Most telling, however, is

---

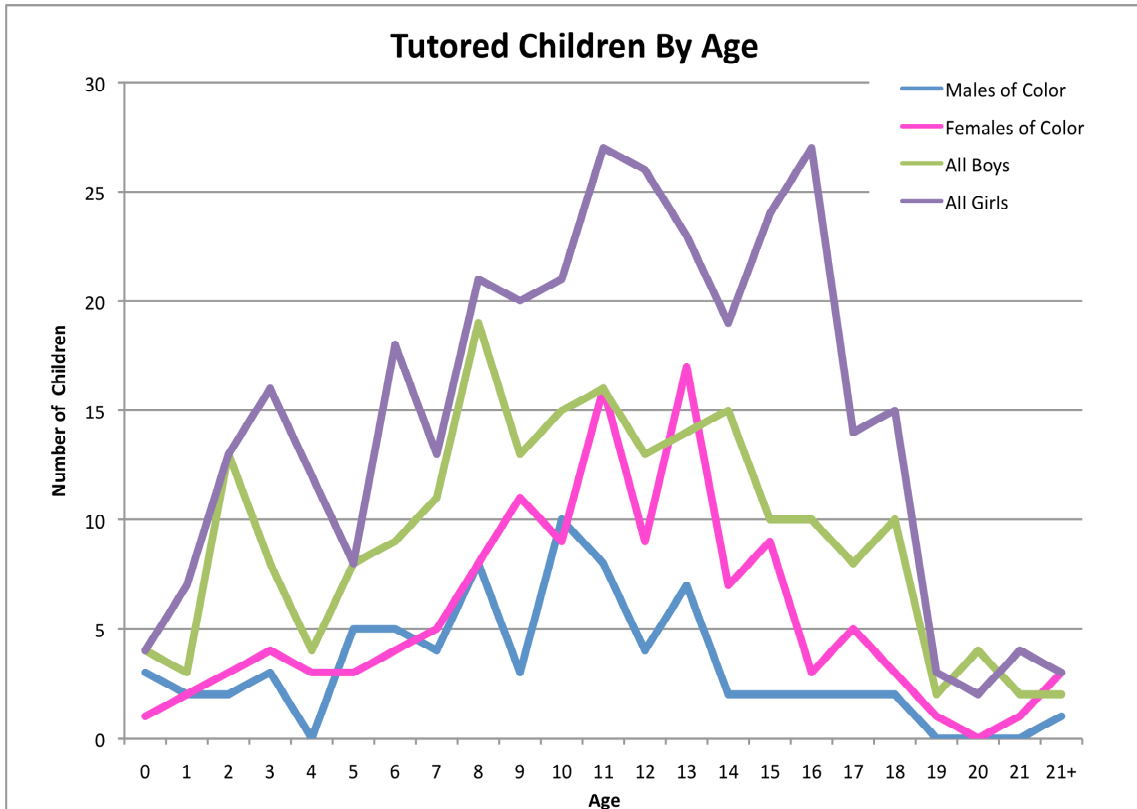
<sup>147</sup> Kátia de Queiros Mattoso, “O Filho da Escrava,” in *História das crianças no Brasil*, ed. Mary del Priore, et al. (São Paulo: Editora Contexto, 2008 [1991]), 78. Translation is mine.

<sup>148</sup> This becomes even more probable when taking into account that only 6% of tutelage cases explicitly mention that the child or their parents are European.

<sup>149</sup> Brazilian censuses were conducted in 1872, 1890, 1900, 1920 and 1940. After 1940, a census was taken every ten years. The irregularity with which the census was conducted pre-1940 was due to political upheaval, poor infrastructure and unreliable reporting. For a discussion of the Brazilian census, see Melissa Nobles, *Shades of Citizenship: Race and the Census in Modern Politics* (Stanford: Stanford University Press, 2000). In the United States, the census started in 1790 and has been conducted every ten years without exception. “Introduction to Census Records,” U.S. National Archives, accessed January 17, 2014,



*Figure 7- Age Data Availability*



*Figure 8- Tutored Children by Age*

<http://www.archives.gov/research/census/>.

<sup>150</sup> Madame Toussaint-Samson, *A Parisian in Brazil*, xvi.

the inconsistency with which the Brazilian government reported highly political issues, like race. Racial categories were recorded in the 1872 census but then disappear until the 1940 census. The exclusion of racial categories was deliberate and betrays attempts to promote the idea of Brazil as a “racial democracy” by eliminating any evidence to the contrary. Nobles argued that, “. . .in Brazil, the census has contributed to a racial discourse that denied that racial discrimination existed, thus justifying state inaction.”<sup>151</sup>

The silences that appear within other areas of the historical record with regard to race were also, according to Brodwyn Fischer, politically motivated. Fischer agreed with Nobles that, far from simple incompetence or inaccuracy, the intentional non-reporting of race in Brazil during this period was a deliberate decision on the part of elites and lawmakers. Fischer maintained that, as Brazil’s concepts of national identity and citizenship shifted, the reporting of national statistics became politicized. Racial statistics became particularly problematic for Brazilian elites in the late nineteenth century with the end of slavery and the growing popularity of eugenics and “whitening” theories.<sup>152</sup>

The data on tutelage in Rio de Janeiro appears to support the theories posited by Nobles and Fischer. The content of tutelage documents only explicitly confirm that a percentage of tutored children in the post-1871 period were, in fact, the children of slaves. Taking into consideration the many ways that slave owners manipulated their

---

<sup>151</sup> Nobles, *Shades of Citizenship*, 86.

<sup>152</sup> Brazilian elites attempted to “whiten” the population by encouraging European immigration, ban African immigration and encourage miscegenation as a way to reduce what were perceived to be the negative traits inherent in people of African descent. Brodwyn Fischer, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford: Stanford University Press, 2008). For more on “whitening” and Brazil’s relationship with race in the late nineteenth and early twentieth centuries, see Nancy Stepan, *The Hour of Eugenics: Race, Gender and Nation in Latin America* (New York: Cornell University Press, 1991); Thomas E. Skidmore, *Black into White: Race and Nationality in Brazilian Thought* (New York: Oxford University Press, 1974); Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917–1945* (Durham: Duke University Press, 2003).

compliance to the Free Womb Law, it is probable that the actual population of ingênuos was much larger than the documentation suggests.<sup>153</sup> Scholars agree that the incongruence between the number of estimated ingênuos in Brazil as a result of the law and the total population of Afro-Brazilians at this juncture indicates a general failure of statistics.<sup>154</sup>

A visual comparison of the data for children of color and those without a color category also appears to support the idea that a greater number, if not the majority, of these tutelados were the descendants of slaves by displaying similar trends (Figures 3 & 4, 7 & 8). In many cases, circumstantial evidence like the lack of a last name for tutored children or their parent hints at their status but cannot be corroborated.<sup>155</sup> The reluctance to document race also manifested itself in the inconsistent reporting of color categories for tutelados. Over time, children of color are referenced ten different ways (Figure 9). Anything less than a thorough examination of the multiple references to color would create the impression that only a handful of children of color were involved in the system, vastly skewing historical analysis.

Though the presence of an Afro-descendent majority in tutelage cannot be confirmed, the importance of the 28% who are clearly identified cannot be understated. Despite the many confounding variables, their recognition as the children of slaves makes their cases even more extraordinary. Their cases provide an invaluable opportunity to

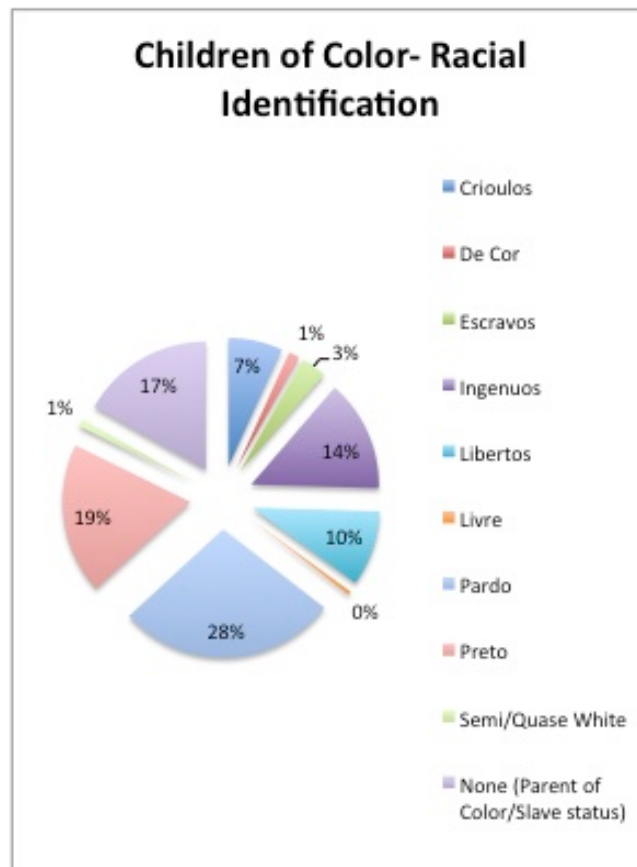
---

<sup>153</sup> For a concise explanation of slave owner strategies to thwart the law and the mathematical inconsistencies present in reporting, see Conrad, *The Destruction of Brazilian Slavery*, 115.

<sup>154</sup> Ibid, 114-116.

<sup>155</sup> Since the lack of a last name was a mark of slavery, upon achieving manumission, most freed people immediately adopted a surname. See, Mieko Nishida, *Slavery & Identity: Ethnicity, Gender and Race in Salvador, Brazil, 1808-1888* (Bloomington, IN: Indiana University Press, 2003), 87.

closely examine the evolution of the slave family through their transition into freedom. In the following chapters, I analyze how tutored children of color became a nexus of



*Figure 9- Children of Color by Racial Identification*

conflict between their parents and former slave owners. Through these conflicts, I demonstrate how, far from a rigid labor system, tutelage became a multi-dimensional structure through which people in opposing racial, economic and political groups negotiated the future of Brazilian society.

## **Conclusion**

For historians, the elite responses to, debates surrounding, and legislative decisions regarding the abolition of slavery appear regularly in documentation and have



been written about extensively. It is far more difficult to access and analyze the opinions held about this process from slaves and free people of color. Despite their position as a sizeable mass of the metropolitan population, children of color are acutely understudied because of a lack of documentation. Tutelage cases offer access this illusive group and help us answer the question posed at the beginning of this chapter: why is Slavery a child of color?

In the final decades of the nineteenth century in Brazil, slavery and children became intrinsically linked with the passage of the Free Womb Law in 1871. This law, more than simply freeing the progeny of enslaved women, set changes into motion that unraveled the institution of slavery and fundamentally altered the role of people of color in society. Within the broader historiographies of abolition and childhood, the Free Womb Law has received paltry attention. Only recently have historians begun to analyze the complex influence of this piece of legislation.

In this chapter, I argued that the complex influence of the Free Womb Law in Rio de Janeiro can be examined through tutelage cases. A macro-historical analysis this tutelage data revealed a system arguably as controlled by the particularities of local social, economic and political characteristics as it was by the law. By placing tutelage in context within Rio de Janeiro, this chapter has advanced our understanding of the confluence of national and local actors within Brazil's gradual process of abolition. In the subsequent chapters, I use a micro-historical approach to explore the diverse circumstances to which tutelage was applied and the broad range of actors it encompassed.

## CHAPTER II

### FAMILY MATTERS: MOTHERS, FATHERS, AND KINSHIP NETWORKS AMONG PEOPLE OF COLOR

#### Introduction

On August 3, 1881, João José Gonçalves submitted a request to become the tutor of four girls: Rosalina, Idalina, Alice and Lydia. All four were the daughters of Maria da Conceição, a free black woman who worked as a domestic servant in his home. In his petition for tutelage, Gonçalves stated that he “decided that the girls would stay under his care” and sought to legally become their tutor (i.e. guardian) as well as their employer. Rosalina and Idalina, born before the implementation of the Free Womb Law in 1871, were freed by their mother’s former owner. Alice and Lydia, however, were born after 1871 and were classified as *ingênuos* (children born of a “free womb”). Gonçalves asserted that Maria had requested his tutelage for her daughters and that he was “disposed to accept her request”.<sup>156</sup>

Four years later (on September 5, 1885), however, Maria petitioned the judge to remove her daughters from his care. She claimed that he “barbarously” beat them, sexually abused Rosalina and held the girls “gagged” as virtual “prisoners” in his home, as if they were “the slaves of a bad master”.<sup>157</sup> Maria supplicated the judge on their behalf, saying she was driven by “maternal love” to make her request and that seeing her children in this state caused “pain in her soul”. Although they were admittedly “extremely poor” children (*pauperissimos menores*), she “zealously” urged the judge to

---

<sup>156</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 324, 1881.

<sup>157</sup> Based on the context of the case, Maria used the words “gagged” and “prisoners” figuratively rather than literally. She goes on to lament that, until her petition was filed, her daughters were unable to vocalize the abuse they suffered and believed that their was no way to attain justice.

take their depositions and have a physician examine Rosalina. As per the conditions of contractual tutelage, physical and sexual abuse were grounds for nullification so the judge quickly granted her appeal. Days later, Alice was “kidnapped” by her mother while walking to school. Gonçalves drafted an order of apprehension for the little girl, which was immediately approved by the judge.

Approximately one month later, on Oct. 18, 1885, two court-appointed doctors concluded that, upon examination, Rosalina was “perfectly virginal”. At the same time, Alexandre de Barros (a single, Italian artist) filed papers officially recognizing the girls as his natural children. Alexandre then asked the judge to turn all of them over to his care so that they could all “live under the same roof” and the girls could “resume family life” with their other siblings. It appears that his request was not granted, however, because, later that same year, Rosalina was legally “emancipated” from her tutelage contract after reaching the age of majority (20 years old) and a new tutelage contract was drafted for Alice by José Theodoro Xavier, a judicial bookkeeper.<sup>158</sup>

Traditionally, tutelage has been imagined as an elite strategy through which the paternalistic authority of slave owners and employers was maintained even after slavery ended. While the beginning of Maria’s case shows this tendency, a shift took place four years later. Maria changed her mind about the value of tutelage for her children and decided to instead take steps in order to reclaim control over her family unit before the law. Maria’s case, among many others from Rio de Janeiro, demonstrates how people of color used tutelage to try to legitimize and protect their kinship networks. In this chapter, I explore the gendered consequences of the Free Womb Law of 1871 in Rio de Janeiro, Brazil using the lens of tutelage litigation and slave family structures. I argue that the

---

<sup>158</sup> Ibid.

law, focused on the free progeny of slave women, had the unintended effect of politicizing families of color. This politicized parenthood manifested itself in attempts to negotiate power and protection over tutored children in court. Examining families of color through tutelage demonstrates the ways in which the public and private spheres intersected and evolved in late-nineteenth-century Rio de Janeiro.

When examined collectively, the outcomes of tutelage cases reveal distinctly gendered patterns. Mothers of color like Maria figure prominently in the majority of tutelage cases but their legal rights over their offspring were limited. This forced mothers, as Maria did, to find others who were better able to represent them in court, plead for “mercy” from judges, or employ extra-legal tactics to wrest control of their children from unwanted tutors. Fathers, in contrast, rarely appear in tutelage cases but, when present, are able to construct a stronger case for power over their children. As men, fathers were able to directly access the language of rights and entitlements as citizens in cases of competing claims for *pátrio poder*, or paternal authority. Alexandre’s failure to do so calls into question the legitimacy of his paternity claims over Maria’s daughters. Ultimately, it was Alexandre’s inability to demonstrate paternal authority equal to or greater than that of Maria’s employer that determined the unfavorable outcome of their case. Although the conclusion of Maria’s case is somewhat unusual, the gendered patterns of claims making within her case appear consistently within tutelage documents.

Tutelage litigation inadvertently became an avenue through which people of color established, legitimated, and/or tried to maintain familial connections. The ability to form family units was seen as a right by people of color and referred to as such. This chapter, by focusing on families of color, broadens our understanding of their role as political actors, exposes the limits of gendered citizenship in late-nineteenth-century Brazil, and

brings into focus their visions of freedom. To accomplish this, each individual family member is analyzed to better understand the functioning of family units as a whole. The first part of this chapter contextualizes tutelage within the historical scholarship on family in Latin America. The following sections provide a gendered analysis of tutelage litigation—through mothers and then fathers—to better understand the legal precedents and power dynamics present in Brazilian society during this period. Extended kinships, which both conform with and diverge from gendered patterns, are examined at the end of the chapter.

Tutelage cases from Rio de Janeiro offer new evidence on the slave family in Brazil during this period and a unique perspective on the significance of children of color within Brazilian society. Children, more than simply the point of conflict within a custody battle, functioned as markers for family formation, which was central to visions of freedom, rights, and citizenship for people of color. A deeper understanding of the intimate lives of Afro-Brazilians during this period argues for the vital role that they played in securing their own de jure and de facto freedom.<sup>159</sup>

### **Tutelage, Freedom, and the Modern Family**

Even a cursory glance at Maria's case betrays tension. On one level, it is the individualized tension between poor, women of color and elite males—slave owners, lawmakers, and employers. From a wider angle, it is the tension between the authority of

---

<sup>159</sup> The important role that slaves played in securing their own freedom has been expounding upon by numerous scholars, including: Warren Dean, *Rio Claro* (Stanford: Stanford University Press, 1976); Donald Cleveland, Jr., "Slave Resistance and Abolitionism in Brazil : The Campista Case, 1879–1888," *Luso-Brazilian Review* 13:2 (Winter 1976): 182–93; Sidney Chalhoub, *Visões da liberdade: Uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990); Maria Helena Pereira Toledo Machado, "From Slave Rebels to Strikebreakers : The Quilombo of Jabaquara and the Problem of Citizenship in Late-Nineteenth-Century Brazil," *HAHR* 86:2 (May 2006): 247-274; *O plano e o pânico: os movimentos sociais na década da abolição* (Rio de Janeiro: Editora UFRJ, 1994); and Camilia Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery* (Durham, NC: The University of North Carolina Press, 2013).

biological parental figures and fictive parental figures. At the most abstract level, it is the tension between arbiters of social change through informal versus formal political action. The historiography of families in Latin America, while firmly entrenched in its analysis of individual conflicts, is somewhat shaky in its ability to scrutinize families within larger trajectories of national transition and political discourse. Although family matters may initially appear outside the realm of politics, “personal life is always political because it involves issues of power”.<sup>160</sup>

Family formation was the most important link between the public and private lives of slaves and freed people. It anchored their political identity and was fundamental to their visions of freedom. Despite its importance, family history as a distinct field of inquiry within Latin American studies only emerged in the 1970s, following a series of studies that utilized demographic data related to marriage, reproduction, and illegitimacy.<sup>161</sup> The major flaw in these early works on family, however, was their “inattention to power dynamics” and their “treatment of families as homogeneous entities”, which was primarily due to their reliance on quantitative data.<sup>162</sup> At its peak in the 1980s and 1990s, a robust number of family history studies that explored the composition of families and their living conditions across racial and socio-economic lines throughout the colonial and modern periods debuted.<sup>163</sup>

---

<sup>160</sup> Kathryn Lynch, “The Family and the History of Public Life,” *The Journal of Interdisciplinary History* 24:4 (Spring 1994): 665-684; 674.

<sup>161</sup> See, Ralph Bolton and Enrique Mayer, eds. *Andean Kinship and Marriage* (Washington, DC: American Anthropological Association, 1977); Diana Balmori and Robert Oppenheimer, “Family Clusters: Generational Nucleation in Nineteenth-Century Argentina and Chile,” *Comparative Studies in Society and History* 21 (1979): 231–261.

<sup>162</sup> Milanich, “Whither Family History? A Roadmap from Latin America,” *The American Historical Review* 112:2 (Apr. 2007): 439-458: 445.

<sup>163</sup> See, Raymond T. Smith, ed., *Kinship Ideology and Practice in Latin America* (Chapel Hill: University of North Carolina Press, 1984); Mark Szuchman, “Household Structure and Political

Although addressing the need for heterogeneity, the research produced during this period was criticized for its insular nature. Family history, by definition, is about exploring, “the relationship between the private domain and social, cultural, political or economic change”.<sup>164</sup> Current scholarship on families, though not always labeled as such, focuses on the “relationship between families and broader cultures of inequality”.<sup>165</sup> As Nara Milanich points out, “domestic arrangements [are] reflective of social hierarchies...” to the extent that hegemony rests in the ability of the dominant culture to reproduce itself—both literally and figuratively.<sup>166</sup> Moreover, the legal and linguistic lineage of the word “family” is based on notions of power.<sup>167</sup>

The connection between the private sphere of family and the public realm of politics, although widely accepted in current scholarship, evolved slower in Latin American studies than in its European or North American counterparts. Hebe Mattos de Castro first introduced the concept that slave families and rights were intertwined in *Das côres do silêncio*.<sup>168</sup> Using court documents, wills and manumission papers, she argued

---

Crisis: Buenos Aires, 1810–1860,” *LARR* 21, no. 3 (1986): 55–94; Elizabeth Anne Kuznesof, *Household Economy and Urban Development in São Paulo, 1765–1836* (Boulder: Westview Press, 1986); Susan Socolow, “Marriage, Birth and Inheritance: The Merchants of Eighteenth-Century Buenos Aires,” *HAHR* 60, no. 3(1980): 387–406; Alida C. Metcalf, *Family and Frontier in Colonial Brazil: Santana de Parnaíba, 1580-1822* (Austin: University of Texas Press, 2005) and “Searching for the Slave Family: A Reconstruction from São Paulo,” *Journal of Family History* 16, no. 3 (1991): 283–297; Christine Hünefeldt, *Paying the Price of Freedom: Family and Labor Among Lima’s Slaves, 1800–1854* (Los Angeles: University of California Press, 1994); and David L. Chandler, “Family Bonds and Bondsman: The Slave Family in Colonial Colombia,” *LARR* 16, no. 2 (1981): 107–131.

<sup>164</sup> Milanich, 446.

<sup>165</sup> *Ibid*, 453.

<sup>166</sup> *Ibid*, 454.

<sup>167</sup> For a detailed discussion of the word and its origins, see David Herlihy, “Family,” *The American Historical Review*, 96:1 (Feb., 1991): 1-16.

<sup>168</sup> Hebe Mattos de Castro, *Das côres do silêncio: Os significados da liberdade no sudeste escravista, Brasil século XIX* (Rio de Janeiro: Arquivo Nacional, 1995).

that people of color defined and defended their rights in three basic categories: spatial mobility (the freedom to move), property (the freedom to own things), and family (the freedom to form living units based on kinship ties). Furthermore, she argued that slave family structures functioned as a form of resistance by providing opportunities for survival and support beyond reliance upon slave owners.<sup>169</sup> Roberto Slenes came to similar conclusions after documenting the prevalence of marriage and long-term coupling among slaves in *Na senzala uma flor*.<sup>170</sup> Not only were these relationships desirable from an emotional and cultural standpoint, he argued, they also afforded social and economic advantages. Taken in sum, the opportunities available to slaves through marriage and other intimate relationships provided greater control over their lives and, in counterpoint, undermined slave owner hegemony.

Taking a slightly different approach, Sandra Lauderdale Graham introduced gender into the discussion of slave relationships and power dynamics in Brazil. In *Caetana Says No*, Graham examined two cases in which intimate relationships were a destabilizing factor to the established patriarchy. In the story of a slave named Caetana and an elite, unmarried heiress, Graham analyzed the ways in which gender and patriarchy clashed. Graham stated that litigation involving slaves was as much about notions of power and who held it as it was about the legal specifics of each case. Within the intricate web of Brazilian social hierarchy, she identified gender as a central

---

<sup>169</sup> Ibid.

<sup>170</sup> Roberto Slenes, *Na senzala, uma flor: esperanças e recordações na formação da família escrava, Brasil Sudeste, século XIX* (Rio de Janeiro: Editor Nova Fronteira, 1999).



determinant in legal outcomes.<sup>171</sup> Graham concluded by urging future scholars to reframe slavery from “an abstract system” into a “complex network and lived experiences”.<sup>172</sup>

Recent scholarship uses family structures to discuss the scope of rights and freedoms among people of color in the late nineteenth century, without necessarily labeling itself “family history”.<sup>173</sup> These studies emphasize the symbiotic relationship between individual actions and national transition. Martha Abreu, through analysis of debate over the Free Womb Law, found a significant amount of rhetoric emphasizing the maternal love of slave mothers. This, she argued, appeared to validate and acknowledge the cohesion of familial bonds among slaves by elites. Abreu went on to say that the importance of family to freed children was also recognized by lawmakers, who feared severing kinship networks could lead to even greater rates of degeneracy among people of color.<sup>174</sup> Most recently, Camilia Cowling’s work on slave mothers agitating for the freedom and custody of their children argues how mothers played a crucial role in “speeding up” the emancipation process in Cuba and Brazil.<sup>175</sup>

---

<sup>171</sup> Sandra Lauderdale Graham, *Caetana Says No: Women’s Stories from a Brazilian Slave Society* (Cambridge: Cambridge University Press, 2002).

<sup>172</sup> *Ibid*, 158.

<sup>173</sup> See, Camillia Cowling, “‘As a slave woman and as a mother’: Women and the Abolition of Slavery in Havana and Rio de Janeiro” *Journal of Social History* 26:3 (August 2011): 294-311; and “Debating Womanhood, Defining Freedom: The Abolition of Slavery in 1880s Rio de Janeiro,” *Gender & History* 22:2 (August 2010): 284-301; *Beyond Freedom: Exploring the Meaning of Freedom in Postemancipation Societies*. Edited by Frederick Cooper, Thomas C. Holt and Rebecca J. Scott (Chapel Hill: UNC Press, 2000); Hebe Maria Mattos, “Os combates da memória: escravidão e liberdade nos arquivos orais de descendentes de escravos brasileiros,” *Tempo*, 6:3 (December 1998): 125, 136; and Ana Lugão Rios and Hebe Mattos, *Memórias do cativo: família, trabalho e cidadania no pós-abolição* (Rio de Janeiro: Civilização Brasileira, 2005).

<sup>174</sup> Martha Abreu, “Slave Mothers and Freed Children: Emancipation and Female Space in Debates on the ‘Free Womb Law’, Rio de Janeiro, 1871,” *Journal of Latin American Studies*, 28:3 (Oct.,1996); 576-578.

<sup>175</sup> Cowling, “‘As a slave woman and as a mother’”, 295.

The study of tutelage legal cases from Rio de Janeiro in the period immediately following passage of the Free Womb Law builds upon the work of scholars like Abreu and Cowling. Tutelage provided an avenue for parents and kin to assert, maintain and strengthen ties to one another, as well as a means to resist the intrusions of the state into the private sphere of family life. Limited contact, forced separations, and restricted control over their children gave former slaves of both genders a platform upon which they could declare their rights and demand certain privileges of citizenship—and many of them did. Although these are isolated cases, when taken collectively, as Cowling argues, the efforts of people of color toward challenging slave owner hegemony and claiming their rights undermined the elite dominance of the system, thus contributing to its demise.

This is not to say that former slaves and their families did not face tremendous challenges. The gap between ideal and typical family situations widened in the late nineteenth century. People of color were pushed to the ideological fringes of society while simultaneously embodying the majority of the urban population. While both sides agreed on the importance of family and childrearing, elites saw family as an essential component in maintaining public order and promoting modernity. Former slaves, on the other hand, recognized kinship as a social safety net and marker of status. As a result, elites defined family in gradually narrower terms that included: the nuclear family unit, Catholic ritual marriage, legitimate offspring, and women as caretakers of the home. People of color, due to both their African cultural heritage and basic necessity, defined family more broadly.

The increasing popularity of ideology surrounding the “modern” family in Brazil derived from the lack of stability that characterized the last decades of the nineteenth

century.<sup>176</sup> In the wake of the passage of the Free Womb Law, Brazilian society anxiously anticipated the economic and social crises that would supposedly accompany the end of slavery. The country's hesitant steps toward total abolition also coincided with rapid urbanization, increased crime, and terrible health conditions.<sup>177</sup> Elites saw people of color as the source of these public problems and responded by enacting massive urban reforms, criminalizing expressions of African culture, and introducing hygiene programs that sought to “educate” people how to live and care for their children properly.<sup>178</sup> Although intended to “clean up” the city of Rio, residents of color viewed these measures as punitive and they resisted the displacement, arbitrary arrests, and the tutelage of their children.<sup>179</sup>

Undergirding these elite reforms was the reinforcement of Catholic notions of honor, the social hygiene movement, and scientific racism that gained popularity across Europe and the Americas beginning in the eighteenth century. These reforms proliferated beliefs about the intellectual, cultural, and racial inferiority of people of African

---

<sup>176</sup> Karl Monsma argued that abstract notions like honor, embodying reliability and stability, became increasingly important in the nineteenth century and gave structure to Brazilian society. See, “Words Spoken and Written: Divergent Meanings of Honor among Elites in Nineteenth-Century Rio Grande do Sul,” *HAHR* 92:2 (May 2012): 269-302.

<sup>177</sup> For more on connections between Rio's health crises and public policies, see Sidney Chalhoub, *Cidade febril: cortiços e epidemias na Corte imperial* (São Paulo: Companhia das Letras, 1996) and João José Reis, *Death is a Festival: Funeral Rites and Rebellion in Nineteenth-Century Brazil* (Chapel Hill: UNC Press, 2003).

<sup>178</sup> For more details on elite perspectives on children of color, health, and parenting, see Martha Abreu, “‘Crianças negras’ e ‘crianças problemas’ no pensamento de Nina Rodrigues e Artur Ramos,” in Irene Rizzini, *Crianças desválidas, indígenas e negras no Brasil: cenas da Colônia, do Império e da República* (Rio de Janeiro: USU Ed. Universitária, 2000): 121-136.

<sup>179</sup> For more on urban reforms and public backlash, see Teresa A. Meade, *Civilizing Rio: Reform and Resistance in a Brazilian City, 1889-1930* (University Park: The Pennsylvania State University Press, 1999).

descent.<sup>180</sup> As “sub-humans”, it was believed that baser, animalistic urges—rather than the “civilized” notions of family, honor, and morality—controlled people of color.<sup>181</sup> This eschewed the ability of people of color to form, maintain, and value personal relationship.<sup>182</sup> These beliefs, combined with the harsh realities of life for former slaves, translated into the notion that slave families did not exist.<sup>183</sup> And, if they did exist, they were “indecent”.<sup>184</sup> As a result, elites felt it was their Christian duty and civic obligation to “help” families of color by teaching them how to be decent.

An 1881 article entitled, “Mentiroso, ladrão e vil blasfemador. Dos servos mais fiéis.” (“Liar, thief and vile blasphemer. The most faithful servants”) from the magazine, *A mai da familia*, encapsulates the elite perspective on people of color and their progeny, musing,

The law of the 28<sup>th</sup> of September 1871 [Free Womb Law], diminishing the pains of captivity, brought greater responsibility to the lady of the house; the obedience we owe to the law obliges us to raise and educate ingênuos, since we are not cruel enough to tear them away from their mothers and throw them into charity houses. It is such a task to educate the child of a slave woman, a

---

<sup>180</sup> For a more detailed discussion of this movement and its influence on Brazilian society, see Nancy Stepan, *The Hour of Eugenics: Race, Gender and Nation in Latin America* (New York: Cornell University Press, 1991).

<sup>181</sup> Ibid.

<sup>182</sup> Relationships between people of color were conceived of as expressions of sexual promiscuity, not the desire to form family units. Ibid.

<sup>183</sup> Scholars of slavery in the mid-twentieth century indicated that one of the legacies of slavery was the absence of the slave family. See, Emilia Viotti da Costa, *Da senzala à colônia* (São Paulo: Editora UNSEP, 1997); Roger Bastide, *The African Religions of Brazil: Toward a Sociology of the Interpenetration of Cultures* (Baltimore: The Johns Hopkins University Press, 1978); Florestan Fernandes, *A integração do negro na sociedade de classes* (São Paulo: Dominus Editora, 1965).

<sup>184</sup> Although less rigid than the class divisions between the “gente decente” and the general population in countries like Mexico, Brazil also exhibited complex social hierarchies based on race and economic status. For more on this phenomenon from an economic perspective in Mexico, see Steven Bunker, *Creating Mexican Consumer Culture in the Age of Porfirio Díaz* (Albuquerque: University of New Mexico Press, 2012).

**creature** in a new status that the law calls *ingênuo*. What a serious responsibility to take on, keeping them in our homes, with our own children, these little **creatures** we today leave uncared for tomorrow could change into the enemies of our tranquility, and maybe even our honor!

[...] The law entrusts us with a defenseless and innocent child, and society demands that we give to it, some day, a child transformed into an honorable and hard-working man or an honest and industrious woman. If it is impossible for us to be fully responsible for the future of our own children, whose upbringing is so close to our heart, how can we strain our good reputation for a child of undetermined character, the product of self-satisfied parents, that could just as easily turn out good as bad?<sup>185</sup>

The most striking part of this extensive discussion of children freed by the Free Womb Law is the inconsequentiality of their parents. Free children of color were viewed as the burden of society to bear, in the hopes that they would become obedient and productive members of society. At best, these children would be “invisible” within society, like their “faithfully” servile parents. At worst, they would be the downfall of Brazil; damaging the reputation of elite parents and negatively influencing their children.<sup>186</sup>

Tutelage documents offer a vision in stark contrast with historical representations of families of color, or the lack thereof. Not only were free and freed people present to parent their children, extensive family units were as well. People of color faced significant challenges in maintaining kinship ties while enslaved and even after becoming free. Distance, illiteracy, and the usurping authority of owners, employers, and tutors all functioned as confounding factors in attempts to reunite for Afro-Brazilian families.

---

<sup>185</sup> *A mai de família*, v. 3 (1881), 21. Translation is mine.

<sup>186</sup> Interestingly, this article seems to suggest that elite women would be to blame if tutored children were not “good”. This perspective is further complicated by the fact that the article was written by an elite male named Felix Ferreira. Ferreira worked at the National Library but was an avid writer and leader in the movement to “educate women” about domestic affairs. For more, see Maria Helena Camara Bastos and Tania Elisa Morales Garcia, “Leituras de formação - Noções de vida doméstica (1879): Félix Ferreira traduzindo madame Hippeau para a educação das mulheres brasileiras,” *História da Educação* 3:5 (1999): 77-92.

Often, the interplay of several elements, as Umbelina's case demonstrates, combined to impede the maintenance of kinship networks for slaves.

In her 1875 deposition, Umbelina stated that she was 14 years old and was born in the state of Pernambuco to "Antônio e Joanna de tal". She was matriculated, sold and sent, along with several other slaves, from Alagoas to Rio de Janeiro in 1874.<sup>187</sup> She began working, presumably as a domestic servant, in the homes of several elite *cariocas*.<sup>188</sup> Umbelina thought she was being brought to court in 1875 because she had suffered "deflowering" while working in the home of her first employer, João Martins Fulguerras, in Engenho Novo.<sup>189</sup> Her employer at the time of her tutelage case was Dr. Luis Antônio Nazareth, the *curador geral* (general secretary) for the Judge of the Orphans, who later became her first legal tutor. Under his care, she was given her freedom papers in December 1875. Umbelina's next tutor, Manoel Pinto Catalão, requested the dissolution of his contract with her due to illness. She was interned at the *Santa Casa de Misericórdia* in 1876 for an unknown malady that kept her from working. She was later re-admitted to the *Santa Casa* to give birth to a child fathered by a *pardo criado* (house-servant of color) named Alfredo in 1879.<sup>190</sup>

Within the details of Umbelina's case, brief as it may be, the story of a significant population of children of color that lived and worked in Rio de Janeiro in the late 19<sup>th</sup> century can be found. She was born in Northeast of Brazil following the end of the

---

<sup>187</sup> The law required all slaves to be listed with their ages and that list had to be turned over to the government to determine who was free. Slow adherence, incomplete reporting and non-compliance combined to confound the impact of the law. Kim Butler described the strains placed upon slaves during the burgeoning domestic slave trade in "Slavery in the Age of Emancipation: Victims and Rebels in Brazil's Late 19<sup>th</sup> Century Domestic Trade," *Journal of Black Studies* 42:6 (April 2011): 968-992.

<sup>188</sup> Residents of the city of Rio de Janeiro.

<sup>189</sup> "Deflowered" was a euphemistic term for sexual abuse or rape.

<sup>190</sup> ANB- Juízo de Órfãos, ZM, maço 208, número 3.989, 1875.

transatlantic slave trade in 1850 and sold along with thousands of fellow slaves across the country in the burgeoning domestic slave trade. Her parents, Antônio and Joanna, had no surnames, likely indicating that they were also slaves. Separated from her family as an adolescent and sent to Engenho Novo to work for Fulgerras, Umbelina became a de jure orphan. Engenho Novo, located roughly six miles outside the city of Rio de Janeiro was primarily a rural, agricultural area during this period.<sup>191</sup> The work there would have been extremely difficult and her living conditions poor, as evidenced by her sexual abuse at the hands of Fulguerra.

Far from the milder type of slavery characterized by scholars like Frank Tannenbaum, slave life in Brazil epitomized strenuous work, harsh conditions and marginal hope for improvement.<sup>192</sup> High rates of mortality in the nineteenth century, particularly for children, resulted from the diseases, poor nutrition and arduous work demanded from slaves of all ages.<sup>193</sup> Gender imbalances, although not as extreme as those found in rural areas, could also have contributed to difficulties in the formation of families in urban centers like Rio de Janeiro—especially when compared with higher rates of mortality for males.<sup>194</sup> The internal slave trafficking network that flourished in

---

<sup>191</sup> The legal loophole that gave the Judge of the Orphans power over children whose parents were still living was through application of the label “orphan”. Once a child became a de jure orphan (even if they were not a de facto orphan), they became a ward of the state and the *pátrio poder* over that child was transferred to a judge. Having a child declared a de jure orphan was relatively easy. The state prosecutor simply had to demonstrate that the child’s home life was unsuitable in some way. This could be based on poverty, a single-parent household, poor accommodations, living with an employer (as was often the case for former slaves), disease, or the bad reputation of a parent (i.e. prostitute, drunk, etc.).

<sup>192</sup> In *Slave and Citizen*, Tannenbaum characterizes Brazilian slavery as less severe than its North American counterpart, thanks to its foundation in Roman legal precedence. Frank Tannenbaum, *Slave and Citizen* (Boston: Beacon Press, 1947).

<sup>193</sup> Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987); 145.

<sup>194</sup> *Ibid*, 111. See also Stanley J. Stein, *Vassouras: A Brazilian Coffee County, 1850–1900* (Princeton: Princeton University Press, 1958).

the nineteenth century, particularly after the end of the transatlantic slave trade in 1850, increased the likelihood that enslaved families would be separated at some point-- as it did for Umbelina and her parents.<sup>195</sup>

Although complicated, some slave families managed to build and maintain extended kinship connections that endured even after their enslavement ended. Scholars are now using the same historical data that once confirmed their “invisibility” to help illustrate the broad range of family situations that existed during this period. Mieko Nishida, for example, used the 1872 census to explain that the low rates of marriage for people of color correlated with the prevalence of informal and unrecorded, although equally as stable, unions.<sup>196</sup> Similarly, the appearances of family networks within tutelage documents, though brief, confirm the persistence of these networks over time, their diversity, and their importance to people of color. However, identifying the presence of family units is not enough.

The rights available to family members differed greatly and gender was the most influential factor, aside from race and class, which determined an individual’s role in society in nineteenth century Brazil. The gendered ways in which individuals participated in Brazil’s public sphere, in large part, mimicked gender roles in the private sphere. The following section examines the ways in which slaves and freed people of different genders negotiated familial rights through tutelage litigation. These cases show gendered patterns of political participation and offer new support for micro-historical analysis of the Brazilian abolition process.

---

<sup>195</sup> Karasch, 93 and Butler, 975.

<sup>196</sup> Mieko Nishida, *Slavery & Identity: Ethnicity, Gender, and Race in Salvador, Brazil, 1808-1888* (Bloomington, IN: Indiana University Press, 2003), 54.



## Women, Maternity and Negotiated Motherhood

In most tutelage cases, the balance of power is as unequal as possible--pitting an elite male against a freed or enslaved woman of color. The overwhelming presence of freed and enslaved mothers in tutelage cases is telling. This tendency is consistent with the accepted role of women in Brazilian society as mothers and caretakers but it also suggests that women who entered into litigation believed they could win. Winning was exceptionally difficult for women and more so for women of color. The gender bias of Brazilian law, combined with the social stigma of their race and status, forced women of color to employ extra-legal tactics to secure justice in many cases. Justice, at its best, meant that mothers selected where and with whom their children would be placed; it did not allow women of color to have parental custody of their own offspring.<sup>197</sup> To be granted even nominal guardianship, women had to demonstrate the presence of a proper domicile, a male representative for legal matters, and the means to “properly” raise and educate children.<sup>198</sup>

For elite women, these conditions, although challenging, were more frequently met. The conditions placed upon women seeking to implement *pátrio poder* often forced women of color, who were typically single and of a lower socio-economic status, to find other (sometimes extra-legal) avenues through which to maintain their families. Several

---

<sup>197</sup> As Milanich points out, no laws in Brazil at this time protected a single mother’s parental rights; women were, at best, guardians over their offspring. Nara Milanich, “Historical Perspectives on Illegitimacy and Illegitimates in Latin America” in *Minor Omissions: Children in Latin American History and Society* ed. Tobias Hecht (Madison: University of Wisconsin Press, 2002), 87.

<sup>198</sup> Women had no rights over their offspring until the implementation of Decreto Set. 11, 1890, article 94, which granted mothers a “special” kind of *pátrio poder*, which rested on their ability to prove that they were “legitimate and honest widows”. The right of natural mothers over their children remained ambiguous until late in the twentieth century. Maria Aparecida Papali, *Escravos, libertos e órfãos: a construção da liberdade em Taubaté (1871-1895)* (São Paulo: Anablume: FAPESP, 2003), 163.

scholars have demonstrated the presence of women in legal disputes and their ability to successfully defend their rights despite significant disadvantages.<sup>199</sup> The most common strategies (both legal and extra-legal) for successfully ending a tutelage contract were: running away, marriage, legal contestation, criminal acts, and allegations of abuse. The case of Maria and her four daughters at the beginning of this chapter incorporates nearly all of these strategies and illustrates the way in which women of color wielded their motherhood as a moral and a legal weapon.

Motherhood, as scholars like Temma Kaplan point out, is a “potent political identity” because it is grounded in actions of “everyday life” that foster a shared consciousness.<sup>200</sup> In the Latin American context, the politics of motherhood are linked to marianism; this vision of motherhood uses the Virgin Mary as the benchmark for female conduct and essentializes gender roles for women to that of passive nurturer and protector.<sup>201</sup> While this boiled down version of femininity is somewhat problematic, it did place mothers on a superior moral high ground from which they could assert their rights—even if they were in contradiction with written law. Sonia Alvarez, looking at the other side of the spectrum, argued the importance of what she termed “militant motherhood” and its ability to blur the lines between the public and private spheres. According to her, “militant motherhood” was the politicization of the social and reproductive role of women in the absence of outlets for formal political expression. She

---

<sup>199</sup> For more on women as litigants, see Keila Grinberg, *Liberata: a lei da ambigüidade* (Rio de Janeiro, RJ: Relume Dumará, 1994) and Camilla Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery* (Durham: The University of North Carolina Press, 2013).

<sup>200</sup> Temma Kaplan. “Female Consciousness and Collective Action: The Case of Barcelona, 1910-1918,” *Signs: Journal of Women in Culture and Society* 7:3 (1982): 545-566, 545.

<sup>201</sup> Nikki Craske, *Women and Politics in Latin America* (New Brunswick: Rutgers University Press, 1999), 16.

demonstrated how “militant motherhood” functioned as a powerful mobilizing factor for women.<sup>202</sup>

Freed and enslaved women in late nineteenth century Rio de Janeiro, although not explicitly using the language of rights, recognized and exploited the political capital of motherhood in Brazilian society.<sup>203</sup> Works like *Liberata* by Keila Grinberg provide examples of the ways in which women of color exerted political agency through the language of familial concerns in Brazil.<sup>204</sup> Within the Americas more broadly, the connection between motherhood and politics has been explored in the Caribbean, across Latin America, and even the United States.<sup>205</sup> In many ways, motherhood was the only socially acceptable identity for women of color during this period. Their public image was stigmatized by ignorance, promiscuity, poverty, and dishonor, due to their history of enslavement.<sup>206</sup> Although motherhood was an “appropriate” identity for women of color, their ability to appropriately raise their children came under constant scrutiny. Even

---

<sup>202</sup> Sonia E. Alvarez, *Engendering Democracy in Brazil: Women's Movements in Transition Politics* (Princeton: Princeton University Press, 1990), 135.

<sup>203</sup> Slave women were particularly important in the Latin American context because the status of children was matrilineal instead of patrilineal, as in North America. Sarah L. Franklin, *Women and Slavery in Nineteenth-Century Colonial Cuba* (Rochester: University of Rochester Press, 2012).

<sup>204</sup> Grinberg, 1994.

<sup>205</sup> For more on this subject in different contexts, see Marci Bounds Littlefield, “Black Women, Mothering and Protest in 19<sup>th</sup> Century American Society,” *The Journal of Pan African Studies*, vol.2, no.01, November 2007: 53-61; Mimi Sheller, *Citizenship from Below: Erotic Agency and Caribbean Freedom* (Chapel Hill: Duke University Press, 2012); M.G. Bouvard, *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo* (Wilmington: Scholarly Resources, 1994); *Maternalism Reconsidered: Motherhood, Welfare and Social Policy in the Twentieth Century*, edited by Marian van der Klein, Rebecca Jo Plant, Nichole Sanders and Lori R. Weintrob (London: Berghahn Books, 2012); Erin E. O'Connor, *Mothers Making Latin America: Gender, Households and Politics Since 1825* (London: John Wiley & Sons, Inc., 2014); and Jadwiga Pieper Mooney, *The Politics of Motherhood: Maternity and Women's Rights in Chile* (Pittsburgh: University of Pittsburgh Press, 2009).

<sup>206</sup> Other scholars have also identified the racial and social stigmas women of color experienced in legal documents from different regions of Brazil. See, Ocerlan Ferreira Santos, “Mães e filhas: mulheres negras na imperial vila da Vitória do século XIX,” *Educação, Gestão e Sociedade* 2:5 (2012):1-11.

foreigners questioned the role of slave women as mothers. In this account of life in Brazil from 1882 to 1885, U.S. diplomat, Christopher Columbus Andrews, while visiting a plantation observed,

The department of the in-door female slaves presented novel scenes. [T]here was a nursery of negro babies, tended by their mothers : some were in cradles; and there was one, sick with the measles, that was being rocked by a little negro boy. The lady said she had to watch the mothers, to see that they sufficiently fed their children.<sup>207</sup>

Statements indicating negative public opinions about mothers of color appear in several tutelage cases from Rio de Janeiro. Minelvina, a preta liberta, was accused of becoming a “drunk” when she tried to contest the tutelage of her 9-year-old daughter by her former owner’s brother.<sup>208</sup> The tutor of 10-year-old Fabrício accused his mother, preta Appolinária, of becoming “lazy” and a “drunk” once she gained her freedom.<sup>209</sup> Olympia was labeled a “public woman” by her daughter’s tutor.<sup>210</sup> In a rare 1874 case, Maria Salgado, accused of being a “whore” and a woman of “bad habits” by her son’s tutor, directly addressed the bias of her accuser. She stated that, although admittedly “poor”, she had “no defect” that prevented her from caring for her child “as well or better” than him.<sup>211</sup>

Pointed responses like that of Maria Salgado are rare for a reason. The reality of life for women of color, regardless of their personal adherence to moral codes, clashed with emerging notions of “sacred motherhood”, “purity”, and “modernity” championed

---

<sup>207</sup> Andrews, *Brazil: Its Conditions and Prospects* (New York: D. Appleton and Company, 1887). Andrews was the ex-consul to Brazil (1882-1885) and also the U.S. Minister to Sweden and Norway; 164.

<sup>208</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.295, 1881.

<sup>209</sup> ANB- Juízo de Órfãos, ZM, maço 208, número 4.011, 1884.

<sup>210</sup> Calling her a “mulher público” implies that she is promiscuous or a prostitute. ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.339, 1886.

<sup>211</sup> ANB- Juízo de Órfãos-Relação do RJ 84, maço 5, número 3.894, 1874.

by women-focused publications like *A mai da familia*.<sup>212</sup> In this way, women of color were doubly disadvantaged. They were considered socially inferior to other members of their race (men of color) and gender (elite, white women).<sup>213</sup>

Despite public opinions about their inferiority or unsuitability, tutelage cases establish that women of color were primarily responsible for the care of their children. Free and enslaved mothers were forced to carefully negotiate social networks and power dynamics in order to attempt to protect their children and maintain some degree of parental authority. In striking this delicate balance, their identity as mothers became crucial. Under the mantle of motherhood, women of color were able to assert a degree of honor or moral authority that became advantageous when engaged in legal disputes against people of superior social status.

Given this context, analysis of Maria's attempt to wrest control of her daughters away from Gonçalves takes on a new dimension; using the discourse of motherhood, Maria was able to articulate her outrage in a way that was both socially acceptable and compelling, although the outcome remained tenuous. At the beginning of the case, Gonçalves affirms Maria's complicity in his tutelage of her children. While some parents felt that elite tutelage was advantageous, it is impossible to know the degree of coercion or misinformation that existed between Maria and her employer. By 1885, Maria had changed her mind and initiated a counter-case for custody. Her language in the initial statement against Gonçalves deliberately played upon her position as a mother. She invoked the sentimentality ("maternal love") and religious piety ("pain in her soul")

---

<sup>212</sup> Evidence of public opinion turning against women of color is particularly evident in the public health campaign against Brazil's *amas de leite*, mounted in the late nineteenth and early twentieth centuries. See, Okezi T. Otovo, "From Mãe Preta to Mãe Desamparada: Maternity and Public Health in Bahia," *Luso-Brazilian Review* 48:2 (2011): 164-191.

<sup>213</sup> This social inequality continues into the present day, expressing itself in economic and labor-related disparities in modern Brazil. See, Peggy A. Lovell, "Race, Gender, and Work in São Paulo, Brazil, 1960-2000," *LARR* 41:3 (2006): 63-87.

appropriate to her status.<sup>214</sup> In the same statement, she drew on suggestive imagery. Comparing Gonçalves' allegedly violent treatment of her daughters to that of slaves at the mercy of a "bad master" was a deliberate and politically charged statement.<sup>215</sup> Her allegations of physical and sexual abuse could also have been a savvy legal strategy demonstrating her understanding of the ways in which a tutelage contract could be nullified. In the absence of a lawyer to guide her, Maria's ability to navigate legal constraints appears particularly shrewd.

It is unclear whether her request for a physical examination of Rosalina to prove her "deflowering" was a ploy or a legitimate demand for proof of misconduct. If a ploy, Maria could have been attempting to protect her daughter's honor. If she suspected that her daughter was already sexually active, accusing Gonçalves of de-virginizing her would have had the dual impact of smearing Gonçalves' reputation and allowing Rosalina's honor to be restored legally by the court a month before she turned 20 and became an emancipated adult. Rosalina's "re-virginization" would have improved her status in society, making her a more attractive marriage partner and improving her chances of upward mobility.<sup>216</sup> Discrediting Gonçalves through a "deflowering" case could also

---

<sup>214</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 324, 1881. Women drawing upon sentimentality, piety, or honor discourse for legal advantage is borne out of a long, colonial tradition in Latin America, and rooted in the personalistic and clientelistic relationships at the foundation of Iberian societies. Many scholars have identified this as a tactic for garnering favor in court. See, Sherwyn K. Bryant, "Enslaved Rebels, Fugitives, and Litigants: The Resistance Continuum in Colonial Quito," *Colonial Latin America Review* 13:1 (2004): 7-46; "Slave Women and their Strategies for Freedom in the Late Spanish Colonial State," *In The Hidden Histories of Gender and the State in Latin America*, edited by E. Dore and M. Molyneux (Durham: Duke University Press, 2000); Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999).

<sup>215</sup> Maria's decision to reference the violence of slavery came at a moment in which leading abolitionist newspapers like *A Gazeta da Tarde* and others were doing the same thing. Emphasis was placed on the gruesome details of slavery in an attempt to illustrate its de-humanizing influence on both slave and slave owner as an argument for ending the institution.

have tilted the odds in Maria's favor in regards to the tutelage case. If Maria's allegations were based on a legitimate attempt to protect Rosalina from a sexual predator, her motivation would simply have been justice for her daughter and an end to the abuse. As it turned out, the doctor's examination of Rosalina revealed that her virginity remained intact.

