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ARTICLES

Reproducing Slavery in Nineteenth-Century Rio de Janeiro

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“Before the slave is born, he suffers inside his mother.”

—Joaquim Nabuco, abolitionist, 1870

“Our national law, the Portuguese as well as the Brazilian, always honored and acknowledged the Roman principle *partus sequitur ventrem*, and it was constantly and uniformly respected by the legal wisdom of our courts. Therefore the fruit of the slave womb belongs to the owner of that womb as legally as the offspring of any animal in his possession.”

—José Inácio Barros Cobra, Brazilian pro-slavery senator, 1871

In 1887, one year before the final abolition of slavery, Dr. Amancio de Carvalho wrote that, after the 1871 Law of the Free Womb, infanticide practices among the slave population diminished. In Dr. Carvalho’s eyes, the Law, which freed all unborn slave children, provided slave women with the ‘natural female’ desire to care for their children. The slave mother now “knew that her child was an extension of her—I—and not of her condition,” whereas before “her social condition suffocated her motherly sentiments and she committed preventive homicide [induced abortion] or, after birth, freed her child with death from having her same condition.”¹ While my ongoing research has yet to uncover the quantitative realities behind Dr. Carvalho’s proclamation, the medical community clearly viewed the Law of the Free Womb as a deterrent to what it saw as the common slave practices of abortion and infanticide. To Dr. Carvalho, freedom itself revealed slave mothers’ ‘true’ instincts, thus identifying motherhood as the natural female state for women of all races, classes, and legal statuses.

Other politicians and plantation owners viewed the Law of the Free Womb in a different light. Various Brazilian senators opposed the Law because they believed

it would cause higher infant mortality rates. In their eyes, slave owners would no longer care for the future labor potential of freed offspring. These thinkers did not mention the role of slave mothers, suggesting that they perceived slave women to have secondary roles to slave owners in regards to child rearing. Slave women's voices are much more difficult to uncover in this debate, especially in regards to reproductive control. Yet various civil court cases, in which slave mothers petitioned for their children's freedom based on the Law of the Free Womb, show that freed black women emphasized their maternal roles to fight for their legal rights and for those of their children. In other words, politicians, medical professionals, and slave owners suppressed slave women's own experiences by placing them in static roles—as either naturally maternal or unimportant to the future of their offspring—thus commodifying these slave women. However, freed black women rejected this commodification by employing both their legal rights and the social capital their maternal status gave them, in order to assume assertive roles in their own lives and in the lives of their children.

Specifically, this paper gives a brief overview of Brazil's gradual emancipation process before looking at the rhetoric surrounding slave women's reproductive and maternal practices. I argue that Brazilian elites initially saw women's fertility control practices as methods of resistance to their enslavement. Yet, legal debates provided slave women with theoretical access to upper-class, white, feminine virtues, such as sexual honor and motherhood, which set the stage for post-1871 readings of slave reproduction as the fulfillment of women's natural roles as mothers. While pro-slavery stalwarts argued against the 1871 Law of the Free Womb by citing future high infant mortality rates, none blamed these possible increases on slave women's fertility control practices, suggesting that they, too, saw slave women's natural roles as maternal. Free black women, for their part, used the social capital guaranteed by the maternal status available to them to fight not only for their own freedom, but also for the freedom of their children.

Brazil's Gradual Emancipation Process

In 1850, Brazil finally surrendered to British political pressure and stopped its trans-Atlantic slave trade. As a slave society once reliant on the external reproduction of labor—in other words, the constant importation of new slaves—Brazil became beholden to an inter-provincial trade. This transition served as the first step towards full abolition. As the coffee-producing Southeast, initially Rio de Janeiro and then São Paulo, became the economic center of the country in the nineteenth century, coffee barons imported slaves from the declining sugar estates in the Northeast. Yet it was not until slavery's abolition in the United States that Brazilian officials began to seriously debate the end of slavery. In 1871, the Brazilian parliament passed the Law of the Free Womb, which freed the unborn children of all slave women. Slave owners were required to care for these minors, or *ingênuos*, until they reached the age of eight. In exchange, slave owners either received indemnification from the state or used the labor of the *ingênuo* until he