Jumping from legal to extra-legal, Maria then decided to "kidnap" Alice in an attempt to gain custody. Running away (whether assisted by a family member or not) was the most common strategy utilized by people of color to escape tutelage. It was particularly effective in an urban area like Rio de Janeiro which, at the time, was experiencing rapid population growth. The rise of *favelas* (shanty towns) and *cortiços* (tenement housing) permitted residents to disappear into the anonymity of the city.<sup>217</sup> Maria's status as a former slave also made running away a probable extra-legal tactic.<sup>218</sup> Unfortunately, Alice was quickly apprehended and returned to Gonçalves.

Other tutelage cases demonstrate the extent to which mothers would go in order to secure a better future for their children. The most extreme instance of extra-legal manipulation involved two minors named Josino and Eliza. Children of the slaves Bernarda and Belarnina respectively, they jointly requested a tutor from the Judge of the Orphans in 1878. Josino, born in 1868, and Eliza, in 1867, claimed they had been matriculated and then freed around 1871, although not part of the Free Womb Law. Their

---

<sup>216</sup> For more on honor, sexuality and "deflowering", see Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000).

<sup>217</sup> For more on urban growth in Rio in the late nineteenth century, see Teresa Meade, *Civilizing Rio: Reform and Resistance in a Brazilian City, 1889-1930* (University Park: Pennsylvania University Press, 1997) and Sidney Chalhoub, *Trabalho, lar e botequim: O cotidiano dos trabalhadores no Rio de Janeiro da Belle Epoque* (São Paulo: Brasiliense, 1986).

<sup>218</sup> For more on runaway slaves and running away as resistance, see Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987) and Stuart Schwartz, *Slaves, Peasants and Rebels: Reconsidering Brazilian Slavery* (Urbana: University of Illinois Press, 1995).

mothers alleged that both children were part of an inheritance inventory and that all the slaves from the estate had been freed upon their owner's death. In order to finalize their tutelage contracts, the judge asked to see paperwork that corroborated their status, which the mothers submitted. The judge, apparently skeptical, looked into the matter further. Soon after, he drafted a statement in which he revealed that the inventory list included several slaves but not Josino and Eliza. Declaring their freedom paperwork to be falsified, the judge decided that, since they were still slaves, Josino and Eliza could not enter into a tutelage contract and threw out the case.<sup>219</sup>

Whether Maria's plan to gain control of her children was simple or elaborate, her extraordinary legal and extra-legal efforts toward this end are undeniable. Her multi-pronged approach to undercutting the influence of Gonçalves despite her own legal and social limitations indicates a remarkable amount of tenacity. She also demonstrated awareness of her status in society and constantly worked to maximize existing advantages. Though unable to petition for custody of her own children, she made every endeavor to exert influence on the court in the selection of their guardian.

Although her case is rather extraordinary, Maria was probably like many other mothers of color in late-nineteenth-century Rio de Janeiro. She had secured her freedom and jealously guarded the freedom of her children. Despite the enactment of the Free Womb Law, which theoretically granted unconditional freedom to her children, the protection of that freedom required a significant amount of work. Maria's struggle for justice in an unjust society was, in many ways, shaped by the political and moral weight

---

<sup>219</sup> ANB- Juízo de Órfãos, ZM, maço 208, número 4.000, 1878. The judge also offhandedly alleged that the falsification of documents and political agitation present in this case was probably aided by Balthazar Rangel Lopes de Souza, who he alleged had provided guidance to the children and their mothers. Balthazar Rangel Lopes de Souza is not listed anywhere as an abolitionist or a politician. He does, however, appear in a list of elected school board members at the Escola Municipal da Pedra for boys in the Guaratiba district. *Diario Oficial da União*, 06/04/1894. It is unclear whether his alleged interference in this case (if, in fact, true) was borne of abolitionist sentiment or personal interest.



embodied by her role as a mother. As a woman of color, her opportunities for expression were limited. Motherhood provided the discursive framework through which Maria could protest when crimes were committed against her children and tutelage litigation offered her a platform.

Mothers who took advantage of this platform did so for a variety of reasons. Some, like Maria, were trying to protect their children from abuse.<sup>220</sup> Others, like Felicidade Maria Augusta, wanted financial security for their children. She used tutelage to ensure that her 12-year-old daughter Leonor collected the inheritance her father had left for her.<sup>221</sup> In 1888, Risoleta complained that her 8-year-old daughter was taken from her and sent to live with her tutor.<sup>222</sup> The mother of 10-year-old João and 7-year-old André used tutelage litigation to formally request permission to “visit” her children because their tutor repeatedly denied her access. When legal avenues failed, she convinced the boys to “run away” with her, which caused their tutor to renounce his guardianship.<sup>223</sup> Mothers like Bemvinda and Ignez, in 1888, used the law to demand education for their daughters, which had been promised to them by their tutors.<sup>224</sup>

Despite the clear restrictions of the law, several mothers petitioned for tutelage of their own children. Although met with uniform rejection based on legal precedent, judges and potential tutors regularly documented why they believed women of color were “unfit” to care for their children. Although completely unnecessary to the case, some judges felt compelled to include details that supported their belief in the “unsuitability” of

---

<sup>220</sup> ANB- Juízo de Órfãos, Relação do RJ 84, maço 5, número 3.894, 1874.

<sup>221</sup> ANB- Juízo de Órfãos, ZM, maço 2.283, número 81, 1886.

<sup>222</sup> ANB- Juízo de Órfãos, ZM, maço 23, número 528, 1888.

<sup>223</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 334, 1886.

<sup>224</sup> ANB- Juízo de Órfãos, ZM, maço 139, número 2.786/7, 1888.

women of color to raise their own children, instead of citing the law that made the request unfeasible.

Guilhermina, a parda liberada, was denied custody of her four daughters in 1880 because she lacked, “meios para sustentar e educar [suas] crianças” (“the means to sustain and educate her children”).<sup>225</sup> Poverty was often equated with questionable moral character in tutelage cases. Poor women who worked outside the home were labeled “public women”, which implied promiscuity or even prostitution.<sup>226</sup> The public presence of women of color also opened them up to accusations of alcoholism, imprisonment, or abandoning their children.<sup>227</sup> Even vague suggestions of immorality were accepted as factual by the court; in a case from 1881, Jerónimo Pinto de Gouvea claimed that Deolinda Maria da Conceição should not have custody of her son Arthur because of the “kind of life she leads”.<sup>228</sup>

The reason for the frequent inclusion of this detail is unclear. Perhaps it was an attempt by judges to demonstrate conformity with elite opinions about morality and people of color.<sup>229</sup> It may have simply been done for the sake of being thorough. Or, it might be reflective of the personal opinions held by judges regarding the status of

---

<sup>225</sup> ANB- Juízo de Órfãos, ZM, maço 107, número 2.145, 1880.

<sup>226</sup> For more on the implications of gender, honor, and “public women”, see Laura Gotkowitz, “Trading Insults: Honor, Violence, and the Gendered Culture of Commerce in Cochabamba, Bolivia, 1870s-1950s” in *Honor, Status, and the Law in Modern Latin America*, ed. by Sueann Caulfield, Sarah Chambers, and Lara Putnam (Durham: Duke University Press, 2005): 131-154; in the Brazilian context, see Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro* (Austin: University of Texas Press, 1988): 46.

<sup>227</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.339, 1886.

<sup>228</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 412, 1881.

<sup>229</sup> Although enforcers of the law, judges were also vulnerable to the sway of public opinion regarding their rulings. João José Reis documented an incident in which an unpopular circuit judge was metaphorically killed in a public demonstration in the early nineteenth century. João José Reis, *Death is a Festival: Funeral Rites and Rebellion in Nineteenth-Century Brazil* (Chapel Hill: University of North Carolina Press, 2003), 151-152.

litigants. Regardless of the reasons, judicial bias in tutelage cases, together with the myriad factors discussed in this chapter, reveal the limitations on claims making for women of color.

Women of color could agitate for what they or their children were already entitled to but they were restricted in their ability to generate requests that fulfilled their personal visions of freedom. Mothers in general, but especially those of color, were permitted to be advocates for the accepted “good” of their children but not a legal authority over them. The label of “mother” allowed women of color to more successfully demand compensation for incomplete promises, even if compliance ran counter to the letter of the law. Women of color had a fractional space within the law and a shrinking space among the “decent” public and, when legal avenues failed, resorted to extra-legal tactics that put pressure on lawmakers. In this way, freed and enslaved women—out of necessity--carved out a space for themselves as political actors and used motherhood to justify their actions. Although recognizing the impossibility of breaking the legal bounds of gender, women triumphed in their ability to bend them in the name of “maternal love”.

### **Men, Paternity and Paternalism**

The experiences of fathers of color involved in tutelage cases were radically different from their female counterparts. In many cases, the introduction of a legitimate, paternal figure could completely alter the outcome. It was with this rationale that, in Maria’s case, Alexandre de Barros suddenly appeared and declared himself to be the father of Rosalina, Idalina and Alice. Alexandre filed for paternal recognition of his daughters before the results of Rosalina’s examination were revealed, in late September 1885. This lends some credence to the possibility that Maria’s allegations of sexual misconduct against Gonçalves were a ploy. The introduction of a male figure with a more

legitimate claim of *pátria poder* (paternal rights) over the girls at the exact moment in which allegations of abuse were about to be corroborated seems excessive. Each strategy, by itself, should have secured the desired outcome in this case. Since the abuse claims were disproven, it appears that Maria anticipated this result and immediately put an alternate strategy in motion.

The failure of Alexandre to exercise his paternal rights over his daughters calls into question the legitimacy of his claim. Fathers seeking guardianship of their children in other tutelage cases were typically successful.<sup>230</sup> Perhaps the judge became skeptical of the timing of Alexandre's claim. When he filed in 1885, his children were already 20 years old, 15 years old and 7 years old. While paternal recognition could technically be done at any age, his decision to file so late is somewhat unusual. It is also unusual that there are no documents listing Alexandre's age; proof of age was often included in claims for paternity as verification of one's status and identity. Although he was eventually granted paternal recognition, the judge may have questioned the veracity of his claim since none of the children (even the ones born free after 1871) had a father listed on their baptism certificates. Combined with a suggestive silence with regard to Alexandre's age, it is possible that he was not the biological father of all (or any) of Maria's children. If this is the case, it appears that Maria was deliberate in her selection of a legal "father" for her children, taking into account his social status with regard to race and economic stability. Alexandre was of European descent (Italian), gainfully employed as an artist, had a stable residence and emerged at a critical moment in the case with an ardent desire to "reunite" their family. This appears to follow patterns in Spanish America, where evaluations of paternal rights were based less on biological claims than social status. As Nara Milanich explained,

---

<sup>230</sup> Out of the eleven cases featuring fathers for children of color, eight appear to have to been granted their request and the rest were inconclusive.

Courts considered paternal recognition to be proven only when illegitimate plaintiffs could show that they had been incorporated into their father's social status. Thus, judges determined filiation not by investigating illegitimate individuals' biological origins, but rather by 'reading' their social class through testimony about upbringing, education, and social environment. The process by which children of socially 'mixed' unions acquired a social status shows particularly vividly how the logic of kinship was inseparable from everyday practices of social class. An illegitimate person's assimilation into the maternal or paternal kin group and social station was never a foregone conclusion; it involved a thoroughly contingent, even fortuitous, process early in the child's life. In other words, caste was acquired through socialization.<sup>231</sup>

If this was the case, the late appearance of Alexandre probably indicated a minimal level of involvement in the lives of the children. This may have been enough to persuade the judge that, in terms of kinship networks and socialization, Alexandre was not their father—regardless of paternal documentation. This, however, runs counter to the evolution of Brazilian illegitimacy laws, which shifted dramatically in the 1830s and 1840s. Although legal traditions in Brazil with regard to illegitimacy originated in Iberian traditions, legislators during this period began to follow French codes, which relied exclusively upon certified declarations of consanguinity.<sup>232</sup> It was believed that, by eliminating paternity investigations, it would reduce the frequency with which courtrooms became, “stages for family conflict” and “revenge”.<sup>233</sup>

This straightforward approach to paternity does not appear to have functioned as flawlessly as lawmakers imagined. Contested paternity cases continued to emerge throughout the nineteenth century, although few in number. For people of European

---

<sup>231</sup> Milanich, 455.

<sup>232</sup> According to Brazilian law, there were four acceptable ways to confirm paternity: baptismal records, notarial affidavits, privately executed affidavits, and wills. Senator Nicolão Vergueiro adamantly argued for the end of “paternity investigations” in Brazil. He authored Law No. 463, which was passed by the Senate in 1847 and remained in effect until 1890. For more on the evolution of paternity laws in nineteenth century Brazil, see Linda Lewin, *Surprise Heirs II: Illegitimacy, Inheritance Rights and Public Power in the Formation of Imperial Brazil, 1882-1889* (Stanford: Stanford University Press, 2003).

<sup>233</sup> *Ibid*, 310.

descent, these cases usually involved disputes between mothers and fathers claiming paternal rights. In a particularly heated case, Gertrudes Magna Drummond and João Correia de Barros battled for several years over custody of their daughter, Maria.<sup>234</sup> João claimed Maria was his daughter and resided with her. Gertrudes alleged that his paternity documents were falsified and, because of defamatory statements he made against her, filed a libel suit as well. Gertrudes, capitalizing on “public and notorious” traditions in Brazil, even took out a column in a local paper to detail how João was a “scoundrel” who had “kidnapped” her daughter, concluding with his home address—in an apparent attempt to publicly shame him. Their case reached the Supreme Tribunal before it was eventually resolved in João’s favor.

Cases involving fathers of color offer an interesting contrast; instead of engaging in inter-familial disputes, fathers of color are contesting the paternal authority of the former owners, employers, and tutors of their children. The purpose of these cases, occasionally stated explicitly, is the unification of family units and a father’s ability to exercise paternal authority over his progeny. The case of Saul and Jesuína provides an important example of this trend.

In September 1888, Bathazar de Sá Carvalho petitioned for the tutelage of 9-year-old Ida and 6-year-old Paulina, both *ingênuas pretas*.<sup>235</sup> They were the daughters of his slave, Jesuína, and they all lived and worked in his home. A few months later, in April 1889, Saul Vicente de Medeiros submitted a request for apprehension to the judge. Saul, father to Ida and Paulina, asked for their immediate delivery into his custody. He also provided the court with a certified copy of his marriage certificate with Jesuína Emiliana

---

<sup>234</sup> ANB- Supremo Tribunal da Justiça, BU, caixa 435C, número 5.039, 1866.

<sup>235</sup> As discussed in Chapter 1 and mentioned earlier in this chapter, *ingênuas* refers to their specific status as children freed by the Free Womb Law. *Preta* literally means “black female” in Portuguese.

da Conceição, dated February 1889, and demanded “paternal rights” over his children, as outlined in the paternal recognition documents notarized in December 1888.<sup>236</sup> Included in this document were the names of two additional children, presumably born prior to 1871 and perhaps still enslaved. Saul declares himself to be a Brazilian citizen, an artist by profession but currently working as a laborer on a *fazenda* (farm) across the bay in Niterói. Although he is “single” in the paternity document, according to Brazilian law, the paternal recognition of children born of two single individuals makes those children legitimate.<sup>237</sup>

Saul legally married Jesuína in 1889, guaranteeing the legitimacy of their offspring. The marriage certificate listed him as thirty-eight years of age and the natural son of Paulina, former slave of the Baron of São Gonçalo. Saul listed his current residence and place of employment as the Fazenda de Laranjal, which is where he was born and raised. Jesuína was thirty-six years old and the natural daughter of ex-slave Emiliana. She was also born and raised on the Fazenda de Laranjal.<sup>238</sup> Two men served

---

<sup>236</sup> Although the rates of illegitimacy were high during this time, fathers sometimes authorized *perfilhação* (filiation) documents. These documents were an official, legal recognition of paternity not otherwise stated on baptism certificates. The purpose of this document could be for the collection of inheritance or exercising *pátrio poder* over one’s child.

<sup>237</sup> Linda Lewin, “Natural and Spurious Children in Brazilian Inheritance Law from Colony to Empire: A Methodological Essay,” *The Americas*, 48:3 (Jan. 1992): 351-396. Illegitimacy in Latin America has historically been a uniquely vague category. As Lewin states, the “Once a bastard, always a bastard” credo of the Anglo-American world does not sufficiently explain the more flexible Brazilian perspective on birth status. Illegitimate children were often contained in descriptive sub-categories that reflected the circumstances of their birth. ‘Natural’ children had two single, unimpeded parents. “Spurious” children were born of “damnable and punishable”, illicit sexual unions. As this case demonstrates, the “softer” illegitimacy of natural children could be legally or ecumenically corrected.

<sup>238</sup> Saul and Jesuína’s case provides valuable insight into the movement of free slaves following abolition. Both Saul and his wife were born and raised on a fazenda in Niterói. After receiving their freedom, they chose to remain in the same location to raise their children and work the same land. In agreement with this case, several scholars have argued that most freed people demonstrate minimal mobility in the post-abolition era. Although most freed slaves moved frequently, they tended to remain within a limited area. While this was the general tendency, there is also evidence that a small portion of freed people migrated large distances in the hopes of reconnecting with lost family members. For more on slave movement post-abolition, see

as witnesses to their marriage; the first was Manoel Estácio da Costa e Silva, a forty-year-old public school teacher in the same municipality and the other was Luis Gonçalves de Azevedo, a forty-eight year old fazendeiro (landowner).

Notation by a reviewing justice one month after the documentation was submitted declared, “In light of the marriage certificate...together with the proof of paternity... prove they are the legitimate children of the petitioner [Saul]...[and] in recognition of their matrimony, they must be treated as legitimate parents”.<sup>239</sup> A notice of custody was delivered to Balthazar on the same day, ordering him to hand the children over to their parents immediately. The following day, after some resistance from Balthazar, Saul confirmed to the judge that his children were in his custody.

Emancipation, at least for some libertos like Saul and Jesuína, provided new opportunities for the unification of families separated by enslavement. Reclaiming parental rights, as Saul did through tutelage, was an important component in freed people’s vision of liberty.<sup>240</sup> The legitimization of civil status and birth status was also a priority for former slaves. These post-abolition inclinations were not new impulses but, rather, consistent desires that were more easily thwarted during captivity.<sup>241</sup> By the 1870s, a significant portion of Rio de Janeiro’s Afro-Brazilian population was free.<sup>242</sup> As

---

Leonardo Marques, *Por aí e por muito longe: dívidas, migrações e os libertos de 1888* (Rio de Janeiro: Apicuri, 2009); Hebe Maria Mattos de Castro, “Beyond Masters and Slaves: Subsistence Agriculture as a Survival Strategy in Brazil during the Second Half of the Nineteenth Century.” *HAHR*, 68:3 (Aug.,1988): 461-489; Robert Conrad, *The Destruction of Brazilian Slavery, 1850-1888* (Berkeley: University of California Press, 1972).

<sup>239</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.148, 1888.

<sup>240</sup> Castro, 1995.

<sup>241</sup> *Ibid.*

<sup>242</sup> Manolo Florentino, “Alforrias e etnicidade no Rio de Janeiro oitocentista: notas de pesquisa” *TOPOI*, 5:3 (Julho/Dezembro 2002): 9-40; 11. Between 1849 and 1872, the percent of slaves in the city decreased from 41% to 18%. At the same time, the population of “free” people rose from 54% to 82%.



a result, freed persons increasingly sought to utilize their newly attained rights. Former slaves appeared to view the integrity of family, as tutelage cases demonstrate, as an entitlement. However, it is critical to point out that, while familial rights were an important component in freed people's visions of liberty, only free men were legally able to reclaim the paternal authority once held by slave owners.

Fathers like Saul were successful in their attempts to regain parental control over their children because they were able to directly claim *pátrio poder*. This is evident in the language of their tutelage petitions. Men with parental authority, regardless of their color, were able to assert legal control over their families.<sup>243</sup> Fathers did not confront the same kind of social scrutiny as mothers. Employment and a proper domicile were considered basic necessities for fathers seeking custody but the honor of male petitioners was not questioned as it was with mothers. This is somewhat surprising, given the deeply clientelistic nature of Brazilian society and its decidedly traditional treatment of masculinity and femininity. While honor appears to be important for both genders, the standards for men and women were distinct, despite of, or perhaps because of, a growing national emphasis on law, order, and justice.<sup>244</sup>

Even fathers of relatively low socio-economic status were granted custody over their children in recognition of their inherent paternal authority. João Cabanellos, a "bricklayer", was granted custody of his two-year-old, crioula daughter, Maria in 1887.<sup>245</sup>

---

<sup>243</sup> Fathers of color had to be free in order to assert their paternal authority. If enslaved, they legally forfeited this right to their owner. Lewin, 2003.

<sup>244</sup> For more on female honor, see Erica Windler, "Honor Among Orphans: Girlhood, Virtue, and Nation at Rio de Janeiro's *Recolhimento*," *Journal of Social History* 44:4 (2011): 1195-1215; and Caulfield, 2000. Detailed discussions of masculine honor can be found in, Karl Monsma, "Words Spoken and Written: Divergent Meanings of Honor Among Elites in Nineteenth Century Rio Grande do Sul," *HAHR* 92:2 (2012): 269-302; and Martha S. Santos, "On the Importance of Being Honorable: Masculinity, Survival, and Conflict in the Backlands of Northeast Brazil, Ceará, 1840s- 1890," *The Americas* 64:1 (July 2007): 35-57.

Similarly, Mauricio Mesquita, a “manual laborer”, was granted full parental rights for 14-year-old, preta daughter, Maria Paula, in 1889 after he complained that she was not receiving a proper education from her tutor, a wealthy businessman.<sup>246</sup> This even appears to be the case for male siblings. A 19-year-old, public schoolteacher gained guardianship over his two younger brothers when their parents died in 1875.<sup>247</sup>

Although men enjoyed a certain degree of equality before the law, competing claims of *pátria poder* revealed the intransigence of social hierarchy, as a case from 1882 demonstrates. Bento Machado Corvello, a Portuguese businessman, petitioned to become the tutor of Alvaro, a 5-year-old *ingênuo*. Bento claimed that he had been raising the boy and cared for him. Alvaro’s mother, a freed slave from Bahia, contested the arrangement—claiming Bento mistreated the boy and barred her from having any contact with her son. Alvaro’s stepfather also petitioned the judge for Alvaro to remain with his “family”. In a surprising twist, Bento claimed that Alvaro was his biological son and, if granted parental control, he would give the boy “all advantages of legitimate birth”. He even filed filiation paperwork in 1883 to support his claim. Alvaro’s mother responded that their sexual relationship was “not consensual” and his stepfather renewed his request for paternal rights. Alvaro’s mother and stepfather never submitted evidence of their legal marriage to demonstrate their status as legitimate parents. Ultimately, Bento succeeded in his bid for custody of Alvaro.<sup>248</sup>

According to the law, both Bento and Alvaro’s stepfather had legitimate claims for paternal authority over the boy. Alvaro’s case illustrates the importance of

---

<sup>245</sup> ANB- Juízo de Órfãos, ZM, maço 162, número 3.185, 1887.

<sup>246</sup> ANB- Juízo de Órfãos, ZM, maço 2.291, número 875, 1889.

<sup>247</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.139, 1875.

<sup>248</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.226, 1882.

documentary evidence for success in tutelage cases, particularly when guardianship was contested. This was a potential weakness in the French system, as it was applied in Brazil. The recognition of women as mothers did not require evidence. For men, however, success in court was predicated on their ability to prove their relationship with their children. Moreover, the onus was on their ability to prove *pátrio poder* equal to or greater than that of other male figures in their children's lives. Complete reliance on documentary proof favored men of superior social status; people of color often lacked paperwork to substantiate their relationships. Elite men, with greater resources and access to documentation, could more easily enforce *pátrio poder*—even against the consent of mothers and with falsified filiation papers.

Former slaves and men of color fared well in cases in which they were the most lawful (or only) paternal figure. The introduction of elite males into custody disputes with men of color changed the power dynamic. Judges in these cases could take into account the social status of litigants, which complicated matters for families of color. In this way, tutelage cases expose the limitations of the legal system. Men of color were theoretically granted the ability to redress wrongs and given more rights than women but still confronted obstructions on their path to legal freedoms.

### ***Parentes e Parentela: Extended Families and Kinship Networks***

Tutored children, either in addition to or in lieu of parents, also appeared to have a significant network of extended family members, both biological and fictive.<sup>249</sup> These kinship networks functioned as a support network for parents entangled in legal disputes as well as de facto substitutes for legal guardians. In contrast to an increasingly nuclear

---

<sup>249</sup> For a discussion of the differences between natal and fictive kinship connections in Latin America, see Nara Milanich, *Children of Fate: Childhood, Class and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009).

“ideal” family situation advocated by elites in the late nineteenth century, patchwork kinship networks formed the real families to which most Brazilians belonged.<sup>250</sup> In many ways, the realities of family and the kinship structures among people of color and people of European descent were similar; which makes the comparative dearth of studies on families of color somewhat surprising.<sup>251</sup> Although similarities existed, families of color were profoundly and irrevocably influenced by slavery.<sup>252</sup> Because of the destabilizing effect of slavery, freed and enslaved families included an even broader network of social connections in their definitions of “family”.

Changing definitions of kinship networks were borne out of duress for people of color. The traumatic experiences of the Middle Passage and slavery forged bonds among Africans that became de facto kinship connections.<sup>253</sup> Culturally, the concept of extended family networks based on both blood and socialization was not new for people of color. The foundation of many African social traditions—both in Africa and the Atlantic

---

<sup>250</sup> Linda Lewin provides a detailed discussion of elite kinship networks (*parentes* vs. *parentela*), their limits, and their importance in Brazil in, *Politics and Parentela in Paraíba: A Case Study of Family-Based Oligarchy in Brazil* (Princeton: Princeton University Press, 1987).

<sup>251</sup> Families in Brazil typically included extended biological family members like aunts, uncles, cousins, and sometimes even second-degree cousins. Fictive families were composed of godparents and members of social organizations, both religious and secular. Scholars point out that defining family units and using them as points of historical analysis can be problematic precisely because of the fluidity of “family” across racial, geographic, ethnic, and economic groups. For that reason, this chapter focuses instead on each individual member of family groups to uniquely identify the diversity of experiences possible for people of color. For more on this issue, see Julie Hardwick, Sarah M.S. Pearsall, and Karin Wulf, “Centering Families in Atlantic Histories,” *The William and Mary Quarterly* 70:2 (April 2013): 205-224; and Metcalf, 2005.

<sup>252</sup> For a comparison of intimate relations between slave families and the general population, see Katherine Holt, “Intimate Bonds: Slavery and the production of social relationships in the nineteenth-century Bahian Recôncavo and Sabará, Brazil.” (PhD diss., Princeton University, 2005).

<sup>253</sup> For more on this phenomena, see Walter Hawthorne, “‘Being now, as it were, one family’: Shipmate bonding on the slave vessel *Emilia*, in Rio de Janeiro and throughout the Atlantic World,” *Luso-Brazilian Review* 45:1 (2008): 53-77.

World—rested upon an expanded notion of family.<sup>254</sup> Additionally, labels regarding birth status like “legitimate” and “illegitimate” took on new, more fluid meanings in the Latin American context due to the preponderance of informal unions among slaves.<sup>255</sup>

Examination of these extended families through tutelage cases provides a window for historians into the importance of social networks and the ways in which personal relationships formed the foundation of Afro-Brazilian society during a period of intense transition. Familial networks, whether natal or fictive, afforded the economic, social, and psychological support people of color needed to ensure survival.<sup>256</sup> They also uncover the preservation of African culture and identity through biological and fictive relationships.

A significant amount of scholarship on extended family networks among slaves and freed people analyzed social hierarchy through godparentage connections.<sup>257</sup> These

---

<sup>254</sup> For more on the expanded definition of family among people of African descent in the Atlantic World, see James H. Sweet, “Defying Social Death: The Multiple Configurations of African Slave Family in the Atlantic World,” *The William and Mary Quarterly* 70:2 (April 2013): 251-272. Linda Heywood analyzes the way in which African culture changed as a result of its transference to the New World in, *Central Africans and Cultural Transformations in the American Diaspora* (Cambridge, 2002).

<sup>255</sup> See Karen Y. Morrison, “Creating an Alternative Kinship: Slavery, Freedom, and Nineteenth-Century Afro-Cuban Hijos Naturales,” *Journal of Social History* 41:1 (2007): 55-80; and Elizabeth A. Kuznesof, “Who Were the Families of ‘Natural’ Children in Nineteenth-Century Rio de Janeiro, Brazil?: A Comparison of Baptismal and Census Records,” *The History of the Family* 2:2 (1997): 171-182.

<sup>256</sup> Mary Ann Mahony also argued for the importance of family networks in the survival of slaves during this period in, “Creativity Under Constraint: Enslaved Afro-Brazilian Families in Brazil’s Cacao Area, 1870-1890,” *Journal of Social History* 41:3 (Spring 2008): 633-666.

<sup>257</sup> For studies of godparentage (or, *compadrio*) among slaves and freed people in Brazil, see José Luis R. Frago and Manolo Florentino, “Marcelino, filho de Inocência Crioula, neto de Joana Cabinda: Estudo sobre famílias escravas em Paraíba do Sul, 1835-1872,” *Estudos Econômicos* 17:2 (1987): 151-174; Ana Maria Lugão Rios, “Família e compadrio entre escravos nas fazendas de café: Paraíba do Sul, 1871-1920,” *Cadernos do ICHF* 23 (1999): 103-128; Rios, “The Politics of Kinship: Compadrio Among Slaves in Nineteenth Century Brazil,” *The History of the Family An International Quarterly* 5:3 (2000): 287-298; Maria de Fátima Rodrigues das Neves, “Infância de faces negras: A cria escrava brasileira no século XIX” (PhD diss., Universidade de São Paulo, 1993); Jonis Freire, “Compadrio numa freguesia escravista: Senhor Bom Jesus do Rio Pardo (MG) (1838-1888),” XIV Encontro Nacional de Estudos Populacionais, ABEP (2004); Cacilda Machado, “Casamento & Compadrio: Estudo sobre relações sociais entre livres, libertos e

studies repeatedly emphasized the fact that people of color preferred godparents with a similar, or better, status to their own—eschewing slave owners.<sup>258</sup> They also demonstrated a strong preference for free or freed persons for the economic and social advantages they afforded, as well as members of their biological family. Tutelage litigation demonstrates that, for the most part, this tendency remained consistent even into the late nineteenth century, as Cyriaca’s case illustrates.

Augusto Xavier de Mello, a worker at the Arsenal da Marinha, petitioned to be Cyriaca’s tutor in 1882. Calling her his *afilhada* (goddaughter), he claimed that her stepfather had raped her and her mother wanted her out of their house. In her deposition, Cyriaca, a 17-year-old *crioula* (girl of color) and the natural daughter of Presciliana Baptista da Silva, stated that she would never return to her mother’s house so long as her stepfather, Manoel de Persico, still resided there. Cyriaca called him a person of “bad intentions” because he had forced himself on her to “satisfy his libidinous purposes”.<sup>259</sup> She wanted to stay in the home of her godmother who was also “her mother’s sister” where she was treated well. Cyriaca concluded her statement by asserting her desire for her godfather, Augusto, to become her tutor, which was eventually granted.

While her request appears to have been fulfilled, no paperwork was ever submitted to the judge to prove Cyriaca’s relationship with her godparents, despite their additional biological bond. Unlike parental claims, formal proof was neither expected nor

---

escravos na passagem do século XVIII para XIX (São José dos Pinhais- PR),” XIV Encontro Nacional de Estudos Populacionais, ABEP (2004); Marcia Cristina de Vasconcellos, “O compadrio entre escravos numa comunidade em transformacao (Mambucaba, Angra dos Reis, século XIX),” *Afro-Asia* 28 (2002): 147-178; and Stephen Gudeman and Stuart B. Schwartz, “Purgando o pecado original: compadrio e batismo de escravos na Bahia no século XVIII,” in J.J. Reis, *Escravidão e invenção da liberdade: estudos sobre o negro no Brasil* (São Paulo: Editora Brasileira, 1988), 33-59.

<sup>258</sup> For more on networks of influence and godparentage patterns, see, Stuart Schwartz, *Sugar Plantations and the Formation of Brazilian Society: Bahia, 1550-1835* (Cambridge: Cambridge University Press, 1985), 408; and Metcalf, 2005.

<sup>259</sup> ANB- Juízo de Órfãos, ZM, maço 23B, número 582, 1882.

required for godparents.<sup>260</sup> While godparents did appear on the baptism records for some tutored children, it was also common for a litigant to be labeled a “godparent” without documentary evidence. This reflects the incomplete nature of our historical understandings of godparentage outside of parish registers. It hints at the fact that godparentage, while a recognized status in the Church, was also the label used for many informal guardianship situations within Brazilian society.<sup>261</sup>

Godparentage was and continues to be taken very seriously within Brazilian culture and the Catholic faith.<sup>262</sup> Traditionally, godparents were selected as “second parents”; if a child’s biological parents were unwilling or unable to care for them, godparents stepped in as their guardians or tutors.<sup>263</sup> In this way, people of color were able to selectively expand familial networks through ritual kinship. The importance of this relationship as part of an extended kinship network also appears within tutelage cases when parents were engaged in custody disputes, as was the case for the minor Malvina.

In 1875, a marital dispute between Luiz Francisco de Espírito Santo and parda Eliza evolved into a courtroom custody battle. Luiz petitioned for custody of their 3-year-old daughter, Malvina—born while he lived in “concubinage” with Eliza—because he claimed she was living an “immoral” and “public” life that made her an unfit mother. He

---

<sup>260</sup> As Dain Borges states, “The law set no requirements for godparenthood”, in *The Family in Bahia, Brazil: 1870 – 1945* (Stanford: Stanford University Press, 1992), 223.

<sup>261</sup> Despite the informal nature of many godparent relationships, the courts were quick to nullify the legal guardianship of a godparent if they were found to be dishonorable. This was the case for Antônio José Dantas. One-year-old, parda Maria was removed from his custody in 1887 when it was discovered that he had been charged with robbery, jailed at the Casa de Correção, and once owned a botequim specializing in prostitutes. ANB- Juízo de Órfãos, ZM, maço 295, número 5.499, 1887.

<sup>262</sup> See, Stuart Schwartz, *Slaves, Peasants and Rebels: Reconsidering Brazilian Slavery* (Urbana: University of Illinois Press, 1995).

<sup>263</sup> Sandra Lauderdale Graham, *Caetana Says No: Women’s Stories from a Brazilian Slave Society* (Cambridge: Cambridge University Press, 2002), 44.

also claimed she lived in a cortiço (tenement house) and made her money working as a prostitute. Eliza filed a deposition in response and listed herself as a 28-year-old from Santa Catarina. She also confirmed that their “concubinage” relationship began in Santa Catarina and, when Luiz moved to Rio, she came with him. However, she vehemently denied living an immoral life. Accompanying baptism records for Malvina validate Luiz’s status as the father. Perhaps owing to the inability of her parents to reach a compromise regarding child custody, the judge granted guardianship and tutelage to Malvina’s godfather.<sup>264</sup>

Although cases like that of Malvina and Cyriaca support historical analyses of godparentage, tutelage cases also reveal exceptions. Running counter to the historical works on the complex networks of compadrio relationships among people of color, tutelage cases from the post-1871 period demonstrate that slave owners frequently became the godparents of their former slaves’ children.<sup>265</sup> Former owners mentioned this social linkage within the context of tutelage cases as part of their attempt to become the legal guardians of children of color. This clashes with previous scholarship on the subject and complicates our previous understanding of the function of godparentage relationships within Brazilian society.

Godparentage, at the most basic level, was a patronage relationship grounded in the desire for upward social mobility. The emergence of godparentage ties between former slaves and their owners suggests the increased importance of patronage in the late nineteenth century, as well as the widespread re-enforcement of patriarchal social relations amid a period of significant social changes. Aiding this tendency was Brazil’s

---

<sup>264</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 378, 1875.

<sup>265</sup> ANB- Juízo de Órfãos, ZM, maço 182B, número 3.654, 1875.



trend toward the secularization of documentation previously controlled by the Catholic Church during this same period. In 1861, marriage shifted from a church to a state function and, in 1891, the Catholic Church was officially disestablished.<sup>266</sup> It also suggests divergent patterns of godparentage selection based on geographic location and time period.

Along with godparents, grandparents appear to have been active participants in the lives of children of color. This was certainly the case for 11-year-old Maria; in 1883, her grandmother, Maria Antônia Dionisia submitted a petition requesting to become her granddaughter's tutor. She was petitioning for tutelage because her daughter (and little Maria's mother) had died in slavery and her granddaughter was born into the same condition. Maria Antônia also described how she had negotiated with her granddaughter's owner and paid for her freedom. Aware of the difficulties for a woman to become a tutor, Maria Antônia supplied statements from two character witnesses, both African, to attest to the fact that she lived an honorable life. She claimed that her granddaughter, once freed, was immediately forced into a tutelage contract against her wishes. Despite repeatedly petitioning the judge for custody for four years, Maria Antônia's request was never granted.<sup>267</sup>

Social organizations played a crucial role in the welfare of people of color. Catholic brotherhoods (*irmandades*), the only type of organization to specifically appear within tutelage documents, were perhaps the most important during this period. Catholic

---

<sup>266</sup> For more on the separation of church and State in Brazil over time, see George P. Browne, "Secularization and Modernization in Imperial Brazil: The Question of Non-Catholic Marriage," *Revista de História de América* 83 (1977): 121-133, and Robert M. Levine, *Brazilian Legacies* (New York: M.E. Sharpe, Inc., 1997), 126.

<sup>267</sup> ANB- Juízo de Órfãos, ZM, maço 703, número 11.085, 1883. It is important to point out that the success of extended family members in securing the tutelage of minors followed the same gendered patterns present for parents. Cases in which grandfathers/uncles/brothers petitioned for tutelage were more easily granted than grandmothers/aunts, although the presence of female relatives far outnumbered that of males.

lay brotherhoods were beneficent organizations that endeavored to support the local religious community, as well as those in need, and held deep, Iberian roots. Established to honor specific saints, groups devoted to black saints like Benedict and Elesbão became the purview of slaves and freed people across the Atlantic World.<sup>268</sup> Several brotherhoods in the eighteenth and nineteenth century in Rio were organized based on the African ethnic origin of its members and then, later, on the color of its members.<sup>269</sup> Through black brotherhoods, slaves and their descendents redefined “family” to include ethnic origin and color, as the case of Josépha and Augusto illustrates.<sup>270</sup>

Josépha Sofia Juliana Carneiro and Augusto Carlos Carneiro, both minors, requested tutors from the Judge of the Orphans in 1874 in order to recover money to which they are entitled. In their petition, they identified themselves as the natural children of preta Sophia Augusta Juliana Carneiro. Both baptism certificates (Josépha in 1863 and Augusto in 1866) indicate that their mother was enslaved at the time of their birth. They suggest José da Souza, a single, laborer from an agricultural region outside the city and a member of a local irmandade (brotherhood), to be their legal tutor.<sup>271</sup> Unfortunately, in 1877, Augusto died of a seizure brought on by a high fever.<sup>272</sup> Shortly after his passing,

---

<sup>268</sup> Brotherhoods were one of the few activities open to people of color that did not become illegal in the late nineteenth century (i.e. *candomblé* and *capoeira*). For more on Catholic brotherhoods and their history and cultural significance for Afro-Brazilians, see Mariza de Carvalho Soares, *Devotos da Côr: Identidade étnica e religiosidade, e escravidão no Rio de Janeiro, século XVIII* (Rio de Janeiro: Civilização Brasileira, 2000) and Elizabeth W. Kiddy, *Blacks of the Rosary: Memory and History in Minas Gerais, Brazil* (University Park: The Pennsylvania State University Press, 2005).

<sup>269</sup> Mieko Nishida, “From Ethnicity to Race and Gender: Transformations of Black Lay Sodalities in Salvador, Brazil,” *Journal of Social History* 32:2 (Winter 1998): 329-348.

<sup>270</sup> Antônia Aparecida Quintão, *Lá vem o meu parente: as irmandades de pretos e pardos no Rio de Janeiro e em Pernambuco (século XVIII)* (São Paulo: Annablume, 2002).

<sup>271</sup> ANB- Juízo de Órfãos, C4, maço 328, número 7.468, 1894.

his mother addressed a statement to the judge voicing her concern over the money owed to her son. She mentioned that José, with the help of his irmandade, paid for the cost of Augusto's burial. The judge quickly arranged for the transfer of funds owed to Augusto to his mother, Sophia. Sophia's children were also successful in their petition for José's tutelage. Only in 1882, when Josépha was 19 years old, did José call for the nullification of their tutelage arrangement because he had to go to Europe on business.<sup>273</sup>

Kinship connections based on shared ethnic African origins also appear in tutelage cases, although they becoming increasingly rare toward the end of the nineteenth century.<sup>274</sup> The most detailed example of this involved Feliciana, a *preta liberta* and a Mina, who petitioned for the tutelage of 8-year-old, *preta* Luisa in 1876. As Luisa's godmother, Feliciana had been caring for the girl since she became an orphan at 6 months of age. Desiring to return to her home province of Alagoas, Feliciana needed to gain legal permission from a tutor to take Luisa along. The baptism certificate submitted to the judge as proof of Luisa's age listed her birthplace as Lagos, Benin. A tutelage contract was approved and Feliciana was probably able to continue her life in Alagoas with Luisa.<sup>275</sup> Around the same time, Marianna do Nascimento do Espírito Santo requested that liberto Bernardo Pontes be granted temporary tutelary guardianship of her thirteen-year-old, free daughter, Amelia. Marianna needed to travel to Africa for business and claimed Bernardo was a person in which she had "total trust" to care for her daughter because he was also her godfather.

---

<sup>272</sup> A "febre perniciosa epileptica", according to the case documents from the Santa Casa de Misericórdia where he was treated. Ibid.

<sup>273</sup> Ibid.

<sup>274</sup> Very few cases prior to 1871 demonstrate the presence of African kinship networks, both ritual and biological, in Rio. See, ANB- Juízo de Órfãos, ZN, maço 16A, número 1.863/182, 1863; ANB- Juízo de Órfãos, ZN, maço 55, número 862, 1857 (Bengali); and ANB- Juízo de Órfãos, ZM, caixa 1.652A, número 3.152, 1867 (Malé).

<sup>275</sup> ANB- Juízo de Órfãos, ZM, maço 66A, número 1.187, 1876.

These two cases demonstrate the ways in which the cultural, ritual, and legal kinship connections among people of color began to overlap over time. In Feliciano's case, those connections proved powerful enough to defy the odds and allow a woman of color to successfully petition for the tutelage of a minor. Marianna's case demonstrates that, in addition to personal linkages, people of color in Brazil also maintained economic connections with Africa late into the nineteenth century. In this way, people of color constructed extensive familial networks in the hopes of internally generating stability, as well as the possibility of upward social mobility, denied to them by society at large.

### **Conclusions**

Family formation was, for people of color, a fundamentally political act. Kinship confounded slave-owner relations by undermining exchanges of power and patriarchal expectations of loyalty and gratitude. This chapter, although adopting a micro-historical focus, has attempted to demonstrate the way in which tutelage exemplifies the cyclical relationship that existed between individuals and public policies aimed at widespread, national transformations. In the face of sweeping social change in the public sphere, people of color increasingly turned to the private sphere for stability. Family became a channel through which people of color could articulate their concerns, agitate for their rights, and shape their visions of freedom.

Their efforts to construct and preserve family units were based on biological and fictive linkages. As tutelage cases show, their endeavor to do so was met with continual resistance. Their ability to negotiate these challenges was, in large part, dictated by gender roles. Women of color relied on patronage and extra-legal maneuvering while men of color were able to explicitly assert their paternal rights. Both genders were held to standards of honor and morality, however women faced greater scrutiny. Gendered

differences were also seen among godparents and extended family members who entered into tutelage litigation. The investigation of godparentage connections within tutelage cases reveals the level of endurance of the slave-owner relationship across generations and the importance of African culture in defining fictive kinship among people of color.

Analysis of family through tutelage litigation simultaneously demonstrates the flexibility and rigidity of the legal system and the social hierarchy of nineteenth century Rio de Janeiro, Brazil. Through tutelage, the continuum of rights that existed for people of color comes into focus. This chapter, by scrutinizing these degrees of freedom, exposes the clash between elite imaginings of the future role of people of color and their own visions of post-emancipation life. As the gap between of de jure rights and de facto opportunities expanded, the fluidity of Brazilian social networks became crucial for the preservation of public order. It was elite encroachment into the private sphere of family relations that eventually brought people of color out into the streets in protest. In the unrelenting push for order and progress, lawmakers unwittingly unraveled parts of the intricate web of social relations that supported Brazilian civilization.

CHAPTER III  
THE CONFINES OF YOUTH: CRIME, PUNISHMENT AND TUTELARY  
GUARDIANSHIP

**Introduction**

In October 1889, João Montenegro Vigier petitioned the Judge of the Orphans for custody of Venceslau, an 11-year-old pardo. He requested that the boy be transferred from the *Asilo da Mendicidade* (Poor House) to work in his cigar factory. Upon making his request, a hygiene inspector was sent to the factory to evaluate the working conditions the same month. His report, though brief, conclusively stated that, “child labor in the manipulation of tobacco” would inevitably result in “inconveniences in the health of children”. He ended the report by stating, “no child of any age should ever be involved in this work”.<sup>276</sup> Vigier was granted custody of the boy on the very same day. We only know for sure that Venceslau did end up working in his tutor’s cigar factory because of the final document contained in his case. In April 1890, Vigier requested the nullification of his tutelage contract. The reason for this abrupt change was that Vigier learned Venceslau had “stolen objects totaling a value of 25 mil-réis and his company uniform” and ran away. Vigier, infuriated, asked the judge to immediately find the boy and “throw him in jail” so that he might get his stolen objects returned.<sup>277</sup> The case ends there, with Venceslau apparently escaping the wrath of his tutor and exacting his own version of justice.

---

<sup>276</sup> ANB- Juízo de Órfãos, ZM, maço 2.283, número 184, 1889.

<sup>277</sup> Ibid.

The nature of tutelage depended heavily on the character of each individual tutor. At its best, tutelage could be an opportunity for education, guidance and stability; however, in many instances (as was the case for Venesclau), contractual tutelage paved the way for the abuse and exploitation of minors.<sup>278</sup> As tutelage expanded to include poor children and children of color in the late nineteenth century, many former slave owners sought to maintain control of their former slaves through their progeny. They were often successful in this endeavor and became the employers and/or tutors for children of color. As a new manifestation of a familiar social situation, tutelage easily could—and frequently did— become an extension of the power dynamics established during slavery.

While most children were forced to suffer in silence, some chose to resist. This chapter focuses on the “bad” children who rebelled against mistreatment, how they chose to act out, and the consequences of their actions. Previous scholars have identified the exploitive potential of the tutelage system however, that is only a part of the story. Tutelage cases from Rio de Janeiro demonstrate the ways in which those at the mercy of the system still managed to exert a certain level of agency. Examining tutored children of color in this context offers a more thorough depiction of the system; rather than a rigid set of legal codes put into action, it is the complex interaction of those subject to the system and those creating the system. Unraveling this complicated relationship exposes the new sense of law and order emerging in Brazilian society during this period.

I argue that, in cases of abuse, tutelage became a quasi-penal institution in the post-1871 period for children of color. Far from the family-focused system described in the previous chapter, tutelage arrangements intended to “save” children from criminality

---

<sup>278</sup> Approximately 20% of tutelage cases involving a child of color mention abuse—financial, physical or sexual but it is very likely that many more instances occurred and were not reported. Although not of central focus in this dissertation, it is important to mention that children of European descent were also subject to abuse.

or correct “bad” behavior, ironically, caused children to engage in those behaviors as a form of resistance. Elite desires to reform children of color emerged from their increasingly negative perspective on the influence of former slaves and their families on Brazilian society. As a result, tutelage became just one example out of an array of institutions actively engaged in controlling minors, particularly those of color. Combined with the expansion of the military, police force and public education, these transformations in tutelage foreshadow changes in the divide between the public and private sphere that came to characterize turn of the century Rio de Janeiro.

### **The Guilt of Innocents: Childhood, Crime and Exploitation**

As exemplified by Venceslau’s case, tutelage could be a repressive arrangement. Tutored children were legally bound to work for their tutors and, reciprocally, tutors were contracted to provide food, shelter and modest education for their wards. Children who attempted to escape or revolt against their tutors were often met with swift and harsh punishment. Abusive tutors, however, often enjoyed impunity because Brazilian society displayed a distinct bias against minors during this period—especially minors without means. Poor children, the children of slaves and child criminals were lumped together in the public imagination as “street kids” or “vagabonds”.<sup>279</sup> The ease with which youth

---

<sup>279</sup> Industrialization and urbanization in North and South America fostered the phenomena of street children. Their public presence—both as criminals and laborers—resulted in a psychological shift from the idea of children of innocents to a preoccupation with the inherently bad character of youth. Nineteenth century societies were forced to contend with, “the paradoxical stereotypes of the street child: a cute, fastidious urchin with nascent entrepreneurial values and pragmatic wits, and a corrupted, irredeemable devil full of evil motives and selfish desires, the dangerous class writ small”. For more on this phenomena in a North American context, see Timothy J. Gilfoyle, “Street-Rats and Gutter-Snipes: Child Pickpockets and Street Culture in New York City, 1850-1900,” *Journal of Social History* 37:4 (2004): 853- 862; 855.



were corrupted and how to deal with children who had already been “seduced” by a life of crime were urgent “problems” to be solved, according to elites.<sup>280</sup>

The very existence of poor, street children—particularly children of color—was an unpleasant reminder of the nation’s incomplete transition into a modern society and the threat that Brazil would never rise above its colonial roots.<sup>281</sup> Elites, imitating European trends, believed black and mixed-race Brazilians were the origin of an “illness” plaguing the nation and hindering its progress.<sup>282</sup> Dealing with and controlling this decidedly volatile element of society became a high priority. Starting in Rio de Janeiro, the government, judicial system and police concentrated their efforts in the late nineteenth century on containing the supposed threat that poor kids and the children of slaves posed to law and order.<sup>283</sup>

Street children were broadly defined by society and largely feared. As scholar of Brazilian childhood Irene Rizzini contends,

Children represented a clear threat. [Elites] saw cruelty and perversion in the basic nature of children. They came to be seen as delinquents that needed to be taken off the path of criminality found in vice-ridden places, primarily the city streets and prisons.<sup>284</sup>

---

<sup>280</sup> Esmeralda Blanco Bolsonaro de Moura, “Meninos e meninas na rua: impasse e dissonância na construção da identidade da criança e do adolescente na República Velha” *RBH*, 19:37 (Setembro 1999), 6.

<sup>281</sup> Maria Luiza Marcílio, *História social da criança abandonada* (São Paulo: Editora Hucitec, 1998), 194.

<sup>282</sup> For a more detailed discussion of modernity and race and eugenics in Brazil, see Lilia Moritz Schwarcz, *O espetáculo das raças – cientistas, instituições e questão racial no Brasil 1870-1930* (São Paulo: Companhia das Letras, 1993).

<sup>283</sup> See, Martha Knisely Huggins, *From Slavery to Vagrancy* (Rutgers: Rutgers University Press, 1985).

<sup>284</sup> Irene Rizzini, *Olhares sobre a criança no Brasil: Os séculos XIX e XX* (Rio de Janeiro, RJ: Editora Universitária Santa Úrsula, 1996), 28.

The public presence of poor children in large cities like Rio invoked elite disgust with filth, crime and what they perceived to be a general lack of morality.<sup>285</sup> Walter Fraga Filho points out that elite belief in the criminality of Brazilians of color stemmed from the public nature of their work and play during slavery.<sup>286</sup> Urban child-slaves plied trades that often placed them in the streets. They then ran the risk of being labeled “vagabonds” or general troublemakers. In fact, *vadiagem* (vagabondage) became a crime directly connected to people of color in the subsequent Republican era.<sup>287</sup> Newspapers ran stories about the deeds of misbehaving bands of children, often lamenting that these *moleques* (ragamuffins) were not being raised by proper families and disrupted the stability so necessary for a progressive country.<sup>288</sup> The plight of street urchins in urban Brazil was even immortalized, several years later, in a novel by Jorge Amado.<sup>289</sup>

Elite Brazilians believed that *moleques* were the natural product of the weakness

---

<sup>285</sup> Esmeralda Blanco Bolsonaro de Moura, “Meninos e Meninas da Rua: Impasse e Dissonância na Construção da Identidade da Criança e do Adolescente na República Velha,” *RBH* 19:37 (Setembro 1999), 5. For general statistics on crime in Rio de Janeiro throughout the 19<sup>th</sup> century, see Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-Century City* (Stanford: Stanford University Press, 1993), 77 and 214.

<sup>286</sup> Walter Fraga Filho, *Mendigos, moleques e vadios na Bahia do século XIX* (São Paulo: Editora Hucitec, 1996), 114-115.

<sup>287</sup> Vagabondage was never clearly defined in the law books and, as such, became used as a virtual “catch-all” category of crime. The vast discrimination with which police officers and judges could wield vagabondage charges often resulted in enforcement that targeted poor Brazilians of color. Huggins, *From Slavery to Vagrancy*, 71.

<sup>288</sup> Literally, “street urchin” or “ragamuffin”. Mention was often made of the differences between the “filhos de família”. Implications of honor and family status became increasingly important as the civil status of “free” vs. “slave” slowly disappeared. Alessandra F. Martinez de Schueler, “Crianças e escolas na passagem do Império para a República,” *Revista Brasileira da História*, 19:37 (Set. 1999), 6.

<sup>289</sup> Jorge Amado, *Capitães da areia: romance* (São Paulo: Martins, 1967). This famous novel, set in Amado’s native state of Bahia, attempts to elicit sympathy from Brazilian society over the plight of poor and abandoned street children. Street children are romanticized as bands of caricatures (the Professor, the Mother and tough-guy ringleaders like Pedro Bala ‘Bullet’), who rob out of necessity. They dream about having homes and families and, in their own way, form a makeshift family unit. A grittier version of other famous orphan novels like *Oliver Twist*, this book, despite being written after the end of the Republican era, reflects many of the elite tendencies toward this group during the preceding century.

(or non-existence) of the slave family.<sup>290</sup> Grounded in ideas about the inferiority of people of African descent, it was widely thought that slaves were “unprepared” for freedom and, once freed, would not be able to care for themselves or their children.<sup>291</sup> Without the strictures of the slave system, people of color would simply abandon their children and cease working; choosing instead to spend their days singing, dancing and drinking.<sup>292</sup>

Famed politician Rui Barbosa, despite being a proponent of abolition, castigated freed Brazilians for languishing in poverty and only using their freedom to engage in criminal activities after their total abolition had been achieved. He bemoaned the fact that emancipation had only truly freed the masters and that *libertos* (freed people) were now “swimming” in vices. He claimed freed slaves had simply traded the whip for *cachaça* (cane sugar alcohol), work for laziness and were using their “skills of servitude in taverns” with razorblades. Barbosa encapsulated elite ideas about the condition of freed persons saying, “The emancipated slave, his family and his descendants [are] living in

---

<sup>290</sup> This belief in the non-existence of slave family ties is evident in the historiography of slavery. It was widely accepted, until roughly the mid-1970s, that kinship among slaves was tenuous, if not impossible. The lack of historical evidence mentioning slave families (whether intentional or not), specifically in census data, supported this idea. Scholars like Roberto Slenes were some of the first to effectively challenge this concept. See, Elizabeth Kuznesof, “Slavery and Childhood in Brazil (1550-1888),” in *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America* (Albuquerque: The University of New Mexico Press, 2007), 201.

<sup>291</sup> For more on slaveholders perceptions on slaves and the gradual abolition process, see Joséli Maria Nunes Mendonça, *Entre a mão e os anéis: A Lei dos Sexagenários e os caminhos da abolição no Brasil* (Campinas, Brazil: UNICAMP, 1999). The idea of slaves’ “unpreparedness” was attributed to their inability to compete with the influx of European immigrants that became agricultural laborers around 1888. Scholar Florestan Fernandes popularized this idea in the historiography of Brazilian race relations in, *A integração do negro na sociedade de classes* (São Paulo: Dominus Editora, 1965).

<sup>292</sup> Martha Abreu, “Slave Mothers and Free Children: Emancipation and Female Space in Debates on the ‘Free Womb’ Law, Rio de Janeiro, 1871,” *Journal of Latin American Studies* 28:3 (October 1996): 567-580; 574-578.



*Figure 10- A Revista Illustrada, 1882*

putrid shacks, rotting in abandonment”.<sup>293</sup>

Popular sentiments about children of color and their propensity for crime were seen in popular satire publications like *A Revista Illustrada*. The cartoon above (Figure 10) depicts a slave mother holding a razorblade and being arrested by the police. The caption below reads, “Even black women are getting involved in capoeira (African martial art). Naturally, they are trying to keep it from dying out”.<sup>294</sup> In the adjacent image, a newborn child of color (presumably the child of the woman being arrested) has a razorblade hanging from his umbilical cord. The caption below this image reads, “It’s likely that these illustrious assassins are born with a blade hanging from their belly

<sup>293</sup> “O escravo emancipado, sua família, e sua descendência encharcaram putrescentes no desamparo, em que se achavam atascados”. Rui Barbosa, “A questão social e política no Brasil”, Speech at the Teatro Lírico do Rio de Janeiro on March 20, 1919, accessed April 26, 2012, <http://www.casaruibarbosa.gov.br/>.

<sup>294</sup> *Revista Illustrada*, ed. Angelo Angelini, n. 281 (Rio de Janeiro, 1882).

button.”<sup>295</sup> Capoeira, illegal at this time, was synonymous with crime. Gangs of capoeiristas (people who practiced capoeira) were reported to lurk around Rio at night to rob and viciously beat anyone who got in their way.<sup>296</sup> This connection between black infants with violent urban gangs, although satirical, betrays elite assumptions about children of color and their future role in society.

Public perceptions of poor children as dangerous and lazy belied their importance in society. Despite purported criminal tendencies, poor children of color were an essential part of Rio’s formal and informal economy and, as such, were a fixture in city streets. Young boys were a significant component of factory work, street vending, city sanitation, commodity transport, and consumer services (i.e. shoe shines, newsboys, lamp lighters, etc.).<sup>297</sup> Young girls, either free or enslaved, usually worked as domestic servants.<sup>298</sup> Child labor was demanding, hazardous and poorly compensated. Tutors frequently saw the extraction of excessive labor from their wards as justifiable compensation for the cost of guardianship. And, as in cases like Venceslau’s, they often exploited the employment of their tutelados.

The exploitive reality of tutelage contrasted sharply with the disciplinary purpose for contractual guardianship proclaimed by elites. Because of the negative public

---

<sup>295</sup> Ibid.

<sup>296</sup> Maya Talmon Chvaicer, *The Hidden History of Capoeira: A Collision of Cultures in the Brazilian Battle Dance* (Austin: The University of Texas Press, 2007), 58.

<sup>297</sup> Alessandra F. Martinez de Schueler, “Crianças e escolas na passagem do Império para a República,” *RBH* 19:37 (Setembro 1999), 6.

<sup>298</sup> Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth Century Rio de Janeiro* (Austin: University of Texas Press, 1988), 5. Graham mentions that women not only dominated the world of domestic service (85%) but they also formed the bulk of the urban workforce in general in Rio. In 1870 she claims 63% of free women and 88% of slave women were gainfully employed. Even into the 20<sup>th</sup> century, by 1906, roughly half of “working age” women were employed and were more concentrated in non-professional jobs like domestic service.

perception of former slaves and their progeny in Brazilian society, lawmakers instituted policies aimed at combating this group's supposed natural predisposition toward criminality. Eradicating crime during this period was predicated on the notion of making people of color productive members of society.<sup>299</sup> As a slave society, productivity for a person of color was defined through work. The professionalization of institutions like the military, the police, and the penal system were undertaken with the intention of assuring the labor of people of color after they attained freedom.

Elites took a particular interest in children of color. These “future citizens” were thought to be a virtual tabula rasa—equally susceptible to the negative influence of family members and the positive influence of the beneficent State.<sup>300</sup> Lawmakers saw it as their responsibility to ensure that children of color were shaped into the mold of a good and productive citizen. Elites repeatedly asserted that they entered into tutelage contracts with the intention of giving their tutelados “a destiny”. This destiny, appropriate to their color and status, reflected elite visions of freed people as laborers more than self-determined citizens. Brazilian elites were not alone in their pragmatic preoccupation with the future of former slaves. Similar transformations took place in the Caribbean and the United States around the same period.<sup>301</sup> Parallels can be drawn between the social

---

<sup>299</sup> For an excellent study of color and crime in the first decades of the 20<sup>th</sup> century see, Carlos Antônio Costa Ribeiro, *Côr e criminalidade: Estudo e análise da justiça no Rio de Janeiro, (1900-1930)* (Rio de Janeiro: Editora UFRJ, 1995).

<sup>300</sup> It was not until the late 19<sup>th</sup> century that childhood came to be seen as a distinct phase of life, although brief (only until roughly nine years old, according to the 1890 Penal Code in Brazil). The transition from the 19<sup>th</sup> to the 20<sup>th</sup> century introduced a crucial turning point in the history of psychology with regard to children. The 19<sup>th</sup> century was characterized by the idea of children as “primitive” and “unredeemed” (the American Calvinist child model), whereas the 20<sup>th</sup> century introduced the idea of children as “innocent” and “cherubic” (the Victorian child model), according to Wilmshurst. See, Linda Wilmshurst, *Abnormal Child Psychology: A Developmental Perspective* (New York: Routledge, 2009), 5.

<sup>301</sup> For more information on criminality and people of color in Barbados, see Cecilia A. Green, “Disciplining Boys: Labor, Gender, Generation, and the Penal System in Barbados, 1880-1930,” *Journal of the History of Childhood and Youth* 3:3 (2010): 366-390, and Chapter 5 from, Melanie

control inherent in tutelage in Brazil and apprenticeship in North America and the Caribbean during their transitions out of slavery.

As Sidney Mintz argued, it is difficult to point to one moment as the end of slavery; it is more accurate to look at the end of slavery as a change in the degree of control that slave owners exercised as opposed to a change in the status of slaves. As such, Mintz advocated the examination of emancipation as a cultural, as well as a legal, process.<sup>302</sup> Across the British Caribbean, the end of slavery in 1834 signaled only a minor shift in the control of former slave owners with the introduction of the apprenticeship system. Apprenticeship was a transitional phase designed to “prepare” freed people for their freedom.<sup>303</sup> Although espousing rhetoric similar to that of tutelage, apprenticeship was typically a post-emancipation strategy; tutelage, however, was intended to be a transitional phase leading up to total emancipation, despite the fact that it extended into the twentieth century.<sup>304</sup> The apprenticeship period in the Caribbean was also shorter than the terms outlined in tutelage contracts.<sup>305</sup> Despite significant theoretical similarities, for

---

J. Newton, *The Children of Africa in the Colonies: Free People of Color in Barbados in the Age of Emancipation* (Baton Rouge: The Louisiana State University Press, 2008). For similar themes in the U.S. context, Coramae Richey Mann, *Unequal Justice: A Question of Color* (Bloomington: Indiana University Press, 1993). Rebecca J. Scott offers an insightful comparison between what she calls the “boundaries of freedom” for former slaves in the post-emancipation era in the U.S. and Cuba in, *Degrees of Freedom* (Cambridge: Harvard University Press, 2005).

<sup>302</sup> Sidney W. Mintz, “The Divided Aftermaths of Freedom,” in *Between Slavery and Free Labor: The Spanish Speaking Caribbean in the Nineteenth Century*, by Moreno Friginals, et al, (Baltimore: The Johns Hopkins University Press, 1985), 275.

<sup>303</sup> David Baronev, *The Abolition of Slavery in Brazil: The “Liberation” of Africans through the Emancipation of Capital* (Westport, CT: Greenwood Press, 2000), 97.

<sup>304</sup> Cuba was the exception to this rule and initiated apprenticeship (the *patronato* system) six years prior to total emancipation in 1886. Friginals, *Between Slavery and Free Labor*, 98.

<sup>305</sup> Although quite a bit of variation existed, particularly between the British and Spanish Caribbean, terms of apprenticeship typically lasted between four and six years. It is also important to note that tutelage was exclusively for minors, whereas apprenticeship involved all former slaves above the age of six across the Caribbean. *Ibid.*

the purposes of this chapter, the most important intersections between these two systems can be found in their enforcement.

Different from the apprenticeship system seen in places like Jamaica and other parts of the British West Indies, Brazilian tutelage was not systematically applied or enforced.<sup>306</sup> Although theoretically a nation-wide system (as explained in Chapter 1), the initiation of contractual tutelage was largely dependent upon the whims of individual slave owners, policemen and judges. Another important difference for historians is the comparative transparency of the system to those involved. In Brazil, counter-claims and complaints were relatively easy to construct and submit, which is evidenced by the significant presence of documents voicing the grievances of slave parents. In contrast, Franklin Knight noted that, in Jamaica, a grievance system was “instituted for recourse but was ineffectual” and the rarity of documented objections makes this clear.<sup>307</sup> Across national boundaries, grievances draw out the contrasting discourse of rights and freedoms from former slaves and the rhetoric of crime and punishment among lawmakers.

Apprenticeship, espousing values and methods parallel to those seen in Brazilian tutelage, attests to the fact that elite guidance for children of color typically revolved around social control. Both tutelage and apprenticeship were based on and influenced by European theories of Positivist criminology that emerged in the eighteenth and nineteenth centuries. As countries in Europe began formally codifying laws and acceptable behaviors in society, the question of how to deter and correct deviant behavior came to the forefront. Professional militaries, police forces and modern “panoptical” prisons were

---

<sup>306</sup> An important exception to this would be Barbados where it was recorded that only one child was ever legally apprenticed due to the widespread resistance of slave parents. See Melanie J. Newton, *The Children of Africa in the Colonies*, 144.

<sup>307</sup> Franklin W. Knight, *The Modern Caribbean* (Chapel Hill: The University of North Carolina Press, 1989), 66.



the eventual outcomes of State efforts to “discipline” and “punish” those who did not conform to the new, generally accepted standards of behavior in society.<sup>308</sup> Although effective in Europe, in,

Brazil, on the other hand, the ruptures brought about by the protracted emancipation of slaves (1888), entrenched notions of social difference based on ‘race’ as expressed in anthropological and evolutionist typologies of the early twentieth century, and the fragmentation of the national economy as various industries waxed and waned in accordance with the global market demands meant that although criminological discourses flourished, replicating a Philadelphia or Elmira model was untenable.<sup>309</sup>

To compensate, Brazil expanded existing institutions and systems to implement quasi-penal policies that affected the desired social control without significant changes, initially, to infrastructure. The function of tutelage, a centuries-old legal avenue, was expanded in 1871 to help manage the newly freed children of slaves. Primarily, this patchwork attitude toward modernization was due to a lack of resources.<sup>310</sup> Over time, Brazilian institutions would achieve some of the organization and professionalization of their European counter-parts but not to the degree that reformers initially planned; even as late as the 1920s, modernizing projects like penitentiary reform were largely considered failures.<sup>311</sup>

In Brazil, the shift toward social control through institutions is well documented.

---

<sup>308</sup> For a more detailed discussion of this process in a European context, see Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1975).

<sup>309</sup> Alexandra Stern, “The Birth of the Penitentiary in Latin America: Essays on Criminology”, review of *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform and Social Control, 1830-1940* (Austin: University of Texas Press, 1996) by Richard D. Salvatore and Carlos Aguirre, eds., *Law and History Review* 17:1 (Spring 1999): 179-182, 180. The Philadelphia and Elmira models mentioned specifically here are in reference to the most famous modern, panoptical prisons in the United States in Pennsylvania and New York. These prisons were seen as models for the implementation of Positivist reform.

<sup>310</sup> Amy Chazkel, “Social Life and Civic Education in the Rio de Janeiro City Jail,” *Journal of Social History* 42:3 (Spring 2009): 697-731, 704.

<sup>311</sup> *Ibid*, 719.

Amy Chazkel's work on the prison system in Rio de Janeiro in the first decades of the twentieth century highlights the country's bumpy and incomplete adherence to the rule of law over time. She refers to prisons as the "dungeons of reform" and points out the contradiction that,

Rio de Janeiro's prison, the Casa de Correção, counted among the very first modern penal institutions in Latin America. Yet despite an abstract commitment to due process, historians have demonstrated a persistent gap between the rights conferred on all citizens and the injustices suffered by those without the social power to avoid arrest. Arrest often came as the result of the cupidity or bias of police, rather than the straightforward application of the codified law—or, in the case of the many arrested slaves, grave contradictions in the law itself.<sup>312</sup>

As late as 1907, reports on the prison system in Rio de Janeiro bleakly described overcrowding and a "a tumultuous and infectious amalgamation of men, women, and children, promiscuously thrown in humid, featureless compartments, in flagrant violation of all rules of hygiene and morality".<sup>313</sup> In the absence of an efficient system of corrections, Rio's police force became the most common representation of Brazilian law. Policemen on the ground became the face of the legal system for residents and they did not like what they saw.

In *Policing Rio de Janeiro*, Thomas Holloway traced the evolution of Rio's police from a ragtag band of slave catchers commissioned by the monarchy in the early 19<sup>th</sup> century to the repressive, professional enforcers of an increasingly violent State at the end of the same century.<sup>314</sup> Critical to Holloway's argument about Brazil's persistent system

---

<sup>312</sup> Ibid, 697.

<sup>313</sup> Ibid, 704.

<sup>314</sup> See, Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-Century City* (Stanford: Stanford University Press, 1993).

of “equal but inferior before the law” is the legacy of slavery.<sup>315</sup> He uses the police to demonstrate the ways in which modern institutions exemplify pre-modern attitudes and



**Figure 11- “Types of Assassins and Rat-Catchers, or the Best of the Police Force, Selected From the City’s Best Thugs”, *A Revista Illustrada*, 1885**

behaviors. He contends that the reaction of city residents to the “legitimate authority” of policemen reveals a great deal about social hierarchy, power and the continuity of governance over time.<sup>316</sup> Figure 11, taken from the satirical publication *A Revista Illustrada*, encapsulates the negative public perception of police as authority figures in the period Holloway describes. The derisive attitude of the public appears to stem precisely from the lack of legitimacy that policemen projected; they are portrayed as

---

<sup>315</sup> Ibid, 17.

<sup>316</sup> Ibid, 11.

ignorant, racially-suspect “dandies” that brandish their influence (both literally and figuratively) like a club.<sup>317</sup>

Similarly, Peter Beattie outlined the evolution of the Brazilian military over time in *The Tribute of Blood* as a way to “explore the understudied world of Brazil’s free poor and their interaction with the state”.<sup>318</sup> He argued that, before the emergence of the prison system, the military functioned as a “protopenal institution”.<sup>319</sup> By legitimizing state-sponsored violence, the military laid the groundwork for the parallel rise of other protopenal institutions that, later, functioned in comparable ways.<sup>320</sup> Beattie also stressed how, “the complaints, civil disobedience, rhetoric and humor generated by army recruitment in Brazil from 1864 to 1945 illuminate conflictual transitions in notions of...citizenship, national identity...and the limits of public power”.<sup>321</sup>

Although the increasing incursion of the State into the private sphere is well documented, most institutions in Brazil didn’t formalize until the 20<sup>th</sup> century. Tutelage documentation offers evidence of an earlier, more individualized movement toward State-sponsored violence. It offers a glimpse of protopenal institutions in their nascent stages and concretely links their initiation to the end of slavery. The abuse of individual slave owners transformed into the abuse of individual tutors/employers and later paved the way for the abuse of institutions and the State. Examining tutelage as a quasi-penal institution provides a window into the ways in which personally exploitive relationships later became systems of oppression.

---

<sup>317</sup> *A Revista Illustrada*, v. 10: 399- 424 (Jan. 10- Dec. 31, 1885), 422.

<sup>318</sup> Peter Beattie, *The Tribute of Blood: Army, Honor, Race and Nation in Brazil, 1864-1945* (Duke University Press, 2001), 1.

<sup>319</sup> *Ibid*, 151.

<sup>320</sup> *Ibid*, 273.

<sup>321</sup> *Ibid*, 268.

To do this, we must begin with an examination of the types of abuse present in contractual tutelage. The most “public and notorious” types of abuse—which were also grounds for the immediate termination of a tutelage contract—were physical and sexual.<sup>322</sup> These cases are the most egregious and the best documented, although a numerical minority among all tutelage cases. Other types of abuse involving labor and financial exploitation, although probably much more numerous, are more subtle and, therefore, rarely documented.<sup>323</sup> In these cases, the exploitation was more difficult to prove and involved an insidious “exchange of freedoms” that was not easily corrected.<sup>324</sup> To get at this last kind of exploitation, I focus on cases in which those involved compare the conditions of tutelage to that of slavery.

The physical abuse of tutored children was, in many respects, a crime of degree. Corporal punishment was widely accepted in society in the late 19<sup>th</sup> century.<sup>325</sup> The line between physical correction and abuse was regulated by a judge’s arbitrary definition “excessive” punishment versus legitimate reprimand.<sup>326</sup> Jesuina, the eleven-year-old daughter of preta livre Joaquina, stated in an 1879 deposition that she was severely

---

<sup>322</sup> “Public and notorious” were colonial criterion for the evaluation of a crime in Latin America and a delineation between the public and private spheres. If a crime was considered public knowledge, it was admissible in court as truth. For a more detailed explanation of the way in which “public and notorious” information functioned in a legal context, see Donald Ramos, “Gossip, Scandal and Popular Culture in Golden Age Brazil,” *Journal of Social History* 33:4 (2000): 887-912.

<sup>323</sup> I only uncovered one case, which lasted from 1889 to 1901, in which a tutor was taken to court for the mismanagement of funds of a child of color. ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.145, 1889. Although a rare incident, it is likely that many children were embroiled in a similar situation. A lack of documentation in this area merely indicates the difficulty in adjudicating these types of cases.

<sup>324</sup> José Carlos da Silva Cardozo, “A tutela dos filhos de escravos em Porto Alegre,” *Revista Latino-Americano de História* 1:3 (Marco 2012): 88-98, 91.

<sup>325</sup> Irene Rizzini, *Crianças desválidas, indígenas e negras no Brasil: Cenas da Colônia, do Império e da República* (Rio de Janeiro: USU Editora Universitária, 2000), 71.

<sup>326</sup> Article 3 of the 1871 Free Womb Law stated that tutors had the right to “inflict corporal punishment on an ingênuo, as long as it is not excessive”.

beaten by the widow Dona Francisca Maria Bittencourt. Jesuina claimed the widow “whipped” her and beat her over the head with the iron bars from the windows.<sup>327</sup> Thirteen-year-old *preta*, Maria Andressa, was beaten by her tutor’s wife and daughter so badly that she ran to the police seeking protection in 1890.<sup>328</sup> She was assigned a new tutor on the same day.<sup>329</sup> For some children, the physical abuse lasted years. In the case of Antônio Martins Torres, an orphaned agricultural laborer, his body was so covered in scars from the “barbarous castigations” he had endured that his public defender felt compelled to open a criminal investigation.<sup>330</sup> Medical examiners recorded that the 15-year-old had a one-inch scar above his right eyebrow that extended in a line to his temple. On his chest, he also had an “irregularly shaped” scar two inches long and one and a half inches wide and second degree burns as evidence of the “brutalities” inflicted upon him. More recent scarring was found on his legs—where he also had open, weeping ulcers.<sup>331</sup> Even children of European descent suffered physical abuse at the hands of their tutors. Alzira da Conceição Machado, identified as “white” and 10 years of age, was “beaten” and “burned” by her first tutor.<sup>332</sup>

Although physical abuse appears more often in the documents, sexual abuse was also perpetrated against minors by their tutors, as was the case for the *preta*, Celestina Maria da Conceição in 1873. João Fernandes Vianna petitioned the Judge of the Orphans for the transfer of guardianship of 14-year-old Celestina because her current guardian,

---

<sup>327</sup> ANB- Juízo de Órfãos, ZM, maço 23, número 574, 1879.

<sup>328</sup> ANB- Juízo de Órfãos, ZM, maço 2.282A, número 1.745, 1890.

<sup>329</sup> *Ibid.*

<sup>330</sup> ANB- Juízo de Órfãos, ZM, maço 2.287A, número 391, 1883.

<sup>331</sup> *Ibid.*

<sup>332</sup> ANB- Juízo de Órfãos, ZM, maço 182, número 3.645, 1890.

Duarte Francisco Gonçalves Pereira, regularly dealt her *pancadas* (beatings) and used her for *fins libidinosos* (sexual purposes). Vianna claimed that he wanted to help her escape this terrible situation where she was continually abused, received no education and worked as a domestic without any compensation, despite her “free” status. In her deposition, Celestina related that her mother’s former owner freed both of them in his will. After receiving her freedom, she was contracted into tutelage by the Pereira family. She was passed between two brothers and suffered abuse by Duarte Pereira. Fortunately for Celestina, Vianna won his case and she was immediately delivered into his care.<sup>333</sup>

Without a reputable man to represent her in court, Celestina’s fate could have been very different. In a similar case, Joséphina a “miserably poor” *crioula livre* (free person of color), petitioned for a new tutor for her 13 year old daughter, Mathilde. Joséphina reported to the judge that Mathilde had been “deflowered” by her tutor while living in his house.<sup>334</sup> As a result, mother and daughter fled the city and only returned to ask the judge for the protection of a new tutor. The case ends without any response from the judge and no further action was taken on Mathilde’s behalf. Allegations of sexual misconduct between tutors and minors appears exclusively between elite males and young females in the documentation from Rio de Janeiro; however, other scholars have presented evidence that suggests boys were victims of sexual abuse as well.<sup>335</sup>

Although horrific, most cases of physical or sexual abuse were quickly prosecuted. A more insidious type of abuse, seen in a handful of tutelage cases, indicates

---

<sup>333</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.268, 1873.

<sup>334</sup> “Deflowering” was a euphemistic term for rape, or the loss of virginity, as seen in case: AN-ZM- 1889- n. 1699, maço 2282A. For more on “deflowering” in a legal context in Brazil, see Sueanne Caulfield, *In Defense of Honor: Sexual Morality, Modernity and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000).

<sup>335</sup> Peter Beattie, *The Tribute of Blood*, 200.

that some tutelados endured long-term exploitation with little hope of legal recourse. As José Carlos da Silva Cardozo argued, some tutors perpetuated slavery by employing an “exchange of freedoms” between tutored children and their parents in the southern province of Rio Grande do Sul. Cardozo unearthed documents in which elite males agreed to grant freedom to female slaves in exchange for the tutelage (i.e. labor) of their ingênuo children.<sup>336</sup> The same tendency toward using freedom as social capital appears in the documentation from Rio de Janeiro. In an 1877 case, José Joaquim da Costa Silva negotiated the freedom of parda Joanna (5 years old) and preta Minervina (22 months old) through tutelage with their mother, Isabel, in exchange for the promise of labor from all three.<sup>337</sup> Capitão Miguel Antônio Pestana bluntly stated in 1882 that, in exchange for granting liberty to Nicência, he wanted the services of her two ingênuo daughters—Julia and Amélia— “forever”.<sup>338</sup> Manoel José da Silva was similarly clear in his intentions; in his 1874 petition for 8-year-old Rosa, he stated that she must serve him “as a slave until he dies”.<sup>339</sup> These documents demonstrate the intention of some tutors to retain the services of tutored children longer than the law dictated. This interminable state of illegal tutelage was an unmitigated attempt by slave owners to extend slavery.

In several cases, slaves and freed people denounce the exploitation of their free children in terms of being treated “like a slave”. This phrase, used even before 1871, can imply several different kinds of abuse. Olindina was forced to “work like a slave” despite

---

<sup>336</sup> See, José Carlos da Silva Cardozo, “A tutela dos filhos de escravos em Porto Alegre,” *Revista Latino-Americano de História* 1:3 (Marco 2012): 88-98.

<sup>337</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.126, 1877.

<sup>338</sup> The mother, Nicencia, is described as *parda*, from “Parayhba do Norte” and 28 yrs old. Her daughter Julia is 4 years old and and Amelia is 3 years old. ANB- Juízo de Órfãos, ZM, maço 139, número 2.733, 1882.

<sup>339</sup> ANB- Juízo de Órfãos, ZM, maço 2.291A, número 887, 1874.



her status as a “free person” in 1876.<sup>340</sup> Josépha was “beaten like a slave” by her tutora, Dona Luiza Magalhaes in 1890.<sup>341</sup> Maria da Conceição alleged that she was being treated “like a slave” by her tutor because she was “treated poorly” and forced to do “work in the streets” for no pay while “barefoot”.<sup>342</sup> Long before the Free Womb Law, in 1855, the preta liberta Francisca Pereira complained to the judge that her former owner and employer, Roberto João de Carvalho, treated her daughter and herself, “like slaves, even though we are libertos”.<sup>343</sup>

It appears that people of color had a clear definition of what freedom was supposed to mean; instead of the freedom to, they more often envisioned emancipation as the freedom from several specific things.<sup>344</sup> Primarily, it was the freedom from being financially controlled through an excessive or exhaustive workload from which they reaped limited monetary gain. Also critical was the freedom from harm—both physical

---

<sup>340</sup> ANB- Juízo de Órfãos, ZM, maço 2.287A, número 329, 1876.

<sup>341</sup> ANB- Juízo de Órfãos, ZM, maço 139, número 2.802, 1890.

<sup>342</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.208, 1882.

<sup>343</sup> ANB- Juízo de Órfãos, ZN, maço 145, número 2.862, 1855.

<sup>344</sup> Recent historiography on Brazilian slavery and abolition has placed a great amount of emphasis on the ways in which slaves and freed people defined their freedom and tried to preserve it. For a study emphasizing the role of family in slaves’ definitions of freedom, see Mary Ann Mahony, “Creativity Under Constraint: Enslaved Afro-Brazilian Families in Brazil’s Cacao Area, 1870-1890,” *The Journal of Social History* (Spring 2008): 633-666. Kim Butler examines liberty through former slaves’ attempts to preserve political and religious expression in *Freedoms Given, Freedoms Won* (New Brunswick: Rutgers University Press, 1998). For the economic aspects of freedom, see Mary Ann Mahony, “Afro-Brazilians, Land Reform and the Question of Social Mobility in Southern Bahia, 1880-1920,” *Luso-Brazilian Review* 34:2 (Winter 1997): 59-79 and Walter Fraga Filho, *Encruzilhadas da liberdade: histórias de escravos e libertos na Bahia, 1870-1910* (Campinas: Editora UNICAMP, 2006). Hebe Mattos de Castro provides the most comprehensive examination of the complex meanings of freedom present in the minds of former slaves, as well as the source of those beliefs, in *Das côres do silêncio: Os significados de liberdade no Sudeste Escravista: Brasil século XIX* (Rio de Janeiro: Arquivo Nacional, 1995). Currently, the idea of freedom as a “moving” target is widely accepted, as demonstrated in works like Sidney Chalhoub, *Visões da liberdade: uma história das últimas décadas da escravidão na corte* (São Paulo: Companhia das Letras, 1990). For a comprehensive list of all known slave texts “in their own words” concerning freedom, among other topics, see Robert Krueger, “Brazilian Slaves Represented in their Own Words,” *Slavery & Abolition* 23:2 (Fall 2002): 169-186.

and sexual. The final component appears to be a freedom from deprivation. According to the protestations of free people, they equated “slave” with a malnourished, barefoot individual dressed in rags. As such, they reacted strongly when, as people in a superior social position, they were subject to similar treatment. Without the language of rights and citizenship, people of color attempted to condemn myriad injustices in the only way they knew how—through the dichotomy of privileges afforded slaves and free persons and the weight that those ideas carried in society.<sup>345</sup>

When the legal system failed to redress wrongs, many people of color turned to extra-legal methods of escape and revolt. The children of slaves, particularly those contracted into tutelage, were forced to navigate significant constraints, despite being legally free. They were also particularly vulnerable to abuse and exploitation. While their motivation to rebel against these conditions is not surprising, their decision to act upon these inclinations is worthy of deeper examination. The following section looks in greater detail at a variety of cases in which children of color resisted the tutelage of their elite guardians.

---

<sup>345</sup> Even physical markers of slavery, like shoes and clothing, became important to freed people. Laws were in place regulating that slaves were not allowed to wear shoes to distinguish their status from that of free blacks. The one exception to this was that favored house slaves in wealthy households were allowed to wear shoes, in keeping with the status of their owner. In this way, clothing in Iberian America became directly correlated to an individual’s status and racial category. Shoes, along with clothing and accessories in general, became an important marker of social standing. As slavery gradually neared its end, freed people coveted all symbols of status as a way to differentiate themselves from those still enslaved. Therefore, to deny a free person the status markers to which they were entitled could be construed as a serious insult and lack of respect for a status they had earned. See, Rebecca Earle, “‘Two Pairs of Pink Satin Shoes!!’ Race, Clothing and Identity in the Americas (17th-19th Centuries)”, *History Workshop Journal* 52 (2001):175-195, and Maya Talmon-Chvaicer, *The Hidden History of Capoeira* (Austin: The University of Texas Press, 2008), 48.

## Everyday Rebellions and Outrageous Acts: Children Escaping Tutelage

Minors had some means of resisting the abuse inflicted upon them by tutelage. Some children chose to commit crimes against their tutors. This strategy was sometimes intentional—for revenge or to express their extreme dislike for an individual—and sometimes simply for self-preservation purposes. Whether intentional or not, crimes committed against tutors by minors were typically met with swift retaliation. Although fascinating, tutored children only rarely committed crimes against their tutors. Extra-legal tactics like running away were far more common. Additionally, many tutelados employed legal strategies to break free of their tutors' control. Whether legal or extra-legal, all of these cases demonstrate one clear objective—the desire to escape from tutelage.

Instances of outright criminal acts committed by tutelados against their guardians are exceptionally rare. Only three tutelage cases—including the case of Venesclau at the beginning of the chapter—explicitly describe a minor committing a crime against their tutor. The second case involved 12-year-old Joaquim; the son of unknown parents, and taken from the Asilo de Mendicidade by his tutor, Joaquim ran away in 1889. He took money and several items from the home of his tutor, businessman João de Faria Barbosa.<sup>346</sup> In the third case, the widow Dona Anna Carolina Durão Camargo removed 13-year-old preto Ambrósio da Conceição from the Asilo de Mendicidade and petitioned to become his tutor in 1890. A month after arriving in her home, Ambrósio ran away, taking some clothing and the sheets off of his bed with him. He ran to the Rua Travessa do Bom Jardim to live with some “pretos that call themselves his relatives”.<sup>347</sup> Although the widow asked for his apprehension and return, he was never found.

---

<sup>346</sup> ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.885, 1889.

<sup>347</sup> ANB- Juízo de Órfãos, ZM, maço 123, número 2.533, 1890. This was a notorious street that contained several *estalagens*, or tenement housing blocks, in the downtown area of the city. See,

The small number of instances involving tutelados committing crimes against their tutors could be reflective of the level of control and fear abusive tutors exerted over their wards; or, it could be an intentional lack of reporting on the part of tutors. In a society reliant on reputation and social networks, reporting a crime committed by a minor in one's care could be potentially damaging, not to mention embarrassing. Perhaps for these reasons, bad behavior on the part of tutored children is frequently recorded in vague terms and heavily cloaked in statements about tutors "saving" their wards from "bad habits". This was certainly the case for Severino in 1886. At 16-years-old, crioulo Severino had already received his freedom through the municipal Emancipation Fund.<sup>348</sup> Augusto de Oliveira Pinto petitioned to be the boy's tutor because, right after becoming free, Severino's attitude changed. Once a hard worker and "well behaved", Severino had come under the influence of vagabonds in the neighborhood. Pinto stated that he intended to become Severino's tutor to "save him from a life of crime" and put him back on the "right path".<sup>349</sup> Pinto, the retired director of the Secretária do Estado dos Negócios da Marinha (Department of the Navy), might have been motivated by more than charity in his quest to become Severino's guardian; his military connection hints that Severino's fate ultimately was probably service in Brazil's armed forces.

---

<http://www.ifch.unicamp.br/cecult/mapas/corticcos/corticcos.html>. These areas were centers of disease and crime. Aluisio's legs are described as "tontas", or "crooked", perhaps indicating that he suffered from rickets—a common disease among children who are malnourished. Another interesting element in this case is the fact that Ambrosio is identified as being from Cabo Verde; given his age (born in 1877), that would mean that he was one of the thousands of illegal slaves brought to Brazil after the official end of the transatlantic slave trade.

<sup>348</sup> For more on the inter-workings of emancipation funds in Brazil, see Celso Castilho and Camilia Cowling, "Funding Freedom, Popularizing Politics: Abolitionism and Local Emancipation Funds in 1880s Brazil," *Luso-Brazilian Review* 47:1 (2010): 89-120.

<sup>349</sup> ANB- Juízo de Órfãos, ZM, maço 208, número 3.926, 1886. Severiano was described as being 16 years old in 1886, which means he was born in 1870. However, it is very possible that he was an *ingênuo* and actually born in 1871. Since the age of many slaves is approximated in official documents, many slave owners recorded their young slaves to be born in 1870 in order to avoid the restrictions put in place by the Free Womb Law in 1871.

Bad behavior was not limited to male tutelados. In a case from 1889, Capitão Tenente Alvaro Nunes Ribeiro Belfort was so fed up with his ward, Ludomina Maria Soares, he requested to be released from his position as her guardian. Ludomina was an orphan from Espírito Santo and an unremittingly difficult girl. Belfort mentioned that her previous guardian had offered him 100 mil-réis to “take her” and so he did. He was quickly regretful of that decision, claiming she was “ungrateful”, “insubordinant” and “disrespectful”.<sup>350</sup> There are no concluding documents for this case but, in similar cases, tutors were quickly relieved of responsibility for difficult youth. Female tutelados were not exempt from harsh punishment for bad behavior, however. Preta Jordina was imprisoned in the Casa de Detenção for refusing to serve her tutor’s daughter in 1883.<sup>351</sup>

It appears that, instead of blatant acts of rebellion and crime, tutored children more often chose to demonstrate resistance through “bad behavior”-- like refusing to work, performing tasks poorly or simply running away.<sup>352</sup> Running away was the most common method of escaping the abuses of a tutor (see Tables 1 and 2).<sup>353</sup> Some, like José Gomes Ferreira, were apprehended and punished. José Rodrigues de Freitas was assigned tutelage of Ferreira in 1881. By the next year, his tutelage contract became null and void because Ferreira was thrown in jail for vagrancy. In his petition for nullification, Freitas

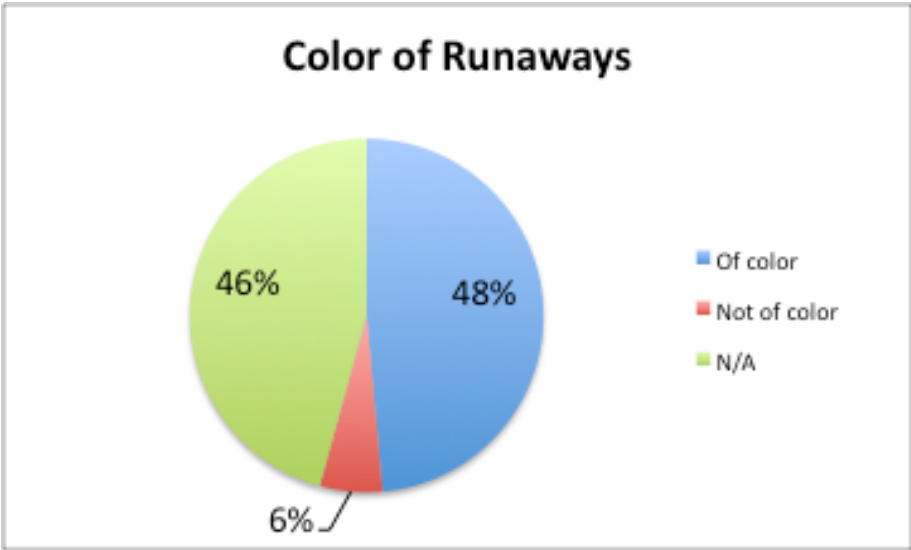
---

<sup>350</sup> ANB- Juízo de Órfãos, ZM, maço 2.297, número 971, 1889.

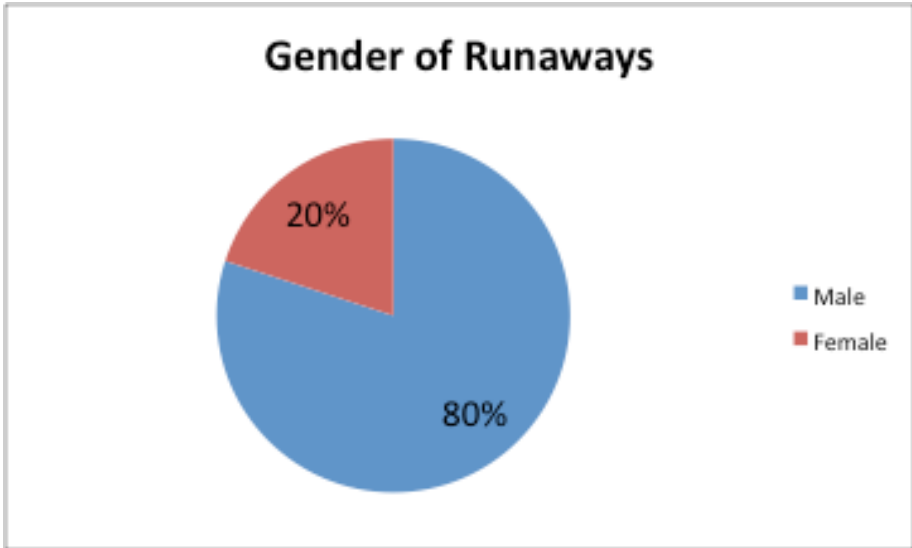
<sup>351</sup> ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.141, 1883.

<sup>352</sup> Subtle forms of resistance and rebellion were often attributed to “bad” subaltern behavior by those in power when, in reality, they were exerting agency. For more on subaltern oppression and opposition, see James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

<sup>353</sup> Approximately 35 cases specifically mention that the tutored child ran away from their tutor’s residence. Several others end abruptly with tutors requesting an end to their contract without stating a reason, which, I suspect, could also indicate that the minor had run away.



*Table 5- Color of Runaways in Tutelage*



*Table 6- Gender of Runaways in Tutelage*

stated that Ferreira was a boy of “bad habits” and that he had had him arrested for running away from his tutelage work obligations.<sup>354</sup>

While many runaways were captured and returned to their guardians, some simply melted back into the anonymity of Rio’s urban jungle. Cândido da Silva, a 10-year-old pardo, ran away from the tutelage of the widow Brasília America Pacheco da Rocha Bonifácio, also approximately 10 years old and a freed pardo, successfully fled from the tutelage of F. Vianna, a shoemaker, because he frequently beat the boy.<sup>355</sup> Police were unable to apprehend 15-year-old preto, Virgulino Correa da Lacerda, despite knowing that he had escaped his tutor’s control by running to the Fazenda Rio de Lapa.<sup>356</sup>

Family members frequently assisted runaway children, especially girls. Police blamed these escapes on mothers, aunts and grandmothers who “seduced” their offspring to run off or protected them when their tutors attempted to bring them back.<sup>357</sup> Ignácia, a freed woman, was accused of “kidnapping” her 12-year-old, parda daughter, Vicentina from her tutor when they ran away together in 1877.<sup>358</sup> In 1890, José Maria Pereira de Oliveira ordered the apprehension of his 15-year-old tutelado, Marcellino when he ran away. The authorities discovered he had fled to his grandmother, preta Felicidade’s house. When they looked for him there, he had already run to his aunt, crioula Victalina’s

---

<sup>354</sup> ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.881, 1882.

<sup>355</sup> ANB- Juízo de Órfãos, ZM, maço 2.282A, número 1.700, 1876.

<sup>356</sup> ANB- Juízo de Órfãos, ZM, maço 324, número 6.028, 1874.

<sup>357</sup> In tutelage cases, “seduce” can be translated to imply sexual manipulation or, in this context, persuasion to do something. Tutors often pointed the finger at parents for urging their children to act against them. ANB- Juízo de Órfãos, ZM, maço 74, número 1.266, 1881.

<sup>358</sup> Although ironic, it was possible for a biological parent to “kidnap” their own child. Parents who were deemed “unsuitable” by the Judge of the Orphans lost parental rights and their children became wards of the state. This was particularly common in the case of single mothers, who had no legal control of their offspring even in ideal circumstances. ANB- Juízo de Órfãos, ZM, maço 2.304A, número 1.449, 1877.

home but they made no further attempts to detain him.<sup>359</sup> Although family members were clearly interfering in the administration of law and order, it does not appear that charges were ever filed against them.

The inconsistency with which the court apprehended runaway tutelados suggests that the enforcement of tutelage contracts, even for elites, was somewhat limited. In some cases, like that of 10-year-old, preto João Garcia de Araújo, the court went to extremes to apprehend children and return them to their tutors. Finding João involved two judges—one from Rio de Janeiro and one from Niterói—as well as significant time and manpower.<sup>360</sup> At the other extreme, minors like Cândido, Virgulino and Bonifácio (discussed above) were never found because they were never pursued. The uneven application of enforcement for tutelage law in these examples is probably related to the lack of funds available to the court for the apprehension of runaway children, the variable respectability of the tutor making the request and the inability of the police force to dependably execute apprehension orders.

It is also possible that members of the police force willingly ignored court orders for the apprehension of children of color. Police officers during this period typically had local origins. As such, it is probable that they knew the people within their jurisdiction intimately—neighbors, family members, friends, etc. The significance of these social networks might have outweighed the influence of the legal system during a period in which the city’s infrastructure was still largely built around personal relationships. Given the limited reach of the law, impunity for “turning a blind eye” to crimes involving acquaintances was possible.<sup>361</sup>

---

<sup>359</sup> ANB- Juízo de Órfãos, ZM, maço 324, número 6.070, 1890.

<sup>360</sup> ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.071, 1875.



Although not a “bad” behavior by any stretch of the imagination, children also utilized legal strategies to escape tutelage. Extra legal rebellion against tutelage involved both genders (although strongly favoring boys), however, legal maneuvers appear to be a decidedly female tactic. Emancipation (based on age) and marriage are the most common types of documents generated by female tutelados of color seeking to escape tutelage.<sup>362</sup> Formal petitions for freedom are not necessarily “rebellious” acts; they are, however, an important example of people of color recognizing and exercising their rights.

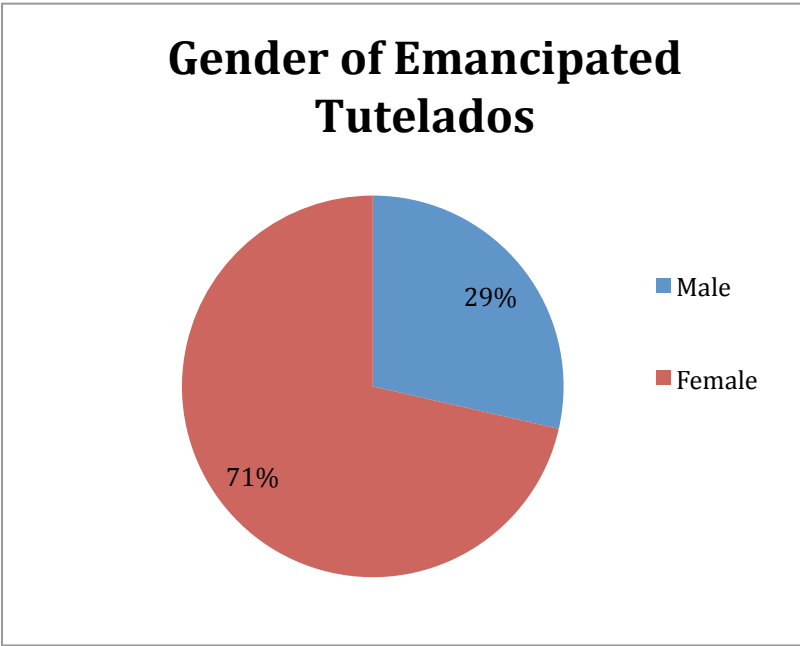
Upon reaching the age of majority (21 years), tutored children were able to appeal to the judge for legal “emancipation”, or release from their tutelage contract. Despite their entitlement to do so, there are very few records of children of color formally applying for an end to their tutelage.<sup>363</sup> This suggests that the termination of tutelage was largely an informal process. It also hints at the fact that many tutelage relationships could have extended well beyond the legally sanctioned timeframe. Among the small group of formally emancipated adults, most petitioners are female and of color.

---

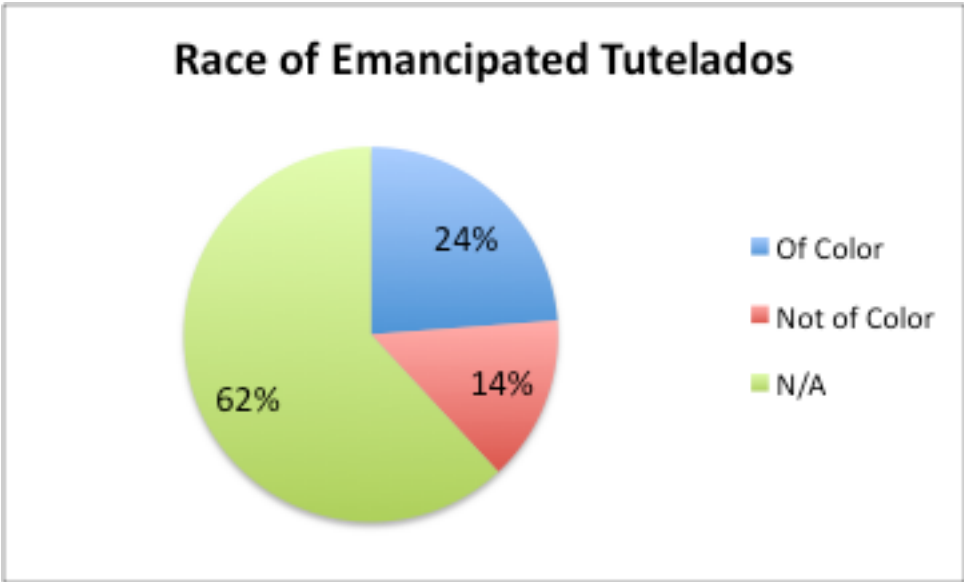
<sup>361</sup> For more on the complexities of law enforcement in Rio de Janeiro, see Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-Century City* (Stanford: Stanford University Press, 1993).

<sup>362</sup> Approximately 71% of tutored children seeking emancipation were female and 14% were females of color.

<sup>363</sup> Remarkably, there are also few children of European descent (or those with no race listed) that petition for emancipation. This supports the idea that the end of tutelage was generally informal.



*Figure 12- Gender of Emancipated Tutelados*



*Figure 13- Race of Emancipated Tutelados*

For female tutelados, a husband could also provide the *pátrio poder* necessary to escape tutelage. Marriage before the age of 21 was an option for girls desiring to nullify a tutelage contract. Ignes, “parda daughter of slave Virginia”, was assigned a tutor at the age of six. She remained under his care until his death in 1880. After seven years with a new tutor, she petitioned for emancipation in 1887. She declared herself to be 19 years old and requested to be released from tutelage because of her impending marriage. The reviewing judge stated that, “despite the poverty” of Ignes and her fiancé, he would grant her request.<sup>364</sup>

Marriage provided an “escape” from both tutelage and the stigmas of poverty and slavery for a tutored girl named Amália.<sup>365</sup> Antônio José de Souza applied to be the tutor of 14-year-old Amália in 1882 because she was an orphan from Bahia. Amália’s mother, Joanna Paula das Dores was a 25 year old, widowed, parda livre from Bahia. She was a laundress and died of tuberculosis at the Santa Casa de Misericórdia Hospital in 1870, according to her death certificate. In 1890, Amália (with the assistance of her tutor) petitioned the Judge of the Orphans to be released from tutelage so that she could marry Antônio Geraldo de Souza Aguiar, a major in the Brazilian military in Curitiba, PR. Her request was granted but on her marriage certificate, she listed her mother as *incógnito* (unknown). She only acknowledged the identity of her white, European father. The copy of her birth certificate used for her marriage (reproduced by a notary in 1876) listed her as “white”. Through tutelage and marriage, Amália was able to effectively erase the existence of her mother, a former slave, and present herself as a white woman, which allowed her to marry a high-ranking military official, secure her *soldada* monies once “emancipated” and assure her upward social mobility. This case, although the only one of

---

<sup>364</sup> *Pátrio poder* translates to “paternal power”. ANB- Juízo de Órfãos, ZM, maço 208, número 3.871, 1874.

<sup>365</sup> ANB- Juízo de Órfãos, ZM, maço 2.306A, número 1.800, 1882.

its kind, is a remarkable example of the possibility for the descendants of slaves to remove the stigma of their birth—as well as their desire to do so.<sup>366</sup>

The stigma of slavery is particularly evident in tutelage data on “bad” children. Children of color were the majority among runaways and also among those legally emancipated (see Charts 1-4). As a generation, these children straddled the enslavement experienced by their parents and the conditional freedom (socially, not legally) granted to them by the Free Womb Law. Therefore, it is not surprising that the strategies they used to resist oppression were largely those employed by slaves.<sup>367</sup> The severe gender divide that existed—males favoring extra-legal avenues and females favoring legal ones— also supports the link between slaves and freed people and forms of opposition.<sup>368</sup> The tactical

---

<sup>366</sup> Notions of “passing” are only occasionally discussed in Brazil because the social context of race was distinct from that of the United States. Far more widespread were attempts to obscure parentage, which implied the denial of one’s origins in terms of both class and race. This phenomena is extensively documented in the North American context, where the “one drop” rule and prohibitions against racial mixture made it much more common. For a discussion of this in the United States, see Carl Degler, *Neither Black Nor White* (New York: MacMillian, 1971); P. Gabrielle Foreman, “Who’s Your Mama?: ‘White’ Mulatta Genealogies, Early Photography and Anti-Passing Narratives of Slavery and Freedom,” *American Literary History* 14:3 (2002): 505-539; Ariela Gross, “Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South,” *Yale Law Journal* 108 (1998): 109-88. For fictional accounts of the phenomena, see Mark Twain, *The Tragedy of Pudd’nhead Wilson* (Charles L. Webster & Company, 1894) and Nella Larsen, *Passing* (New York: Knopf, 1929).

<sup>367</sup> For more on runaway slaves and running away as a rebellious act, see José Alipio Goulart, *Da fuga ao suicídio: aspectos de rebeldia dos escravos no Brasil* (Rio de Janeiro: Conquista, 1972); Stuart B. Schwartz, *Slaves, Peasants, and Rebels: Reconsidering Brazilian Slavery* (Urbana: University of Illinois Press, 1992); João José Reis and Flávio dos Santos Gomes, *Liberdade por um fio: História dos quilombos no Brasil* (São Paulo: Companhia das Letras, 1996).

<sup>368</sup> Slave resistance has been traditionally examined from a male perspective through marronage, armed rebellions and violent acts, as in: João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia* (Baltimore: Johns Hopkins University Press, 1993); Eugene Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (New York: Louisiana State University Press, 1971); Maria Helena Pereira Toledo Machado, *Crime e escravidão: trabalho, luta e resistência nas lavouras paulistas, 1830–1888* (São Paulo: Brasiliense, 1987). Recent historiography on the topic has begun to uncover the gendered nature resistance, especially through the use of the legal system. For more, see *Gendered Resistance: Women, Slavery and the Legacy of Margaret Garner*, edited by Mary E. Fredrickson and Delores M. Walters (Champaign, IL: University of Illinois Press, 2013); Camilia Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery in Havana and Rio de Janeiro*

continuity demonstrated by the children of slaves reflects the level of continuity that existed in Brazilian society throughout its slow march toward total abolition.<sup>369</sup>

While the strategies for escape among children of color were traditional, the response of the State to their opposition became increasingly modern. At the end of the nineteenth and the beginning of the twentieth centuries, individual punitive relationships were gradually replaced with impersonal relationships with institutions across Brazil. Nationally, Rio de Janeiro became the centerpiece of reformist ideas and social control. In the final section of this chapter, the changing nature of punishment for “bad” children is examined.

### **Nowhere to Run: Punishment and the Rise of Institutionalized Childhood**

Poor children of color in tutelage were not only at the mercy of individual tutors; institutions also became a critical component in the social control of minors. When family networks failed, children were abandoned.<sup>370</sup> In the proclaimed interest of public safety, the State progressively elevated efforts to step in and “save” lower-class children from moral depravity and correct their natural inclination toward crime. Children of color were forced to contend with the rapidly extending grasp of the State—whether guilty of wrongdoing or not—in an effort to preserve their freedom. Institutions could not “tutor”

---

(Chapel Hill: University of North Carolina Press, 2013); Celso Castilho and Camilia Cowling, “Funding Freedom,” (2010); Keila Grinberg, *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX* (Rio de Janeiro: Relume Dumará, 1994).

<sup>369</sup> This reinforces Sidney Mintz’s idea about abolition as a process rather than a defined moment. See Sidney Mintz, “Epilogue: The Divided Aftermaths of Freedom,” in *In Between Slavery and Free Labor: The Spanish-Speaking Caribbean in the Nineteenth Century*, edited by Manuel Moreno Fraginals, et al (Baltimore: Johns Hopkins University Press, 1985), 270-278.

<sup>370</sup> ANB- Juízo de Órfãos, ZM, maço 2.287A, número 329, 1876; and ANB- Juízo de Órfãos, ZM, maço 324, número 6.028, 1874.

children of color, however tutelage cases document their extensive involvement in the process and its overwhelmingly punitive character. Tutors, often connected to penal institutions, were crucial in State efforts to channel children of color into those institutions. The clear links to major institutions aimed at social control, combined with the punitive potential of individual tutelage situations, validate that tutelage became a quasi-penal institution itself.

In the years immediately preceding and following the Paraguayan War (1864-1870), the Brazilian military dramatically increased recruitment efforts in urban centers.<sup>371</sup> A severe lack of volunteers inspired the forced impressment (aptly referred to as “hunting”) of young boys in the streets of Rio de Janeiro.<sup>372</sup> Elite men also used tutelage as a way to privately force boys into military service. José Telles de Morães Barbosa, a Captain in the Arsenal da Guerra (Armed Forces), requested to tutor four pardo and preto minors he had freed; it is likely that these unnamed children ended up in the military alongside their tutor.<sup>373</sup> Another military man, Augusto Soares de Pina, tried multiple times to get his 7-year-old tutelado, Eugênio, into the Arsenal da Guerra. In his petition for tutelage of the crioulo boy, Pina says he picked the boy up off the streets four years before as an act of “charity” because he was an orphan. He provides proof of Eugênio’s status by submitting a copy of his mother’s death certificate. Pina’s initial attempt at placing Eugênio in the military fails. In response to his second try, the Arsenal da Marinha (Navy) informed Pina that Eugênio’s acceptance into their ranks would

---

<sup>371</sup> Renato Pinto Venâncio, “Os aprendizes da guerra,” in *História das crianças no Brasil*, ed. Mary del Priore (São Paulo: Editora Contexto, 2008), 203.

<sup>372</sup> Peter M. Beattie, *The Tribute of Blood*, 125.

<sup>373</sup> ANB- Juízo de Órfãos, ZM, maço 65, número 1.116, 1872.

“depend on [his] financial resources”.<sup>374</sup> In addition to the nefarious implications of enlisting a 7-year-old in the military, this case demonstrates that tutors and institutions often exchanged money for the service of minors.

Even tutors not affiliated with the military saw enlistment as a beneficial option for their tutelados. Arthur, the 8-year-old son of Maria Eliza da Silva, received notice of his acceptance into the Arsenal da Guerra on official letterhead from the Director. Thanks to the efforts of his tutor, João Thomé Bernardes Pinto, Arthur was admitted into the Companhia de Aprendizes Menores (Company of Military Apprentices) program as per *obrigação prescripto* (legal obligation) in 1872.<sup>375</sup>

Life for children like Arthur in pseudo-educational military programs like the Companhia de Aprendizes Menores would have been difficult. Enlisted boys lived aboard naval training ships that were docked in Rio’s harbor. Their families were not always notified of their “admittance” and removing a boy from navy apprenticeship was extremely difficult. They subsisted on a nutritionally poor diet, mainly consisting of dried, salted meat and starches that left many boys weak and malnourished. Combined with living in close quarters, these children were highly susceptible to diseases like tuberculosis that periodically ravaged the ships. This was paired with strict scheduling that left recruits sleep deprived, poorly clothed and in a constant state of physical exhaustion. These practices were justified because enlisted young men were “saved” from lives of vice, vagabondage and crime by enforcing discipline and structure in their lives.<sup>376</sup> Involuntary enlistment was typically a punishment meted out to boys accused of (or even suspected of) wrongdoing, like João and Paulino; they were *crioulos pretos* and

---

<sup>374</sup> ANB- Juízo de Órfãos, ZM, maço 295, número 5.572, 1876.

<sup>375</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.186, 1872.

<sup>376</sup> Venâncio, “Os aprendizes da guerra”, 198-202.

the 9 and 6-year old sons of slave Henriqueta. Their tutor, João Ferreira Lima, claimed the boys were so “poorly behaved” that he could not control them without “severe repression” so he sent them to the Corpo de Marinheiros (Navy) to be disciplined.<sup>377</sup> Military officials, like Antônio da Silva Bastos, also became tutors, despite the conflict of interests that should have made them ineligible, according to tutelage legal stipulations. Bastos freed his slave Francisca and, in an exchange for services, tutored her 13-year-old son, Domingos. Upon the urging of Bastos, Domingos, probably in defiance of service in military, ended up imprisoned in the Casa de Detenção (House of Detention).<sup>378</sup>

The consolidation of the justice system during the late 19<sup>th</sup> century also saw the rise of prisons and reform camps as a solution for “bad” children. Built in 1856, the Casa de Detenção was the first prison structure to house a separate wing for minors.<sup>379</sup> Prior to this, children were routinely thrown in the same jail cell as hardened, adult criminals and violent offenders.<sup>380</sup> According to the 1890 Penal Code, any child above the age of nine who demonstrated “discernment” in relation to their crime could be charged as an adult. If discernment was not present, only children above 14 years of age could be charged as adults. The interpretation of discernment was purposefully vague and gave prosecutors and judges a wide range of discretion in sentencing.<sup>381</sup>

Imprisonment, whether temporarily or for an extended period of time, was a common occurrence for children in tutelage. Runaways that were apprehended, like

---

<sup>377</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.184, 1873.

<sup>378</sup> ANB- Juízo de Órfãos, ZM, maço 2.307A, número 1.936, 1877.

<sup>379</sup> Chazkel, “Social Life and Civic Education in the Rio de Janeiro City Jail”, 706.

<sup>380</sup> Marco Antônio Cabral dos Santos, “Criança e criminalidade no início do século,” in *História das crianças no Brasil*, ed. Mary del Priore (São Paulo: Editora Contexto, 2008), 223.

<sup>381</sup> The 1890 Penal Code lowered the age of discernment from fourteen to nine years of age. *Ibid*, 216-217.



Inácio in 1872, were thrown in jail as punishment.<sup>382</sup> Tutored children, like pardo Clemente in 1886, could be locked up simply because their tutors claimed they were “disobedient”.<sup>383</sup> Boys were more frequently imprisoned but girls also served time for disobedience.<sup>384</sup> Police picked up Margarida, the 19-year-old daughter of *preta livre* Rosalina, for being out in the streets too late at night. They discovered she snuck out of her tutor’s home and was attempting to run away.<sup>385</sup> As with the military, administrators in the prison system were also granted tutelage contracts.<sup>386</sup> It is important to point out that, tutors were also subject to imprisonment when they violated the terms of their tutelage contracts, although rarely enforced; if discovered to have served time in the past, they were considered unsuitable guardians and their tutelage contracts were terminated.<sup>387</sup> Although imperfect in its application, these cases indicate that the

---

<sup>382</sup> Inácio’s tutor was trying to teach him a trade but he refused and was labeled “lazy”. He ran away and was apprehended. In his deposition, he alleged he was “mistreated like a slave”. Despite these allegations, Inacio’s case ends with imprisonment. ANB- Juízo de Órfãos, ZM, maço 182, número 3.587, 1872.

<sup>383</sup> Clemente, described as an 8-9 year old *pardo* from Jacarepaguá, was being rented out by his mother’s former owner until he was charged with “disobedience” and thrown in prison. ANB- Juízo de Órfãos, ZM, maço 22, número 405, 1886.

<sup>384</sup> Jordina, mentioned in the previous section for refusing to serve her tutor, was consequently thrown in prison. ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.141, 1883.

<sup>385</sup> Margarida’s case is a fascinating example of the complex relationship of slaves with the legal system. Her mother, Rosalina, claimed that Margarida was not properly entered on the slave *matricula* list, as stipulated by the 1871 law. As such, she claimed that the girl was legally free. To prove this, they needed Margarida’s baptism certificate but, because they were originally from Pernambuco, they were unable to produce one. When Margarida applied for legal emancipation in 1877, she claimed she was older than 19 years but wasn’t sure of her exact age. Once again, without her baptism certificate as proof of age, her petition was denied. Margarida’s inability to present documentary proof of age and identity, a common issue for the descendants of slaves, lends further credence to the idea that most tutelage relationships ended informally because tutored children lacked the papers necessary to file a court case. ANB- Juízo de Órfãos, CG, caixa 484A, número 1.177, 1874.

<sup>386</sup> José Manoel Ventura da Silva, a captain in the military and an administrator at the Casa de Detenção, was named the tutor of *pardo* Sabino in 1885. ANB- Juízo de Órfãos, ZM, maço 22, número 431, 1885.

influence of law and order was gaining precedence in Rio de Janeiro, at least theoretically.

Placing children in prisons, however, was not the most desirable option in dealing with “bad” children. Imprisoning tutelados meant that their tutors could no longer benefit from their labor. Domingos Lopes Quintas even went so far as to petition the judge to remove Bahian, Zeferino crioulo, from the Casa de Detenção in 1879 because he was losing the money he would have earned from renting out his services as a cook.<sup>388</sup> The placement of misbehaving children in agricultural asylums/schools offered an attractive third option. Grueling labor and rural isolation punished offenders and the work they did directly benefited the State.

The most (in)famous asylum, the Asilo Agrícola Santa Isabel (Saint Isabel Agricultural Asylum), was created in 1886 by the Associação Protetora da Infância Desamparada (Association for the Protection of Abandoned Children). Agricultural asylums were part of a larger asylum-based education project undertaken by reformer based in Rio de Janeiro.<sup>389</sup> They were designed to promote primary education and

---

<sup>387</sup> In 1882, José da Silva Martins applied for “habeus corpus” because he claimed he had been in prison for over 8 months for malfeasance with regard to a tutelage account but hadn’t been formally charged. ANB- Relação do RJ 84, maço 7, número 1.086, 1882. Antônio Joaquim Pacheco became ensnared in a dispute with his 9-year-old tutelada, Emilia in 1879. Their clash included allegations of abuse and perjury that eventually revealed that Antônio had been imprisoned in 1857; he was relieved of tutelage in 1882. ANB- Juízo de Órfãos, ZM, maço 2.304A, número 1.538, 1879. The most egregious case of tutors breaking the law was that of Antônio José Dantas in 1887. His petition to become the guardian of 1-year-old *parda* Maria was immediately dismissed because it was discovered that he had been charged with robbery in the past. Further investigation revealed that he had also owned a *botequim* that doubled as a house of prostitution and had been thrown in the Casa de Correição for his crimes. ANB- Juízo de Órfãos, ZM, maço 295, número 5.499, 1887.

<sup>388</sup> Quintas even offered to pay the 600 mil-réis necessary for his release. ANB- Juízo de Órfãos, ZM, maço 123, número 2.531, 1879.

<sup>389</sup> Alessandra Frota Martinez de Schueler, “A ‘infancia desamparada’ no asilo agrícola de Santa Isabel: instrução rural e infantil (1880-1886),” *Educação e Pesquisa*, 26:1 (Jan/Jun., 2000), 4. The most vocal advocates of agricultural education as a solution for vagabondage and criminality

agricultural training for street children, poor children and ingênuos of both sexes who were picked up by Rio's police for minor crimes like vagabondage. In its first year, Santa Isabel had twelve students and just a few years later the number had exceeded forty. Boys were more commonly assigned time at Santa Isabel and the average age of students was between twelve and fourteen years old. Once enrolled, students typically stayed there until reaching adulthood (twenty-one years of age). Education at Santa Isabel consisted principally of practical training in agricultural techniques and skills; basic literacy and mathematics were also included, as well as religious education. Children were only accepted in the institution at the request of a tutor or a judicial/legislative official.<sup>390</sup> Arthur, a 14-year-old pardo liberto was placed under the tutelage of Dr. Nicolau Joaquim Moreira in 1881. Moreira also happened to be a board member at the Instituto Fluminense de Agricultura, which administered Santa Isabel asylum. Predictably, Arthur ended up at the asylum, upon the suggestion of Moreira.<sup>391</sup>

The land used for the asylum was donated by benefactors of the Association for the Protection of Abandoned Children and was poor in quality. Located roughly one kilometer from Valença, approximately 150 kilometers from the city of Rio, the asylum was placed alongside a major railway line to facilitate the transportation of children and raw materials. Santa Isabel was essentially a large plantation system.<sup>392</sup> "Students" were

---

in children were the Imperial Minister, Carlos Leôncio de Carvalho, primary school teachers and rural landowners in municipalities surrounding the city of Rio. Some rural landowners saw asylums as a desirable alternative to building schools on their properties to educate the children of their sharecroppers and slaves.

<sup>390</sup> Schueler was unable to find any documentation regarding the process for placement in *asilos* like Santa Isabel and the reaction of parents. In tutelage records, only one case exists that specifically mentions placement at Santa Isabel. Ibid, 24.

<sup>391</sup> ANB- Juízo de Órfãos, ZM, maço 2.307A, número 1.884, 1881.

<sup>392</sup> The Association stated that the purpose of Santa Isabel was not, "...preparar agrônomos, ou mesmo profissionais habilitados em curso secundário, mas simplesmente abegões, operários

taught how to plant, harvest and process raw materials and livestock. Children housed at the asylum were given two hours of rudimentary instruction per day and then completed twelve hours of work out in the fields. Alessandra Frota Martinez de Schueler contends that agricultural schools like Santa Isabel were simply another method through which Brazilian elites attempted to compensate slave owners and ease the nation's transition into free wage labor.<sup>393</sup>

A solution for the most conspicuous offenders, the Escola Premunitória Quinze de Novembro (15<sup>th</sup> of November Reform School), was founded in 1903 (Figure 14). It was



*Figure 14- “Escola Premunitória Quinze de Novembro, 1908”- Augusto Malta Collection, Museu da Imagem e do Som, Rio de Janeiro, RJ*

---

rurais”, (“...to prepare agronomists, or even professional skills in a school setting, but simply rural farm workers”). Schueler, 16.

<sup>393</sup> The children raised chickens, manioc, black beans, potatoes, rice, corn, gourds, coffee, sugar cane and tobacco. Most of the products generated at Santa Isabel were for internal consumption. Only coffee, sugar and tobacco were sold at market for money. Ibid, 20.

touted as a place in which children that were likely to give themselves over to vices could be “preventatively reformed”.<sup>394</sup> Originally located in the Rio neighborhood of São Cristóvão, the institution was moved to a more rural location and renamed the “15<sup>th</sup> of November Correctional School” in 1908. Drawing upon the example of agricultural asylums and naval training ships, children worked from sunrise until sunset, subsisting on a limited diet and at the mercy of unforgiving authorities.<sup>395</sup> Stripped of all vestiges of childhood, minors in this institution were punished if caught engaging in “play” of any kind.<sup>396</sup> Seen as a symbol of modernity, the reformatory’s interest in health and hygiene made it the object of interest of photographers like Augusto Malta and other progressives.<sup>397</sup>

Even the limited educational options available to children of color exhibited a decidedly corrective undertone. Catholic schools like the Colégio Salesiano Santa Rosa (Salesian Santa Rosa School) across the bay from Rio de Janeiro, in the nearby city of Niterói, exemplified the best type of instruction available for children of color.<sup>398</sup> During the early years, education at the Santa Rosa school consisted of primeiras letras (basic

---

<sup>394</sup> Museu da Imagem e do Som do RJ (MIS), Coleção Augusto Malta, Image #F008695, 1908.

<sup>395</sup> Rosilda Benacchio, “Meninos vadios: reeducação e maioridade penal aos nove anos de idade, Rio de Janeiro, 1900-1910,” (paper presented at ANPED 26, 2003), 7.

<sup>396</sup> Ibid, 11.

<sup>397</sup> For more on the role of the *Escola Correccional Quinze de Novembro* and juvenile delinquency in Rio de Janeiro, see Ana Lúcia Eppinghaus Bulcão, “Meninos maiores : o conflicto da menoridade e maioridade no RJ entre 1890 e 1927,” (M.A. thesis, UFRJ, Rio de Janeiro, 1992).

<sup>398</sup> In 1883, Dom Lasagna of the Salesian order founded the school for poor, orphaned and abandoned boys in the neighborhood of Santa Rosa. It became the first school founded by this order in Brazil and, in subsequent years, others were established in the adjacent states of Minas Gerais and São Paulo. “Nossa História”, Colégio Salesiano Santa Rosa, Coleção Memorial Histórico, Niterói, RJ.

literacy) and trade skills in the professional school wing (Figure 15).<sup>399</sup> The Salesians were a highly regimented order that believed in the value of discipline as a necessary component of education. Boys at the school wore military uniforms, observed strict exercise and dietary regimes and were often invited to march in parades in Rio de Janeiro in commemoration of civic holidays. Participation in the band (Figure 16) and soccer teams were the few past times allowed to students at the Santa Rosa school.<sup>400</sup>

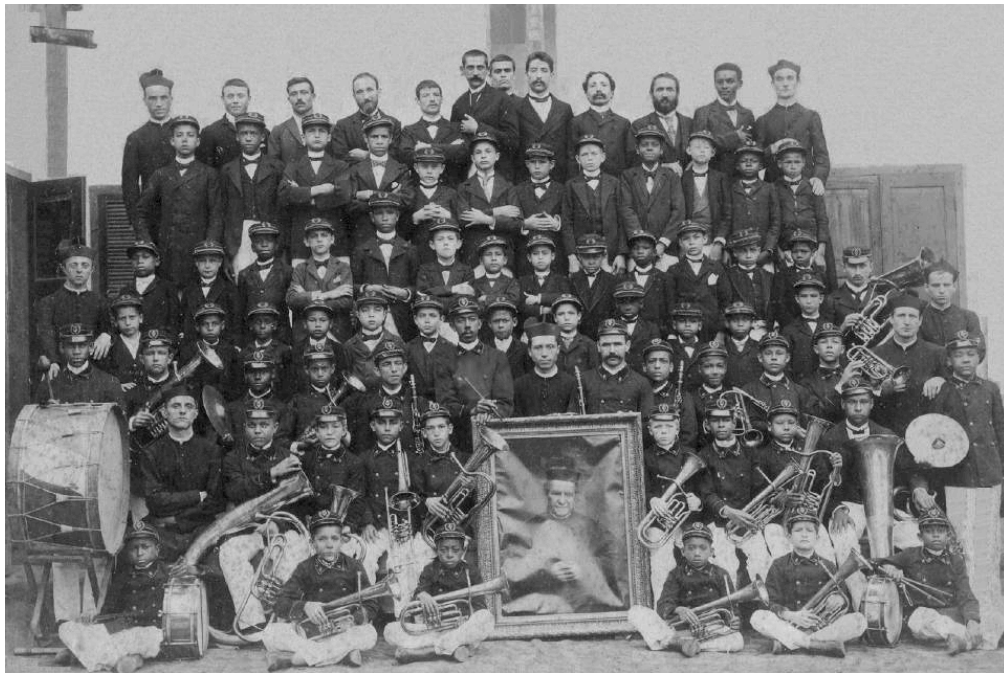


*Figure 15- “Escola Profisiona, 1890”, Colégio Salesiano Santa Rosa, Niterói, RJ, Brazil*

---

<sup>399</sup> Colégio Salesiano Santa Rosa, Coleção Memorial Histórico, Image “Aprendizes das Escolas Profissionais (1890)”.

<sup>400</sup> Ibid, “Banda das Escolas Profissionais (1896)”.



*Figure 16- “A Banda das Escolas Profissionais, 1896”, Colégio Salesiano Santa Rosa, Niterói,  
RJ, Brazil*



*Figure 17- “Carpintaria na Escola Profissional, 1898”, Colégio Salesiano Santa Rosa, Niterói,  
RJ, Brazil*

Poor boys of color were groomed for one of the many trades taught at the Santa Rosa school. Apprentices, as they were called, could learn to be carpenters (Figure 17), book binders, metallurgists, cobblers or machinists.<sup>401</sup> All students in the early years of the schools history received both formal and trade education until the age of eighteen. In the early 20<sup>th</sup> century, however, the school began actively “whitening” the student population. Poor children of color became a distinct minority and were slowly relegated to a trade school education without the benefit of formal learning in areas like reading, writing and mathematics beyond primary school.

Additional educational options available to free, young children of color were extremely limited. Aside from religious institutions, public education was a possible, though not very desirable option. During the late nineteenth century, the public education system was disorganized, poorly administered and lacking professionally trained teachers. Despite being a legal requirement for all children between the ages of seven and fourteen, truancy laws were weak and poorly enforced. To bolster enrollment statistics reported to the municipal government, street children picked up for vagrancy or other minor crimes could be forcibly matriculated into a local school. Needless to say, attendance was poor and illiteracy rates in predominantly black residential areas of the city remained high well into the twentieth century.<sup>402</sup>

Slaves were prohibited from attending public schools in 1854. This exclusion lasted until emancipation in 1888. Beginning in the 1870s, schools required proof of baptism and vaccination for enrollment. Many poor children (often the children of slaves) did not have access to official documentation and were effectively barred from

---

<sup>401</sup> Ibid, “Oficina de marcenaria e carpintaria (1898)”.

<sup>402</sup> Among the non-white population of Rio, illiteracy was still at 62% in 1940. Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917-1945* (Durham: Duke University Press, 2003), 87.



matriculation.<sup>403</sup> Free black children were instead sent to military or trade schools for the acquisition of skills deemed appropriate to their status as future laborers.<sup>404</sup> As scholars like Jerry Dávila have pointed out, informal modes of “whitening” Rio’s schools intensified at the end of the nineteenth century and into the beginning of the twentieth.<sup>405</sup>

The rise of military, prison, reform, and educational institutions in the late nineteenth century increasingly left children of color with nowhere to run. Caught in the tightening grip of the State, some people of color reacted violently. Tensions over the end of slavery and the continual incursions of the lawmakers into the private sphere resulted in nation-wide upheaval. The last decades of the century were wrought with protests, riots and rebellions.<sup>406</sup> Despite the supposed good intentions of elites, the oppressive atmosphere they cultivated only served to further polarize society.

## Conclusions

The late nineteenth century was a period in which both elites and former slaves struggled to determine the future role of people of color in Brazilian society. Former slaves saw freedom and the opportunities it afforded as the ultimate goal. Elites, however, remained weary of the uncertain future of a Brazil in which slaves became full and equal citizens. To counter these fears, lawmakers enacted policies that created a society that

---

<sup>403</sup> Schueler, “Crianças e escolas na passagem do Império para a República”, 9.

<sup>404</sup> Ibid.

<sup>405</sup> Jerry Dávila describes the dramatic whitening of the teaching corp in Rio de Janeiro. He also explores the whitening theories of racial mixture and intermarriage with European immigrants in the hopes of strengthening the “Brazilian race”. See, *Diploma of Whiteness*.

<sup>406</sup> Major cities across Brazil became embattled by riots over vaccines, price hikes, unfair working conditions, and the slow pace of the emancipation process. For more on this tumultuous period, see Maria Helena Pereira Toledo Machado, *O plano e o pânico: os movimentos sociais na década da abolição* (São Paulo: Editora EDUSP, 1994).

restricted options available to people of color in the absence of their ability to directly control their actions.

Elites vigorously championed the progressive ideals of law and order in Brazil but, in reality, the laws that were written disproportionately penalized those not able to engage in what was still a deeply clientelist society. While the rise of penal institutions theoretically ushered in a period of equality and justice, the opposite was, in fact, true. On a macro-level, previous scholars have articulated this idea many times. Tutelage, however, offers an entry-point into the personalistic networks forming the foundation of Brazilian society in the late nineteenth century through the experience of those on the periphery. Their experiences demonstrate how social inequalities in the era of slavery transformed into systemic discrimination in the post-emancipation period.

This chapter has attempted to use tutelage relationships as a way to unravel these contrasting narratives of rights and social control. Tutelage documents illuminate the chronic abuse and exploitation that children of color suffered in the years leading up to abolition and how tutelage became, in many cases, a quasi-penal institution. The resistance of tutored children to the limits imposed by their tutors inadvertently exposes both the repressive nature of the system as well as its significant shortcomings. The incomplete and arbitrary nature of enforcing legal strictures in Brazil during this period makes the power of personal connections shine through.

Tutelage was a system built upon social networks of power and influence as much as it was upon law. In several cases, the line between the personal tutor/ward relationship became blurred by a tutor's connection to a penal institution. This is a decidedly modern aspect to a system that, in other ways, closely resembled slavery. In this way, tutelage

cases provide evidence for how the exploitive relationship between slave owners and slaves evolved and continued even after 1888.

Although penal institutions were the focus of progressive ideals, systems like tutelage were used for implementation due to the slow pace of Brazilian development in the late nineteenth century. The gap between theory and reality in this early period created space for those marginalized by the system to engage in both legal and extra-legal forms of resistance. In the twentieth century, this gap was closed by the consolidated power of the State. Those subjugated by the system saw their rights continually decreased as opposition became more thoroughly prosecuted.

A consequence of oppressing poor people of color in Rio de Janeiro was their increasing need. Paradoxically, the rise of charitable institutions also took place in the late nineteenth century. The following chapter examines the history of charity in Brazil, the supplanting of the Catholic Church by the State in institutionalized charity, the rise of State preoccupations with the “well being” of its citizenry at the end of the slavery era, and the way in which tutelage was used to further the State agenda.

## CHAPTER IV

### “TO GIVE THEM A DESTINY”: CHARITY, GUARDIANSHIP, AND THE CHILDREN OF THE PATRIA

#### **Introduction**

Professor Octacílio Nunes was born into humble circumstances in a rural area in the interior of São Paulo on the cusp of abolition in 1887.<sup>407</sup> Orphaned at young age, he was taken in by the Salesian order when he was ten years old. Nunes was educated by the Salesians and graduated in 1906. He attended the prestigious Lyceu do S. Coração in the city of São Paulo, also administered by the Salesian order, where entered he the order and trained to be a teacher for “disadvantaged” youth.<sup>408</sup>

In 1908, he began teaching at the Colégio Santa Rosa outside Rio de Janeiro, RJ. Nunes taught elementary-level students and exhibited a remarkable range of aptitude; a talented linguist from a young age, he taught several languages and translated materials from English, French, and Italian into Portuguese for use in the classroom. Equally dedicated to math and science, he taught algebra, physics, chemistry, astronomy, and biology. Nunes was most passionate about music, particularly the school band, and became the first conductor of color in the region.<sup>409</sup>

---

<sup>407</sup> He was born in Embahú, SP on August 26, 1887, present day Vila da Conceição do Cruzeiro, SP. At the time of his birth, Embahú was a booming coffee region número. It is likely that his parents were agricultural laborers in the coffee fields. *Homenagem as saudosas victimas da barca ‘Setima’* (Nitheroy, RJ: Escola Typ. Salesiano, 1916).

<sup>408</sup> Nunes was described as a noviciado (novitiate), which indicated his intention to become a Catholic priest in the Salesian order. Ibid.

<sup>409</sup> Ibid.

Personally, he was described as an “animated” and “affable” young man that loved playing soccer and gardening in his free time. Professionally, he was beloved by his students and colleagues alike. They described him as “pious”, “dedicated”, “wise”, the “embodiment of the spirit of sacrifice”, “testament to the Salesian order” and reflective of the teachings of Jesus Christ.<sup>410</sup> It was this spirit of sacrifice that prematurely ended his life at the age of twenty-eight.

On October 26, 1915, four hundred students from the Santa Rosa school, including the school band, traveled across Guanabara Bay by ferry to Rio de Janeiro city to celebrate the 25<sup>th</sup> anniversary of Cardinal Arcoverde’s ordination. Professor Nunes led the band as they performed and marched in a parade as part of the festivities.<sup>411</sup> The group returned to Niterói on the Barca Sétima ferry in the late afternoon. As the ferry passed Mocangué Island in the eastern part of the bay, it struck the edge of a canal. The accident tore a 26-foot groove into the back of the boat and it immediately began taking on water. Professor Nunes, who was reputedly an excellent swimmer, dove into the water and began rescuing the youngest children who had fell into the bay as the boat sank. Nunes made several trips, often with two children clinging to his back at a time, but he eventually succumbed to exhaustion and drowned. He managed to save most of the children on board; there were only 27 total victims, including himself. His body washed up on the beach in Botafogo a week later.<sup>412</sup>

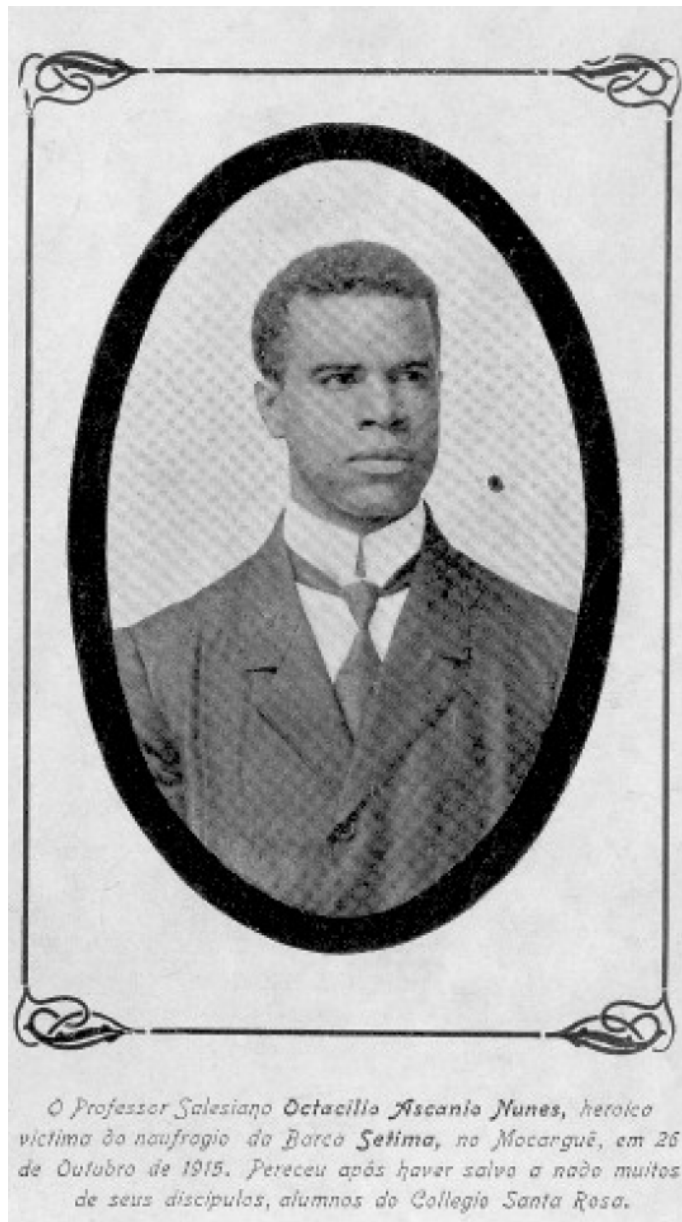
The residents of Niterói, including parents of the victims, were so upset by the tragedy that they threatened to invade the school and tear it down. To guard against public unrest, Senator Eptácio Pessoa stayed in the annex of the school for a period of

---

<sup>410</sup> Ibid.

<sup>411</sup> Elizete Higino, “Um século de tradição: a banda de música do Colégio Salesiano Santa Rosa (1888-1988),” (M.A. thesis, Fundação Getulio Vargas, 2006), 28.

<sup>412</sup> Ibid.



***Figure 18- Professor Octacilio Nunes (no date)- The caption reads, “The Salesian Professor Octacilio Ascanio Nunes, heroic victim of the Barca Septima shipwreck, on Mocanguê, on October 26, 1915. He perished after saving many of his students from the Colégio Santa Rosa.”- Colégio Salesiano Santa Rosa Collection, Niterói, RJ***

time. Father Dalla Via, who had been in charge of the excursion, subsequently suffered a nervous breakdown. The Salesians lauded Professor Nunes, the only adult who perished, as a hero. His actions were also praised by several major newspapers, including the

*Journal do Brasil* and the *Gazeta da Noticias*.<sup>413</sup> Nunes became so revered that, on the anniversary of his death in 1916, the school officially renamed the band in his honor and the municipal government of Niterói named a street near the Santa Rosa school after him.<sup>414</sup> Even late into the twentieth century, the story of Nunes and his heroism was mentioned regularly in both religious and secular publications.<sup>415</sup>

The story of Professor Octacílio Nunes struck a powerful chord in nineteenth century carioca society. While the details of his dramatic death were made for newspaper headlines, the story of his life is more intriguing for historians. In many ways, Nunes was the ultimate success story of charitable guardianship for children of color by elites. Orphaned at a young age, Nunes was not subject to the influence of his parents, who were probably freed agricultural laborers. He was cared for and educated by a Catholic order and became a teacher for children with backgrounds similar to his own. Even his death was grand gesture of Christian love and sacrifice. Professor Nunes was the ideal Brazilian citizen of color and a true *filho da pátria* (“child of the fatherland”)-- created by its institutions and unmade by his complete devotion to the moral code imparted by those institutions.

The life and death of Nunes were exceptional and, in many ways, contradictory to the experiences of most children of color in late nineteenth and early twentieth century Brazil. The tie that binds Nunes’ experience to that of his peers is the influence of charitable institutions. In the case of Nunes, these institutions offered protection from a

---

<sup>413</sup> See, “Uma scena tristissima na bahia de Guanabara,” *Jornal do Brasil*, Oct. 27, 1915; and “Faltam doze do naufragos da barca ‘Setima’,” *Gazeta de Noticias*, Oct. 27, 1915.

<sup>414</sup> It came to be known as the Sociedade Musical Octacilio Nunes, and continues to be even today. The street, “Professor Octacilio”, is still in existence today as well. Higino, 56.

<sup>415</sup> The school held a commemorative mass and inaugurated a new band room in honor of Nunes in 1965. In 1971 and 1988 the newspaper *O Fluminense* published an article about the history of the neighborhoods in Niterói and referred to the street named after Nunes, detailing the tragedy that occurred in 1915. *Ibid*, 115.

life of manual labor, education, as well as (both literally and figuratively) salvation. While this was the case for a fortunate few, most children of color experienced the rise of charitable institutions in Rio de Janeiro in a profoundly different way. When kinship connections were lost, due to either distance or death, children became wards of the state. Many wards of the state ended up in charitable institutions with limited resources and a rapidly increasing population in need.

As many guardianship cases state, elites claimed to act on behalf of children of color in order to “give them a destiny”. The destiny for many children of color was unpleasant—poverty, labor, hunger, illness, and even death. This chapter examines the intersections between charitable institutions and tutored children of color. This relationship, although beneficial in some cases, belied an inherent tension between paternalism, gratitude, and charity existent in Brazilian society. I argue that those linkages reveal the selective nature of munificence during this period and how its application served to reinforce traditional social hierarchies in the midst of sweeping social changes. This chapter also looks at the way in which charitable guardianship factored into larger educational and medical reforms of the Brazilian state aimed at citizenship formation. In doing so, this chapter forms part of an emerging literature that examines state formation and modernity in the late nineteenth century, rather than focusing on its apex in the first decades of the twentieth.<sup>416</sup> Expanding the periodization for these movements ties this chapter more directly to post-emancipation concerns about race and national identity through the lens of children of color.

---

<sup>416</sup> Scholars urge further examination of the early period of Brazil’s movement toward establishing a welfare state based on European models. Recent studies focus on sources outside of state-generated materials and argue that the earliest targets of these reformist movements were children. See, “Childhood and Welfare State Ideologies at the 1922 Rio de Janeiro International Centennial Exposition,” *The Americas* 58:1 (July 2001): 65-90, 68.



In the short time that Nunes was alive, the nature of public assistance shifted dramatically in Brazil. Elite attitudes toward children in need, particularly the children of slaves, underwent radical changes in the decades leading up to the turn of the twentieth century. This chapter exposes the transitional nature of relationships between elites and former slaves through the lens of charitable assistance for children of color. Analyzing how children of color evolved from the “children of God” to the “children of men” and finally into the children of the pátria uncovers deeper transformations taking place in society. The first section of this chapter looks at the growth of charitable institutions in Brazil over time. The following section analyzes tutelage cases in which children of color like Professor Nunes entered into charitable guardianship and the diverse results. The final section will dissect these arrangements by contextualizing them within broader elite modernization projects in Brazil and across Latin America.

### **The Wretched, Miserable Children of God**

In *História social da criança abandonada*, Maria Luiza Marcílio outlined three distinct phases in Brazil’s treatment of poor, orphaned, and abandoned children over time: the “charitable assistance” phase that lasted from the colonial period until approximately the middle of the nineteenth century, the “philanthropic” phase that lasted until the middle of the twentieth century, and the emergence of the “State of Wellbeing” for children in the 1960s. She argued that Brazilian studies of children and childhood, unlike their European counterparts, often fail to situate themselves within larger trajectories of national history.<sup>417</sup> To remedy this, she traced the origins of charitable

---

<sup>417</sup> Maria Luiza Marcílio, *História social da criança abandonada* (São Paulo: Editora Hucitec, 2003), 127.

institutions back to their Old World roots in order to explore the *longue durée* relationship between the State and its citizenry.

In Western Europe during the Middle Ages, churches, convents and monasteries became refuges for the sick, poor, and disadvantaged. Children, one of the most vulnerable sectors of society, became of particular concern in the wake of epidemic illnesses, troubling levels of infanticide, and rising rates of illegitimate birth.<sup>418</sup> The Catholic Church, one of the few stable institutions across the centuries, offered protection, rehabilitation, and education. State intervention and attempts to regulate poor relief and child abandonment appeared as early as the fourteenth and fifteenth centuries—the “boom” time for the growth of charitable institutions in Europe’s major cities.<sup>419</sup>

Charitable institutions established during this period, which included convents, monasteries, orphanages, hospitals, and poor houses, were all under the purview of the Church with limited interference from the State. Convents and monasteries provided protection and basic education to both elite children and orphans taken in as oblatas by brotherhoods and sisterhoods.<sup>420</sup> Children arrived at charitable institutions in a variety of ways but abandonment was most common.<sup>421</sup> The *roda de expostos*, or “foundling wheel”, allowed mothers to leave their babies in a way that guaranteed anonymity and eliminated infants’ exposure to the elements.<sup>422</sup> While Catholic institutions provided

---

<sup>418</sup> Ibid, 32.

<sup>419</sup> Joel Harrington, *The Unwanted Child: The Fate of Foundlings, Orphans, and Juvenile Criminals in Early Modern Germany* (Chicago: The University of Chicago Press, 2009), 4.

<sup>420</sup> Marcílio, 35.

<sup>421</sup> Ibid, 136-138.

<sup>422</sup> For more on the history of the foundling wheel, see Roberto da Silva, *Os filhos do governo: a formação da identidade criminosa em crianças órfãs e abandonadas* (São Paulo: Editora Atica, 1997); Ondina E. Gonzalez, “Down and Out in Havana: Foundlings in Eighteenth-Century Cuba,” in *Minor Omissions: Children in Latin American History and Society*, edited by Tobias Hecht (Madison: University of Wisconsin Press, 2002): 102-113; John Boswell, *The Kindness of*

formal guardianship for children without families, informal networks of “child circulation” were more prevalent. Joel Harrington used a micro-historical approach to show that child circulation among charitable individuals and institutions was far more common than sources indicate in early modern Europe. He argued that the pervasiveness of informal arrangements were, instead of anomalies, one of the “core mechanisms” that held society together.<sup>423</sup>

The system seen in early modern Europe later transferred to the New World during the colonial period. According to Marcílio, the “charitable phase” in Latin America was epitomized by the activities of the Catholic Church. Religious doctrine and promises of salvation were used to motivate personal acts of charity.<sup>424</sup> Additionally, the local government occasionally offered financial assistance to guardians willing to adopt orphaned children from Catholic institutions. The positive implications of charitable adoption improved the social status of guardians. Through the combined efforts of charitable institutions and individuals, the care of orphaned and abandoned children remained largely a private matter best handled through personal connections.

---

*Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Vintage, 1988); and Esther Maria de Magalhães Arantes, “Arquivo e Memória sobre a Roda dos Expostos do Rio de Janeiro,” *Pesquisas e Práticas Psicosociais* 5:1 (janeiro/julho 2010): 5-16.

<sup>423</sup> Harrington, 278. For more on charity and minors in modern Europe, see Christine Adams, “Constructing Mothers and Families: The Society for Maternal Charity of Bordeaux, 1805-1860,” *French Historical Studies* 22:1 (Winter 1999): 65-86; Valentina K. Tikoff, “Gender and Juvenile Charity, Tradition and Reform: Assistance for Young People in Eighteenth-Century Seville,” *Eighteenth-Century Studies* 41:3 (Spring 2008): 307-335; John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Pantheon, 1988); and *The Locus of Care: Families, Institutions, and the Provision of Welfare since Antiquity*. Edited by Peregrine Horden and Richard Smith (London and New York: Routledge, 1998).

<sup>424</sup> Marcílio, 134.

Public assistance during this period was grounded in the indiscriminant notion of fraternal humanity.<sup>425</sup> This meant that welfare extended to all, regardless of class, color, or gender. The egalitarian nature of charity directly connected with spiritual beliefs that all minors were “children of God”.<sup>426</sup> As children of God, limits were not explicitly placed upon the “wretched” or “miserable” because divine will determined their destiny.<sup>427</sup>

Institutions run by the Catholic Church offer only brief glimpses into the lives of children, despite caring for them for centuries.<sup>428</sup> As historian Ann Twinam once remarked, “Historians know remarkably little about the childhood years of colonial Latin Americans”.<sup>429</sup> Early theories about the place of children left them inseparable from the family unit.<sup>430</sup> Children operating outside kinship networks are more easily identified by scholars thanks to the legalistic culture embedded in the region. Studies of minors with tenuous kinship connections, or none at all, reveal the movement of children through

---

<sup>425</sup> Ibid.

<sup>426</sup> Ibid, 35.

<sup>427</sup> “Wretched” in documentation from the period translates as unfortunate and “miserable” indicates extreme poverty.

<sup>428</sup> Studies that include discussions of children during this period include, Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999); Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill: University of North Carolina Press, 2005); Kimberly Gauderman, *Women’s Lives in Colonial Quito: gender law, and economy in Spanish America* (Austin: University of Texas Press, 2003); John F. Schwaller, *The Church in Colonial Latin America* (Wilmington: Scholarly Resources, Inc., 2003); Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988); and Kathryn Burns, *Colonial Habits: Convents and the Spiritual Economy of Cuzco, Peru* (Durham: Duke University Press, 1999).

<sup>429</sup> Premo, *Children of the Father King*, 2.

<sup>430</sup> For more on changing attitudes regarding the place of children in society, see Philippe Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Vintage Books, 1965).

formal (i.e. institutional) and informal (i.e. individual) guardianship situations better than their more settled peers.<sup>431</sup>

Several other authors have examined the informal and formal ways in which children appear in colonial Latin American documents. Jorge Rojas Flores used convent records to discuss the lives of elite girls in seventeenth-century Chile.<sup>432</sup> Asunción Lavrin utilized ecclesiastical marriage records in Mexico to explore sexual norms arguing that,

The historical subject ‘child’ cannot be defined in and of itself. It depends upon the conceptualization that other social actors give it, until such time as the ‘child’s’ physical development is such that it allows him [or her] to separate from the nuclear family and assume his [or her] own destiny.<sup>433</sup>

Ann Twinam also demonstrated the inter-connectedness of children, families, and institutions by examining *gracias al sacar* (granting of legitimacy) petitions across Latin America.<sup>434</sup> Her interrogation of public perceptions of honor, illegitimacy, and intimate relationships revealed the flexibility of legal categories with regard to children.

---

<sup>431</sup> It is important to point out that the rise of charitable institutions and tutelage in Brazil rested on the flexible legal definition of “orphan”. Modern understandings of orphan include the absence of all parental figures. The status of “orphan” in Brazil relied more on the perceived—and often subjective—capacity of parents to “properly” care for their children. This was defined as a lack of *patrio poder*. As such, orphans could theoretically have one or both parents living. Children could be turned over to state care if a parent explicitly stated their inability to care for their child, thus forfeiting parental rights, or a reviewing judge deemed them an unfit guardian. See, Gislane Campos Azevedo, “De Sebastianas e Geovannis: o universo do menor nos processos dos juízes de órfãos da cidade de Paulo (1871-1917),” (M.A. thesis, Pontifícia Universidade Católica de São Paulo, 1995).

<sup>432</sup> Jorge Rojas Flores, “Ursula: The Life and Times of an Aristocratic Girl in Santiago, Chile (1666-1678),” in *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America*. Edited by Ondina E. Gonzalez and Bianca Premo. (Albuquerque: University of New Mexico Press, 2007): 107- 135.

<sup>433</sup> Asunción Lavrin, “La niñez en México y Hispanoamérica: rutas de exploración,” in *La familia en el mundo iberoamericano*, ed. Pilar Gonzalbo Aizpuru and Cecilia Rabell (Mexico City: Universidad Nacional Autónoma de México, 1994), 43.

<sup>434</sup> Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Legitimacy, and Sexuality in Colonial Spanish America* (Stanford: Stanford University Press, 1999).

In *Surprise Heirs*, Linda Lewin looked at illegitimacy as a legal concept and traced it from the colonial period into the nineteenth century.<sup>435</sup> While inheritance was the central question in her study, Lewin used illegitimacy to examine the intersections between different legal traditions in Brazil.<sup>436</sup> During the colonial period, the law tightly connected ecclesiastical and secular institutions, as well as individuals. This meant that children subject to legal guardianship frequently moved in between charitable institutions like the Casa dos Expostos and “good families” in the local community.<sup>437</sup>

Lewin pointed out that, according to Pombaline legal precedence, foundlings abandoned on the foundling wheel at the Casa dos Expostos were presumed to be freeborn in the absence of contrary evidence.<sup>438</sup> Regardless of color, abandoned children were “reduced” to “simple orphans, like any other people”.<sup>439</sup> This open attitude toward orphaned children, regardless of color, exemplifies the nature of the “charitable phase”, as argued by Marcílio. Some illegitimate and abandoned children even became notable figures in Brazilian history.<sup>440</sup>

---

<sup>435</sup> Linda Lewin, *Surprise Heirs: Illegitimacy, Patrimonial Rights, and Legal Nationalism in Luso-Brazilian Inheritance, Vols. 1 & 2* (Stanford: Stanford University Press, 2003).

<sup>436</sup> Interestingly, Lewin points out that permanent, legal adoption did not exist in Brazil until the 1850s. Lewin, 82. Prior to 1850, godparentage arrangements, sometimes called fosterage, functioned as a kind of informal adoption. For more, see Renato Pinto Venâncio, *Famílias abandonadas: assistência a criança de camadas populares no Rio de Janeiro e em Salvador, séculos XVIII e XIX* (Campinas: Papirus, 1999), 137.

<sup>437</sup> Marcílio, 138.

<sup>438</sup> In the colonial period, Brazil only contained two foundling wheels; one in the former capital city of Salvador da Bahia and the second in Rio de Janeiro. At the time, these two cities were also the largest urban centers in the country. Venâncio, *Famílias abandonadas*, 169.

<sup>439</sup> *Ibid*, 178-179.

<sup>440</sup> Lewin mentions famed politician Diogo Antônio Feijó as an example of a *sacrilego* (the illegitimate child of a clergy member) that later became a well-respect member of society. However, she points out that gender also functioned as a determining factor in the transition from illegitimate to legitimate status. *Ibid*, 78.

Extensive child circulation networks that informally cared for orphaned and abandoned children, similar to Europe, existed in conjunction with charitable institutions and legal guardianship in Brazil. In some cases, abandoned or orphaned children with no biological or legal connection to their guardians (also known as *filhos de criação*) could be privately “adopted” and used for their labor within the home.<sup>441</sup> Although not a widespread practice during this period, using the domestic labor of orphans complemented the established slave labor system in Brazil.<sup>442</sup> In the mid-nineteenth century, however, disruptions in the social order altered the trajectory of charitable institutions and the children in them.

The “philanthropic phase”, as outlined by Marcílio, began around 1850 and ended in roughly 1950.<sup>443</sup> This century witness massive social, economic, demographic, and political changes within a relatively short period of in Brazil. In response, attitudes and approaches to charity were adjusted. The strongest influence on charity during this phase was the gradual breakdown of slavery in Brazil. It began in 1850, which also saw the official close of the transatlantic slave trade. The passage of the Free Womb in 1871, the height of the abolition movement in the 1880s, and total emancipation in 1888 introduced a large free population of color into society. Post-emancipation Brazil lacked formal structures to effectively address the struggle of former slaves and their families as wage laborers. As a result, elites were quick to claim that people of color were “unprepared” and helplessly floundering in the wake of freedom.<sup>444</sup> Simultaneously, a population boom

---

<sup>441</sup> Studies of children placed in the infamous *roda dos expostos* reveal that roughly ten percent of parent-less children became *filhos de criação*. Ibid, 136.

<sup>442</sup> Marcílio, 137.

<sup>443</sup> Ibid, 193. Although Marcílio approximates beginning of this phase to be 1850, Nara Milanich places it around 1840 as a result of the transformations taking place in family law at the time. See, Nara B. Milanich, *Children of Fate: Children, Class, and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009), 42.

of European immigrants and regional migrants meant to replace slave labor placed financial strain on charitable institutions in metropolitan regions like Rio de Janeiro. The end of the monarchy and the birth of the Brazilian Republic in 1889 broke down the linkages between church and state.<sup>445</sup> A dramatic increase in urban poverty and illness, in combination with other destabilizing elements, pushed the limits of traditional welfare to the brink of collapse during this period. Increasing levels of need and restricted capabilities necessitated a modification in the ideology behind public assistance.

In the philanthropic period, charitable institutions turned away from protecting the disadvantaged to promoting the common good, based in the needs of society at large.<sup>446</sup> To accomplish this, public assistance began to move away from private acts of beneficence and into a bureaucratic process. As such, the assignment of aid became more selective and favored individuals (particularly children) closer to the top of traditional social hierarchies of class and race—a “welfare elite”.<sup>447</sup> Those not occupying privileged positions were cared for in a way that emphasized their utility to the nation and assumed “place” within it, rather than honoring their humanity.

Needy children became a social dilemma to be solved by the State using scientific methods, which placed the “child problem” under the umbrella of health issues.<sup>448</sup>

---

<sup>444</sup> Stanley J. Stein, *Vassouras, a Brazilian Coffee County, 1850-1900: The Roles of Planter and Slave in a Plantation Society* (Princeton: Princeton University Press, 1985), 290. Historiographic arguments about slaves in the post-emancipation era have since moved away from questions of their “preparedness” but Stein’s position accurately reflects the opinion of elites during this period.

<sup>445</sup> Marcílio, 191.

<sup>446</sup> *Ibid.*

<sup>447</sup> Similar processes were happening across Latin America. “Welfare elite” was coined by Ann S. Blum in “Conspicuous Benevolence: Liberalism, Public Welfare, and Private Charity in Porfirian Mexico City, 1877-1910” *The Americas* 58:1 (July 2001): 7-38, 27.

<sup>448</sup> Poor and abandoned children had been labeled a “social problem” since the eighteenth century. Elite methods for “solving” that problem shifted around the turn of the twentieth century.



Programs aimed at all parts of the family, particularly those of color, quickly signaled that the unfortunate children of God had become the dependent children of men. The logistical and financial limits of the Church, combined with the politicization of poverty, initiated a power shift toward State control of public assistance that only gained momentum over time, eventually completing their transition into children of the patria.<sup>449</sup> Institutions were no longer simply combating infanticide and abandonment; they were tasked with housing, educating, and creating hard-working citizens.<sup>450</sup>

Erica Windler's in-depth study of charitable institutions in Brazil offers evidence of this moment of transformation.<sup>451</sup> Focused in Rio de Janeiro in the nineteenth century, her work detailed the evolution of five institutions for children: the city foundling home, the *Recolhimento*, and the apprenticeship schools for boys directed by the army, navy, and penitentiary. Windler used institutional histories to interrogate broader questions about state intervention, survival strategies for the lower class, and the use of children to gauge continuity and change in society. She also recognized the mid-nineteenth century

---

See, Judite Maria Barboza Trindade, "O abandono de crianças ou a negação do óbvio," *RBH* 19:37 (Sept. 1999): 35-58.

<sup>449</sup> For a detailed discussion of the evolution of concepts like "fatherland", "nation", and "citizenship" in Brazil over time, see Maria de Lourdes Viana Lyra, "'Pátria do cidadão': A concepção de pátria/nação em Frei Caneca" *RBH* 18:36 (1998). For a broader analysis of the significance of the idea of "nation" and "nationalism" on society, see Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London and New York: Verso, 1991).

<sup>450</sup> Alcileide Cabral do Nascimento, *A sorte dos enjeitados: o combate ao infanticídio e a institucionalização da assistência as crianças abandonadas no Recife (1789-1832)* (São Paulo: Annablume, FINEP, 2008), 254.

<sup>451</sup> Windler documents that the length of stay for children at the *Casa dos Expostos* in Rio de Janeiro expanded over time. While the average was five to ten years, girls in the later period stayed up to twenty years. Erica M. Windler, "City of Children: Boys, Girls, Family and State in Imperial Rio de Janeiro, Brazil," (PhD diss., The University of Miami, 2003), 117. Evidence from the AGCRJ shows that the length of stay for children at institutions like the *Asilo de Mendicidade* correlated strongly with their age, color, and gender. AGCRJ-8:4:1 (39.4.20)- 1893.

as a crucial shift in the arch of the history of children in Brazil.<sup>452</sup> Pointing to the symbolic role of Pedro II as a child-king, she argued that concern over abandoned children transformed from colonial concerns about Christian duty to imperial preoccupations with creating an “orderly and productive citizenry”.<sup>453</sup>

According to Windler, institutional changes during this period are consistent with evolving intellectual trends regarding children and childhood. The adoption of foreign intellectual models for reform and progress increasingly connected the future of children with the future of the nation. The most significant change in the mid-nineteenth century was the rise of charitable institutions exclusively geared towards minors. In the eighteenth century, institutions like the *Recolhimento* served multiple functions, including: orphanage, hospital, detention center, and asylum. By the nineteenth century, it focused solely on young, abandoned girls.<sup>454</sup> Other institutions adopted a similar isolating philosophy toward childhood education and reform. Intellectuals believed that children were highly susceptible to negative influences and by removing them from the outside world they could guarantee their future as productive members of society.<sup>455</sup> The need for action was particularly urgent with regard to children of color, whose place in society revolved around work.

---

<sup>452</sup> Ibid, 7.

<sup>453</sup> Ibid, 8.

<sup>454</sup> The vast majority of the wards were under the age of fourteen, with the largest cohort between the ages of ten and fourteen. Ibid, 117.

<sup>455</sup> Modernity and the Enlightenment heavily influenced intellectual interpretations of child psychology in the eighteenth and nineteenth century. Previously thought to be inconsequential “little adults”, children later came to be viewed as a *tabula rosa*, easily influenced by their environment and malleable. For more on intellectual trends with regard to childhood, see Peter Moss, “Reconceitualizando a infância: crianças, instituições e profissionais.” In *Encontros e desencontros em educação infantil*, by Maria Lucia A. Machado (São Paulo: Cortez, 2002): 235-248.

According to institutional bylaws, non-white girls were not admitted into the Recolhimento until 1843.<sup>456</sup> However, even after that date, record was not accurately kept for the color of foundlings. Between 1840 and 1880, only thirty-nine wards were given a racial marker.<sup>457</sup> While the acceptance of children was theoretically based on need, Windler revealed that children of color were admitted based on their ability to become a financial benefit to the institution; even if their admittance did not conform to the established requirements for wards.<sup>458</sup> This willingness to bend the rules gave the institution permission to collect on the labor of young girls for extended periods of time and, in some cases, their entire lives.<sup>459</sup>

Windler also identified differences in the institutional treatment of children based on their color and consistent with their presumed future role in society. Curriculum changes emphasizing practical skills and a work requirement were implemented in the middle of the nineteenth century, which corresponded with the inclusion of a greater number of poor, free girls. Although wards did a variety of chores, the poorest girls were expected to complete extra work like mending and caring for infants.<sup>460</sup> The same tasks were given to other girls as punishment. While interned at the orphanage, labor continued to define an internal, racial hierarchy that replicated the outside world. External requests for the rented services of wards were considered risky to the girls' virtue but "economically advantageous"; as a result, the assignments were often given to those of

---

<sup>456</sup> Windler, 113.

<sup>457</sup> Ibid.

<sup>458</sup> Ibid, 109-110.

<sup>459</sup> Windler illustrates this point with an 1843 case in which a girl of color was reluctantly accepted in exchange for government bonds and the promise of her labor until the day she died. Ibid.

<sup>460</sup> Ibid, 130.

the lowest classes and those of color. This practice became so suspect that the institution was sued for “promoting the enslavement” of girls of color by putting them “out to work in the city”.<sup>461</sup>

Administrators at institutions like the Recolhimento saw themselves as the producers of proper citizens and good workers by the end of the nineteenth century, despite the uneven treatment of wards. Elite definitions of “proper” and “good” contained explicit hierarchical notions of gender, class, and color. Ultimately, the internalization and reproduction of hierarchies ensured order and social stability. This transformation was seen as crucial for antiquated charitable institutions to become modern.<sup>462</sup>

The rise of institutions was not without detractors, however. Some elites objected to the methods undertaken by lawmakers to address social problems. Dr. Henrique Valladares wrote a seventeen-page letter in 1894 to Jaime Silvado, a physician and the director of the Asilo de Mendicidade, expressing his concern over the rise of institutions in Brazil.<sup>463</sup> He praised the monarchy for implementing the asylum but questioned the motivations for doing so. The asylum for mendigos, or beggars, was originally conceived as an act of charity but also as an “extension of the House of Corrections”. Exhibiting an abolitionist tone, he also laments that the institution was founded during the “sad period” in which society committed “criminal acts” by living “at the cost of slavery”.

Valladares compared the state of beggars in the city to that of slaves, saying that the monarchy did not care for them and simply threw them in asylums. These asylums, he

---

<sup>461</sup> Windler notes that official recognition of race disappears from institutional records in 1843 but socio-economic indicators and expressions of “appropriate” skills suggest the color of some wards. The suit was dismissed in 1841 but illustrates an institutional tendency to use girls of color for their labor. *Ibid*, 129-130.

<sup>462</sup> *Ibid*, 98.

<sup>463</sup> AGCRJ, “Letter from Dr. Henrique Valladares”, 8:4:1, (39.4.23), 1894.

claimed, were hellish—full of people being arbitrarily punished for an indefinite period of time and without criminal charges. Public assistance institutions, entrusted to protect citizens, continued to be used to deprive people of their liberty. Valladares argued that these “unhappy” people without “family or resources” deserved to “end their days with dignity” and the “support of society” through public assistance.<sup>464</sup> Valladares urged asylums to provide more for the poorest classes instead of distancing themselves and treating their facilities like “simply another form of prison”.<sup>465</sup>

Despite the important role that institutions came to play during this period, individuals remained the primary source of long-term care and orientation. Institutions like the *Recolhimento* and the *Casa dos Expostos* saw themselves as a temporary training ground for the poor and disadvantaged. Eventually, most children who entered the front doors of institutions were quickly pushed out the back door and into private, familial arrangements. The prevalence of private arrangements resulted in the abuse and exploitation of minors.

In response, the early twentieth century saw a move toward the regulation of child labor, health, education, and parenting as a way of protecting children. Elite interests in science, modernity, and the new field of pediatrics combined to spur the creation of new laws and practices promoting “order and progress” among Brazil’s future generations.<sup>466</sup> Although theoretically grounded in emerging notions of justice through law, the application of those ideas remained inconsistent. Philanthropic reformers, highly critical of traditional, private charitable institutions, struggled with similar organizational and

---

<sup>464</sup> Ibid.

<sup>465</sup> Ibid.

<sup>466</sup> Positivist beliefs about the organization of modern society, popularized by French philosopher Auguste Comte, took hold in Brazil. Comte promoted the foundation of “totalizing institutions” with the express purpose of reforming delinquent youth. Marcilio, 194.

financial challenges.<sup>467</sup> The most famous law during this period, the Código dos Menores (1927), symbolically struck at this tension by abolishing the centuries-old roda dos expostos.<sup>468</sup> By the time the Código dos Menores was passed, charity had become a means through which the State could mold citizens compliant to elite governance.

The final phase in the history of Brazilian charity, beginning in the mid-twentieth century, saw the intensification of public assistance programs emboldened by the influence of the State within the private sphere. The “Welfare State” declared in 1965, and the Fundação Nacional do Bem-Estar do Menor (FUNABEM) it created, were the culmination of positivist ideals, aiming to “suppress, correct, and integrate” deviants that posed a threat to public order.<sup>469</sup> The military dictatorship actively engaged in an agenda designed to contain the influence of minors, rather than protecting them, in the hopes of advancing national economic growth. All charitable institutions, regardless of religious affiliation, became funded and regulated by the federal government. This signaled the climax of Brazil’s progress toward the politicization of charity. Public assistance entrenched in the promotion of national interests, rather than the advancement of individuals became standard and, in many ways, continues to characterize its spirit today.

The centuries long, linear trajectory of charitable institutions in Brazil was definitively broken in the middle of the nineteenth century. A great deal is known about this transformational period from the perspective of elite lawmakers and reformers. Little, however, is understood about the way these massive social upheavals were experienced by those most affected—impoverished children. As the channels for public assistance

---

<sup>467</sup> Marcílio, 194.

<sup>468</sup> “Código dos Menores”, Decreto Nº 17.943-A de 12 de outubro de 1927.

<sup>469</sup> FUNABEM translates to “National Foundation for the Well-Being of Minors”. Michelle Torres Lage and Marco André Cernev Rosa. “Evolução da infância no Brasil: Do anonimato ao consumismo,” *Revista Eletrônica de Educação* 4:8 (2011): 1-19; 12.

began favor those among the “welfare elite”, opportunities for children of color through institutions became increasingly problematic. Tutelage, a system originally designed to help children recover their inheritance, also experienced fundamental changes in the late-nineteenth century. As institutions evolved to become less inclusive, tutelage actually became more inclusive during this period. Grounded in traditional structures, tutelage occupied the middle ground amid a widening gap between private and public welfare systems.

### **The Poor, Abandoned Children of Men**

Brazil’s movement toward the abolition of slavery introduced large numbers of impoverished, freed youth into the general population and inadvertently spurred the rise of charitable reforms in Rio de Janeiro. In response to growing need, the system of tutelage became a channel through which poor children of color were moved in between charitable institutions and individual tutors. By examining charitable tutelage cases in more detail, this section provides insight into the evolving relationship between the State and its citizenry.

Despite considerable expansion among charitable institutions in the middle of the nineteenth century, conditions remained harsh at the end of the century. As a result, tutelage emerged as a “middling” arrangement, straddling traditional child circulation practices and the modern, institutionalization of children. The movement of children into and out of tutelary guardianship sheds light on Brazil’s transition from the private, “charitable” phase, into the public, “philanthropic” phase. Tutors frequently used the rhetoric of public assistance to justify legal guardianship over children of color. Some tutors held genuine concern for the well being of their wards while others harbored less than charitable motives. I argue that, regardless of the outcome, tutelage framed as a

selective act of charity exposes prevailing notions about the “proper” place of children of color in society.

Disadvantaged children, particularly those of color, existed in a world of limited options. Abandoned children without family members or kinship networks ended up on the streets to fend for themselves. A letter to the Ministry of Justice in 1893 references the body of a *parda* beggar collected off the streets. In the correspondence, the beggar’s name and age are unknown; she is described as a minor, probably named Anna or Maria. A complaint was filed about her body littering the street and a request made to move it to the *Asilo dos Mendigos* (Poor House) for burial.<sup>470</sup>

The police considered street children a threat to public safety and regularly took them into custody; throwing them in with adult offenders at the *Casa de Correção* or holding them for indeterminate periods of time at the *Casa de Detenção*.<sup>471</sup> From there, children believed to have criminal tendencies were separated and sent to penal institutions. Very young, sick, or simply “unfortunate” children referred by the police entered into the hands of the Judge of the Orphans. Judges would either recommend that the child be directed toward a private tutelage arrangement or interned at a charitable institution.

Institutional life for children during the late nineteenth and early twentieth century was precarious. Interned children were given a poor diet consisting mainly of starchy vegetables like manioc and potatoes, bread, some dried meat, and meager amounts of fresh fruits or vegetables. Meals often took the form of soups or porridge, which were cheap and easily made in large amounts.<sup>472</sup> The food budget at one institution was so

---

<sup>470</sup> AGCRJ, “Indigentes”, 9:5:2 (44.4.55), letter dated August 12, 1893.

<sup>471</sup> Amy Chazkel, “Social Life and Civic Education in the Rio de Janeiro City Jail,” *Journal of Social History* 42:3 (Spring 2009):697-731, 704.



strict that a complaint was made against the administration for the “excessive use of butter” at the school in 1899.<sup>473</sup> Even the oldest and most respected institutions displayed a troubling state of affairs. In the 1890s, Englishman C.C. Andrews described babies left at the *Casa dos Expostos* (foundling home), in existence in Rio de Janeiro since 1738, as,

...sick when received, and from thirty to thirty-two per cent die... Many of the foundlings are mulattoes ; and those which I saw, in a dormitory of thirty-two beds, were quite diminutive. There seemed scarcely to be a healthy-looking child among them. The room they were in had a quiet situation, with two windows, and, though large, the atmosphere was close. The beds were in neat iron cribs, with a muslin mosquito-bar for each. Slave-women are invariably employed as wet-nurses, it being the policy of the asylum not to employ in that capacity any of the mothers of the foundlings. A physician visits the asylum daily. It sometimes happens that parents wish to get their children back, and, under proper circumstances and by furnishing requisite proof of identity, they can do so.<sup>474</sup>

In both popular imagination and in reality, institutions were often more akin to dumping grounds than surrogate homes.<sup>475</sup> In most cases, the consequence of negligent care for children was death. Overall, the mortality rate for children was high—roughly 30-40%. Within institutions, the mortality reached as high as 85%.<sup>476</sup> The humidity, close quarters, and “insalubrious” neighborhoods in which many charitable institutions were

---

<sup>472</sup> AGCRJ, Documentação avulsa, 8:4:1, (39.4.12), (1898-1905).

<sup>473</sup> AGCRJ, “Casa de S. José”, 3:6:1 (13.2.10), letter dated August 31, 1899.

<sup>474</sup> C.C. Andrews, *Brazil: Its Conditions and Prospects* (New York: D. Appleton and Company, 1887), 45-46.

<sup>475</sup> Centuries of literature on foundlings, orphans, and abandoned children represent both popular imaginings of this group as well as their historical reality. This genre includes the writing of: Charles Dickens, the Grimm brothers, William Shakespeare, Victor Hugo, and Jorge Amado.

<sup>476</sup> Windler, “City of Children”, 21.

located made them “breeding grounds for disease”.<sup>477</sup> Children were a particularly vulnerable population with regard to health conditions and group conditions often exacerbated the impact of illnesses. Citywide yellow fever, smallpox, and cholera epidemics had a significant impact on youth in the late nineteenth century.<sup>478</sup>

In addition to epidemic diseases, obituaries for children of color during this period list a broad range of illnesses that, because of poverty and lack of medical attention, were also fatal. Within a one-month period in 1896, the obituaries of eleven children with explicit color categories appear in the records.<sup>479</sup> One-year-old Manoel, a “laborer” and the preto son of Brazílio Antônio Luzano and Dona Antônia do Desterro, and a three year old parda named Olga died of a “pernicious fever”.<sup>480</sup> Eight-month-old preta Sebastiana, daughter of José Severino de Menezes and Dona Virginia Maria da Conceição, died of capillary bronchitis.<sup>481</sup> One-month-old parda Augusta, legitimate daughter of Augusto da Silva and Dona Adelaide da Silva died of enterocolitis. Paulina, a three-month-old parda, succumbed to the same condition. Five-year-old pardo, Paulino was the victim of “wasting disease”, also known as consumption.<sup>482</sup> Antônia, a three-month-old parda, probably died of malnutrition, although her official obituary lists “weakness” as the cause

---

<sup>477</sup> Ibid.

<sup>478</sup> See, Windler, 21; Sam C. Adamo, “The Broken Promise: Race, Health, and Justice in Rio de Janeiro, 1890-1940,” (PhD diss., University of New Mexico, 1983), 121; and Sidney Chalhoub, *Cidade Febril: cortiços e epidemias na corte imperial* (São Paulo: Companhia das Letras, 1996).

<sup>479</sup> This was a random sampling, between July and August of 1896, of the over 200 pages of obituaries for minors in the Campo Grande area alone within Rio de Janeiro. A systematic analysis of these records would be a fruitful project for another historian interested in these themes. AGCRJ, “Obitos de menores e adultos em Campo Grande”, 58.2.43, (1896-1900).

<sup>480</sup> Ibid.

<sup>481</sup> Capillary bronchitis was used as a diagnosis for the inflammation and narrowing of air passages. This could indicate Sebastiana actually died of asthma complications.



*Figure 19- Schooling at the Casa dos Expostos, Rio de Janeiro (1914)- Coleção Augusto Malta, Museu da Imagem e do Som, Rio de Janeiro, RJ*



*Figure 20- Abandoned Infants at the Casa dos Expostos, Rio de Janeiro (1914) - Coleção Augusto Malta, Museu da Imagem e do Som, Rio de Janeiro, RJ*

---

<sup>482</sup> Consumption, or tuberculosis, was referred to as a “wasting disease” because those infected endured the breakdown of lung tissue. Adamo, “The Broken Promise”, 126.

of death. Two children fell victim to an incurable ailment—tetanus—within a week of their birth.<sup>483</sup>

Despite these difficult circumstances, the most impoverished and those lacking the financial support of patrons or kinship networks, were forced to turn to public assistance for survival. Those not placed into institutions by the Judge of the Orphans could petition powerful political figures or administrators for entrance into need-based programs. In a letter from 1903, Amélia Maria da Silva wrote (through the assistance of a notary),

His Excellency, Dr. Mayor of the Federal District:

The undersigned, a poor widow, has under her care two minor children, and, being unable to find employment, asks His Excellency for charity and admission into the Asylo de Isabel, her daughter Maria Carolina, who is eleven years old.

She also asks for an act of charity in the inclusions of her daughter in this holy institution to allow her to dedicate herself to her other child, who is only two years old.

Rio de Janeiro, March 4, 1903.  
Written on behalf of Amélia Maria da Silva,  
by Mario Ribeiro Azevedo.<sup>484</sup>

She received a quick response from Dr. Antônio Moreira de Sá, a physician and professor at the medical school. He wrote,

I, the undersigned, as a medical doctor at the Medical School of Rio de Janeiro:

I attest, on my honor, that the minor Maria Carolina das Chagas does not suffer from any sickness, whether contagious or not. She clearly presents

---

<sup>483</sup> This likely indicates that they were infected with neonatal tetanus, caused by an infection of the umbilical cord stump. Without treatment, this condition would have displayed 70-100% mortality in infants. The vaccine for tetanus was only developed in 1914. For more on tetanus in Brazil, see Ian Read, “A triumphant decline?: Tetanus among slaves and freeborn in Brazil,” *História, Ciências, Saúde-Manguinhos* número 19 (Dez. 2012): 107-132.

<sup>484</sup> Translation is mine and the original spellings from the documents were maintained. AGCRJ, “Asilo de Santa Isabel”, 8:4:1 (39.4.15), (1897-1904).

indications on both arms that she has been vaccinated.

Rio de Janeiro, Marco 4, 1903.  
Dr. Antônio Moreira de Sá.<sup>485</sup>

Maria Carolina's examination by a doctor proved successful. She presented no illnesses and had been vaccinated, which were both new prerequisites for admission into charitable institutions during this period. After passing this first hurdle, she then had to certify her identity. To accomplish this, record of her birth needed to be obtained. José Alves Pereira Bonito, an official at the Civil Registry office for the city of Rio de Janeiro, responded stating,

I certify that, reviewing the Birth Registry, page 147, I found registered the following: 'On the thirteenth day of the month of December in the year 1891 in the district of the São José do Andarahy parish in the State of Rio de Janeiro, my fellow notary Sebastião Ribeiro de Barros declared that on the seventh day of the current month on the São Domingos plantation a female, parda child was baptized with the name Maria Carolina and is natural child of Amélia Maria da Silva, native of Rio, who was born on the São Domingos plantation and continues to reside there.

Originally dated December 13, 1891,  
José Alves Pereira Bonito, Notary.<sup>486</sup>

Later that same year, Maria Carolina was listed as one of the eleven girls to be admitted into the Instituto Profissional do Sexo Feminino (Professional Institute for Girls).<sup>487</sup> Her case demonstrates the multiple hurdles that disadvantaged children had to overcome before being admitted into institutions with paltry conditions. For many children of color, compiling documentary proof of identity, age, and vaccination status

---

<sup>485</sup> Ibid.

<sup>486</sup> Ibid.

<sup>487</sup> Ibid. Final document dated September 1904.

was challenging, if not impossible. Even after entering charitable institutions, children like Maria Carolina did not stay long. Limited resources, a high mortality rate, and overcrowding led to high turnover rates within charitable institutions; on average, children were admitted and then turned out again within a few years.<sup>488</sup> Cases like that of Professor Octacílio Nunes, who spent his entire childhood within a Catholic institution, were rare.<sup>489</sup>

In light of the many problems inherent in institutions during this period, individual arrangements were the more desirable solution in dealing with poor and abandoned children. Judges could nominate potential tutors, or tutors could request to take in a child already known to them. The cost of caring for the child was offset by a modest government subsidy and often complemented by the labor of the child.<sup>490</sup> Official, legally contracted tutelage required evidence of the age and status of the child, which could be prohibitive for children of color. However, this could be circumvented by informal tutelage agreements, which were a common occurrence.<sup>491</sup> Moreover, private charitable guardianship placed poor children into the homes of families, which was thought to be better for their physical and spiritual well-being.<sup>492</sup>

---

<sup>488</sup> Windler estimated that, in the pre-1888 period, most girls stayed anywhere from five to nine years on average. She does not offer data on length of stay into the twentieth century, however. Windler, 117.

<sup>489</sup> It is important to point out that private institutions run by Catholic orders, like the Salesians, were oriented toward long-term care for disadvantaged children. However, space was perpetually limited and, in the late nineteenth century, Catholic institutions began to actively pursue a “whitening” policy for their wards. Over time, opportunities for the descendants of slaves to gain protection and education became increasingly narrow, even through the Catholic Church.

<sup>490</sup> Institutions also routinely relied upon child labor as a way of offsetting the costs of room, board, food, and education.

<sup>491</sup> Several cases at the ANB mention children living and working in the homes of their tutors for years in the context of other types of litigation or in cases where tutors desired to formalize an arrangement that was already established.

Tutelage, in this way, became a channel through which orphaned, abandoned, or otherwise impoverished children of color could receive private medical, educational, and financial support. This child circulation system was connected and complementary to the rise of charitable institutions, siphoning off the excessive number of wards that had no other options. Within the text of tutelage cases, some tutors expressly stated that their motivation for seeking guardianship of children of color was an “act of charity”.<sup>493</sup> Individual charitable arrangements became a “middling” ground between traditional child circulation practices and modern efforts to institutionalize lower class youth. Within this middle ground, children of color were subject to the whims of their tutors and the variability of their care. Reflecting this intermediate period, the motivations for charitable guardianship fall into two categories: humanitarian duty (characteristic of the “charitable phase”) and civic duty (characteristic of the “philanthropic phase”). In the first category, tutors draw upon emotional discourse—either rooted in pity or empathy for the child in question. The second category frames the tutor’s actions as evading a situation that could endanger public order in the future.

Tutors motivated by humanitarian duty typically held a personal relationship with the parents of their wards, which moved them to offer aid. For children of color, this relationship was often linked to slavery. This was the case for 11-year-old Bahian, Arthur Vieira da Costa. His mother, liberta Antônia, was hired as a domestic by Geronymo Braz das Trinas, a high treasury official for the War Ministry, in 1890. At the time, Arthur was six years old and become Geronymo’s “pet”. When Antônia got married in 1892, her new husband and two other children came to live with Geronymo. After Antônia’s death in

---

<sup>492</sup> It was believed that exposure to “decent” families would positively influence the behavior of wards. In terms of health, the single-family residences favored in tutelage contracts presented a significantly lower risk for the contraction of epidemic diseases and may have actually improved children’s chances for survival. Adamo, 31.

<sup>493</sup> ANB- Juízo de Órfãos, ZM, maço 74, número 1266, 1881.

1901, Geronimo became Arthur's tutor. In a deposition, Arthur stated that he "preferred" to stay with Geronimo than live with his new stepfather because he was "treated well".<sup>494</sup>

Female patrons, although unable to legally act as tutors, also interceded on behalf of children of color to ensure their charitable guardianship. Some expressed strong emotional attachments to their tutelados, even asserting a sense of maternal love. Anna Carolina Serpa, a widow, renounced the services of *ingênuos*, Dionísio (8 years old) and Possidônio (6 years old), who were the children of her slave Iria, because they were "like members of the family". Thanks to Anna's insistence, her brother Eugênio risk José Serpa became the boys' tutor and they were enrolled in the Escola Pública da Praça Dom Pedro Primeiro in 1883.<sup>495</sup>

In 1876, Maria Rita da Conceição stated she had "raised and nursed" 12 year old Julio as her own son, although he was the natural son of *crioula* Maria da Silva. Because of her affection for him, Maria Rita placed him with a master tradesman to learn a skilled profession.<sup>496</sup> Guilhermina Maria de Carvalho, also concerned with the education of her slave's *pardo* son Fernando, "took care" of him and the cost of his night school classes. Fernando claimed that she was motivated out of affection for his mother, whom she had always "treated like a daughter".<sup>497</sup> When *parda liberta* Guilhermina was unable to "care

---

<sup>494</sup> It is important to note that in this case, as well as in others, the depositions of children must be analyzed carefully. Children in the custody of tutors and asked to testify about the nature of their care took an exceptional risk. Negative feedback could lead to abuse or the termination of contractual aid. It is important to remain mindful of the social pressure on children and the bias that it inevitably produced in the documentation. While some freedom of expression apparently existed—as some children felt free to record poor conditions—that liberty entailed significant peril. To mitigate this bias, I have attempted to compare the words of children and their actions, looking for inconsistencies that may reflect testimony given under duress. ANB- Pretoria do Rio de Janeiro (Paquetá), Z5, caixa 2031A, número 1258, 1901.

<sup>495</sup> ANB- Juízo de Órfãos, ZM, maço 2.291A, número 902, 1884.

<sup>496</sup> ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.087, 1876.



for or educate” her four daughters, Porcina, Mathilde, Paulina, and Paula, Dona Clara Martinho Gomes da Silva paid for their enrollment in elite, private schools in 1880.<sup>498</sup>

Charitable guardianship cases frequently mention the personal relationship between elites and former slaves as a motivation for contractual tutelage. Captain João Baptista de Oliveira Goma requested the tutelage of Ignez, the daughter of his former slave Adrianna, in 1889. Goma claimed that Ignez had been his care since her birth. He had invested in her education for many years and wanted to “guarantee her future” by giving her “an honest position” in society.<sup>499</sup>

Tutelage functioned to shore up the tenuous connection between elites and their former slaves after manumission, as Francisca’s case demonstrates. In 1880, José Teixeira de Almeida claimed he wanted to become the tutor of 13 year old, Francisca Maria da Conceição. Francisca was the daughter of his former slave, Firmina de Espírito Santo. Firmina, although free, continued to work in Almeida’s home as a domestic servant but he was “worried” she would decide to leave. In light of this, Almeida offered to “protect [her] daughter against vices and secure her future” by becoming her tutor. He demonstrated his commitment to Francisca by sending her to school where she learned how to read and write.

Tutors offered education as a concession to poor children of color. Júlia Idalina Soares came under the tutelage of José Soares Pinto when she was sixteen because she claimed he “cared and educated her since birth”. Despite being the daughter of Pinto’s ex-slave Julieta, Júlia learned how to read and write because Pinto financed her

---

<sup>497</sup> ANB- Juízo de Órfãos, ZM, maço 162, número 3239, 1879. It appears that Fernando, born free in 1871, also took on the name of his mother’s dona—Carvalho—as part of his own número

<sup>498</sup> ANB- Juízo de Órfãos, ZM, maço 107, número 2145, 1880. Two girls were sent to the Colégio de São Vicente and the other two were placed at the Colégio do Largo de Mão do Obispo.

<sup>499</sup> ANB- Juízo de Órfãos, ZM, maço 2292, número 2242, 1889.

schooling.<sup>500</sup> Zebina Eugênia de Paiva and her husband Joaquim Sabino Pinto Ribeiro, as former school teachers, also became the tutors of their ex-slave Estavista's ingênu daughter out of a desire to give her a "secure future" through education.<sup>501</sup> Manoel Nunes Barata, an 11-year-old preto, was granted education and an apprenticeship as an "act of charity" by his tutor, Dr. Adolpho Arthur Ribeiro da Fonseca.<sup>502</sup>

Manumission could be labeled a charitable act, as it was for Brazilina and Adelina in 1876. Dona Maria Norberto freed her two criadas, the daughters of her former slave Hortense, out of charity, made them her heirs, and secured a tutor to "care for their interests and assets" in the future.<sup>503</sup> Public emancipation funds and the ritualized granting of freedom grew out of the abolition movement, reaching its peak in the early 1880s.<sup>504</sup> Scholars like Roger Kittleton have also pointed out the connection between manumission and emerging notions of "feminized" charity.<sup>505</sup> As in Dona Maria's case, bestowing liberty on slaves came to be seen as an especially womanly act of piety—granted by women and for women.

These examples suggest that charitable tutelage between elites and their former slaves involved an exchange of concessions for the purpose of maintaining stability for both parties. Elites improved their social status by taking in the children of their former

---

<sup>500</sup> ANB- Juízo de Órfãos, ZM, maço 2283, número 71, 1888.

<sup>501</sup> ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.195, 1879.

<sup>502</sup> ANB- Juízo de Órfãos, ZM, maço 74, número 1266, 1881.

<sup>503</sup> ANB- Juízo de Órfãos, ZM, maço 2.287A, número 424.

<sup>504</sup> See, Celso Castilho and Camilia Cowling, Funding Freedom, Popularizing Politics: Abolitionism and Local Emancipation Funds in 1880s Brazil," *Luso-Brazilian Review* 47:1 (2010): 89-120

<sup>505</sup> See, Roger A. Kittleton, "Campaign of All Peace and Charity: Gender and the Politics of Abolitionism in Porto Alegre, Brazil, 1846–1888," *Slavery and Abolition*, 22 (2001): 83–108.

slaves and benefited from their labor (and often that of their parents as well). In exchange, children were theoretically granted a patron that would ensure their future through education and employment. The movement of minors out of public charitable institutions into private, charitable guardianship situations--and rarely the reverse-- suggests a general preference for private assistance. Moreover, removing a child from a charitable institution was itself considered an act of charity.

Tutelage cases motivated by civic duty, although sometimes touching upon emotional issues, focused on emerging notions of law and order. These cases, rather than displaying an exchange between elites and former slaves, feature a more linear sequence of events. Instead of trading services, elites “solve” the problems presented by people of color with little or no input from them. These cases are short, sometimes a single page, and display little or no connection between a tutor and their ward. In these cases, elites state their desire to “give a destiny” to children of color. This was the case for 19-year-old, Theresa de Jesus Carvalho who was removed from the Asilo de Mendigas by the Judge of the Orphans in 1872 and placed with a family because she “needed a destiny”.<sup>506</sup> Agnello de Andrade pulled three-year-old Laura out of an asylum in 1880 because she was “in need of care”.<sup>507</sup>

Authorities cited criminal acts as a reason for intervention. The Chief of Police in Rio agitated for a tutor for 8 year old, “poor orphan” Maria in 1877 after her stepfather Bernardino de Serra Xavier committed “immoral acts” against her, including “deflowering” her.<sup>508</sup> Eugênia, the 16-year-old daughter of parda “Firmina de tal”, came under the guardianship of Luiz Honorio Vieira Souto after being “horribly mistreated” by

---

<sup>506</sup> ANB- Juízo de Órfãos, ZM, maço 23, número 510, 1872.

<sup>507</sup> ANB- Juízo de Órfãos, ZM, maço 139, número 2.761, 1880.

<sup>508</sup> ANB- Juízo de Órfãos, ZM, maço 123, número 2.547, 1877.

her slum-dwelling mother and her Portuguese lover. In his decision, the judge stated that he believed her “future [would] be better with a family”.<sup>509</sup> Antônio de Oliveira Monteiro, moved “by a spirit of charity”, took in Maria Augusta Avila Melo in 1875. He alleged that Maria’s mother was a prostitute who “rent[ed] a room by the hour” and, without his intervention, Maria would turn to the crime of prostitution as well.<sup>510</sup>

Despite the insalubrious conditions and unequal treatment of wards, institutions continued to be touted as the solution to growing concerns over poverty and crime, particularly among children of color in the late nineteenth century. And, although tutelage functioned as a transitional “middle ground” between traditional child circulation practices and the rise of institutions, definitive movement toward the latter soon became evident. The division that developed between “charitable” and “civic” tutelage cases rests on the intimate connections between elites and people of color. That connection, whether based in truth or in rhetoric, faded over time.

Elite guardianship during this period, notwithstanding the motivation behind its execution, began to reframe the power dynamic between elites and former slaves in a way that was no longer seen as exploitive, but progressive—even beneficial. Intervention into the private affairs of people of color, primarily through their children, transferred from the personal right of former owners to the paternalistic mission of governing bodies. These actions, and the kind of “destiny” given to children of color, reflect elite notions of their proper place in society. That place was, during slavery, determined by the will of

---

<sup>509</sup> ANB- Juízo de Órfãos, ZM, maço 324, número 6.059, 1885. Firmina’s lack of a surname, indicated by “de tal”, suggests her history of enslavement; as does her residence in a slum in Botafogo. During this period, Botafogo was residence of several coffee barons and other wealthy members of carioca society. However, around the turn of the twentieth century, it transformed into a working class area, characterized by a large population of artisans, public functionaries, soldiers, merchants, and domestic servants who often lived in tenement housing. “Memoria historica de Botafogo,” Associação de Moradores e Amigos de Botafogo (<http://amabotafogo.org.br/memoria.asp>). Accessed November 7, 2014.

<sup>510</sup> ANB- Juízo de Órfãos, ZM, maço 123, número 2412, 1875.

individual slave owners. As the country transitioned out of slavery, the future of children of color became increasingly linked to serving the greater good of society. At the end of the philanthropic phase, poor Brazilian children became public possessions in the mind of elite lawmakers. The following section looks in greater depth at the intellectual trends that placed children of color at the center of elite modernizing projects and how, over time, they evolved into the “children of the pátria”.

### **The Hygienic, Obedient Children of the Patria**

The city of Rio de Janeiro was dangerously unsanitary in the late nineteenth century. Urban conditions were over-crowded and irregularly maintained. A ballooning population began building favelas (makeshift shanty-towns) using discarded scraps of wood and metal up in the hills surrounding the city. Group housing, common because of its price and central location downtown, was haphazardly constructed, poorly ventilated, rarely cleaned, and over-crowded. Many people shared living spaces and water sources with a variety of animals—including pigs, chickens, and horses. Rio’s sewage system, outdated and limited in scope, offended the sensibilities of residents and consistently served as a breeding ground for disease.

Favelas contained a disproportionate number of the city’s residents of color as well as the worst public health conditions. Citywide control over waste management was so bad that some residents filed *queixas e reclamações* (letters of complaint) with the municipal government. In a letter dated June 22, 1881, a resident on the Rua da Glória complained that the carcass of a dead horse was rotting in the middle of the street and causing miasmas.<sup>511</sup> Public health inspectors, tasked with addressing such situations,

---

<sup>511</sup> AGCRJ, “Queixas e reclamações”, 4:19-22, (49.1.33), (1880-1889). Document dated June 22, 1881. For more on the origins of miasmas in modern science, see João José Reis, *Death is a*

were in short supply. Municipal departments charged with public sanitation were new and inadequately staffed, which led to widespread impunity for health code violations.<sup>512</sup>

Scanty city maintenance practices, in addition to limited knowledge of personal hygiene, led to rampant epidemics and a wide range of illnesses. Tuberculosis, labeled the “deadliest killer in the city” disproportionately affected people of color because of poor living conditions.<sup>513</sup> The death rate for tuberculosis among non-white residents was more than double that of whites, even into the twentieth century.<sup>514</sup> Non-fatal conditions like malnutrition, hunger, and exhaustion also claimed a significant number of lives among people of color. As Ian Read argued, “...socio-economic inequalities were reflected in the health and mortality of Brazilians during the nineteenth century”.<sup>515</sup>

Divisions between upper- and lower-class neighborhoods in the city became particularly pronounced during this period. Mortality rates for epidemic diseases were lowest within middle- and upper-class suburban areas like Botafogo, Copacabana, and Tijuca. The poorest and most urban regions, like São Cristovão, Engenho Novo, Engenho Velho, Piedade, and Madureira, contained the highest concentration of non-white inhabitants and displayed the highest mortality rates.<sup>516</sup> In a city wedged between ocean and mountains, health concerns within one community quickly became a concern for all;

---

*Festival: Funeral Rites and Rebellion in Nineteenth-century Brazil* (Chapel Hill: University of North Carolina Press, 2003), 216-217.

<sup>512</sup> Adamo, “The Broken Promise”, 37.

<sup>513</sup> Ibid, 125-126.

<sup>514</sup> Adamo charted 322 white mortalities in 1904 from tuberculosis and 892 for people of color (aggregating mulatto and black categories). He argued that tuberculosis is particularly reflective of divergent socio-economic conditions, since mortality rates fluctuate in correlation with economic up and downturns. Ibid, 126.

<sup>515</sup> Ian Read, “Sickness, Recovery, and Death Among the Enslaved and Free People of Santos, Brazil, 1860-1888” *The Americas* 66:1 (July 2009): 57-80; 59.

<sup>516</sup> Ibid.

particularly when the population most at risk was charged with nursing, cooking, cleaning, and caring for members of elite households.

Society had reached a crisis point, according to lawmakers, and Brazilian intellectuals looked to Europe for answers.<sup>517</sup> Scientific advances in France and Germany offered solutions to the health and sanitation issues plaguing major cities and these ideas took hold across Latin America under the umbrella of puericulture.<sup>518</sup> Elite intellectuals, many of whom were educated in Europe, saw the wholesale adoption of these beliefs and methods for manipulating them as the only way to help Latin America “catch up” with modern Europe.<sup>519</sup> Central to puericultural theory was the family unit, particularly the mother/child bond, and the process of raising healthy children who would contribute to the prosperity of society. Child rearing evolved into “modern medical practices...for the good of the country”.<sup>520</sup> In Latin America, these theories became intertwined in the mission and actions of charitable institutions. This new, “scientific charity” became part of major nation-building projects aimed at the formation of health, productive citizens through the cultivation of “children of the patria”.<sup>521</sup>

---

<sup>517</sup> Facing similar problems with infant mortality and public sanitation, European intellectuals like Pinard, Lamarck, and Ramos published influential works that stressed the connection between the physical health of children as a reflection of the positive future of the nation. For more on the theoretical linkages between race, nation, and politics, see Nancy Leys Stepan, *The Hour of Eugenics: Race, Gender and Nation in Latin America* (New York: Cornell University, 1991), 78.

<sup>518</sup> Known as the “scientific cultivation of the child” became the precursor to eugenics. Countries like Colombia also adopted scientific methods to address social problems. *Ibid*, 77. See also, Hayley Susan Froyland, “Para el bien comun: Charity, Health, and Moral Order in Colombia, 1850-1936,” (PhD diss., University of Virginia, 2002).

<sup>519</sup> *Ibid*, 33.

<sup>520</sup> *Ibid*, 78.

<sup>521</sup> Martha de Luna Freire and Vinícius da Silva Leony, “A caridade científica: Moncorvo Filho e o Instituto de Proteção e Assistência à Infância do Rio de Janeiro (1899-1930),” *História, Ciência, Saúde-Manguinhos* 18:1 (Dec. 2011): 199-225.

In Brazil, the post-emancipation era was a critical moment in which elites imagined that national identity could be re-invented using European models. Children became the blank canvas upon which a new narrative for the future was written. Lopes Trovão, a noted Brazilian intellectual, gave a speech to the Federal Senate in 1896, stating,

We have a fatherland to rebuild, a nation to solidify, a people to create..to accomplish this task, what element is more docile and moldable to work with than children?... We have reached a critical moment...we need to prepare the youth to be better, they are the genesis of a more perfect humanity.<sup>522</sup>

The best way to implement this change, according to elite modernizers, was through institutions. However, a lack of infrastructure to accomplish this mission soon became evident. In 1901, noted physician and reformer, Dr. Moncorvo Filho, wrote that,

Brazil, the heart of your civilization does not lack an asylum, but thousands of institutions for the patronage of poor children, according to the authoritative opinion of notable economists and statesmen who give aide to the youth and work for the Fatherland.<sup>523</sup>

To remedy this, several new institutions were constructed that integrated public assistance and the science of child rearing.<sup>524</sup> In the name of research, these institutions functioned as living labs for professionals at the medical school, using poor women and children in the city as case studies.<sup>525</sup> The Santa Isabel maternity ward, in particular,

---

<sup>522</sup> Irene Rizzini, *A arte de governar crianças: a história das políticas sociais, da legislação e da assistência à infância no Brasil* (Rio de Janeiro: Ed. Universitária Santa Úrsula, 1995), 39.

<sup>523</sup> AGCRJ, “Letter from Dr. Moncorvo Filho about the Asilo Santa Isabel”, 8:4:1 (39.4.12), 1901. Translation and emphasis are mine.

<sup>524</sup> These included: a children’s hospital (1889), the Santa Isabel maternity ward (1889), and the Casa de Convalescença mental health ward (1881). AGCRJ, “Asilos”, 9:7:3, (46.2.32), (1877-1899).



appears prominently within the documentation with regard to the health of poor people of color.

In 1876, Dr. José Rodrigues dos Santos founded a birthing center in the Santa Isabel neighborhood of Rio de Janeiro. In 1883, Santos petitioned the municipal government for land to build the Santa Isabel Maternity Ward.<sup>526</sup> The local Carmelite Order donated the land on which the new ward was constructed six years later. According to the mapa de movimento (entrance and exit ledger) for the maternity ward, the majority of women who gave birth there were free women of color in their mid-twenties.<sup>527</sup> A progress report from 1881 proudly stated that only one woman was “lost” due to childbirth complications that year. They also expressed pleasure over the variety of women that chose to utilize their services, mentioning diverse colors, ages, social classes, and nationalities. A document from the following year lists 68 slave women and 35 free women of color who gave birth there.<sup>528</sup>

Around the same time, Dr. Carlos Arthur Moncorvo Figueiredo and his son, Dr. Moncorvo Filho, emerged as the preeminent reformist figures in hygiene and puericulture in Rio de Janeiro.<sup>529</sup> The elder Moncorvo made the application of European pediatric practices his mission in Brazil, even gaining the nickname “The Father of Pediatrics”.<sup>530</sup>

---

<sup>525</sup> Maria Renilda Nery Barreto, “Dar à luz no Rio de Janeiro oitocentista” (paper presented at the annual meeting for ANPUH, Natal, RN, Brazil, July 22-26, 2013).

<sup>526</sup> AGCRJ, “Asilos”, 9:7:3, (46.2.32), (1877-1899).

<sup>527</sup> Ibid.

<sup>528</sup> Ibid.

<sup>529</sup> Some have suggested that the elder Moncorvo was motivated to enter into pediatrics by his own childhood experiences. Orphaned by an epidemic disease at the age of five, Moncorvo was raised by his maternal grandmother. Tamara Lynn Marko, “When They Became the Nation’s Children: The Foundations of Pediatrics and its Raced, Classed, and Gendered (Re) Inventions of Childhood in Rio de Janeiro, 1870-1930,” (PhD diss., University of California, San Diego, 2006), 84.

Between 1870 and 1901, he worked tirelessly toward this end and his son followed suit until 1941.<sup>531</sup> Under their guidance, the medical school in Rio (one of only two in the country) pioneered medical research in: pediatrics, obstetrics, gynecology, and puericulture in Brazil.<sup>532</sup>

After graduating from Rio's prestigious medical school in 1872, the elder Moncorvo completed an internship in Paris.<sup>533</sup> Enmeshed in the scientific and intellectual community, Moncorvo took an interest in the field of pediatrics.<sup>534</sup> Considered the forefront of medical research in Europe, pediatrics was largely unknown in Brazil.<sup>535</sup> Moncorvo and other pediatric physicians saw themselves as modernizers dedicated to the altruistic cause of bringing knowledge to those in need and "exploring" the unknown frontiers of medicine.<sup>536</sup> Pediatrics exemplified the way in which new scientific knowledge gelled easily with traditional hierarchical notions already in existence in Brazil.<sup>537</sup> Differing from medical professionals in Europe, the Moncorvos did not believe

---

<sup>530</sup> Marko, 82.

<sup>531</sup> Ibid.

<sup>532</sup> All of these areas, with the exception of puericulture, are in existence today. Barreto, "Dar à luz".

<sup>533</sup> For more on Moncorvo's biography, see *Revista do Instituto Histórico e Geográfico de São Paulo*, v. 6, 1900-1901 (São Paulo: Typografia do Diário Oficial, 1902), 835-840.

<sup>534</sup> Founded by Charles West in London, pediatrics developed as a field of study in response to the rising infant mortality rate in Western Europe in the 1850s. Marko, 75.

<sup>535</sup> This controversial new science centered on "child bearing, breast feeding, child rearing..." and "...reach[ed] deeply into heretofore what had been the traditional realms of the feminine" but was newly articulated in masculine terms. Ibid, 76.

<sup>536</sup> Marko's analysis of the language of pediatric physicians during this period draws parallels between that of early colonizers and missionaries. The paternalistic language embedded in scientific endeavors smacks of sexuality, using words like "penetrate", "virgin territory", and "objects" when referring to the bodies of female patients. Linguistically, this implied an imbalance of power between male doctors and female patients and the disregard of their opinion, based on their inferior gender, race, and class. Ibid, 77.

that Brazil's tropical climate forever condemned the country to poor health and "backwardness".<sup>538</sup> Rather, they believed that the "uncivilized" aspects of the nation could be fixed with the proper practices. The cause of most "social ills" plaguing the country, Moncorvo Filho asserted, were caused by,

Ignorance of the most elementary principles of popular hygiene, the lack of interest on the part of the administration to this day regarding the conditions of the Brazilian child, especially in the poor class, [that] has aggravated the situation more and more in this respect.<sup>539</sup>

Moncorvo Filho advocated that medical institutions, like charitable institutions, focus on re-education of the lower classes for the common good. To do this, he established free and easily accessible medical care for the poorest inhabitants of the city through *postos* (special clinics) geared toward the study and treatment of childhood diseases, as well as public instruction for mothers, wet-nurses, and nannies on proper hygiene and childcare practices. The foundation of Moncorvo Filho's Instituto de Proteção e Assistência à Infância of Rio de Janeiro (1899-1930) represented a critical step in the dissemination of his ideas beyond the medical school.<sup>540</sup> By 1921, there were 17 different chapters established throughout Brazil.<sup>541</sup>

---

<sup>537</sup> Ibid, 78.

<sup>538</sup> Marko, 91.

<sup>539</sup> Arthur Moncorvo, *Histórico da proteção á infancia no Brasil 1500-1922* (Rio de Janeiro: Empreza Graphica Editora, 1926), 61.

<sup>540</sup> The IPAI began holding bi-annual concursos, or contests, for the city's "healthiest" children in the 1910s. Winners would receive a cash prize and contestants were evaluated on criteria like: color, weight, height, length of time breastfed, and proof of "living in poverty". See, James E. Wadsworth and Tamera L. Marko, "Children of the Pátria: Representations of Childhood and Welfare State Ideologies at the 1922 Rio de Janeiro International Centennial Exposition," *The Americas* 58:1 (July 2001): 65-90, 86.

<sup>541</sup> Ibid, 70.



**Figure 21- Moncorvo Filho and other medical professionals treating children at his clinic during the 1918 influenza epidemic in Rio de Janeiro.<sup>542</sup>**



**Figure 22- Moncorvo Filho attending to patients in the Mangueira favela during the 1918 influenza epidemic.<sup>543</sup>**

<sup>542</sup> Moncorvo, *Histórico*, 260.

Pediatricians initially practiced without government support before being absorbed into the national agenda.<sup>544</sup> The private sponsors of the Moncorvos' clinics were members of the city's elite and were often in positions of power for other institutions, including the courts and charitable institutions.<sup>545</sup> Although Moncorvo Filho carefully praised the efforts of charitable institutions, he was quick to mention their vast shortcomings with regard to the physical health of children.<sup>546</sup>

Moncorvo Filho rarely made comments with regard to the race of his patients. The one exception was his opinion about wet-nurses, whom he called "dirty, stupid, lazy Africans or Negros".<sup>547</sup> Wet-nurses and midwives, often women of color, were labeled "mercenaries" and became a target for medical reformers, symbolizing the country's "uncivilized" past.<sup>548</sup> Newspapers spurred and corroborated the reformist agenda by publishing cautionary tales about entrusting babies to women of color. As early as 1875, the *Gazeta de Notícias* ran gruesome article detailing how an ordinary birth turned fatal because of an ignorant and uncaring midwife.<sup>549</sup>

---

<sup>543</sup> Ibid, 272.

<sup>544</sup> Marko, 81.

<sup>545</sup> Marko mentions the Santa Casa de Misericórdia specifically. Marko, 83.

<sup>546</sup> A. Aguiar and R.M. Martins. *História da pediatria brasileira: coletânea de textos e depoimentos* (Rio de Janeiro: Sociedade Brasileira de Pediatria, 1996), 104.

<sup>547</sup> Moncorvo, Ibid.

<sup>548</sup> For more on this public discourse, see Sandra Sofia Machado Koutsoukos, "Amas mercenárias: o discurso dos doutores em medicina e os retratos de amas - Brasil, segunda metade do século XIX," *História, Ciências, Saúde-Manguinhos* 16:2 (April/June 2009): 305-324.

<sup>549</sup> In an 1875 article, a father ran door-to-door begging for the help of a doctor while his wife hemorrhaged and bled to death and the newborn nearly died of complications. Meanwhile, the midwife was "laughing with brutality and stupidity". *Gazeta de Notícias*, August 15, 1875.

Elites embraced the new medical community because they offered the hope that, with the proper conditions and practices, Brazil could overcome its “barbarous” past and take its place among the modern nations of the world. The participation of the poor and people of color in pediatric programs appeared advantageous. Children were treated in clean, modern facilities by licensed staff at no monetary cost. Patients flooded into free clinics and medical postos across the city. Doctors crisscrossed region and saw hundreds of patients each month. Dr. Pedro V. at the Caixa de Socorros saw 316 patients in the month of September, seventeen of which later required surgery. He also visited over 600 patients in other clinics and their own homes across the city. Dr. Hilário de Gouvea, one of the most famous surgeons of the period, also operated on one of his patients for free.<sup>550</sup> All of these actions were described as acts of charity for the good of children and the fatherland.<sup>551</sup>

However, over time, people of color resisted the intrusion of medical professionals into the “private sphere” of childcare. Vaccinations, in particular, became a point of contention that laid bare social, cultural, economic divisions within the city’s population. These divisions came to a boiling point in November 1904 during a week of street protests, destruction, and confrontations between citizens and the police that came to be known as the Revolta da Vacina, or Vaccine Revolt; the biggest popular uprising the city had seen to date.<sup>552</sup> People of color viewed vaccinations with suspicion since, in

---

<sup>550</sup> *Gazeta de Notícias*, October 9, 1875.

<sup>551</sup> Despite public preoccupations with health in the late nineteenth century, significant drops in infant mortality rates weren’t achieved until after World War II. See, José Eustáquio Diniz Alves and Miguel A. P. Bruno, “População e crescimento econômico de longo prazo no Brasil: Como aproveitar a janela de oportunidade demográfica?” (paper presented at the annual meeting for the Associação Brasileira de Estudos Populacionais-ABEP, Caxambu, MG, Sept. 18-22, 2006).

<sup>552</sup> Ruy Castro, *Rio de Janeiro: Carnival Under Fire* (New York: Bloomsbury, 2004), 179. Also see, Jeffrey D. Needell, "The Revolta Contra Vacina of 1904: The Revolt Against 'Modernization' in Belle-Epoque Rio de Janeiro," *HAHR* 67:2 (May 1987): 233-269.

their earliest forms, some injections actually proved fatal.<sup>553</sup> This led to popular beliefs that authorities were using vaccines to kill the poor.<sup>554</sup> Afro-Brazilian religious beliefs compounded this distrust. Devotees of Omolu, the god of medicine, were thought to have divine protection against illnesses. Smallpox survivors believed that their scars displayed proof of their faith.<sup>555</sup>

The resistance of people of color to government intervention in their health and the welfare of their children came to a head in the early twentieth century. The origins of these frustrations, however, are firmly rooted in the late nineteenth century. Brazilian intellectuals and medical reformers like the Moncorvos saw the unsanitary conditions of the city and the high levels of infant mortality as a call to action. Although reformers implemented European scientific theories about illness, they only partially accepted its correlation to race and class in the beginning. Instead, they believed that with the proper methods Brazilians could be improved and modernized. Over time, however, the efforts of medical reformers were met with resistance and failure. The resulting elite disillusionment with the Brazilian populace spurred the adoption of eugenic theories in the early twentieth century and greater social control measures.<sup>556</sup> Eugenics, founded upon racialized divisions of society among “superior” and “inferior” beings, further polarized a society already struggling with unresolved inequalities.

---

<sup>553</sup> Adamo, 132.

<sup>554</sup> Castro, 180.

<sup>555</sup> Roger Bastide, *The African Religions of Brazil: Toward a Sociology of the Interpenetration of Civilizations* (Baltimore: The Johns Hopkins University Press, 1978), 255-6.

<sup>556</sup> Similar processes were taking place across Latin America, in Mexico, Argentina, and Peru. See, Ann S. Blum in “Conspicuous Benevolence: Liberalism, Public Welfare, and Private Charity in Porfirian Mexico City, 1877-1910” *The Americas* 58:1 (July 2001): 7-38; Julia Rodriguez, *Civilizing Argentina: Science, Medicine, and the Modern State* (Chapel Hill: University of North Carolina Press, 2006); and Carlos Aguirre, *The Criminals of Lima and Their Worlds: The Prison Experience, 1850-1935* (Durham: Duke University Press, 2005).

## Conclusion

By the time Professor Octacílio Nunes died in 1915, the opportunities available to children of color in need in Rio de Janeiro had changed dramatically. A few years after his passing, in 1922, the city hosted its first International Centennial Exposition. This exhibition highlighted the social, medical, and political measures being taken to modernize Brazil vis-à-vis its children. In an ironic twist, this internationally publicized event celebrating the centennial of Brazilian independence solidified the position of lower class youth as the nationally dependent “children of the pátria”.

The Centennial Exposition featured the First Brazilian Congress for the Protection of Children, the Children’s Museum, and performances by students interned at the Patronato Agrícola. This event, “for the first time”, placed children at center of elite discourse about ways to “incorporate liberal and positivistic ideals into public policies and institutions”.<sup>557</sup> The exhibition also coincided with other major events like the Semana de Arte Moderna in São Paulo, which were designed to be assertions of a uniquely Brazilian national identity.<sup>558</sup> Through visualizations of the country’s past, present and future, intellectuals displayed how the future of the nation was tied to children.<sup>559</sup> Children were represented as the future of the nation and, as such, public possessions. For children of color, the private, patronage of slave owners had been exchanged for the public paternalism of the State and the purpose of charity shifted from

---

<sup>557</sup> The exposition began on Brazilian Independence Day: September 7, 1922. Ibid, 65.

<sup>558</sup> Ibid, 72.

<sup>559</sup> Ibid, 73. This ideology was also popular in other Latin American countries. For more on the pan-american child welfare movement, see Donna Guy, "The Pan American Child Congresses, 1916 to 1942: Pan Americanism, Child Reform and the Welfare State in Latin America," *Journal of Family History* (July 1998): 272-291.



survival to improvement, from individual care to national advancement, and from fraternity to modernity. These theories congealed in the Child Code (1927); the new set of laws was a reaction to the exposition and explicitly regulated the treatment of children in court, charitable institutions, the workplace, and even at home.<sup>560</sup> The Child Code, until very recently, set the tone for the treatment of lower class youth in Brazil.

This chapter has attempted to outline transformations taking place across the nineteenth and twentieth centuries with regard to notions of charity and their expression through charitable institutions. Using Marcílio's three phases as its framework, this chapter traced how public attitudes towards charity and those who receive it are reflective of the permeability of hierarchical divisions in society. Each section examined the trajectory of charity and its varying solutions to Brazil's "child problem".

The first part of this chapter delineated the rise of institutions. The following section placed tutelage within this historical trajectory as a way to explore an earlier periodization for the emergence of the Brazilian welfare state. In this early phase, tutelage functioned as a "middle ground" between the family and institution for children of color. This middling relationship was often rhetorically described as an act of charity and shaped by varying degrees of intimacy between children of color and their tutors. Based on the historical arc of documented cases, the height of tutelage correlated with Brazil's shift from the charitable to the philanthropic phase, as outlined by Marcílio. In this way, tutelage documentation offers a new perspective on Brazil's shifting attitudes with regard to welfare ideology and social inclusion. The inability to fully integrate former slaves and their descendants as Brazilian citizens points to prevailing attitudes about race and national identity. In particular, ideas about the helplessness of people of

---

<sup>560</sup> It also outlawed the founding wheel and mandated that abandoned children be handed over to civil authorities. *Ibid*, 68.

color implied within the texts, as well as the gratitude required by tutors, betrays elite beliefs about former slaves that endured even after their captivity ended.

The charitable rhetoric from tutors can be analyzed two ways: either expressions of genuine concern, often based on long-term relationships with the children or their families, or a thinly-veiled cover for their desire to exploit the labor of minors. Regardless of the motivation, tutelage as a selective form of charity based on the discretion of tutors, actually served to reinforce traditional hierarchies of gender, class, and color more than it provided opportunities for upward mobility for children of color. Data from tutelage cases demonstrate this tendency. Tutored children were, in most cases, only given what they were already contractually entitled to. Beyond that, children of color were frequently limited by popular notions of education and opportunities appropriate to their “place” in society. The needy were being sub-divided and aid was selectively granted based on the race and class of recipients. Although some were given a “destiny” by benevolent tutors, children of color were not given the ability to choose.

Examining the evolution of tutelage and charitable institutions during this period sheds light on the gradual expansion of the public sphere in Brazilian society. The give and take dynamic that developed between children of color and the State in the late nineteenth century appeared to signal their tenuous inclusion as future citizens. However, by the time they became the “children of the patria” in the early twentieth, that possibility was increasingly distant as science replaced religion as the legitimizing criteria for administering charity to the poor. Transformations in public child welfare were elite attempts to distance themselves from slavery and other remnants of Brazil’s past; this distancing translated into the rise of institutions and the demise of private, personal situations like tutelage in the early twentieth century. As a result, the gap between elites and the lower classes widened, as intellectuals narrowed the definition of citizenship to

exclude those at the bottom. In many ways, children born in the shadow of abolition in the late nineteenth century, like Octacílio Nunes, became adults without a country in the twentieth. The following chapter will explore the role of tutored children within their “proper” place in society—as laborers.

## CHAPTER V

### CHILDREN IN CRISIS: LABOR, TRANSITION, AND THE REINVENTION OF INEQUALITY

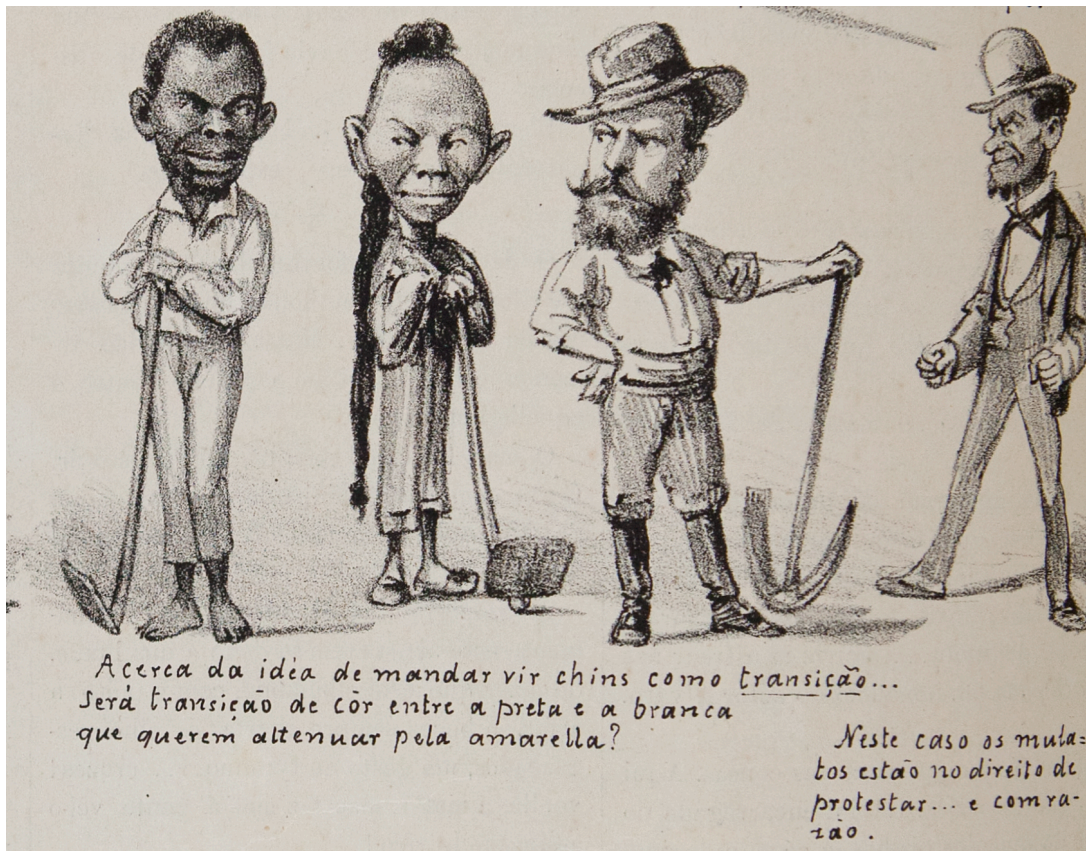


Figure 23- Political cartoon depicting Brazil's labor transition, *Revista Illustrada*<sup>561</sup>

#### Introduction

A political cartoon appearing in 1878 in the satirical publication, *Revista Illustrada*, displayed the most pressing issue facing the nation in the late nineteenth century: labor. The official close of the trans-Atlantic slave trade in 1850 and passage of the Free Womb Law in 1871 signaled the eventual end of slavery and forced Brazilian elites to re-examine the future of the nation's workforce. Discussions of the total emancipation of slave labor were met with fearful prognostications of a labor crisis that

<sup>561</sup> The cartoon reads: "About the idea of Chinese people as a mode of transition... would it be a color transition from black to white by way of yellow? In that case, mulattoes have the right to protest, and rightly so." *Revista Illustrada*, n. 120, 1878.

would cripple the economy. Elite anxieties over this transition were based in beliefs about people of color and their inability or unwillingness to work without coercion.<sup>562</sup> In anticipation of this crisis, lawmakers brought in foreign labor from Europe and Asia as a prophylactic measure.<sup>563</sup> The cartoon, making fun of this decision, mused that Brazil's labor transition was also a color transition—from black to yellow to white. It also implied that upwardly mobile and/or mixed-race Brazilians (personified as well-dressed but frustrated) could potentially be left without a place in this social and economic evolution.

The same year this cartoon was produced, a Congresso Agrícola (Agricultural Conference) convened in Rio de Janeiro. The purpose of this conference was to address the impending labor crisis—summarized in seven questions—and formulate answers.<sup>564</sup> The fourth question stated, “Can it be expected that the freed children of slaves will continue to be an element of free labor and remain on plantations?” In the rural context, the answer was resoundingly affirmative.<sup>565</sup> However, this chapter looks at what happened to freed children of color, an important but often overlooked part of the

---

<sup>562</sup> For more on how this was achieved, see Martha Knisely Huggins, *From Slavery to Vagrancy: Crime and Social Control in the Third World* (New Brunswick: Rutgers University Press, 1985).

<sup>563</sup> For more on the influence of immigration in Brazil socially and economically, see George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison: University of Wisconsin Press, 1991), 54-89.

<sup>564</sup> A congress was also held in Recife that same year. The seven questions were: “1. Quais as necessidades mais urgentes e imediatas da grande lavoura?, 2. É muito sensível a falta de braços para manter ou desenvolver os atuais estabelecimentos da grande lavoura?, 3. Qual o modo mais eficaz e conveniente de suprir essa falta?, 4. Pode-se esperar que os ingênuos, filhos de escravos, continuam um elemento de trabalho livre e permanente na grande propriedade? No caso contrário, quais os meios para reorganizar o trabalho agrícola?, 5. A grande lavoura sente carência de capitais? No caso afirmativo, é devido este fato à falta absoluta deles no país ou à depressão do crédito agrícola?, 6. Qual o meio de levantar o crédito agrícola? Convém criar estabelecimentos especiais? Como fundá-los?, 7. Na lavoura têm-se introduzido melhoramentos? Quais? Há urgência de outros? Como realizá-los?” See, *Congresso Agrícola* (Rio de Janeiro: Fundação Casa de Rui Barbosa, 1988).

<sup>565</sup> For more on the conditions facing free children in rural areas in the post-emancipation era, see Hebe Maria Mattos de Castro, “Beyond Masters and Slaves: Subsistence Agriculture as a Survival Strategy in Brazil during the Second Half of the Nineteenth Century,” *HAHR* 68:3 (August, 1988): 461-489.

workforce, in an urban context. Using tutelage documents and prison records for minors in Rio de Janeiro, this chapter examines Brazil's transition from a slave-based to a free wage based economy and the influence of this economic change on social structures. Although extensively examined in the historiography, this chapter aims to take a different approach toward analyzing this transition. I argue that child labor, an under-studied but critical component of this process, demonstrates the divisions that were formed between the children of African descent and those of European descent, as the first waves of European immigrants arrived. In contrast to theories of labor competition or unpreparedness, contractual tutelage reveals how the maintenance of paternalistic ties between former slave owners and people of color caused economic stagnation for the latter. I argue that the economic stagnation seen in children of color offers insight into elite attitudes about the human capital of people of color in Brazil during this period. During a period of great instability and social change, these connections functioned to extend de facto economic slavery beyond its legal limits. This interplay between continuity and change reveals the foundations of socio-economic inequality for people of color in Brazil.

According to David Baronev, once free from the institution of slavery, "...elites moved swiftly to replace the outmoded, race-based division of labor with a new and improved, race-based division of labor," and, with the introduction of white European immigrants, "created a larger society within which the African's inferior place could remain unambiguously clear".<sup>566</sup> In conjunction with elite "whitening" policies, over time the skills slaves had acquired were in industries either in decline, without opportunities for advancement, or newly off-limits to them.<sup>567</sup> Free and mixed-race people, without the

---

<sup>566</sup> David Baronev, *The Abolition of Slavery in Brazil: The "Liberation" of Africans Through the Emancipation of Capital* (Westport, CT: Greenwood Press, 2000), 2-3.

hierarchy of slavery, found that their social status became more closely associated with their color than their class in the post-emancipation era. Over time, this meant that people of color within the labor force saw opportunities for advancement diminish. As a result, in urban contexts like Rio de Janeiro, the most striking aspect of the labor transition, when focused on people of color, is its continuity.

To investigate these issues in more detail, I have divided this chapter into three sections. The first section reflects upon the historiographical trends with regard to Afro-Brazilians and the country's transition into the post-emancipation period. The following section will take a closer look at the economic relationship between child labor, tutelage, and the gradual abolition process. Tutelage, as a relatively privileged situation for children of color, reflects the labor of free and mixed-race children. In the final section, I attempt to unravel the complex connections between race, labor, and upward mobility for children of color using prison records. Children of color in the Casa de Detenção (CD) prison represent the most disadvantaged population and tend to fall into the darkest color categories.<sup>568</sup> By comparing these groups and their role as economic actors over time, this chapter sheds light on our understandings of the inter-connectedness of race and class in Brazil.

### **The Labor Question and Answers**

Slavery is, by definition, an economic arrangement, predicated upon coerced, uncompensated labor. However, the end of slavery did not halt the exploitative practices that characterized the institution. The aftermath of slavery ushered in an era of oppression

---

<sup>567</sup> Ibid.

<sup>568</sup> Hereafter, the CD.

as inventive as it was ubiquitous.<sup>569</sup> The widespread social, racial, and economic inequalities that epitomized the post-emancipation era were not contemporary inventions; rather, they were the result of an extended restructuring of society gradually undertaken during the shift from a slave based to a free wage based economy, begun in the late nineteenth century.

Elite concerns over the end of slavery, while ostensibly economic, also indicated deeper anxieties about the reorganization of power in society. The revolutionary potential of total emancipation awakened fears about the upset of traditional social hierarchies reliant on racial and economic inequality. When the persistent agitation for change could no longer be ignored, elites were forced to make concessions, like the 1871 law. Access to these legal concessions, however, was limited. Despite their novelty, the entitlements made available to people of color were met with traditionally repressive practices in addition to modern ones; this widened the gap between de jure and de facto rights, signaling the re-invention of inequality.

Best understood chronologically, intellectuals have grappled with the legacy of slavery and its implications for the future of Brazil for nearly a century. The conversation among scholars began with questions of Brazilian national identity that introduced the issue of race. To better understand Brazilian race relations, slavery (as both an institution and an individual condition) formed the center of analysis. World events forced Brazilians to look at their legacy of slavery in comparison with other nations. After acknowledging divisions within society, scholars sought to understand why they existed and how they were constructed. Current scholarship stresses the importance of Brazil's transition out of slavery; more than a transformative moment, this dissertation examines

---

<sup>569</sup> E. Bradford Burns argued that Latin Americans would have been better off without the introduction of elite notions of modernity. See, *The Poverty of Progress* (Berkeley: University of California Press, 1980).



the end of slavery as a gradual process and an enduring patchwork of continuities and changes.

Gilberto Freyre penned one of the earliest and most widely criticized studies of slavery as a social and cultural phenomenon.<sup>570</sup> Freyre saw the unique mixture of races and cultures that occurred in Brazil during slavery as evidence of its superiority.<sup>571</sup> Portuguese colonizers, different from their English counterparts, recognized the duality of slaves—as both property and human beings. Higher numbers of manumission and Brazil’s peaceful transition into the post-emancipation period were evidence of this. The ease with which ex-slaves coexisted, in contrast to a Civil War and Jim Crow in the United States, led Freyre to assert the uniqueness of Brazilian race relations.

He labeled this phenomenon “racial democracy”, arguing that miscegenation formed the foundation of Brazil’s national identity. Underlying Freyre’s praise of miscegenation, however, were beliefs about racial exclusion. According to Freyre, racial mixture was productive because it modified, and eventually erased, the physical characteristics and culture of Africans. Freyre’s theory spurred critical evaluations of the ways in which slavery informed cultural understandings of race and structured contemporary social hierarchies. Many early responses to Freyre challenged his ideas but failed to contradict his depiction of Brazil as a racially harmonious society. More importantly, he connected slavery conditions to post-emancipation race relations, setting the tone for generations of scholars.<sup>572</sup>

---

<sup>570</sup> Gilberto Freyre, *Casa-grande & senzala: formação da família brasileira sob o regime da economia patriarcal*. 8a ed. Rio de Janeiro: Livraria J. Olympio, 1954.

<sup>571</sup> Compared to popular theories of Brazilian inferiority, Freyre was writing against the trends of contemporary scholarship. For more on intellectual perspectives on race and Brazil in the early twentieth century, see Skidmore, *Black Into White*.

<sup>572</sup> See, Tannenbaum, *Slave and Citizen*; Degler, *Neither Black Nor White*; Skidmore, *Black Into White*; Graham, *The Idea of Race*; and Andrews, *Blacks and Whites in São Paulo*, among others.

Frank Tannenbaum, testing Freyre's theory, drew a parallel between slavery conditions and legal traditions in North and South America. While acknowledging that the Brazilian system produced a considerable level of violence and repression, Tannenbaum found it to be less brutal than its Northern counterpart.<sup>573</sup> The ability to purchase freedom, high manumission rates, the recognized humanity of slaves, and significant levels of miscegenation indicated a more flexible system in Brazil, which increased opportunities for upward social mobility.<sup>574</sup> He argued that, once attaining freedom, people of color faced, "no obstacles were placed to incorporation into the community, in so far as [their] skills and abilities made that possible".<sup>575</sup> In doing so, Tannenbaum implied that the failure of Afro-Brazilians to achieve social mobility was the result of individual shortcomings, rather than institutional restrictions.

In the wake of World War II and Nazi racism, international attention turned to rooting out social inequality in the interest of preserving and cultivating peace. UNESCO commissioned a report in 1950 entitled, "The Race Question", to scientifically examine race relations and comparative conditions for people of color around the world.<sup>576</sup> Brazil, touted as a racial paradise thanks to praise from intellectuals like Freyre, was held up as a case study for understanding cross-cultural harmony. The result of the study, however, dealt a severe blow to Freyre's vision. Researchers found a correlation between urban or working-class areas and increased levels of racism.<sup>577</sup> Faced with quantitative evidence of

---

<sup>573</sup> Emilia Viotti da Costa vehemently disagreed with this position; arguing that slavery was inherently a violent, de-humanizing institution. See, Emília Viotti da Costa, *Da senzala à colônia* (São Paulo: Difusão Européia do Livro, 1966).

<sup>574</sup> Frank Tannenbaum, *Slave and Citizen* (Boston: Beacon Press, 1956), 69.

<sup>561</sup> *Ibid*, 91.

<sup>576</sup> UNESCO, "The Race Question," (Paris, 1950), accessed December 14, 2014, <http://unesdoc.unesco.org/images/0012/001282/128291eo.pdf>.

inequality, scholars were forced to recognize the fault of previously held beliefs about Brazilian society. In response, researchers began moving away from comparison studies and turned inward for a more detailed understanding of Brazil's path toward inequity.

Stanley Stein's landmark study in 1957 provided a localized investigation into one coffee county's transition into the post-emancipation era.<sup>578</sup> Stein looked at the abolition process from an economic perspective and observed how the role of people of color as laborers changed over time in rural Rio de Janeiro state. Stein's exhaustive research included municipal records, notary collections, and oral history data. The first of its kind, the resulting study provided a comprehensive look at the conversion of one rural region to free wage labor. Stein placed slaves and free people at the forefront, while incorporating their daily lives into the context of broader social and economic change. He concluded that, with freedom, people of color encountered the sobering realities of coerced sharecropping, harsh surveillance, and crushing poverty that ultimately resulted in migration.<sup>579</sup>

The emergence of the Pan African movement in the 1960s responded to widespread racism and oppression by promoting solidarity and self-reliance among people of African descent.<sup>580</sup> The Civil Rights movement in the United States and

---

<sup>577</sup> For more on the results of the study, see the full report by Alfred Métraux, "Brazil: Land of Harmony for All Races?" *The UNESCO Courier*, 4 (April 1951).

<sup>578</sup> See, Stanley J. Stein, *Vassouras: A Brazilian Coffee County 1850–1900* (Cambridge: Harvard University Press, 1957).

<sup>579</sup> Although Stein did not speculate about where free people ended up, we now know that many sought the promise of employment in urban areas and were met with similar conditions. He also avoided connecting the deplorable conditions endured by free people and Brazil's transition out of slavery.

<sup>580</sup> Moving outside traditional structures, advocates introduced slogans like "Black Pride" and "Black is Beautiful" to the *Movimento Negro* (Black Power Movement) that reached its peak in the 1970s in Brazil. See, Michael George Hanchard, *Orfeus and Power: The "Movimento Negro" of Rio de Janeiro and São Paulo* (Princeton: Princeton University Press, 1994).

African independence movements were influenced by this ideology.<sup>581</sup> A boom of anthropological and cultural studies of slavery in the 1960s also utilized a new, Afro-centrist framework. Rather than looking at cultural transformation as one-directional, anthropologists proposed that it was two-directional, arguing for the powerful influence of Africa on the Atlantic World.<sup>582</sup> Subsequent historical studies of slavery display the influence of these anthropological trends as academics sought to unearth the obstacles people of color faced in society.

Florestan Fernandes and Frantz Fanon put forth radically different theories about the causes of racial inequality. Fernandes argued that people of color in the post-emancipation period were “unprepared” for freedom; lacking competitive skills, former slaves fell behind and were quickly overtaken economically by European immigrants.<sup>583</sup> Fanon, focused on the “burden of history” in the British Caribbean, looked at race relations from a psychological perspective, arguing that people of African descent operated in two hierarchical, racialized contexts—among people of color and among people not of color. Internal divisions along the color continuum for those of African descent and the tensions between cultural assimilation/separation characterized the complex legacy of slavery in the Atlantic World.<sup>584</sup>

---

<sup>581</sup> See, Ronald W. Walters, *Pan Africanism in the African Diaspora: An Analysis of Modern Afrocentric Political Movements* (Detroit, MI: Wayne State University Press, 1993).

<sup>582</sup> The rise of Pan Africanism, African liberation movements, and Civil Rights in the United States also turned international focus toward the cultural legacy of Africa. For an example of African religious practices in Brazil, Roger Bastide, *O Candomblé da Bahia, rito Nagô* (São Paulo: Companhia Editora Nacional, 1961).

<sup>583</sup> Florestan Fernandes, *A integração do negro na sociedade de classes* (São Paulo: Dominus Editora, 1965).

<sup>584</sup> Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1968).

Emília Viotta da Costa published her groundbreaking study, *Da senzala à colônia*, around the same time.<sup>585</sup> Her analysis focused on Brazil's transition out of slavery by comparing two, economically distinct regions in the state of São Paulo. Each region demonstrated different industries, rates of development, labor forces, and degrees of resistance to gradual abolition. Contrasting urban and rural slavery provided a more complete vision of the violent and repressive nature of race relations. The significant resistance of traditional landowning elites engaged in agriculture showed, according to Costa, the fallacy of Freyre's beliefs about the legacy of slavery. Moreover, her scrutiny of slave resistance countered Pan-African ideas about the collective consciousness of people of color and cast new light on the significance of the abolition movement.

Following Costa's lead, scholars in the 1970s attempted to delve deeper into the structural mechanisms of inequality in Brazil through closer analysis of the lives of slaves and free people. Carl Degler's work, *Neither Black Nor White*, addressed the cruelties of Brazilian slavery in more depth than Tannenbaum and disregarded the notion of variable brutality in slave systems.<sup>586</sup> Degler attacked racial democracy saying, "...no longer can Brazil continue to maintain, without grave injustice, the Negro on the margin of the development of a civilization that he helped to build".<sup>587</sup> Degler theorized that the true foundation of difference between race relations in the United States and Brazil lay in the "mulatto escape hatch".<sup>588</sup> Mulattos in Brazil, given unique liberties and opportunities, possessed the ability to become upwardly mobile. Given the large mixed-race population

---

<sup>585</sup> Emília Viotti da Costa, *Da senzala à colônia* (São Paulo: Difusão Européia do Livro, 1966).

<sup>586</sup> Carl Degler, *Neither Black Nor White* (New York: MacMillan, 1971): 287.

<sup>587</sup> *Ibid.*

<sup>588</sup> *Ibid.*, 261.

in Brazil, Degler believed that mulatto social ascendency acted as a release of social pressures unheard of in the United States.

By focusing on mulattos, Degler identified internal racial hierarchies created by slavery within the Afro-Brazilian population. Echoing Freyre, Degler suggested that miscegenation intersected with upward mobility through biological and social connections to white Europeans.<sup>589</sup> Attempting to remove Afro-Brazilians from the margins of society, Degler constructed a theoretical framework based on the assumption that minimizing or eliminating connections with African heritage produced opportunity.<sup>590</sup>

Warren Dean, harkening back to the work of Stanley Stein, produced another micro-history of slavery and transition in rural São Paulo state.<sup>591</sup> Using a similarly broad range of source materials, Dean illustrated the central importance of the region's uneven economic movement toward adopting free labor in the final decades of the late nineteenth century. He condemned the ineffectiveness of planter practices and their resistance to wage labor. Casting doubt on the financial viability of slavery, Dean's work reflected a growing trend among scholars to explore social change through quantitative analysis.<sup>592</sup>

---

<sup>589</sup> Thomas Skidmore challenged these ideas even further by analyzing the evolution of racial thought in Brazil, particularly the idea of "whitening". Thomas E. Skidmore, *Black into White: Race and Nationality in Brazilian Thought* (New York: Oxford University Press, 1974).

<sup>590</sup> Herbert Klein also examined this concept, arguing that examining the extent to which free people of color were able to "assimilate" into society revealed its permeability. See, "The Colored Freedmen in Brazilian Slave Society," *Journal of Social History* 3:1 (Autumn, 1969): 30-52.

<sup>591</sup> Warren Dean, *Rio Claro: A Brazilian Plantation System, 1820-1920* (Stanford: Stanford University Press, 1976).

<sup>592</sup> Also formed a part of extensive literature on the economics of slavery. Central to this debate was whether Brazilian slavery could be described as a feudal or a capitalist system. For more on slavery as a mode of production, see Roberto Simonsen, *História econômica do Brasil, 1500-1820* (São Paulo: Companhia Editora Nacional, 1937); Celso Furtado, *Formação econômica do Brasil* (Rio de Janeiro: Editora Fundo de Cultura, 1959); Fernando Henrique Cardoso, *Capitalismo e escravidão* (São Paulo: Difusão Européia do Livro 1962); Octávio Ianni,

Brazilian perspectives on inequality reached a turning point in the 1980s. The centennial of Brazilian abolition arrived in 1988, in the midst of rampant inflation and a political climate still reeling from the recent end of authoritarian rule. Scholarly production, mirroring the reflective attitude of Brazilians, sought to unearth a more complete picture of the nation's past in an effort to better understanding contemporary events.<sup>593</sup> Demographic studies set in states outside Rio de Janeiro and São Paulo, as well as growing interest in urban slavery, added new perspectives on comparative geographic patterns of transition and development.<sup>594</sup> Studies of poverty and industrialization traced Brazil's irregular economic development in urban areas.<sup>595</sup>

Scholarship in 1990s exploded with social histories and the variability of slavery. Authors applied new thematic frameworks like gender, age, family formation, resistance, and social mobility to hold up exceptions to generally accepted notions about the rigidity of the Brazilian system.<sup>596</sup> Emphasizing the importance of ideology on social policy,

---

*Industrializacao e desenvolvimento social no Brasil* (Rio de Janeiro: Civilização Brasileira, 1963); Werner Baer, *Industrialization and Economic Development in Brazil* (Homewood, Ill.: Irwin, 1965); Caio Prado Junior, *The Colonial Background of Contemporary Brazil* (Berkeley: University of California Press, 1967); and Peter L. Eisenberg, *The Sugar Industry in Pernambuco: Modernity without Change, 1840-1910* (Berkeley: University of California Press, 1974). Another crucial development in this field was the rise of *escravidão* (study of the slave condition) and the decline of *escravismo* (study of the institution of slavery).

<sup>593</sup> See, Robert W. Slenes, "Escravos, cartórios e desburocratização: o que Rui Barbosa não queimou será destruído agora?" *RBH*, 5, 10 (1985): 166–196; and Ciro Flamarion Cardoso, *Escravidão e abolição no Brasil: Novas perspectivas* (Rio de Janeiro: Jorge Zahar, 1988).

<sup>594</sup> For demographic studies based in other geographic locations, see Francisco Vidal Luna, *Minas Gerais: Escravos e senhores. Análise da estrutura populacional e econômica de alguns núcleos mineratórios (1718-1804)* (São Paulo: FEA-USP, 1980) and "The Population of Minas Gerais: New Research on Colonial Brazil," *Latin American Population History Newsletter*, 4 (1984): 3–10. For urban slavery studies, see Mary Karasch, *Slave Life in Rio de Janeiro, 1808–1850* (Princeton: Princeton University Press, 1987) and Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro* (Cambridge: Cambridge University Press, 1988).

<sup>595</sup> June E. Hahner, *Poverty and Politics: The Urban Poor in Brazil, 1870–1920* (Albuquerque, 1986).

<sup>596</sup> See, Robert W. Slenes, *Na senzala, uma flor: esperanças e recordações na formação da família escrava—Brasil sudeste, século XIX* (Rio de Janeiro: Ed. Nova Fronteira, 1999); João José

Richard Graham published an important intellectual study on the shifting notions of race in Brazil. He argued that the decades leading up to and immediately following abolition formed a crucial period philosophical shift.<sup>597</sup>

Manumission and the unique experiences of free people became central for debate about Brazil's color continuum and intersections of race and class.<sup>598</sup> In looking at manumission, scholars like Hebe Mattos de Castro began to question the meaning of freedom and the conflict that arose over competing definitions.<sup>599</sup> Defining freedoms spurred explorations of legal history; key figures in the abolition debate, as well as the laws that chipped away at the institution, offered insight into Brazilian political divisions over the future role of free people in society.<sup>600</sup>

In conjunction with studies of resistance, the field of subaltern studies informed scholarly understandings of Brazilian slavery as well. The application of theories developed by E.P. Thompson in the 1960s to post-colonial Asia by Ranajit Guha in the 1980s revolutionized ideas about class formation in strictly hierarchical societies.<sup>601</sup>

---

Reis and Flávio dos Santos Gomes, *Liberdade por um fio: história dos quilombos no Brasil* (São Paulo: Companhia das Letras, 1996); and João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia* (Baltimore: Johns Hopkins University Press, 1993).

<sup>597</sup> See, Richard Graham, *The Idea of Race in Latin America, 1870-1940* (Austin: University of Texas Press, 1990).

<sup>598</sup> For more on manumission, see Keila Grinberg, *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX* (Rio de Janeiro: Relume Dumará, 1994). For more on the lives of free people, see Maria Inês Côrtes de Oliveira, *O Liberto: o seu mundo e os outros* (Salvador: Corrupio, 1988); Sidney Chalhoub, *Visões da liberdade* (São Paulo: Companhia das Letras, 1990); Maria Sylvia de Carvalho Franco, *Homens livres na ordem escravocrata* (São Paulo: Editora UNESP, 1997); and Eduardo Silva, *Prince of the People: The Life and Times of a Brazilian Free Man of Colour* (New York: Verso, 1993).

<sup>599</sup> Hebe Mattos de Castro, *Das cores do silêncio: os significados da liberdade no sudeste escravista, Brasil século XIX* (Rio de Janeiro: Arquivo Nacional, 1995).

<sup>600</sup> See, Elciene Azevedo, *Orfeu de carapinha: a trajetória de Luiz Gama na imperial cidade de São Paulo* (Campinas: Editora da Unicamp, 1999); and Joséli Maria Nunes Mendonça, *Entre a mão e os anéis: a lei dos sexagenários e os caminhos da abolição no Brasil* (Campinas: Editora da Unicamp, 1999).



Subaltern theory asserted that history, written by elites, subsumed the voices of the lower-class people who formed the majority of society. When applied to slavery, subaltern theory was used to uncover the “every day forms of resistance” enacted by those held captive.<sup>602</sup> Set against a backdrop of social and economic disparities, subaltern theorists demonstrated that oppressed people were not helpless but embodied previously unrecognized forms of agency.

Research in recent years has turned increasingly toward social structures and institutions in urban settings. By examining the reciprocal relationship the State and its citizenry, scholars are uncovering new links between race and class in the Brazilian context.<sup>603</sup> The breakdown of slavery and the transition to free wage labor remains a crucial step in this process. Several scholars analyzed patterns of change and continuity across this watershed period.<sup>604</sup> When analyzed from the perspective of former slaves, continuities appear more prominently than changes. Moreover, the changes that did take place distinctly prejudiced the equal participation of people of color in society.<sup>605</sup> This led

---

<sup>601</sup> E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon Books, 1964); Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (New Delhi: Oxford University Press, 1983).

<sup>602</sup> This quote comes from James C. Scott’s book, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985). In it, he argues for the redefinition of “resistance” by demonstrating the myriad ways in which oppressed people act out their discontent.

<sup>603</sup> For example, see Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000); Robert J. Cottrol, "The Long Lingered Shadow: Law, Liberalism, and Cultures of Racial Hierarchy and Identity in the Americas," *Tulane Law Review* 76 (2001); and Edward E. Telles, *Race in Another America: The Significance of Skin Color in Brazil* (Princeton: Princeton University Press, 2004).

<sup>604</sup> See, Dale Torston Graden, *From Slavery to Freedom in Brazil: Bahia, 1835-1900* (Albuquerque: University of New Mexico Press, 2006); George Reid Andrews, *Afro-Latin America, 1800-2000* (Oxford: Oxford University Press, 2004); Peter Beattie, *Tribute of Blood: Army, Honor, Race and Nation in Brazil, 1864-1945* (Durham: Duke University Press, 2001); and Mary Ann Mahony, “Afro-Brazilian Land Reform, and the Question of Social Mobility in Southern Bahia, 1880-1920” *Luso-Brazilian Review*, Vol. 34, No. 2 (Winter 1997): 59-79.

<sup>605</sup> See Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917-1945*

scholars to question the degree to which class in Brazil was affected by the nation's continuum of color categories.<sup>606</sup>

Race continues to dominate discussions of socio-economic disparity in Brazil—ranging from urban segregation through *favelas* (slums) to affirmative action policies and access to education.<sup>607</sup> More than anything, decades of historical discussions of Brazilian identity reveal a complex amalgamation of class and color categories. My research, building off of this significant body of work, attempts to bridge scholarship on the hierarchies of the slavery era with the solidification of racial inequalities in the post-emancipation period. Children of color, whose primary role in society rested on their labor potential, add a generational perspective to our understanding of this transitional period. By comparing the opportunities for upward social mobility among children of color, this chapter directly addresses questions the degree to which the factors considered advantages under slavery mattered once freedom was attained. In answering this question, my work engages broadly with the theory of racial democracy, and its subsequent detractors, to more precisely depict Brazil's development into a fundamentally unequal society.

---

(Durham: Duke University Press, 2003); Brodwyn Fischer, "Quase pretos de tão pobres? Race and Social Discrimination in Rio de Janeiro's Twentieth-Century Criminal Courts," *LARR* 39:1 (2004); and Juliet Hooker, "Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship," in *Journal of Latin American Studies* 37:2 (May 2005): 285-310. Zephyr Frank also makes this point about upward mobility for free people of color in, *Dutra's World: Wealth and Family in Nineteenth-Century Rio de Janeiro* (Albuquerque: University of New Mexico Press, 2004).

<sup>606</sup> For similar issues in the Cuban context, see Alejandra Bronfman, *Measures of Equality: Social Science, Citizenship, and Race in Cuba, 1902-1940* (Chapel Hill: The University of North Carolina Press, 2004); and Alejandro de la Fuente, *A Nation for All: Race Inequality, and Politics in Twentieth-Century Cuba* (Chapel Hill: The University of North Carolina Press, 2001).

<sup>607</sup> See, Camille Zubrinsky Charles, "The Dynamics of Racial Residential Segregation," *Annual Review of Sociology* 29 (2003): 167; Robin Sheriff, *Dreaming Equality: Color, Race and Racism in Urban Brazil* (New Brunswick: Rutgers University Press, 2001); Donna Goldstein, *Laughter Out of Place* (Los Angeles: University of California Press, 2003); and Sergio da Silva Martins, "Paving Paradise: The Road from 'Racial Democracy' to Affirmative Action in Brazil," *Journal of Black Studies* 34:6 (Jul. 2004): 787-816.

More specifically, my work on tutelage and child labor contributes to an underdeveloped area of study. Only three other scholars have studied the role of tutelage in Brazil's transition out of slavery.<sup>608</sup> While each demonstrate the connections between class, color, and labor, their work centers on rural regions. By concentrating on Rio de Janeiro, my work presents evidence for the unique conditions contributing to urban transformations during this period.

### **Tutelage and Transition**

Tutelage, as step in the nation's gradual economic transition to free wage labor, functioned well in theory. Children were assigned tutors that would care for them, educated them, and put aside money for them. These tutors were to be selected without bias and officially confirmed by judges. The money set aside for tutored children would be collected when they reached the age of majority, or twenty-one years old. In this way, it was thought that tutored children would gain career skills and reach adulthood with some degree of financial security. Tutored children in urban areas would have been given a greater variety of skills, by virtue of the diversified labor market, as compared to their rural peers.

In reality, however, few children appear to have reaped the economic benefit that tutelage promised. Few collected the money assigned to them; and most free children of color continued to labor in the same ways that their parents did, despite their legal patronage and newfound freedom. The labor of tutored children, in actuality, embodied a

---

<sup>608</sup> See, Joan Meznar, "Orphans and the Transition From Slave to Free Labor in Northeast, Brazil: The Case of Campina Grande, 1850-1888," *Journal of Social History* 27:3 (Spring, 1994): 499-515; Maria Aparecida C.R. Papali, *Escravos, libertos e órfãos: A construção da liberdade em Taubaté (1871-1895)* (São Paulo: Annablume, 2003); and Arethusa Helena Zero, "O preço da liberdade: caminhos da infância tutelada," (PhD diss., Universidade Estadual de Campinas, 2004).

limited range of low-skill occupations over time. I argue that the economic stagnation seen in children of color offers insight into elite attitudes about the human capital of people of color in Brazil during this period. These continuities were the summation of elite actions aimed at restricting and compartmentalizing the labor of people of color, which created greater space for European immigrant labor. These strategies, illuminated by tutelage relationships, add to our understanding of Brazil's incomplete transition out of slavery and into a free-wage economy.

Intended to provide guidance, opportunity, and protection, tutored children were granted patronage until the age of twenty-one. Tutored children, particularly those in urban areas like Rio de Janeiro, were theoretically in a privileged position. Through their patron, they could access medical care, education, and financial stability. Their inability to do so signals the beginning of a process in which opportunities for upward social mobility for people of color were deliberately limited, even for those once considered middling groups.

During slavery, upward social mobility centered on manumission.<sup>609</sup> Manumission, however, frequently corresponded with miscegenation.<sup>610</sup> Mary Karasch asserted that miscegenation created more work opportunities and greater social mobility for people of color.<sup>611</sup> Racial categories, as vestiges of slavery hierarchies, did not lose their power once freedom was achieved, however. Among tutored children, miscegenation appears with considerable frequency among those identified by a racial marker. Children of African descent in contractual tutelage were mostly categorized as

---

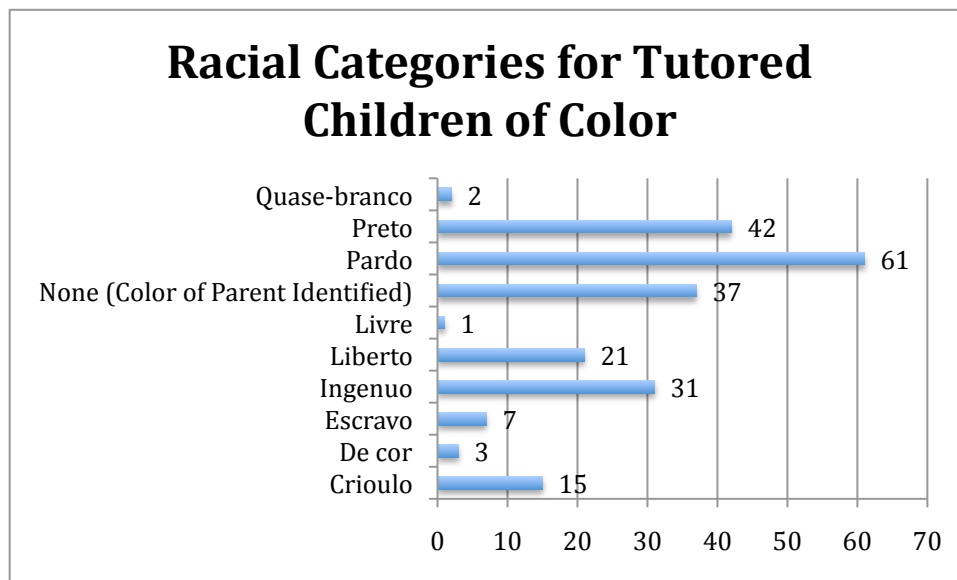
<sup>609</sup> Mieko Nishida, *Slavery and Identity: Ethnicity, Gender, and Race in Salvador, Brazil, 1808-1888* (Bloomington: Indiana University Press, 2003): 160.

<sup>610</sup> See, Jane-Marie Collins, "Intimacy and Inequality: Manumission and Miscegenation in Nineteenth-Century Bahia (1830-1888)," (PhD diss., University of Nottingham, 2010).

<sup>611</sup> *Ibid*, 32.

*pardo*, or brown, and a considerable number of children without racial labels were linked to mothers described as *parda*. Civil status markers like “liberto”, “livre”, and “ingênuo”, although not explicitly indicative of race, insinuating a higher place in the Brazilian social hierarchy comparable to or indicative of lighter skin color.<sup>612</sup>

This suggests that, given the selectivity of the system, racial categories influenced the entrance of children of color into tutelage. It would follow to reason that a selective



*Figure 24- Racial Categories for Tutored Children of Color*

patronage process that appeared to favor mixed race children would seek to place them in skilled professions reflective of their marginally superior status. While racial hierarchies made placement into tutelage more likely, the ultimate outcomes for tutored children of color did not reflect economic advantage, despite their importance in the labor market.

Aline Mendes Soares, in her study of “wanted” ads in the *Jornal do Commercio*, concluded that employers favored the labor of children of color, generally between the ages of ten and fifteen, for services pertaining to the home. Soares also found that work

---

<sup>612</sup> Ibid, 33.

assignments were strongly correlated with factors like gender and color. She demonstrated that some employers, by offering food, housing, clothing, or apprenticeship in their ads, implied that certain positions were not compensated.<sup>613</sup> Similar patterns appear with tutelage, although tutored children demonstrate a broader age range.

Tutored children typically engaged in labor connected to the home or profession of their tutor. In 1894, José Marques de Figueiredo, the 38-year-old owner of a textile factory, requested the tutelage of six-year-old Maria so that, when she turned eight, she could work in his factory.<sup>614</sup> Nine-year-old José and six-year-old Paulino were sent to work in their tutor's cigar factory in 1873.<sup>615</sup> Antônio Joaquim Pacheco petitioned for to be the tutor of nine-year-old Emília in 1879 so that she could work in his home as a domestic servant.<sup>616</sup> José Basílio was granted the tutelage of his former slave Eva's three children in 1888; all three worked alongside their mother as domestic servants in his home.<sup>617</sup> Work was also divided along gender lines, with girls almost exclusively involved in domestic service. Boys, also heavily involved in domestic work, engaged in manual labor as well. The labor of *tutelados* was largely unskilled, regardless of their age or gender, and displayed a narrow range of possible occupations.

Tutors had the option to "rent out" the labor of their wards, similar to arrangements once made with *escravos de ganho*, or slaves for hire.<sup>618</sup> A custody battle

---

<sup>613</sup> Aline Mendes Soares, "Precisa-se de um pequeno": o trabalho infantil no pós-abolição no Rio de Janeiro, 1888-1927," (paper presented at the annual meeting of ANPUH XXV, 2009).

<sup>614</sup> ANB- Juízo de Órfãos, 7E, Pretoria do RJ, 12, número 9.534, caixa 1370A, 1894.

<sup>615</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.184, 1873.

<sup>616</sup> ANB- Juízo de Órfãos, ZM, maço 2.304A, número 1.538, 1879.

<sup>617</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.228, 1888.

<sup>618</sup> For a more detailed look at slaves for hire and how they functioned in society, see Maria Odila L.S. Dias, "Nas fimbrias da escravidão urbana: negras de tabuleiro e ganho," *Estudos Econômicos* 15 (1985): 80-109.

broke out in 1886 over eight-year-old, *pardo* orphan, Clemente. Despite his status as an *ingênuo*, Clemente's tutor and his mother's former owner fought over their right to the money he generated while "rented out".<sup>619</sup> Custódio José da Costa Figueiredo rented the services of 10-year-old Fabrício to the owner of a straw factory in 1884, who collected the boy's monthly allowance from the *cofre dos órfãos*, or orphans coffer.<sup>620</sup> Some children were even rented out to engage in illegal work, like prostitution.<sup>621</sup> One tutor successfully freed his *tutelado* from jail by arguing that, while incarcerated, he was "deprived of [the boy's] services" and was losing money normally gained from renting him out.<sup>622</sup> The only reason Dr. Fernando Francisco da Costa Ferraz stated that stopped renting his *tutelado*, 10-year-old *pardo* Ângelo, was because he began showing the "physical signs" of hepatitis, a deadly and contagious disease.<sup>623</sup> A case from 1888 suggests that the same people who once rented slaves became the renters of the labor of free children as well.<sup>624</sup> The commonality of renting out the services of free children for the exclusive benefit of their tutor shows a negative correlation between evolving legal freedoms and economic independence for people of color.

---

<sup>619</sup> ANB- Juízo de Órfãos, ZM, maço 22, número 405, 1886.

<sup>620</sup> ANB- Juízo de Órfãos, ZM, maço 208, número 4.011, 1884.

<sup>621</sup> Bernardina Rosa de Almeida, the daughter of "hoje liberta" Francisca Maria Joaquina and Geronymo Pires Coelho de Almeida, claimed in an 1877 case that her tutor obliged her "receber visitas" and made her a woman of "maus costumes". She also alleged that he made his *parda* slave and other *tuteladas* in his care do the same. ANB- Juízo de Órfãos, ZM, maço 2.287A, número 333, 1877.

<sup>622</sup> ANB- Juízo de Órfãos, ZM, maço 123, número 2.531, 1879.

<sup>623</sup> ANB- Juízo de Órfãos, ZM, maço 2.307A, número 1.941, 1878.

<sup>624</sup> Francisca Calvet de Bittencourt stated that she was given her *tutelada* Theotonilha by a "renter of slaves", despite the objections of her *parda livre* mother, Elesiária. ANB- Juízo de Órfãos, ZM, maço 2.306, número 1.753, 1888.

Unlike *escravos de ganho*, however, many children rented out for their services went unpaid. Elias Soteiro Lopes d'Amorim was brought before the Judge of the Orphans in 1879 for not paying the *soldada* of 12-year-old *pardo* Arlindo for six years.<sup>625</sup> In an extensive case from 1875, Fabrícia, a *parda liberta*, took her tutor, Antônio da Costa Guimarães, to court for non-payment. Fabrícia claimed that she had been under his care since 1873 and, during that time, worked as a seamstress at the Armagem de Modas de Madame Laubert on the Rua Ouvidor, earning approximately 35 mil-réis per month. After two years, Fabrícia demanded to see her tutor's accounts because she believed she was owed money. Guimarães stated that they girl had "no money whatsoever" that he knew of but the judge ordered a review of the accounts.<sup>626</sup>

In response, Guimarães issued a statement claiming that he was not assigned to her to administer her money, only to represent her and loan her money for her freedom. He claimed she made a "fine living" as a seamstress, he had none of her money and, thus, could not present accounts that "[did] not exist".<sup>627</sup> Fabrícia, when asked to present a deposition, castigated her tutor saying that, according to their tutelage contract, he was supposed to administer her money. She claimed that he had been renting out her services for five years and, at her rate, he owed her a large sum of money. Moreover, Fabrícia alleged that the he paid for her freedom was given out of charity. She maintained that her subsequent term of tutelage with him was unjust since she was, "a minor, illiterate, and completely taken advantage of".<sup>628</sup> Ultimately, the judge decided in her favor and voided her tutelage contract with Guimarães. The victory was measured, however, because

---

<sup>625</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.189, 1873.

<sup>626</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.283, 1875.

<sup>627</sup> Ibid.

<sup>628</sup> Ibid.



Fabrcia was immediately re-assigned a new tutor and the judge made no mention of re-payment.

In many ways, the relationship between tutors and children of color mirrored that of slave labor. As minors, children of color were largely dependent on their patrons and tutors appear to have been rather dependent on their services. They also required unquestioned obedience, allegiance, and gratitude. Tutored children were taken along on trips abroad with their tutors, regardless of their objections or those of their families. José Joaquim Godinho asked the Judge of the Orphans for special permission for his *tutelada*, 18-year-old Agostinha, to travel with him to Europe in 1872. He claimed that, “even though she is free”, she needed to “accompany [his family] wherever they went”.<sup>629</sup> Rosa, a *preta liberta*, lost custody of her 3-month-old son, Paulino, in 1873 because she had to accompany the family she worked for to Europe. By the time she returned, Paulino had been assigned a tutor in Juiz de Fora, Minas Gerais.<sup>630</sup>

Much like slavery, the maintenance of the patron/client relationship hung in precarious balance on the whim of elites. Tutors threatened to dissolve their legal connection to children of color when their attitude became displeasing. Ludomina Maria Soares, an orphan from the state of Espirito Santo, lost her tutor because she was, “ungrateful” and “insubordinant”.<sup>631</sup> Firmino, who was not being paid for his work, feared being seen as “insubordinate” if he complained about his tutor.<sup>632</sup> Hilário, at ten years old, was sent away to work in the state of São Paulo for being “disobedient”.<sup>633</sup> The fear of

---

<sup>629</sup> ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.169, 1872.

<sup>630</sup> ANB- Juízo de Órfãos, ZM, maço 2.299A, número 1.297, 1873.

<sup>631</sup> ANB- Juízo de Órfãos, ZM, maço 2.297A, número 971, 1889.

<sup>632</sup> ANB- Juízo de Órfãos, ZM, maço 107, número 2.113, 1876.

<sup>633</sup> ANB- Juízo de Órfãos, ZM, maço 2.287A, número 291, 1876.

losing what little stability tutelage garnered kept many children of color captive in slavery-like conditions. The perceived futility of challenging their tutor's authority, as both an adult and a white male, stopped many from filing complaints.

Even egregious cases of labor exploitation among individuals with significant advantages failed to accomplish more than minor victories. The case of Paulino, an 11-year-old *pardo claro* (very light skinned mulatto) demonstrates this fact.<sup>634</sup> Placed under the tutelage of Adolpho Suckor in 1874, Paulino worked all day as a manual laborer in the streets while “barefoot and poorly clothed”, despite being free.<sup>635</sup> His mother, Maria Salgado, contested the arrangement and claimed that, “instead of being a man, he [was] only becom[ing] a servant”.<sup>636</sup> Suckor's decision to whip Paulino, “like a slave”, for disobedience in 1876 warranted a radical consequence, according to the law.<sup>637</sup> Maria's abolitionist lawyer successfully ended Suckor's legal guardianship over Paulino but the boy was quickly reassigned to another tutor.

Cases like Paulino's illustrate the extraordinary lengths to which people of color had to go in order to achieve even partial justice as laborers. Children displaying all of the markers of privilege were still subject to limitations in claiming their legal rights. Paulino was an exceptionally light skinned child with both a light skinned mother and an abolitionist lawyer present to advocate on his behalf. His tutor blatantly broke the law by abusing him, both economically and physically. In the end, however, the value of Paulino's labor surpassed that of his privilege.

---

<sup>634</sup> Paulino was so light that he was described as having hair in “golden ringlets”. Witnesses testifying against Suckor's treatment of the boy mention that the sight of such a small and beautiful child doing strenuous manual labor seemed very wrong. ANB- Juízo de Órfãos, Relação do RJ 84, maço 5, número 3.894, 1874.

<sup>635</sup> Ibid.

<sup>636</sup> Ibid.

<sup>637</sup> Ibid.

White children of European descent in tutelage had different experiences. Most striking is the general absence of even the mention of labor. Only the poorest white nationals and orphaned children of immigrants appear to be used as a source of labor within tutelage cases. Even in these cases, the labor expectations of white or European children were different-- evidenced by the more prominent tutors assigned to them and the more favorable working conditions they enjoyed. Eugênia, the thirteen-year-old daughter of *finada* Belmira Maria Teixeira de Oliveira, came under the tutelage of a Typographia Nacional (National Publishing Press) employee in 1879.<sup>638</sup> Olympia began working as a domestic servant for her uncle, Acácio Buarque de Gusmão, in 1885 but he stipulated she was to keep all of the money she earned to put toward her upcoming marriage.<sup>639</sup> José Antônio de Almeida, a sixteen year old Portuguese boy, worked as a clerk in the downtown commercial district for the J.J. Rodrigues da Costa company.<sup>640</sup>

Despite their privileged positions, these children did occasionally encounter abusive or exploitative arrangements. In these cases, however, prominent family members and/or patrons quickly rectified the situation. When ten-year-old Jacinto Teixeira da Silva broke his ankle while working at his tutor's dry goods store in 1880, his godfather—who happened to be a lawyer—immediately notified the judge and had the boy moved into circumstances more befitting his “legitimate” status.<sup>641</sup> Portuguese

---

<sup>638</sup> ANB- Juízo de Órfãos, Relacao do RJ 84, maço 248, número 2.780, 1879.

<sup>639</sup> Olympia, at sixteen years old, was engaged to Balbino de Oliveira Mendoca e Silva but he contracted a serious illness and died later that year. Her case includes love letters from Balbino as well as a newspaper article announcing their engagement. ANB- Juízo de Órfãos, ZM, maço 295, número 5.580, 1885.

<sup>640</sup> The company was located on the Rua Rosário. While the company appears in the *Diario da União* newspaper, it is unclear what kind of company it was. It is important to note that clerk positions required basic literary and mathematics skills, indicating José possessed some education. ANB- Juízo de Órfãos, ZL, maço 2.249A, número 418, 1890.

<sup>641</sup> His godfather argued it was unreasonable to force the boy to “work at things beyond him”. ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.869, 1880.

immigrant Antônio Rodrigues Nouro also worked as a clerk for his tutor and, when he demanded back pay in 1876, it was granted.<sup>642</sup> A case from 1891 involving a poor Portuguese mother who was allegedly “bad” and abusive was quickly rectified by granting tutelage to João José Ayres, a Portuguese immigrant and family member, to guarantee the continued education of her four daughters.<sup>643</sup> Even in their apparent destitution, the girls were not identified as laborers.

Cases involving white children or European immigrants typically involved more traditional tutelage issues like familial custody disputes and inheritance. Additionally, white children appear less reliant on the ability of their tutors to offer protection and financial security. Access to outside sources of compensation decreased the likelihood that these children would enter into legal disputes. This ability to circumvent conflict over rights and entitlements became a significant advantage over children of color, who usually had limited access to both.

Berardina, a 9 year old, “white” girl, became the center of a contentious custody dispute between a lawyer named Dr. Francisco José Goncalves Agra and Luis Pacheco Dias, a Portuguese businessman, in 1887.<sup>644</sup> Dona Angelina de Morães Sanches entered into an international custody battle in 1909 over her two daughters with her ex-husband, Luciano Pereira de Morães, who resided in Portugal.<sup>645</sup> Dr. Antônio Dias de Pina, Jr.

---

<sup>642</sup> ANB- Juízo de Órfãos, ZM, maço 123, número 2.542, 1876.

<sup>643</sup> The mother and João were both from the Island of São Miguel in the Azores. The mother was a 40-year-old domestic servant, lived in tenement housing, and relied on João to pay for the girls’ schooling. The oldest girls accused their mother of beating them and stated that they preferred to live with their uncle João. ANB- Tribunal Civil e Criminal do RJ, C4, maço 2.291A, número 901, 1891.

<sup>644</sup> Bernardina was described as “branca”, or white, in the case file. The judge eventually ruled in favor of Dr. Francisco, a married man, over Luis who was single. ANB- Juízo de Órfãos, ZM, maço 2.287A, número 286, 1887.

petitioned for the tutelage of twenty-year-old, medical student Euclides Olympio Theolindo Persio in 1883. Euclides, originally from the state of Pará, needed the help of Dr. Antônio to receive his inheritance after his widowed mother passed away.<sup>646</sup> Johan Michael Wolfe Graef tutored Johan George Bichmann in 1889 to recover money his deceased father had left him in Germany.<sup>647</sup> Madame Octavia Bellini, a French immigrant, requested that her second husband serve as tutor for her son Miguel in 1875. Miguel stood to inherit property in Engenho Novo and slaves from his father, who was also French.<sup>648</sup> José Bento Vieira Barcellos, orphaned at the age of fourteen, came under the tutelage of José Albino de Sousa Pimentel, a high-ranking official of the General Directorship of Public Education in Rio de Janeiro, because he was the legitimate child of a white school teacher.<sup>649</sup>

Perhaps the starkest contrast between the experiences of tutored children of African descent and children of European descent lies in the emancipation process. Children who reached the age of majority, 21 years old, could petition the Judge of the Orphans for official release from their tutelage contract, also known as “emancipation”. Children emancipated from tutelage arrangements were entitled to the money set aside for them in a special account by their tutors over time, known as *soldada*. Children of color, however, faced difficulties at every step of the process.

---

<sup>645</sup> D. Angelina, her daughters, and her second husband were all Portuguese immigrants. She eventually won her case, the judge ruling that Luciano (a foreigner) could not assert his paternal rights while outside the country. ANB- Juízo de Órfãos, Corte de Apelação 20, maço 337C, número 2.064, 1909.

<sup>646</sup> ANB- Juízo de Órfãos, ZM, maço 2.291A, número 891, 1883.

<sup>647</sup> ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.224, 1889.

<sup>648</sup> ANB- Juízo de Órfãos, ZM, maço 23, número 535, 1875.

<sup>649</sup> ANB- Juízo de Órfãos, EQ, Pretoria do RJ 7, maço 832A, número 1.463, 1899.

If tutors petitioned to end a tutelage contract before the child reached the age of majority, they received nothing.<sup>650</sup> If re-assigned to a new tutor, the *soldada* monies from previous contracts did not carry over. Mortality rates for children were high and many did not reach 21 years of age.<sup>651</sup> In some cases, providing documentary proof of age to file for emancipation was problematic, if not impossible.<sup>652</sup> Some tutors for children of color, who were often less than wealthy, did not have the money to which their wards were entitled.<sup>653</sup> Others simply refused to pay what was owed,<sup>654</sup> while some in this group were eventually forced by the court to do so, many enjoyed impunity.<sup>655</sup>

---

<sup>650</sup> After accepting the tutelage of 15 year old Conrada in early 1888, Idelfonso Alves de Souza Campello applied for the dissolution of the contract by the end of that same year because he was moving away from the capital. No mention of payment was made. ANB- Juízo de Órfãos, ZM, maço 22, número 444, 1888.

<sup>651</sup> Saturnina Maria da Conceição petitioned to receive the *soldada* of her deceased son, Leocádio Avelina da Silva in 1892. Leocádio, a *preto liberto*, died in 1887 of smallpox at the Santa Casa de Misericórdia at the age of eighteen. ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.951, 1892.

<sup>652</sup> Rosalina, a *preta livre*, petitioned the Judge of the Orphans on behalf of her daughter Margarida. Rosalina claimed that her daughter was not officially matriculated, as per the 1871 law, and won her freedom. After three men turned it down, Rosalina eventually found Margarida a tutor in 1874. Three years later, Rosalina agitated for her legal emancipation, claiming she was “more than 19 years old”. When the judge demanded proof of age via baptism records, Rosalina was unable to procure the documentation from her home state of Pernambuco. The case went unresolved for lack of evidence. ANB- Juízo de Órfãos, CG, caixa 484A, número 1.177, 1874. In another case, the daughter of a freed slave petitioned for legal emancipation from tutelage in 1885 and revealed that she was actually 24 years old, but had been waiting for judgment. ANB- Juízo de Órfãos, ZM, maço 2.292, número 2.205, 1879.

<sup>653</sup> After pharmacist Joaquim dos Santos Silveira died in 1893, his widow requested the dissolution of his tutelage contract with two *ingênuas* because they were no longer able to pay for their services and upkeep. ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.128, 1893.

<sup>654</sup> José Joaquim Godinho became the tutor of his former slave, Agostinha, for two years before she applied for emancipation in 1874. While in their home, she gave birth to a stillborn child and Godinho paid for her medical care. When Agostinha petitioned for emancipation, Godinho claimed he should be reimbursed for her medical care and financially “exonerated of responsibility”. ANB- Juízo de Órfãos, ZM, maço 2.315A, número 2.169, 1872.

<sup>655</sup> Dr. Adolpho Arthur Ribeiro da Fonseca was ordered by the judge to present his accounts for *preto* minor Manoel Nunes Barata. The judge found that Fonseca owed the boy money for his services but the case ended without an order of payment for Barata. ANB- Juízo de Órfãos, ZM, maço 74, número 1.266, 1881.

Another common tactic was the subtraction of *despesas* from the money owed to emancipated children. Joaquim, a 17-year-old *crioulo*, was rented out as a butler by his tutor José Joaquim Gonçalves de Carvalho. Upon reaching the age of majority, Joaquim wanted to send the money from his *soldada* to his mother, a poor *preta livre* named Maria Zeferina.<sup>656</sup> Shortly after Joaquim filed for emancipation in 1878, Carvalho issued a statement to the judge requesting exoneration from guardianship as well as the settling of accounts; he claimed that “health conditions” necessitated his immediate relocation to Europe. Unmoved, the judge requested that Carvalho submit his account information before leaving the country. In the accounts, Carvalho listed so many *despesas* (itemized deductions for living expenses) that Joaquim ultimately received a mere fraction of his earnings for four years of work.

Cases like Joaquim’s illustrate how a system intended to create opportunities and financial assistance instead became a stumbling block for children of color, requiring extensive amounts of time and effort to surmount. It is not surprising that few children of color petitioned for legal emancipation from tutelage and even fewer successfully achieved it. In contrast, children of European descent applied and were granted emancipation with greater frequency and considerably less effort. Moreover, white children petitioning for emancipation make few references to receiving their *soldada* payments; implying either the unspoken expectation of receiving it or, as was more common, an explicit reliance on private inheritance funds.<sup>657</sup> Differences in emancipation

---

<sup>656</sup> According to Joaquim’s birth certificate, used as proof of age for his emancipation case, he was born in 1857 in Minas Gerais and was the legitimate child of Maria and Adriano Francisco. Ibid.

<sup>657</sup> Manoel Antônio de Godoy Kelly Botelho tutored his niece Henriqueta until she legally emancipated herself and received the inheritance her father left her in 1880. ANB- Juízo de Órfãos, ZM, maço 324, número 6.048, 1880. Andre Pereira Pinto petitioned for emancipation from his tutor in 1874 in order to get married. Andre received the money he was owed by his tutor and was even named his heir. ANB- Juízo de Órfãos, ZM, maço 208, número 3.962, 1874.

patterns between children of African and European descent reveal the economic potential for these two groups upon entrance into adulthood.<sup>658</sup>

Children of color were forced to rely upon unpredictable public programs and individual patrons while white children were met with more stable economic circumstances and fewer challenges to their legal rights. Challenges that did exist concerned how much was owed rather than if it was owed at all.<sup>659</sup> Despite their relatively privileged position, tutored children found themselves embroiled in a culture of conflict over the basic legal rights to which they were already entitled. In this way, tutored children were more similar to their less advantaged peers than they were different.

### **Captivity, Race, and Place**

At least in theory, tutored children of color inhabited a privileged space promising basic care and education through legal patronage, even if relatively disadvantaged as compared to their whiter peers. To test this theory, this section looks at minors on the other end of the spectrum. The most disadvantaged children of color often ended up in the city's prison system. Rio de Janeiro's Casa de Detenção (CD) functioned more as a holding pen than a site of incarceration for minors. Juveniles who committed infractions

---

<sup>658</sup> Even the language used in tutelage cases appears to be divided along color lines. The tutors of children of color repeatedly stated that they wished to “give [them] a destiny” or make them “useful”. Those phrases never appeared in cases for children of European descent.

<sup>659</sup> In a case from 1890, a pair of white, emancipating brothers entered into a legal dispute over money with their former tutor. The dispute centered on the amount of inheritance each boy would receive; despite the abolition of slavery, several slaves were included in the inventory. ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.868, 1890. In 1887, José Gonçalves Barroso was granted a house in Niterói upon reaching the age of majority. ANB- Juízo de Órfãos, ZM, maço 2.284A, número 1.936, 1887.



were sent to the CD to await re-direction by the Judge of the Orphans rather than the Casa de Correção (CC), which was reserved for older and more serious criminals.<sup>660</sup>

According to Amy Chazkel, the CD functioned as a site for the civic education of Rio's populace in the late nineteenth century. Though her work focused primarily on adult inmates, her theories can be applied to all prisoners regardless of age. She argued that the CD it was, "...characterized by the circulation of crucial information between the state and citizens about the practicalities of Brazil's arbitrary and biased judicial system".<sup>661</sup> I contend that, within this flow of information, children of color were educated about their future role in society, which was defined by their skin color and labor. Rather than looking at the ways in which "penalty shapes the social environment", this section seeks to unravel the ways in which the social environment can be better understood through the penalized.<sup>662</sup>

In this section, I draw from a sample of records for juvenile prisoners (from approximately eight to twenty years of age) from the CD between 1870 and 1887.<sup>663</sup> Rather than examining the alleged crimes these individuals committed, my analysis of these documents highlights the professions of children of color. I maintain that, by comparing this data to that of labor under tutelage, a more complete picture can be formed with regard to the future role of children of color in Brazilian society.

---

<sup>660</sup> Translation, House of Corrections. For more on prison conditions, see, Amy Chazkel, "Social Life and Civic Education in the Rio de Janeiro City Jail," *Journal of Social History* 42:3 (Spring 2009): 697-731, 697.

<sup>661</sup> *Ibid.*, 698.

<sup>662</sup> *Ibid.*, 700.

<sup>663</sup> Data for this section is drawn from 460 intake records from: 1870, 1871, 1875, 1877, 1879, 1880, 1881, 1882, 1883, and 1887 for minors identified as *preto*. While other categories were given, previous scholars have identified this group as the most numerous and, thus, the most representative of the institution.

Both Chazkel and Sam Adamo documented the intersections of race and the application of justice in the final decades of the nineteenth century. Despite the inconsistent nature of record keeping with regard to race during this period, each noted the statistical over-representation of people of color among prison populations, as compared to their percentage of the general population.<sup>664</sup> They also demonstrated that, for people of color, different color categories remained tightly correlated over time; although prisoners with the darkest skin color (*preto*) consistently outnumbered lighter skin color categories.<sup>665</sup> The margin of difference, though fluctuating, stayed small between Afro-Brazilian groups. The separation between people of European descent and those of African descent diverged widely and remained consistent over time. Data collected by Chazkel and Adamo in the twentieth century mirrors that of the nineteenth century, differing only in degree.

By comparison, the crimes committed by white inmates and those of color were similar, with a few noticeable exceptions. The practice of *capoeira* (martial art of African origin) and Afro-Brazilian religions, illegal during this period, were considered dangerous to public morals.<sup>666</sup> The largely subjective crime of vagrancy was disproportionately applied to people of color in late nineteenth and early twentieth century Brazil as a form of social control.<sup>667</sup> Prosecution for *capoeira* appears to have been harsher than the practice of Afro-Brazilian religions. Largely misunderstood,

---

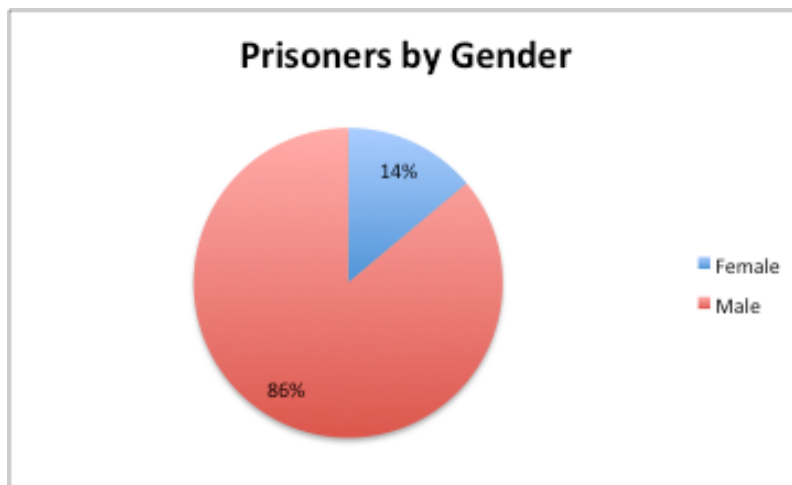
<sup>664</sup> Chazkel, 716; Adamo, 196- 201.

<sup>665</sup> Adamo, *Ibid.*

<sup>666</sup> For more *capoeira*, African culture, and crime, see Maya Talmon Chvaicer, "The Criminalization of *Capoeira* in Nineteenth-Century Brazil," *HAHR* 82:3 (August 2002): 525-547.

<sup>667</sup> See, Martha Knisely Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick: Rutgers University Press, 1985) and Thomas H. Holloway, *Policing Rio de Janeiro* (Stanford: Stanford University Press, 1993).

officials sometimes labeled some actions “religious practices” that were not and failed to recognize some practices as religious in nature.<sup>668</sup> In this way, the divisions found in



*Figure 25- Prisoners in CDRJ by Gender*

prison records reflect more about Brazilian perceptions of race and class than about crime.

Comparing prison records with tutelage brings to light gender differences as well. As Figure 25 illustrates, boys formed the majority of minor inmates, whereas, in tutelage, girls outnumbered boys. These rather obvious preferences are rooted in traditional, Brazilian gender roles. Boys were endowed with greater choice in society, which conversely made them less predictable and harder to control. Girls, on the other hand, were considered the weaker sex and elicited a stronger sense of protection from adults,

---

<sup>668</sup> In a *habeus corpus* case from 1894, an elderly man was charged with being a *feiticeiro* (wizard) and imprisoned although the police found no evidence. ANB- Supremo Tribunal Federal, *Habeus corpus*, 1894-1895. In contrast, 80 *pretos africanos* were arrested on February 1, 1851 when they removed all their clothing and jumped in the ocean. Although arrested for “offending public decency”, officials failed to recognize that they were observing religious practices celebrating the goddess Iemanjá. AGCRJ- 50.1.8, “Santa Casa de Misericórdia”, 1833-1907.

particularly adult males.<sup>669</sup> Although they enjoyed more protections, girls were severely sheltered due to beliefs about the precarious nature of virginity. As a result, girls seeking to retain their “honor” in society were limited to occupations that revolved around domesticity.<sup>670</sup>

The average age of juveniles held at the CD contrasts sharply with that of tutelage. For both male and female prisoners, the average age was roughly 20 years old. Rather than malleable children at the height of their worth as workers, most inmates hovered on the brink of adulthood.<sup>671</sup> Why would this group demonstrate such a significant majority among prisoners? Initially perplexing, closer attention to individual cases of recidivism helps clarify this puzzling trend.

Balbina Maria da Glória, listed as a domestic servant, was arrested for vagabondage at the age of 16 in 1880. She was arrested again in 1882, still age 16, under suspicion of being a runaway slave.<sup>672</sup> Arthur Militão da Silva maintained that he was 19 years old when he was arrested for drunken and disorderly conduct in 1880. When he was arrested again in 1883 for the same offense, he was only 20 years old.<sup>673</sup> Castor Pereira do Espírito Santo, arrested three times in 1881, listed his age as 17, 16, and then 15.<sup>674</sup> Most impressive, however, is João Pereira de Sousa Junior. Between 1875 and 1880, he

---

<sup>669</sup> Gender roles and the necessity to protect women even influenced manumission rates and abolitionist rhetoric. See, Roger A. Kittleson, “Campaign of all peace and charity: gender and the politics of abolitionism in Porto Alegre, Brazil, 1846–1888”, *Slavery and Abolition*, XXII (2001), 83–108.

<sup>670</sup> For more on virginity and honor, see Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000).

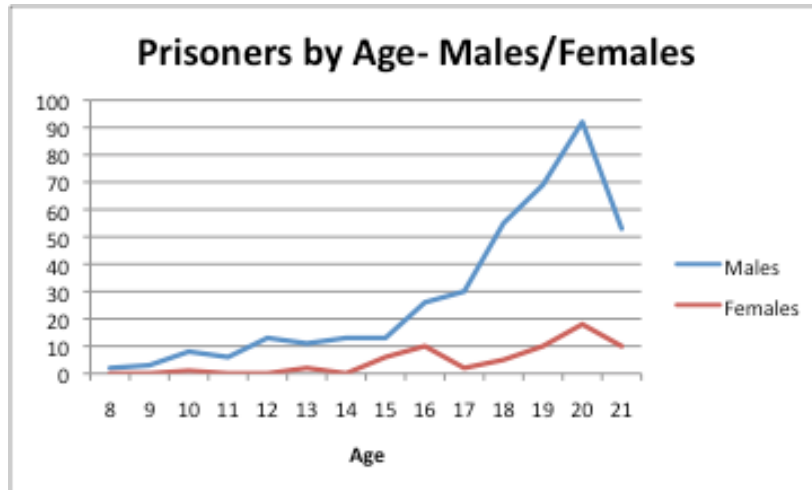
<sup>671</sup> The average age of tutored children falls between 10 and 15, which were considered the prime years for child labor.

<sup>672</sup> CDRJ, Menores, “Balbina Maria da Glória”, 1880-1882.

<sup>673</sup> CDRJ, Menores, “Arthur Militão da Silva”, 1880-1883.

<sup>674</sup> CDRJ, Menores, “Castor Pereira do Espírito Santo”, 1881.

was arrested a total of thirteen times but consistently maintained that he was 18 years of age.<sup>675</sup> Mathematically impossible, the irregularities seen in these cases demonstrate the influence of social conditions over quantitative expectations.



*Figure 26- Prisoners by Age and Gender*

The inaccuracies found in the data for age can be explained in several ways. Primarily, it suggests that certain pieces of biographical information recorded at the CD were self-reported, age among these.<sup>676</sup> The variability of age among incarcerated minors could initially be attributed to inconsistencies among prison officials. However, combined with the general lack of proof of identity that characterized the lives of children of color, it seems more likely that officials would rely on self-reporting. The minor variations present in self-reported age imply that children of color were themselves generally unable to accurately assess their age.

---

<sup>675</sup> CDRJ, Menores, “João Pereira de Sousa Junior”, 1875- 1880.

<sup>676</sup> Variability among the same juveniles from year to year with regard to age, address, and profession indicate that prison officials relied upon self-identification in these areas; whereas, the reporting of color (when present) is surprisingly consistent. Parentage also appears very consistently from child to child. Given the low levels of literacy and proliferation of identification documents during this period, it is also likely that familial affiliation was also self-reported.

In the case of juveniles like João Pereira de Souza, Junior, large deviations demonstrate that minor inmates also deliberately manipulated self-reported information to further their own purposes.<sup>677</sup> This fact, combined with the over-arching pattern of under-reporting for age among children of color at the CD, points to the desire to remain categorized as a minor. The advantages of being a legal minor included less stringent judgment, separation from potentially hardened criminals (particularly for boys), lighter workloads, and otherwise preferential treatment within the CD.<sup>678</sup> These differences became less distinct following the combined implementation of the 1890 penal code and the 1927 Código dos Menores (Minor's Code), which imposed harsher sentencing, lowered the age of responsibility for criminal acts, and regulated child labor practices.<sup>679</sup>

Casa de Detenção records also regularly record the profession of minor inmates. Quantitative analysis of this data uncovers two distinct labor patterns connected to the gender of children of color and their age. Female offenders were, without exception, engaged in professions related to the home. Laundress appeared most commonly as the profession listed for girls of African descent. Domestic servant and seamstress were also frequently reported occupations, as seen in Figure 27. Repeat offenders, even when comparing their arrest records across several years, show minimal change. Changes, when present, remained within similar spheres (i.e. laundress to operating ironing press).

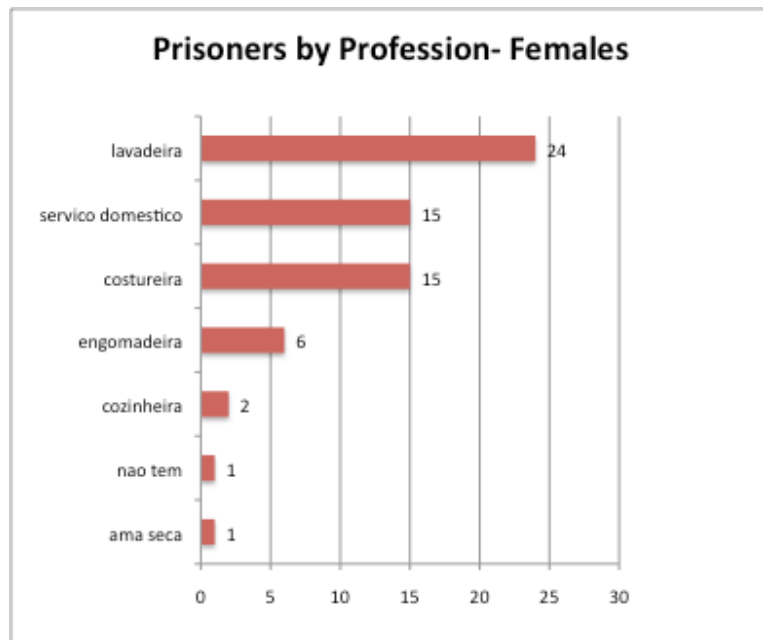
---

<sup>677</sup> This also hints at the fact that children could give false identifiers like names or addresses to protect themselves or their families if necessary. Several inmates have two names listed on their record (one in large lettering and one underneath in parentheses following the phrase “diz que chama” or, “they say they are called”), which supports this idea.

<sup>678</sup> Chazkel, 716.

<sup>679</sup> For more on the influence of the 1890 Penal Code, see Brodwyn Fischer, “Quase pretos de tão pobres? Race and Social Discrimination in Rio de Janeiro's Twentieth-Century Criminal Courts,” *LARR* 39:1 (2004). Irene Rizzini offers a comprehensive and chronological look at children and the penal system in, *A criança e a lei no Brasil: revisitando a história, 1822-2000* (Rio de Janeiro: USU Ed. Universitária, 2002).

When examined together, these trends demonstrate continuity but limited options, as well as restricted power over the means of production for female workers. By its nature, domestic service placed girls in the homes of elites and under their direct supervision. As scholars like Sandra Lauderdale Graham have established, domestic service encompassed a significant portion of the city's population of women of African descent.<sup>680</sup> Elites preferred female domestic servants because work in the home was seen as an appropriate occupation and a way in which patrons could protect the honor of their employees.<sup>681</sup>



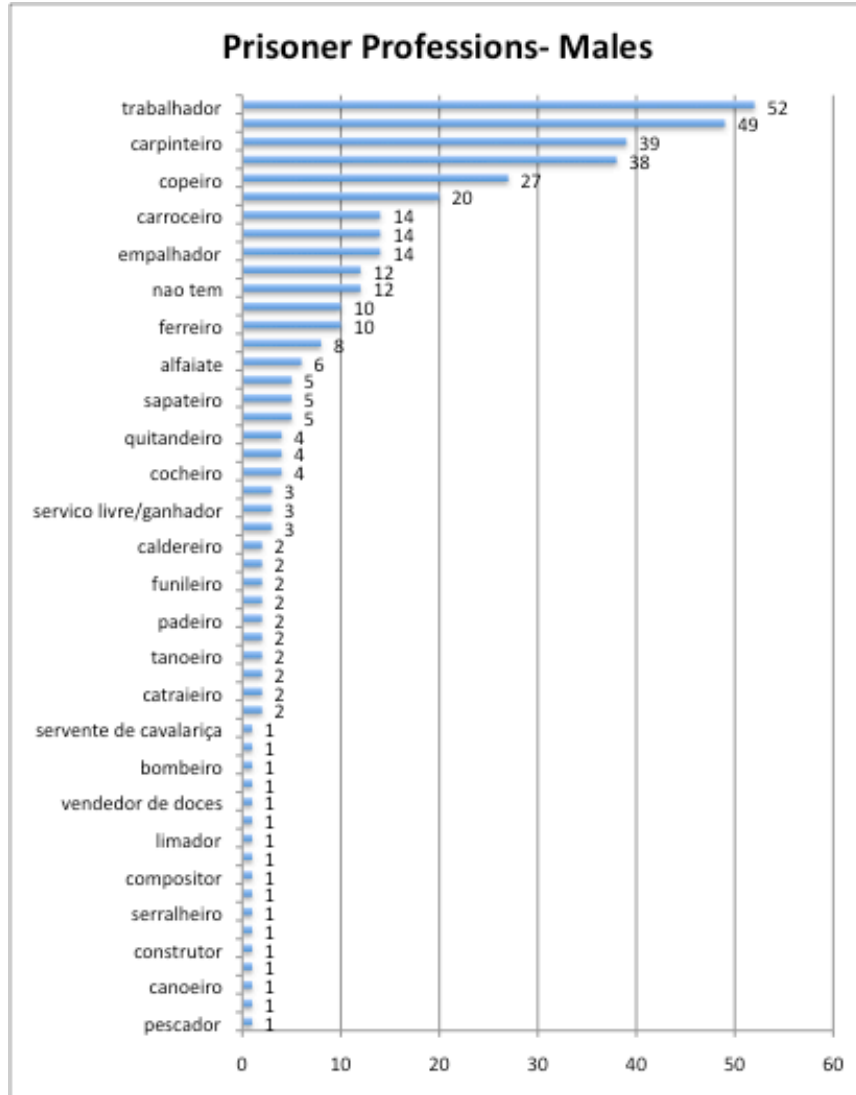
*Figure 27- Female Prisoners by Profession*

Boys arrested and held at the CD, however, display a completely different role within the world of child labor. Under-aged males listed roughly five times the number of

<sup>680</sup> Sandra Lauderdale Graham also pointed out the correlation between girls of color and domestic work in, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro* (Cambridge: Cambridge University Press, 1988).

<sup>681</sup> *Ibid*, 93.

occupational categories as did females.<sup>682</sup> Their professions ranged widely, as Figure 28 shows; from manual labor like unloading the cargo of ships to trades like carpentry to



*Figure 28- Male Prisoners by Profession*

sales to domestic service positions like cooks or butlers. Some chose to identify using broad terms like “worker”, while others denoted their specific position within the

<sup>682</sup> Six occupational categories were compiled for females and twenty-five for males.



production of a particular material, like “cooper” or “locksmith”.<sup>683</sup> Trade workers, though lacking formal education, completed apprenticeship training that surpassed the instruction level of their female peers.<sup>684</sup>

The variability of occupations for juvenile males is also worth noting. João Pereira de Souza Junior, the exception rather than the rule, described himself as a “cook” each of the thirteen times he was arrested. Others, like Antônio Francisco dos Santos, listed a different occupation each time they entered the CD.<sup>685</sup> Santos called himself a “bricklayer” in 1880, a “worker” in 1881, and a “caulker” in 1883. Unlike their female peers, young males worked in multiple (and often unrelated) areas within short periods of time. Some, like Jorge Nunes da Silva, even listed multiple jobs within the same year; he was apprehended four times in 1880 and, in chronological order, claimed to be a “worker”, “wagoner”, “shoe shiner”, and “painter”.<sup>686</sup>

While it appears that juvenile males enjoyed broader occupational choices, they conversely struggled with maintaining employment. The diverse areas in which most boys worked also indicates a lack of specialized skills and inconsistent of instruction. Although boys embodied greater professional potential, most probably received comparably low levels of education. The range of occupations open to boys of African descent, though wide, all exhibited limited possibilities for upward social mobility. These factors, combined with their significantly higher rates of incarceration, laid the

---

<sup>683</sup> Translation of “trabalhador”, “tanoeiro”, and “serralheiro” is mine.

<sup>684</sup> As Graham points out, most employers felt that their duty was only to supply a “moral and religious education” for girls. *Ibid*, 92.

<sup>685</sup> CDRJ, Menores, “Antônio Francisco dos Santos”, 1880-1883.

<sup>686</sup> Many of these minors have common names; to confirm their identity, parentage and address information was also compared.

foundation for a future population of young men unclear about their role as economic actors and citizens.

Just as young children of color began questioning the ambiguity of their place as free workers, Brazilian elites had already formulated the answer. Professional patterns in child labor data reflect ideas about the appropriateness of people of color within defined economic sectors. The over-representation of children of color in the service sector, via prison records, contrasts with their lack of representation in growing economic sectors like industrialization.<sup>687</sup> It is clear that children of color did not find a place in the classroom either. Continually high levels of illiteracy and the institutionalization of “whitening” programs in schools effectively excluded the majority of children of color from receiving basic instruction on a consistent basis.<sup>688</sup> The relegation of children of color to service positions, combined with their inability to gain formal education, produced a generation of adults struggling for survival rather than upward mobility.

## **Conclusion**

As the satirical cartoon at the beginning of this chapter illustrated, people of color increasingly found themselves on the periphery of economic changes and the expansion of the labor market in late nineteenth century Rio de Janeiro. Through children of color, this chapter demonstrated how this process of gradual exclusion was accomplished.

---

<sup>687</sup> While children were initially a significant part of the growth of textile factories in Rio de Janeiro, like that of Companhia América Fabril (1878), legal restrictions on their labor and technical advances soon made them obsolete. At their peak, corporate records show that roughly 20% of their total workforce consisted of minors. However, color categories do not appear in company records over time. Images of CAF employees in the late nineteenth century show that people of color were in the minority. ANB- Companhia América Fabril (CAF), 1.2.1, Pasta 9. For more on this company, see Elisabeth von der Weid and Ana Marta Rodrigues Bastos, *O fio da meada: Estratégia de expansão de uma indústria têxtil: Companhia América Fabril, 1878-1930* (Rio de Janeiro: FCRB-CNI, 1986).

<sup>688</sup> Jerry Dávila demonstrates how whitening policies in public education paved the way for a white majority as both students and teachers. See, Jerry Dávila, *Diploma of Whiteness: Race and Social Policy in Brazil, 1917-1945* (Durham: Duke University Press, 2003).

Despite their importance as laborers, children of color were continually placed in situations that challenged their opportunities for economic security and upward mobility. As their struggle for freedom ended, the battle for equality began. The end of slavery in Brazil resulted in the re-invention of inequality, with race as its defining element. Comparing and contrasting data from children of color in tutelage and imprisoned during this period revealed the mechanisms of discrimination.

The exchange of patronage for service seen in tutelage theoretically provided selective privilege to children of color. Tutor preference for minors with lighter skin implied the advantageous position mixed-race people occupied within the social hierarchy of slavery. However, the rights and entitlements given on paper to tutored children were routinely circumvented in numerous ways with impunity. Even cases of flagrant abuse and exploitation were met with minimal consequence. Children of European descent with similar class status did not appear to face the difficulties endured by those of African descent. The use of tutored children as a source of labor affected those of color more and in ways reminiscent of enslavement.

In the penal system, juvenile offenders of different colors operated under a single set of laws but experienced varying degrees of enforcement. Children of color, held strictly to the letter of the law, appeared disproportionately in prison records. Simultaneously, the criminalization of African practices directly targeted former slaves and their descendants. The public nature of work in the service among people of color also placed them at greater risk of being taken into custody for subjective crimes like vagrancy.

Patterns in the labor of children of color reflect the dissonance of a society pushing people of color to work but limited the kinds of jobs they could hold. Tutored children of color displayed a smaller range of occupations than those in prison. Girls of

African descent suffered under restrictions placed on their gender as well as their color. Their male counterparts, while exposed to broader job experiences, received comparatively little education and less occupation stability. Patronage under tutelage offered little economic advantage and, for children of color, actually inhibited their professional development.

Through the construction of a culture of conflict, the message to people of color became clear; manumission may have granted them freedom, but only whiteness conferred equal citizenship. The flexibility of Brazilian society lauded by Freyre and Tannenbaum was made possible by the stability of an entrenched social hierarchy rooted in selectively permissive patriarchy and inequality. When the established structure began to crumble in the years leading up to emancipation, that flexibility disappeared.

A rigid framework that, on paper, guaranteed legal equality quickly filled the spaces created by legal ambiguity and social customs. The emerging system reinforced traditional notions of patriarchy and created new mechanisms to keep former slaves in their “appropriate place”. People of color found their newfound freedoms eroded by bureaucratic regulations, loopholes, and uneven enforcement. Some people of color who once occupied privileged positions based on color or profession discovered that, without the structure of slavery, they were grouped among those once below them. A status became more influenced by phenotype than ever before, people of color found themselves second-class citizens within a society built upon their labor.

## EPILOGUE

Emancipation was not the end of the story for people of color. The Golden Law, signed on May 13, 1888, succeeded in liberating Afro-Brazilians from their status as property but fell short in conferring them equal rights as citizens. In many ways, the years leading up to 1888 prepared them for the contradictions between legal entitlements and social realities they encountered in the post-emancipation era. This dissertation has attempted to shed light on the incomplete nature of this decisive transition period in Brazilian history using the lens of tutelage. Through the micro-historical analysis of tutelage cases, the reciprocal relationship between elite re-inventions of inequality and the resistance of people of color becomes clear.

Rio de Janeiro was in many ways, a city divided in the final decades of the nineteenth century. At the center of political, economic, and social tensions was the question of slavery. Brazil's struggle to end slavery shines through in both the timeline and content of tutelage cases. Increasing sharply after 1871, peaking in 1888, and then plunging back into the single digits by 1900, the rise of tutelage as a legal step in Brazil's gradual emancipation process was as dramatic as it was brief. Functioning as a social thermometer, the conflicts over slavery and its abrupt breakdown explain the erratic nature of tutelage data. The abolition movement dissolved rapidly after 1888, as did tutelage litigation for children of color; however, in both cases, this reflects a legal ending point rather than the resolution of underlying tensions. The content of tutelage cases suggests that the divisions created during the abolition process endured long after their legal conclusion. The interplay of conflict and resistance that subsequently developed between people of color and white elites offers insight into patterns of continuity and change that shaped the development of modern Brazil.

The hundreds of tutelage cases featured in this dissertation provide a glimpse into the social interactions that characterized Brazil during this period: freed slaves and their former masters, men and women, adults and children, people of African and European descent, the poor and elites. We could choose to read these cases as simply entertaining narratives of everyday life and quotidian inter-personal conflicts. Rather than remaining focused on individual quarrels, these singular points of conflict are more accurately viewed through the lens of national transitions. The aggregation of these stories illuminates broad social, economic, and institutional changes from the perspective of those who lived through them.

Using tutelage documentation, this dissertation examined the ways in which children of color embodied the complex mixture of continuity and change that characterized this transitional period in Brazilian history. As the free progeny of former slaves, analyzing the lived experiences of children of color informs our understanding of Brazil's gradual abolition process. The legal steps taken toward total emancipation produced social consequences far beyond the comprehension of elite lawmakers. The Free Womb Law in particular, roundly regarded by contemporaries and historians alike as a policy failure, interacted with the centuries-old system of tutelage to briefly open a new legal outlet for children of color to access rights and file complaints. The documents generated by this interaction spanned the final decades of the nineteenth century (1871-1900) and, although numerically limited, offer unprecedented access into the intimate lives of former slaves and their families.

Tutelage cases for children of color show us where they lived, where they worked, how they were born, how they died, whom they loved, whom they fought with, and even what they looked like. Far from anecdotal or novel, these documents tell us the story of transition through those who shaped it and were shaped by it. Children, an under-

represented group in historical analyses, formed the majority of the population in Rio de Janeiro during this period. Distinct from more modern conceptions of childhood, minors in the late nineteenth century lived and worked like adults. Although lacking full legal control over their lives, minors constituted a critical segment of society—both practically and theoretically.

Ideologically, children of color became the central figures in debate about the social and economic future of Brazil. Tutored children of color were primarily viewed by elites as a source of labor or, when not working, as source of social disruption. The gradual abolition of slavery corresponded with the rise of institutions and social control measures in Brazil. These institutions employed a variety of tactics to promote coerced labor and prevent criminal activity amongst the poor, malleable youth, and especially people of African descent. Tutelage documents demonstrate how children of color, as the impoverished offspring of slaves, became intimately connected with a variety of institutions. State-sponsored charitable institutions, deviating from traditional approaches to religiously-affiliated public assistance, couched their social control agenda in the rhetoric of welfare. Regardless of their ideological focus (i.e. educational, medical, etc.), charitable institutions displayed preferential treatment for wards based on status, birth, and skin color. Over time, the presence of people of color declined within these institutions, as their access to public assistance shrank.

In contrast, tutelage documents demonstrate an abundance of children of color within informal and formal penal institutions. Tutelary guardianship, under abusive or exploitative conditions, functioned as a de facto penal institution. Numerous tutelage cases detail the physical, sexual, psychological, and economic violence that tutored children endured. Children of color were also at high risk for incarceration. Prison records show a disproportionate number of children of African descent taken into custody

as compared to those of European descent, mirroring adult statistics. The subjective application of crimes like vagrancy and the illegality of culturally African practices specifically targeted children of color.

The economic exploitation of children of color seen during this period signals the solidification of modern, race-based inequalities. People of color in the first half of the nineteenth century exhibited greater potential for upward social mobility than their children and grandchildren, despite increased legal entitlements over time. By comparison, the occupations of tutored children of color and those in prison show greater similarities than differences, despite inhabiting differing color categories. Tutored children were professionally tied to their patrons' homes and businesses; the majority of tutored girls worked as domestic servants and boys did manual labor. Prison records for children of color reveal similar occupations, though with more variety for boys. Economically, prison records indicate a correlation between proximity to patronage and stability. Girls, closer to their patrons, were economically limited but stable. Boys, more likely to be rented out, exhibited a broader range of unstable occupations. The juxtaposition of tutelage documents and prison records indicate the break down of significance in racial sub-categories for people of color with regard to rights and the growth of a more dichotomous black/white perspective among elites.

The data produced by tutelage documents reveals a gendered aspect to this transition period previously unexamined in depth. The majority of tutored children were female and mothers formed the bulk of contentious litigants. Afro-Brazilian families, in general, displayed a noticeably maternal character. Mothers, despite legal limitations, advocated fiercely for the rights of their children, utilizing both formal and informal methods. Female members of extended families, including aunts, grandmothers, sisters, and even friends and neighbors stepped in provide protection. When present, fathers (or



male relatives) exerted a powerful influence over the lives of their children. Endowed with *pátrio poder*, paternal family members were able to effectively limit the patriarchal power of former owners and employers. In this way, paternal family members were able to use tutelage as a way to legally establish and defend kinship connections.

Male family members, despite their color, had access to legal forms of resistance in a way that women and children did not. While disadvantaged, these groups were not helpless. Both women and children of color resisted infringement upon their rights. Women of color who engaged in tutelage disputes solicited the intervention of a man with comparable or superior *pátrio poder* to act as her legal representative; tutored girls did the same, or occasionally ran away. Boys frequently ran away or retaliated by committing crimes like theft against unwanted tutors. The gendered forms of resistance used by free tutored children parallel strategies traditionally adopted by slaves.

Historians have written extensively on Brazil's march toward legal emancipation. Only recently have they begun to question the way in which the complex social interactions established over centuries of slavery unraveled; or, even more recently, if they were in fact undone at all. Debate still continues about the significance of emancipation as a transitional moment in Brazilian history. Rather than arguing its import, this project has attempted to deconstruct this period through its actors and look critically at what was transformed.

The patterns seen in tutelage data demonstrate the incredible variability of experiences within this transition period based on age, color, and gender. While the diversity of the slave experience is well documented, emerging scholarship is still uncovering the multi-faceted nature of the abolition process. A chasm continues to divide our vast and intimate knowledge of the lives of slaves from that of their free children and

grandchildren. This dissertation has attempted to fill in those gaps by viewing emancipation as a generational process, as well as a national socio-economic one. Tutelage documentation remains an under-utilized resource for better understanding this era and the role of people of color within it. As the first urban analysis of this source, this dissertation highlights the variability of the abolition process. It brings children and women of color to the forefront in a new way as agents of change. Tutelage cases also provide an important chronological and thematic bridge across the pre- and post-emancipation period in a way unfeasible with other sources. Most importantly, this dissertation uncovers the individualized experience of freedom and, in doing so, stands at the forefront of literature on this transformational era.

The limitations of this study, however, leave lingering questions that only future scholars can attempt to answer. The comparison of these documents, across both urban/rural and regional divides, would reveal the degree to which our understandings of the emancipation process rely on national discussions. A greater number of micro-historical studies would chip away at the silences so often found in large urban areas like Rio de Janeiro regarding race. In the spirit of scholars like Stanley Stein and Warren Dean, localized examinations of this period through the experiences of former slaves offer the potential to more clearly connect slavery to its legacy across the country.

The primacy of slavery as a foundational element of Brazilian national identity cannot be understated. Its roots can still be found in discussions of contemporary issues facing Brazil. In many ways, a straight line can be drawn from its incomplete transition out slavery to contemporary struggles over inequality. Emancipation appears to be both the result and the origin of divisiveness. We are left with the unsettling sense that this story has not yet been resolved. Brazilians remain divided by the same racial, cultural, and economic lines as their forbearers. Only by addressing and understanding the

multiple legacies left by slavery can Brazil hope to grow into a nation of both order and progress.

## BIBLIOGRAPHY

### ARCHIVAL SOURCES

A Casa de Rui Barbosa-Rio de Janeiro, RJ

Arquivo do Colégio Salesiano Santa Rosa-Niterói, RJ

Arquivo Geral da Cidade do Rio de Janeiro (AGCRJ)-Rio de Janeiro, RJ

Arquivo Nacional do Brasil (ANB)-Rio de Janeiro, RJ

Arquivo Publico do Estado do Rio de Janeiro (APERJ)-Rio de Janeiro, RJ

Biblioteca Nacional do Brasil (BN)-Rio de Janeiro, RJ

Museu da Imagem e do Som (MIS)- Rio de Janeiro, RJ

University of California, Los Angeles (UCLA) Special Collections-Los Angeles, CA

### PERIODICALS

*A Gazeta de Notícias*

*A Gazeta da Tarde*

*A mai de familia*

*A Revista Illustrada*

*Diario Oficial da União*

*Jornal do Brasil*

*O Fluminense*

*O Jornal do Commercio*

### PRIMARY SOURCES

Celso, Afonso. *Oito anos de parlamento*. Rio de Janeiro: Laemmert & Co., 1901.

“Codigo dos Menores”, Decreto N° 17.943-A de 12 de outubro de 1927.

*Homenagem as Saudosas Victimias da Barca ‘Setima’*. Nictheroy, RJ: Escola Typ. Salesiano, 1916.

Moncorvo Filho, Arthur. *A cruzada pela infância*. Rio de Janeiro: Typ. Besnard Frerés, 1911.

--. *Histórico da protecção á infância no Brasil 1500-1922*. Rio de Janeiro: Empreza Graphica Editora, 1926.

--. *Pela infância, tudo!*. Rio de Janeiro: Typ. Besnard Frerés, 1920.

Nabuco, Joaquim. *O abolicionismo*. London: Abraham Kingdom, 1883.

--. *Minha formação*. Rio de Janeiro: H. Garnier, 1900.

Rio, João do. *A alma encantadora das ruas*. Rio de Janeiro: H. Garnier, 1910.

Silva, J. M. Pereira da. *Memórias do meu tempo*. Rio de Janeiro: H. Garnier, 1895.

Toussaint-Samson, Adèle. *A Parisian in Brazil: The Travel Account of a Frenchwoman in Nineteenth Century Rio de Janeiro*. Wilmington: Scholarly Resources Inc., 2001.

## **SECONDARY BOOKS, ARTICLES, PAPERS, AND DISSERTATIONS**

Abreu, Martha. “Slave Mothers and Freed Children: Emancipation and Female Space in Debates on the 'Free Womb' Law, Rio de Janeiro, 1871.” *Journal of Latin American Studies* 28, no. 3 (October 1996): 567-580.

Adamo, Sam C. “The Broken Promise: Race, Health, and Justice in Rio de Janeiro, 1890-1940.” Ph.D. diss., University of New Mexico, 1983.

Aguiar, A. and R.M. Martins. *História da pediatria brasileira: coletânea de textos e depoimentos*. Rio de Janeiro: Sociedade Brasileira de Pediatria, 1996.

- Aguirre, Carlos and Richard D. Salvatore, eds. *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform and Social Control, 1830-1940*. Austin: University of Texas Press, 1996.
- Aguirre, Carlos. *The Criminals of Lima and Their Worlds: The Prison Experience, 1850-1935*. Durham: Duke University Press, 2005.
- Alvarez, Sonia E. *Engendering Democracy in Brazil: Women's Movements in Transition Politics*. Princeton: Princeton University Press, 1990.
- Alves, José Eustáquio Diniz and Miguel A. P. Bruno. "População e crescimento econômico de longo prazo no Brasil: Como aproveitar a janela de oportunidade demográfica?" Paper presented at the annual meeting for the Associação Brasileira de Estudos Populacionais-ABEP, Caxambú, MG, Sept. 18-22, 2006.
- Amado, Jorge. *Capitães da areia: romance*. São Paulo: Martins, 1967.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London and New York: Verso, 1991.
- Andrews, George Reid. *Afro-Latin America, 1800-2000*. Oxford: Oxford University Press, 2004
- . *Blacks and Whites in São Paulo, Brazil, 1888-1988*. Madison: University of Wisconsin Press, 1991.
- . "Racial Inequality in Brazil and the United States: A Statistical Comparison." *Journal of Social History* 26, no. 2 (Winter 1992): 229-263.
- Arantes, Esther Maria de Magalhães. "Arquivo e memória sobre a roda dos expostos do Rio de Janeiro." *Pesquisas e Práticas Psicosociais* 5, no. 1 (janeiro/julho 2010): 5-16.
- Adams, Christine. "Constructing Mothers and Families: The Society for Maternal Charity of Bordeaux, 1805-1860." *French Historical Studies* 22, no. 1 (Winter 1999): 65-86.

- Aizpurú, Pilar Gonzalbo and Cecilia Rabell, eds. *La família en el mundo iberoamericano*. Mexico City: Universidad Nacional Autónoma de México, 1994.
- Ariès, Phillippe. *Centuries of Childhood*. Translated by Robert Baldick. New York: Vintage Books, 1962.
- Azevedo, Celia Maria Marinho de. *Onda negra, medo branco: O negro no imaginário das elites--século XIX*. São Paulo: Annablume, 2004.
- Azevedo, Elciene. *Orfeu de carapinha: a trajetória de Luiz Gama na imperial cidade de São Paulo*. Campinas: Editora da Unicamp, 1999.
- Azevedo Gislane Campos. “De Sebastianas e Geovannis: o universo do menor nos processos dos juizes de órfãos da cidade de Paulo (1871-1917).” M.A. thesis, Pontifícia Universidade Católica de São Paulo, 1995.
- Baer, Werner. *Industrialization and Economic Development in Brazil*. Homewood: Irwin, 1965.
- Balmori, Diana and Robert Oppenheimer. “Family Clusters: Generational Nucleation in Nineteenth-Century Argentina and Chile.” *Comparative Studies in Society and History* 21(1979): 231–261.
- Baronev, David. *The Abolition of Slavery in Brazil: The “Liberation” of Africans through the Emancipation of Capital*. Westport: Greenwood Press, 2000.
- Barreto, Maria Renilda Nery. “Dar à luz no Rio de Janeiro oitocentista.” Paper presented at the annual meeting for ANPUH, Natal, RN, Brazil, July 22-26, 2013.
- Bastide, Roger. *O candomblé da Bahia, rito Nagô*. São Paulo: Companhia Editora Nacional, 1961.
- . *As religiões africanas no Brasil; contribuição a uma sociologia das interpenetrações de civilizações*. Translated by Maria Eloisa Capellato and Olívia Krähenbühl. São Paulo: Editôra da Universidade de São Paulo, 1971.
- Bastos, Maria Helena Camara and Tania Elisa Morales Garcia. “Leituras de formação - Noções de vida doméstica (1879): Félix Ferreira traduzindo madame Hippeau para a educação das mulheres brasileiras.” *História da Educação* 3, no.5 (1999): 77-92.

- Beattie, Peter. *The Tribute of Blood: Army, Honor, Race and Nation in Brazil, 1864-1945*. Duke University Press, 2001.
- Benacchio, Rosilda. "Meninos vadios: reeducação e maioridade penal aos nove anos de idade, Rio de Janeiro, 1900-1910." Paper presented at annual meeting for ANPED 26, 2003.
- Bethell, Leslie, ed. *The Cambridge History of Latin America*. vol. 4 (1870-1930). Cambridge: Cambridge University Press, 1986.
- Bulcão, Ana Lucia Eppinghaus. "Meninos maiores : o conflito da menoridade e maioridade no RJ entre 1890 e 1927." M.A. thesis, Universidade Federal do Rio de Janeiro, 1992.
- Bolton, Ralph and Enrique Mayer, eds. *Andean Kinship and Marriage*. Washington, DC: American Anthropological Association, 1977.
- Bergstresser, Rebecca Baird. "The Movement for the Abolition of Slavery in Rio de Janeiro, Brazil, 1880-1889." PhD diss., Stanford University, 1973.
- Bethell, Leslie. *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question: 1807-1869*. Cambridge: Cambridge University Press, 1972.
- Blum Ann S. "Conspicuous Benevolence: Liberalism, Public Welfare, and Private Charity in Porfirian Mexico City, 1877-1910." *The Americas* 58, no. 1 (July 2001): 7-38.
- Borges, Dain. "'Puffy, Ugly, Slothful and Inert': Degeneration in Brazilian Social Thought, 1880-1940." *Journal of Latin American Studies* 25, no. 2 (May 1993): 235-256.
- . *The Family in Bahia, Brazil: 1870-1945*. Stanford: Stanford University Press, 1992.
- Boswell, John. *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance*. New York: Vintage, 1988.



- Bouvard, M.G. *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo*. Wilmington: Scholarly Resources, 1994.
- Brana-Shute, Rosemary and Randy J. Sparks (ed.) *Paths to Freedom: Manumission in the Atlantic World*. Columbia: University of South Carolina Press, 2009.
- Bronfman, Alejandra. *Measures of Inequality: Social Science, Citizenship, and Race in Cuba, 1902- 1940*. Chapel Hill: University of North Carolina Press, 2004.
- Browne, George P. "Secularization and Modernization in Imperial Brazil: The Question of Non-Catholic Marriage," *Revista de História de América* 83 (1977): 121-133.
- Bryant, Sherwyn K. "Enslaved Rebels, Fugitives, and Litigants: The Resistance Continuum in Colonial Quito." *Colonial Latin America Review* 13, no. 1 (2004): 7-46.
- Bunker, Steven. *Creating Mexican Consumer Culture in the Age of Porfirio Díaz*. Albuquerque: University of New Mexico Press, 2012.
- Burns, E. Bradford. *The Poverty of Progress: Latin America in the Nineteenth Century*. Berkeley: University of California Press, 1980.
- Burns, Kathryn. *Colonial Habits: Convents and the Spiritual Economy of Cuzco, Peru*. Durham: Duke University Press, 1999.
- Butler, Kim. "Slavery in the Age of Emancipation: Victims and Rebels in Brazil's Late 19th-Century Domestic Trade." *Journal of Black Studies* 42, no. 6 (September 2011): 968-992.
- Cardoso, Ciro Flamarion. *Escravidão e abolição no Brasil: Novas perspectivas*. Rio de Janeiro: Jorge Zahar, 1988.
- Cardoso, Fernando Henrique. *Capitalismo e escravidão no Brasil meridional : o negro na sociedade escravocrata do Rio Grande do Sul*. São Paulo: Difusão Européia do Livro, 1962.
- Cardozo, José Carlos da Silva. "A tutela dos filhos de escravas em Porto Alegre." *Revista Latino-Americana de História* 1, no. 3 (Março de 2012): 88-98.

- Castilho, Celso. "Abolition Matters: The Politics of Antislavery in Pernambuco, Brazil, 1869-1888." PhD diss., University of California, Berkeley, 2008.
- Castilho, Celso and Camilia Cowling. "Funding Freedom, Popularizing Politics: Abolitionism and Local Emancipation Funds in 1880s Brazil." *Luso-Brazilian Review* 47:1 (2010): 89-120.
- Castro, Hebe Maria Mattos de. "Beyond Masters and Slaves: Subsistence Agriculture as a Survival Strategy in Brazil during the Second Half of the Nineteenth Century." *HAHR* 68, no. 3 (Aug. 1988): 461-489.
- . *Das côres do silêncio: Os significados da liberdade no sudeste escravista, Brasil, século XIX*. Rio de Janeiro: Arquivo Nacional, 1995.
- . "Os combates da memória: escravidão e liberdade nos arquivos orais de descendentes de escravos brasileiros." *Tempo* 6, no. 3 (December 1998): 125-136.
- Castro, Ruy. *Carnaval no fogo*. São Paulo: Companhia das Letras, 2003.
- Caulfield, Sueann. *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil*. Durham: Duke University Press, 2000.
- Caulfield, Sueann, Sarah Chambers, and Lara Putnam, eds. *Honor, Status, and the Law in Modern Latin America*. Durham: Duke University Press, 2005.
- Chalhoub, Sidney. *Cidade febril: cortiços e epidemias na Corte imperial*. São Paulo: Companhia das Letras, 1996.
- . "Slaves, Freedmen and the Politics of Freedom in Brazil." *Slavery & Abolition* 10, no. 3 (1989): 64-84.
- . *Trabalho, lar e botequim: O cotidiano dos trabalhadores no Rio de Janeiro da Belle Époque*. São Paulo: Brasiliense, 1986.
- . *Visões da liberdade: Uma história das últimas décadas da escravidão na Corte*. São Paulo: Companhia das Letras, 1990.

- Chandler, David L. "Family Bonds and Bondsman: The Slave Family in Colonial Colombia." *LARR* 16, no. 2 (1981): 107–131.
- Charles, Camille Zubrinsky. "The Dynamics of Racial Residential Segregation." *Annual Review of Sociology* 29 (2003): 167-207.
- Chazkel, Amy. "Social Life and Civic Education in the Rio de Janeiro City Jail." *Journal of Social History* 42, no. 3 (Spring 2009): 697-731.
- Chvaicer, Maya Talmon. "The Criminalization of Capoeira in Nineteenth-Century Brazil." *HAHR* 82, no. 3 (August 2002): 525-547.
- . *The Hidden History of Capoeira: A Collision of Cultures in the Brazilian Battle Dance*. Austin: The University of Texas Press, 2007.
- Collins, Jane-Marie. "Intimacy and Inequality: Manumission and Miscegenation in Nineteenth-Century Bahia (1830-1888)." PhD diss., University of Nottingham, 2010.
- Colson, Roger Frank. "The Destruction of a Revolution: Polity, Economy and Society in Brazil, 1750–1895." PhD diss., Princeton University, 1979.
- Conrad, Robert E. *The Destruction of Brazilian Slavery*. Berkeley: University of California Press, 1972.
- Cooper, Frederick, Thomas Holt, and Rebecca J. Scott. *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies*. Chapel Hill: University of North Carolina Press, 2000.
- Costa, Emília Viotti da. *Da senzala à colônia*. São Paulo: Editora UNESP, 1982.
- Cottrol, Robert J. *The Long Lingering Shadow: Law, Liberalism, and Cultures of Racial Hierarchy and Identity in the Americas*. Athens: University of Georgia Press, 2013.
- Cowling, Camillia. "As a Slave Woman and as a Mother': Women and the Abolition of Slavery in Havana and Rio de Janeiro." *Social History* 36, no. 3 (August 2011): 294-311.

- . *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro*. Chapel Hill: University of North Carolina Press, 2013.
- . "Debating Womanhood, Defining Freedom: The Abolition of Slavery in 1880s Rio de Janeiro." *Gender & History* 22, no. 2 (August 2010): 284-301.
- Craske, Nikki. *Women and Politics in Latin America*. New Brunswick: Rutgers University Press, 1999.
- Cunha, Manoela Carneiro da. *Antropologia do Brasil: Mito, história e etnicidade*. São Paulo: Editora Brasiliense, 1986.
- Cunha, Olivia Maria Gomes da, and Flávio dos Santos Gomes. *Quase-cidadão: histórias e antropologias da pós-emancipação no Brasil*. Rio de Janeiro: Editora FGV, 2007.
- Cunningham, Hugh. "Histories of Childhood." *American Historical Review* 103, no. 4 (October 1998): 1195-1208.
- Curtin, Philip D. and Paul E. Lovejoy ed. *Africans in Bondage: Studies in Slavery and the Slave Trade*. Madison: University of Wisconsin-Madison Press, 1986.
- Dávila, Jerry. *Diploma of Whiteness: Race and Social Policy in Brazil, 1917–1945*. Durham: Duke University Press, 2003.
- Dean, Warren. *Rio Claro: A Brazilian Plantation System, 1820-1920*. Stanford: Stanford University Press, 1976.
- Degler, Carl. *Neither Black Nor White: Slavery and Race Relations in Brazil and the United States*. Madison: University of Wisconsin Press, 1971.
- Dias, Maria Odila L.S. "Nas fimbrias da escravidão urbana: negras de tabuleiro e ganho." *Estudos Econômicos* 15 (1985): 80-109.
- Donald Jr., Cleveland. "Slave Resistance and Abolitionism in Brazil : The Campista Case, 1879–1888." *Luso-Brazilian Review* 13, no. 2 (Winter 1976): 182–93.

- Dore, Elizabeth and Maxine Molyneux, eds. *The Hidden Histories of Gender and the State in Latin America*. Durham: Duke University Press, 2000.
- Duque-Estrada, Osório. *A abolição (esboço histórico): 1831–1888*. Rio de Janeiro: Leite, Ribeiro & Maurillo, 1918.
- Eakin, Marshall. *Brazil: The Once and Future Country*. New York: St. Martin's Press, 1998.
- Earle, Rebecca. "'Two Pairs of Pink Satin Shoes!!' Race, Clothing and Identity in the Americas (17th-19th Centuries)." *History Workshop Journal* 52 (2001):175-195.
- Eisenberg, Peter. *The Sugar Industry in Pernambuco, 1840-1910: Modernization Without Change*. Berkeley: University of California Press, 1974.
- Eltis, David. "The Nineteenth-Century Transatlantic Slave Trade: An Annual Time Series of Imports into the Americas Broken down by Region." *Hispanic American Historical Review* 67, no. 1 (February 1987): 109-138.
- Engerman Stanley L. and Eugene D. Genovese ed. *Race and Slavery in the Western Hemisphere: Quantitative Studies*. Princeton, NJ: Princeton University Press, 1975.
- Fanon, Frantz. *Black Skin, White Masks*. Translated by Charles Lam Markmann. New York, NY: Grove Press, 1967.
- Fausto, Boris. *A Concise History of Brazil*. Translated by Arthur Brakel. Cambridge: Cambridge University Press, 1999.
- Fernandes, Florestan. *A integração do negro na sociedade de classes*. São Paulo: Dominus Editora, 1965.
- Filho, Walter Fraga. *Encruzilhadas da liberdade: histórias de escravos e libertos na Bahia, 1870-1910*. Campinas, São Paulo, Brazil: Editora UNICAMP, 2006.
- . *Mendigos, moleques e vadios na Bahia do Século XIX*. São Paulo: Editora Hucitec, 1996.

- Fischer, Brodwyn. *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro*. Stanford: Stanford University Press, 2008.
- . "Quase pretos de tão pobres? Race and Social Discrimination in Rio de Janeiro's Twentieth-Century Criminal Courts," *Latin American Research Review* 39:1 (2004): 31-59.
- Florentino, Manolo. "Alforrias e etnicidade no Rio de Janeiro oitocentista: notas de pesquisa." *TOPOI* 5, no. 3 (Julho/Dezembro 2002): 9-40.
- Foreman, P. Gabrielle. "Who's Your Mama?: 'White' Mulatta Genealogies, Early Photography and Anti-Passing Narratives of Slavery and Freedom." *American Literary History* 14:3 (2002): 505-539.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Random House, 1975.
- Fraginals, Moreno, et al. *Between Slavery and Free Labor: The Spanish Speaking Caribbean in the Nineteenth Century*. Baltimore, MD: The Johns Hopkins University Press, 1985.
- Fragoso, José Luis R. and Manolo Florentino. "Marcelino, filho de Inocência crioula, neto de Joana Cabinda: Estudo sobre famílias escravas em Paraíba do Sul, 1835-1872." *Estudos Econômicos* 17, no. 2 (1987): 151-174.
- Franco, Maria Sylvia de Carvalho. *Homens livres na ordem escravocrata*. São Paulo: Editora UNESP, 1997.
- Frank, Zephyr. *Dutra's World: Wealth and Family in Nineteenth-Century Rio de Janeiro*. Albuquerque, NM: University of New Mexico Press, 2004.
- Franklin, Sarah L. *Women and Slavery in Nineteenth Century Colonial Cuba*. Rochester, NY: University of Rochester Press, 2012.
- Fredrickson, Mary E. and Delores M. Walters. *Gendered Resistance: Women, Slavery and the Legacy of Margaret Garner*. Champaign, IL: University of Illinois Press, 2013.

- Freire, Jonis. “Compadrio numa freguesia escravista: Senhor Bom Jesus do Rio Pardo (MG) (1838-1888).” XIV Encontro Nacional de Estudos Populacionais, ABEP, 2004.
- Freire, Martha de Luna and Vinícius da Silva Leony. “A caridade científica: Moncorvo Filho e o Instituto de Proteção e Assistência à Infância do Rio de Janeiro (1899-1930).” *História, Ciência, Saúde-Manguinhos* 18, no. 1 (Dec. 2011): 199-225.
- Freyre, Gilberto. *Casa-grande & senzala: formação da família brasileira sob o regime da economia patriarcal*. 8a ed. Rio de Janeiro: Livraria J. Olympio, 1954.
- Froysland, Hayley Susan. “‘Para el bien común’: Charity, Health, and Moral Order in Colombia, 1850-1936.” PhD diss., University of Virginia, 2002.
- Fuente, Alejandro de la. *A Nation for All: Race, Inequality, and Politics in Twentieth-Century Cuba*. Chapel Hill: The University of North Carolina Press, 2001.
- Gauderman, Kimberly. *Women’s Lives in Colonial Quito: Gender, Law, and Economy in Spanish America*. Austin: University of Texas Press, 2003.
- Genovese, Eugene. *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World*. New York: Louisiana State University Press, 1971.
- Geremias, Patrícia Ramos. “Ser “ingênuo” em Desterro/SC: A lei de 1871, o vínculo tutelar e a luta pela manutenção dos laços familiares das populações de origem africana (1871-1889).” M.A. thesis, Universidade Federal Fluminense, 2005.
- Gilfoyle, Timothy J. “Street-Rats and Gutter-Snipes: Child Pickpockets and Street Culture in New York City, 1850-1900.” *Journal of Social History* 37, no. 4 (2004): 853- 862.
- Goldstein, Donna. *Laughter Out of Place: Race, Class, Violence, and Sexuality in a Rio Shantytown*. Berkeley: University of California Press, 2003.
- Gonzalez, Ondina E. and Bianca Premo eds. *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America*. Albuquerque: The University of New Mexico Press, 2007.
- Goulart, José Alipio. *Da fuga ao suicídio: aspectos de rebeldia dos escravos no Brasil*. Rio de Janeiro: Conquista, 1972.

- Gouveia, Maurilio de. *História de escravidão*. Rio de Janeiro: Editora Tupy, 1955.
- Graden, Dale T. "An Act 'Even of Public Security': Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-56." *HAHR* 76, no. 2 (May 1996): 249-82.
- . *From Slavery to Freedom in Brazil: Bahia, 1835-1900*. Albuquerque: University of New Mexico Press, 2006.
- Graham, Richard. *Britain and the Onset of Modernization in Brazil: 1880-1914*. Cambridge: Cambridge University Press, 1968.
- . "Causes for the Abolition of Negro Slavery in Brazil : An Interpretive Essay." *HAHR* 46, no. 2 (May 1966):123-37.
- . ed. *The Idea of Race in Latin America, 1870-1940*. Austin: University of Texas Press, 1990.
- Graham, Sandra Lauderdale. *Caetana Says No: Women's Stories from a Brazilian Slave Society*. Cambridge: Cambridge University Press, 2002.
- . *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro*. Cambridge: Cambridge University Press, 1988.
- . "Slavery's Impasse: Slave Prostitutes, Small-Time Mistresses, and the Brazilian Law of 1871." *Comparative Studies in Society and History* 33, no. 4 (October 1991).
- Green, Cecilia A. "Disciplining Boys: Labor, Gender, Generation, and the Penal System in Barbados, 1880-1930." *Journal of the History of Childhood and Youth* 3, no. 3 (2010): 366-390.
- Grinberg, Keila. "Freedom Suits and Civil Law in Brazil and the United States." *Slavery & Abolition* 22, no. 3 (2001): 66-82.
- . *Liberata: a lei da ambigüidade*. Rio de Janeiro: Relume Dumará, 1994.



- Gross, Ariela. "Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South." *Yale Law Journal* 108 (1998): 109-88.
- Guha, Ranajit. *Elementary Aspects of Peasant Insurgency in Colonial India*. New Delhi: Oxford University Press, 1983.
- . ed. *Subaltern Studies, Vol. VII*. Oxford: Oxford University Press, 1982.
- Guy, Donna. "The Pan American Child Congresses, 1916 to 1942: Pan Americanism, Child Reform and the Welfare State in Latin America." *Journal of Family History* (July 1998): 272-291.
- Hahner, June E. *Poverty and Politics: The Urban Poor in Brazil, 1870–1920*. Albuquerque: University of New Mexico Press, 1986.
- . ed. *Women Through Women's Eyes: Latin American Women in Nineteenth-Century Travel Accounts*. Lanham: Rowman & Littlefield Publishing Group, Inc., 1998.
- Hanchard, Michael George. *Orpheus and Power: The Movimento Negro of Rio de Janeiro and São Paulo, Brazil, 1945-1988*. Princeton: Princeton University Press, 1994.
- Hardwick, Julie, Sarah M.S. Pearsall, and Karin Wulf. "Centering Families in Atlantic Histories." *The William and Mary Quarterly* 70, no. 2 (April 2013): 205-224.
- Harrington, Joel. *The Unwanted Child: The Fate of Foundlings, Orphans, and Juvenile Criminals in Early Modern Germany*. Chicago: The University of Chicago Press, 2009.
- Hasenbalg, Carlos A. *Discriminação e desigualdades raciais no Brasil*. Rio de Janeiro: Graal, 1979.
- Hawthorne, Walter. "'Being now, as it were, one family': Shipmate Bonding on the Slave Vessel *Emília*, in Rio de Janeiro and throughout the Atlantic World." *Luso-Brazilian Review* 45, no. 1 (2008): 53-77.
- Hébrard, Jean M. "Slavery in Brazil: Brazilian Scholars in the Key Interpretive Debates." *Translating the Americas*, 1 (2013): 47-95.

- Hecht, Tobias. *Minor Omissions: Children in Latin American History and Society*. Madison: University of Wisconsin Press, 2002.
- Herlihy, David. "Family." *American Historical Review* 96, no. 1 (1991): 1-16.
- Heywood, Linda. *Central Africans and Cultural Transformations in the American Diaspora*. Cambridge: Cambridge University Press, 2002.
- Higino, Elizete. "Um século de tradição: a banda de música do Colégio Salesiano Santa Rosa (1888-1988)." M.A. thesis, Fundação Getúlio Vargas, 2006.
- Holloway, Thomas H. *Policing Rio de Janeiro: Repression and Resistance in a Nineteenth-Century City*. Stanford: Stanford University Press, 1993.
- Holt, Katherine. "Intimate Bonds: Slavery and the Production of Social Relationships in the Nineteenth-Century Bahian Recôncavo and Sabará, Brazil." PhD diss., Princeton University, 2005.
- Hooker, Juliet. "Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship." in *Journal of Latin American Studies* 37, no. 2 (May 2005): 285-310.
- Horden, Peregrine and Richard Smith, eds. *The Locus of Care: Families, Institutions, and the Provision of Welfare Since Antiquity*. London and New York: Routledge, 1998.
- Huggins, Martha Knisely. *From Slavery to Vagrancy in Brazil*. New Brunswick: Rutgers University Press, 1985.
- Hünefeldt, Christine. *Paying the Price of Freedom: Family and Labor Among Lima's Slaves, 1800–1854*. Los Angeles: University of California Press, 1994.
- Ianni, Octávio. *As metamorfoses do escravo: apogeu e crise da escravatura no Brasil meridional*. São Paulo: Difusão Européia do Livro, 1962.
- . *Industrialização e desenvolvimento social no Brasil*. Rio de Janeiro: Civilização Brasileira, 1963.

- Jackson, Luiz Carlos. "Gerações pioneiras na sociologia paulista (1934 -1969)." *Tempo Social* 19, no. 1 (2007): 116-130.
- Johnson, Lyman and Sonya Lipsett-Rivera eds. *The Faces of Honor: Sex, Shame and Violence in Colonial Latin America*. Albuquerque: University of New Mexico Press, 1998.
- Kaplan, Temma. "Female Consciousness and Collective Action: The Case of Barcelona, 1910-1918." *Signs: Journal of Women in Culture and Society* 7, no. 3 (1982): 545-566.
- Karasch, Mary C. *Slave Life in Rio de Janeiro, 1808-1850*. Princeton: Princeton University Press, 1987.
- Kiddy, Elizabeth W. *Blacks of the Rosary: Memory and History in Minas Gerais, Brazil*. University Park: The Pennsylvania State University Press, 2005.
- Kittleson, Roger A. "Campaign of All Peace and Charity: Gender and the Politics of Abolitionism in Porto Alegre, Brazil, 1846–1888." *Slavery & Abolition* 22, no. 3 (2001), 83–108.
- . *The Practice of Politics in Postcolonial Brazil: Porto Alegre, 1845–1895*. Pittsburgh: University of Pittsburgh Press, 2006.
- Klein, Herbert. "The Colored Freedmen in Brazilian Slave Society." *Journal of Social History* 3, no.1 (Autumn, 1969): 30-52.
- . and Francisco Vidal Luna. *Slavery in Brazil*. Cambridge: Cambridge University Press, 2010.
- Klein, Marian van der, Rebecca Jo Plant, Nichole Sanders, and Lori R. Weintrob, eds. *Maternalism Reconsidered: Motherhood, Welfare and Social Policy in the Twentieth-Century*. London: Berghahn Books, 2012.
- Knight, Franklin W. *The Modern Caribbean*. Chapel Hill: The University of North Carolina Press, 1989.

- Koutsoukos, Sandra Sofia Machado. "Amas mercenárias': o discurso dos doutores em medicina e os retratos de amas - Brasil, segunda metade do século XIX." *História, Ciências, Saúde-Manguinhos* 16, no. 2 (April/June 2009): 305-324.
- Krueger, Robert. "Brazilian Slaves Represented in their Own Words," *Slavery & Abolition* 23, no. (Fall 2002): 169-186.
- Kuznesof, Elizabeth Anne. *Household Economy and Urban Development in São Paulo, 1765–1836*. Boulder: Westview Press, 1986.
- . "Sexual Politics, Race and Bastard-Bearing in Nineteenth Century Brazil: A Question of Culture or Power?" *Journal of Family History* 16, no. 3 (1991): 241-260.
- . "The Puzzling Contradictions of Child Labor, Unemployment, and Education in Brazil." *Journal of Family History* 23, no. 3 (July 1998): 225–240.
- . "Who Were the Families of 'Natural' Children in Nineteenth-Century Rio de Janeiro, Brazil?: A Comparison of Baptismal and Census Records." *The History of the Family* 2:2 (1997): 171-182.
- Lage, Michelle Torres and Marco André Cernev Rosa. "Evolução da infância no Brasil: Do anonimato ao consumismo." *Revista Eletrônica de Educação* 4, no. 8 (2011): 1-19.
- Larsen, Nella. *Passing*. New York: Knopf, 1929.
- Lavrin, Asunción, ed. *Sexuality and Marriage in Colonial Latin America*. Lincoln: University of Nebraska Press, 1989.
- Levine, Robert M. *Brazilian Legacies*. New York: M.E. Sharpe, Inc., 1997.
- Lewin, Linda. "Natural and Spurious Children in Brazilian Inheritance Law from Colony to Empire: A Methodological Essay." *The Americas* 48, no. 3 (Jan. 1992): 351-396.
- . *Politics and Parentela in Paraíba: A Case Study of Family-Based Oligarchy in Brazil*. Princeton: Princeton University Press, 1987.

- . *Surprise Heirs II: Illegitimacy, Inheritance Rights, and Public Power in the Formation of Imperial Brazil, 1822–1889*. Stanford: Stanford University Press, 2003.
- Littlefield, Marci Bounds. “Black Women, Mothering and Protest in 19<sup>th</sup>-Century American Society.” *The Journal of Pan African Studies* 2, no. 1 (November 2007): 53-61.
- Louai, El Habib. “Retracing the Concept of the Subaltern from Gramsci to Spivak: Historical Developments and New Concepts.” *African Journal of History and Culture* 4, no. 1 (January 2012): 4-8.
- Lovell, Peggy A. “Race, Gender, and Work in São Paulo, Brazil, 1960-2000.” *LARR*, no. 3 (2006): 63-87.
- Luna, Francisco Vidal. *Minas Gerais: Escravos e senhores. Análise da estrutura populacional e econômica de alguns núcleos mineratórios (1718-1804)*. São Paulo: FEA-USP, 1980.
- . “The Population of Minas Gerais: New Research on Colonial Brazil.” *Latin American Population History Newsletter* 4 (1984): 3–10.
- Lynch, Kathryn. “The Family and the History of Public Life.” *The Journal of Interdisciplinary History* 24, no. 4 (Spring 1994): 665-684.
- Lyra, Maria de Lourdes Viana. “‘Pátria do cidadão’: A concepção de pátria/nação em Frei Caneca.” *Revista Brasileira da História* 18, no. 36 (1998).
- Machado, Cacilda. “Casamento & Compadrio: Estudo sobre relações sociais entre livres, libertos e escravos na passagem do século XVIII para XIX (São José dos Pinhais-PR).” XIV Encontro Nacional de Estudos Populacionais, ABEP (2004).
- Machado, Maria Helena Pereira Toledo. *Crime e escravidão: trabalho, luta e resistência nas lavouras paulistas, 1830–1888*. São Paulo: Brasiliense, 1987.
- . “From Slave Rebels to Strikebreakers : The Quilombo of Jabaquara and the Problem of Citizenship in Late-Nineteenth-Century Brazil.” *HAHR* 86, no. 2 (May 2006): 247-274.

- . *O plano e o pânico: Os movimentos sociais na década da abolição*. Rio de Janeiro: Editora UFRJ, 1994.
- Machado, Maria Lúcia A. *Encontros e desencontros em educação infantil*. São Paulo: Cortez, 2002.
- Mahony, Mary Ann. "Afro-Brazilians, Land Reform and the Question of Social Mobility in Southern Bahia, 1880-1920." *Luso-Brazilian Review* 34, no. 2 (Winter 1997): 59-79.
- . "Creativity Under Constraint: Enslaved Afro-Brazilian Families in Brazil's Cacao Area, 1870-1890." *Journal of Social History* 41, no. 3 (Spring 2008): 633-666.
- Mann, Coramae Richey. *Unequal Justice: A Question of Color*. Bloomington: Indiana University Press, 1993.
- Mannarelli, Maria Emma. *Pecados públicos: La ilegitimidad en Lima, siglo XVII*. Lima: Ediciones Flora Tristán, 1994.
- Marcílio, Maria Luiza. *História social da criança abandonada*. São Paulo: Editora Hucitec, 1998.
- Marko, Tamera Lynn. "When They Became the Nation's Children: The Foundations of Pediatrics and its Raced, Classed and Gendered (Re)Inventions of Childhood in Rio de Janeiro, 1870-1930." PhD diss., University of California, San Diego, 2006.
- Marquês, Leonardo. *Por aí e por muito longe: dívidas, migrações e os libertos de 1888*. Rio de Janeiro: Apicuri, 2009.
- Martins, Sergio da Silva. "Paving Paradise: The Road from 'Racial Democracy' to Affirmative Action in Brazil." *Journal of Black Studies* 34, no. 6 (Jul. 2004): 787-816.
- Mattoso, Kátia Q. "O filho da escrava (em torno da lei do ventre livre)." *RBH* 8, no. 16 (março/agosto) 1988: 104-159.
- Meade, Teresa A. *Civilizing Rio: Reform and Resistance in a Brazilian City, 1889-1930*. University Park: The Pennsylvania State University Press, 1999.

- Mendonça, Joséli Maria Nunes. *Entre a mão e os anéis: A lei dos sexagenários e os caminhos da abolição no Brasil*. Campinas: Editora da UNICAMP, 1999.
- Merrick, Thomas W. and Douglas H. Graham. *Population and Economic Development in Brazil, 1800 to the Present*. Baltimore: Johns Hopkins University Press, 1981.
- Metcalf, Alida C. *Family and Frontier in Colonial Brazil: Santana de Parnaíba, 1580-1822*. Austin: University of Texas Press, 2005.
- . "Searching for the Slave Family: A Reconstruction from São Paulo." *Journal of Family History* 16, no. 3 (1991): 283–297.
- Métraux, Alfred. "Brazil: Land of Harmony for All Races?" *The UNESCO Courier*, 4 (April 1951).
- Meznar, Joan. "Orphans and the Transition from Slave to Free Labor in Northeast Brazil: The Case of Campina Grande, 1850-1888." *Journal of Social History* 27, no. 3 (Spring 1994): 499-515.
- Milanich, Nara. *Children of Fate: Childhood, Class and the State in Chile, 1850-1930*. Durham: Duke University Press, 2009.
- . "Whither Family History? A Roadmap from Latin America." *American Historical Review* 112, no. 2 (Apr. 2007): 439-458.
- Monsma, Karl. "Words Spoken and Written: Divergent Meanings of Honor among Elites in Nineteenth-Century Rio Grande do Sul." *HAHR* 92, no. 2 (May 2012): 269-302.
- Monteiro, Tobias. *Pesquisas e depoimentos para a história*. Rio de Janeiro: F. Alves & Cia., 1913.
- Mooney, Jadwiga Pieper. *The Politics of Motherhood: Maternity and Women's Rights in Chile*. Pittsburgh: University of Pittsburgh Press, 2009.
- Moraes, Evaristo de. *A campanha abolicionista, 1879–1888*. Brasília: Editora Universidade de Brasília, 1986.

- Morrison, Karen Y. "Creating an Alternative Kinship: Slavery, Freedom, and Nineteenth-Century Afro-Cuban Hijos Naturales." *Journal of Social History* 41, no. 1 (2007): 55-80.
- Moura, Esmeralda Blanco Bolsonaro de. "Meninos e meninas na rua: impasse e dissonância na construção da identidade da criança e do adolescente na República Velha." *RBH*, 19, no. 37 (Setembro 1999): 85-102.
- Nascimento, Alcileide Cabral do. *A sorte dos enjeitados: o combate ao infanticídio e a institucionalização da assistência às crianças abandonadas no Recife (1789-1832)*. São Paulo: Annablume, 2008.
- Needell, Jeffrey D. "Brazilian Abolitionism, Its Historiography, and the Uses of Political History." *Journal of Latin American Studies* 42, no. 2 (May 2010): 231- 261.
- . "The Revolta Contra Vacina of 1904: The Revolt Against 'Modernization' in Belle-Epoque Rio de Janeiro." *HAHR* 67, no. 2 (May 1987): 233-269.
- Nelson, Cary and Lawrence Grossberg, eds. *Marxism and the Interpretation of Culture*. London: MacMillan, 1988.
- Neves, Maria de Fátima Rodrigues das. "Infância de faces negras: A cria escrava brasileira no século XIX." PhD diss., Universidade de São Paulo, 1993.
- Newton, Melanie J. *The Children of Africa in the Colonies: Free People of Color in Barbados in the Age of Emancipation*. Baton Rouge: The Louisiana State University Press, 2008.
- Nishida, Mieko. "From Ethnicity to Race and Gender: Transformations of Black Lay Sodalities in Salvador, Brazil." *Journal of Social History* 32, no. 2 (Winter 1998): 329-348.
- . *Slavery & Identity: Ethnicity, Gender and Race in Salvador, Brazil, 1808-1888*. Bloomington: Indiana University Press, 2003.
- Nobles, Melissa. *Shades of Citizenship: Race and the Census in Modern Politics*. Stanford: Stanford University Press, 2000.
- O'Connor, Erin E. *Mothers Making Latin America: Gender, Households and Politics Since 1825*. London: John Wiley & Sons, Inc., 2014.



- Oliveira, Maria Inês Côrtes de. *O liberto: o seu mundo e os outros*. Salvador: Corrupio, 1988.
- Otoni, Cristiano Benedito. *Autobiografia*. Brasília: Editora Universidade de Brasília, 1983.
- Otovo, Okezi T. "From Mãe Preta to Mãe Desamparada: Maternity and Public Health in Bahia." *Luso-Brazilian Review* 48, no. 2 (2011): 164-191.
- Owensby, Brian P. *Intimate Ironies: Modernity and the Making of Middle-Class Lives in Brazil*. Stanford: Stanford University Press, 1999.
- Papali, Maria Aparecida. *Escravos, libertos e órfãos: a construção da liberdade em Taubaté (1871-1895)*. São Paulo: Anablume, 2003.
- Pena, Eduardo Spiller. *Pagens da casa imperial: jurisperitos, escravidão e a lei de 1871*. Campinas: Editora da UNICAMP, 2001.
- Prado Junior, Caio. *The Colonial Background of Modern Brazil*. Berkeley: University of California Press, 1967.
- Premo, Bianca. *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima*. Chapel Hill: University of North Carolina Press, 2005.
- Premo, Bianca. "How Latin America's History of Childhood Came of Age." *The Journal of the History of Childhood and Youth* 1, no. 1 (Winter 2008): 63-76.
- Priore, Mary del, ed. *História das crianças no Brasil*. São Paulo: Editora Contexto, 2008.
- Quintão, Antonia Aparecida. *Lá vem o meu parente: as irmandades de pretos e pardos no Rio de Janeiro e em Pernambuco (século XVIII)*. São Paulo: Annablume, 2002.
- Ramos, Donald. "Gossip, Scandal and Popular Culture in Golden Age Brazil." *Journal of Social History* 33:4 (2000): 887-912.

- Read, Ian. "A triumphant decline?: Tetanus among slaves and freeborn in Brazil." *História, Ciências, Saúde-Manguinhos* 19 (Dez. 2012): 107-132.
- . "Sickness, Recovery, and Death Among the Enslaved and Free People of Santos, Brazil, 1860-1888." *The Americas* 66, no. 1 (July 2009): 57-80.
- Reis, João José. *Death is a Festival: Funeral Rites and Rebellion in Nineteenth Century Brazil*. Chapel Hill: UNC Press, 2003.
- . *Escravidão e invenção da liberdade: estudos sobre o negro no Brasil*. São Paulo: Editora Brasiliense, 1988.
- Reis, João José and Flávio dos Santos Gomes. *Liberdade por um fio: História dos quilombos no Brasil*. São Paulo: Companhia das Letras, 1996.
- . *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*. Baltimore: Johns Hopkins University Press, 1993.
- Ribeiro, Carlos Antônio Costa. *Côr e criminalidade: Estudo e análise da justiça no Rio de Janeiro, (1900-1930)*. Rio de Janeiro: Editora UFRJ, 1995.
- Rios, Ana Maria Lugão. "Família e compadrio entre escravos nas fazendas de café: Paraíba do Sul, 1871-1920." *Cadernos do ICHF* 23 (1999): 103-128.
- Rios, Ana Lugão and Hebe Mattos. *Memórias do cativo: família, trabalho e cidadania no pós-abolição*. Rio de Janeiro: Civilização Brasileira, 2005.
- . "The Politics of Kinship: Compadrio Among Slaves in Nineteenth-Century Brazil." *The History of the Family: An International Quarterly* 5, no. 3 (2000): 287-298.
- Rizzini, Irene. *A arte de governar crianças: a história das políticas sociais, da legislação e da assistência à infância no Brasil*. Rio de Janeiro: Ed. Universitária Santa Úrsula, 1995.
- . *A criança e a lei no Brasil: revisitando a história, 1822-2000*. Rio de Janeiro: USU Ed. Universitaria, 2002.

- . *Crianças desválidas, indígenas e negras no Brasil: cenas da Colônia, do Império e da República*. Rio de Janeiro: USU Editora Universitária, 2000.
- . ed. *Olhares sobre a criança no Brasil, séculos XIX e XX*. Rio de Janeiro: Editora Universitária Santa Úrsula, 1997.
- Rodrigues, João Carlos. *João do Rio: uma biografia*. Rio de Janeiro: Topbooks, 1996.
- Rodrigues, Raimundo Nina. *As raças humanas e a responsabilidade penal no Brasil*. Rio de Janeiro: Editora Guanabara, 1894.
- . *Os africanos no Brasil*. Rio de Janeiro: Centro Edelstein de Pesquisas Sociais, 2010.
- Rodriguez, Julia. *Civilizing Argentina: Science, Medicine, and the Modern State*. Chapel Hill: University of North Carolina Press, 2006.
- Santos, Martha S. "On the Importance of Being Honorable: Masculinity, Survival, and Conflict in the Backlands of Northeast Brazil, Ceará, 1840s- 1890." *The Americas* 64, no. 1 (July 2007): 35-57.
- Santos, Ocerlan Ferreira. "Mães e filhas: mulheres negras na imperial vila da Vitória do século XIX." *Educação, Gestão e Sociedade* 2, no. 5 (2012): 1-11.
- Schell, Patience. "Nationalizing Children through Schools and Hygiene: Porfirian and Revolutionary Mexico City." *The Americas* 60, no. 4 (2004): 559-587.
- Schueler, Alessandra Frota Martinez de. "A 'infância desamparada' no asilo agrícola de Santa Isabel: instrução rural e infantil (1880-1886)." *Educação e Pesquisa*, 26, no. 1 (Jan/Jun., 2000): 119-133.
- . "Crianças e escolas na passagem do Império para a República." *RBH*, 19, no. 37 (Set. 1999): 59-84.
- Schwaller, John F. ed. *The Church in Colonial Latin America*. Wilmington: Scholarly Resources, Inc., 2003.
- Schwarcz, Lilia Moritz. *O espetáculo das raças – cientistas, instituições e questão racial no Brasil 1870-1930*. São Paulo: Companhia das Letras, 1993.

- Schwartz, Stuart B. *Slaves, Peasants and Rebels: Reconsidering Brazilian Slavery*. Urbana: University of Illinois Press, 1992.
- . *Sugar Plantations and the Formation of Brazilian Society: Bahia, 1550-1835*. Cambridge: Cambridge University Press, 1985.
- . "The Manumission of Slaves in Colonial Brazil, Bahia, 1684–1745." *HAHR* 54, no. 4 (1974): 603–635.
- Scott, James C. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven: Yale University Press, 1985.
- Scott, Rebecca J. *Degrees of Freedom: Louisiana and Cuba After Slavery*. Cambridge: Harvard University Press, 2005.
- . ed. *The Abolition of Slavery and the Aftermath of Emancipation in Brazil*. Durham: Duke University Press, 1988.
- Seed, Patricia. *To Love, Honor and Obey: Conflicts over Marriage Choice in Colonial Mexico, 1574–1821*. Stanford: Stanford University Press, 1988.
- Sheller, Mimi. *Citizenship from Below: Erotic Agency and Caribbean Freedom*. Chapel Hill: Duke University Press, 2012.
- Sheriff, Robin. *Dreaming Equality: Color, Race and Racism in Urban Brazil*. New Brunswick: Rutgers University Press, 2001.
- Silva, Eduardo. *Prince of the People: The Life and Times of a Brazilian Free Man of Colour*. New York, NY: Verso, 1993.
- Silva, Roberto da. *Os filhos do governo: a formação da identidade criminosa em crianças órfãs e abandonadas*. São Paulo: Editora Atica, 1997.
- Simonsen, Roberto. *História econômica do Brasil, 1500-1820*. São Paulo: Companhia Editora Nacional, 1937.
- Skidmore, Thomas E. *Black Into White: Race and Nationality in Brazilian Thought*. New York: Oxford University Press, 1974.

- . "Racial Mixture and Affirmative Action: The Cases of Brazil and the United States." *American Historical Review* 108, no. 5 (December 2003): 1391-1396.
- Slenes, Robert W. "Escravos, cartórios e desburocratização: o que Rui Barbosa não queimou será destruído agora?" *RBH*, 5, no. 10 (1985): 166-196.
- . *Na senzala, uma flor: esperanças e recordações na formação da família escrava, Brasil Sudeste, século XIX*. Rio de Janeiro: Editor Nova Fronteira, 1999.
- . "The Brazilian internal slave trade, 1850-1888: Regional economies, slave experience, and the politics of a peculiar market." in W. Johnson (ed.) *The chattel principle: Internal slave trades in the Americas*. New Haven, CT: Yale University Press, 2004.
- . "The Demography and Economics of Brazilian Slavery, 1850-1888." PhD diss., Stanford University, 1976.
- Smith, Raymond T. ed. *Kinship Ideology and Practice in Latin America*. Chapel Hill: University of North Carolina Press, 1984.
- Soares, Aline Mendes. "Precisa-se de um pequeno": o trabalho infantil no pós-abolição no Rio de Janeiro, 1888-1927." Paper presented at the annual meeting of ANPUH XXV, 2009.
- Soares, Carlos Eugênio Líbano. *A negregada instituição: os capoeiras no Rio de Janeiro*. Rio de Janeiro: Access Editora, 1994.
- Soares, Mariza de Carvalho. *Devotos da côr: Identidade étnica e religiosidade, e escravidão no Rio de Janeiro, século XVIII*. Rio de Janeiro: Civilização Brasileira, 2000.
- Socolow, Susan. "Marriage, Birth and Inheritance: The Merchants of Eighteenth-Century Buenos Aires." *HAHR* 60, no. 3 (1980): 387-406.
- Stein, Stanley J. *Vassouras: A Brazilian Coffee County, 1850-1900*. Princeton: Princeton University Press, 1958.

- Stepan, Nancy Leys. *The Hour of Eugenics: Race, Gender and Nation in Latin America*. New York: Cornell University Press, 1991.
- Sweet, James H. "Defying Social Death: The Multiple Configurations of African Slave Family in the Atlantic World." *The William and Mary Quarterly* 70, no. 2 (April 2013): 251-272.
- Szuchman, Mark. "Household Structure and Political Crisis: Buenos Aires, 1810–1860." *LARR* 21, no. 3 (1986): 55–94.
- Tannenbaum, Frank. *Slave and Citizen: the Negro in the Americas*. Boston: Beacon Press, 1947.
- Telles, Edward E. *Race in Another America: The Significance of Skin Color in Brazil*. Princeton: Princeton University Press, 2004.
- Thompson, E.P. *The Making of the English Working Class*. New York: Pantheon Books, 1964.
- Tikoff, Valentina K. "Gender and Juvenile Charity, Tradition and Reform: Assistance for Young People in Eighteenth-Century Seville." *Eighteenth-Century Studies* 41, no. 3 (Spring 2008): 307-335.
- Toplin, Robert Brent. *The Abolition of Slavery in Brazil*. New York: Atheneum, 1972.
- Trindade, Judite Maria Barboza. "O abandono de crianças ou a negação do óbvio." *RBH* 19, no. 37 (Sept. 1999): 35-58.
- Twain, Mark. *The Tragedy of Pudd'nhead Wilson*. Charles L. Webster & Company, 1894.
- Twinam, Ann. *Public Lives, Private Secrets: Gender, Honor, Sexuality and Illegitimacy in Colonial Spanish America*. Stanford: Stanford University Press, 1999.
- Vargas, Guiomar Duenas. *Los hijos del pecado: Ilegitimidad y vida familiar en la Santafé de Bogotá colonial*. Bogotá: Universidad Nacional de Colombia, 1997.

- Vasconcellos, Marcia Cristina de. "O compadrio entre escravos numa comunidade em transformação (Mambucaba, Angra dos Reis, século XIX)." *Afro-Ásia* 28 (2002): 147-178.
- Venâncio, Renato Pinto. *Famílias abandonadas: assistência à criança de camadas populares no Rio de Janeiro e em Salvador, séculos XVIII e XIX*. Campinas: Papirus, 1999.
- Wadsworth, James E. and Tamera Marko. "Welfare State Ideologies at the 1922 Rio De Janeiro International Centennial Exposition." *The Americas* 58, no. 1 (2001): 65–90.
- Walters, Ronald W. *Pan Africanism in the African Diaspora: An Analysis of Modern Afrocentric Political Movements*. Detroit: Wayne State University Press, 1993.
- Weid, Elisabeth von der and Ana Marta Rodrigues Bastos. *O fio da meada: Estratégia de expansão de uma indústria têxtil: Companhia América Fabril, 1878-1930*. Rio de Janeiro: FCRB-CNI, 1986.
- Wilmhurst, Linda. *Abnormal Child Psychology: A Developmental Perspective*. New York: Routledge, 2009.
- Windler, Erica. "A City of Children: Boys, Girls, Family, and State in Imperial Rio de Janeiro, Brazil." PhD diss., University of Miami, 2003.
- . "Honor Among Orphans: Girlhood, Virtue, and Nation at Rio de Janeiro's Recolhimento." *Journal of Social History* 44, no. 4 (2011): 1195-1215.
- Zero, Arethuza Helena. "O preço da liberdade: caminhos da infância tutelada." PhD diss., Universidade Estadual de Campinas, 2004.

## WEBSITES

"Introduction to Census Records," U.S. National Archives.  
<http://www.archives.gov/research/census/>.

"Lei n. 2.040 de 28 de setembro de 1871", Portal do Governo Federal.  
[http://www.planalto.gov.br/CCIVIL\\_03/LEIS/LIM/LIM2040.htm](http://www.planalto.gov.br/CCIVIL_03/LEIS/LIM/LIM2040.htm).

“Rio de Janeiro Historical Map”, Maps ETC, University of South Florida, 1911.  
<http://etc.usf.edu/maps/pages/10300/10383/10383.htm>.

“Mapa de cortiços- 1878”, Centro de Pesquisa em História Social da Cultura,  
Universidade Estadual de Campinas.  
<http://www.ifch.unicamp.br/cecult/mapas/corticicos/corticicos.html>.

“Memória histórica de Botafogo,” Associação de Moradores e Amigos de Botafogo, Rio  
de Janeiro. <http://amabotafogo.org.br/memoria.asp>.

“Recenseamento Geral do Imperio, Municipio Neutro.” Diretoria Geral de Estatística.  
Rio de Janeiro: Typ. de G. Leuzinger e Filhos, 1872.  
<https://archive.org/details/recenseamento1872bras>

Rui Barbosa, “A questao social e politica no Brasil”, Speech at the Teatro Lírico do Rio  
de Janeiro, March 20, 1919. <http://www.casaruibarbosa.gov.br/>.

The Trans-Atlantic Slave Trade Database. Emory University.  
<http://www.slavevoyages.org/tast/index.faces>.

UNESCO, “The Race Question”, Paris, 1950.  
<http://unesdoc.unesco.org/images/0012/001282/128291eo.pdf>.