or she was 21 years old. The Law created a state-run emancipation fund that was used for the manumission of slaves nationwide. It also legally allowed slaves to keep all savings including gifts and inheritances to buy their freedom, freed all slaves owned by the state, and required a nationwide registration of all slaves.² As historian Robert Conrad writes, “The bill was complex in nature because it was expected to alter the status quo in a manner satisfactory to critics of slavery while guarding the rights of the slaveholders.”³ While historiography continues to debate the efficacy of the Law, it did begin the legal and symbolic process of gradual emancipation. Thus, in 1885, the Sexagenarian Law freed all slaves over 60 years of age. Finally, in 1888, full abolition occurred, quickly followed by the fall of the Brazilian monarchy and the rise of the first democratic state, the Old Republic (1889–1930).

Slave women’s fertility control practices must be understood in the context of two main aspects of slave labor. To begin, the Brazilian slave population did not internally reproduce itself; like most slave societies in the Americas, it had a negative population growth.⁴ It was cheaper to import new slaves than to try to increase the size of one’s holdings through biological reproduction. Brazilian slave traders’ continued importation of illegal African cargo for nearly twenty years after the official end of the slave trade in 1831 highlights this fact.⁵ This, in turn, influenced, and was influenced by, the fact that manumission was extremely high for the four centuries that slavery existed. On a theoretical level, then, it seems that slaves, especially female slaves, were treated as disposable subjects. A pregnant female slave’s productive capability decreased as the necessary input to ensure that capability increased, especially during her pregnancy and after the birth of her child. Slave owners valued her labor and not the future labor of her child. The amount of investment needed to raise a slave to the age of productive laborer was much higher than most slave owners were willing to contribute and was less than the cost of buying an African slave.⁶ My dissertation tries to understand how this theory worked in practice by examining both slave owners’ attitudes towards slave women’s fertility control practices and all women’s experiences during Brazil’s gradual emancipation process.⁷

Women’s Reproduction as Resistance

In her discussion of fertility control practices among the United States’ slave population, Angela Davis argues that slave women “were desperate. Abortions and infanticides were acts of desperation, motivated not by the biological birth process but by the oppressive conditions of slavery.”⁸ Davis was one of the first scholars to place slave women and their bodies at the center of resistance to slavery in the U.S. South. Most importantly, she emphasized that slave women’s active control over their bodies, in the forms of abortion and infanticide, were calculated acts of resistance.⁹ As Jennifer Morgan writes, “The notion that enslaved women withheld reproductive capacities—engaging in a ‘gynecological revolt’—to damage the wealth and power of the slaveowner has gained currency

among historians of the Caribbean, and the idea of reproduction as resistance needs further discussion.”¹⁰ This topic also deserves an in-depth study in its Brazilian context, as slave women’s fertility practices as a method of resistance to their bondage was a main theme that appeared in medical and legal debates before the 1871 Law of the Free Womb.

As early as 1701, the Portuguese Crown justified its decree on the better feeding and treatment of slaves by citing the subsequent reduced levels of abortion and infanticide. Better feeding regimes decreased slave women’s desire to sabotage the institution of slavery through reproductive control. King Pedro II wrote, “If masters take the trouble to give leftovers from their tables to their slaves’ small children, this will be enough to make them serve with good will, and to take pleasure in increasing the number of slaves, both male and female. Otherwise slave women deliberately attempt to abort themselves so that the children inside their bodies will not be made to suffer what they have suffered.”¹¹ One hundred and sixty years later, the Austrian Archduke Maximilian I, in his 1860 trip to Brazil, cited slave women’s abortion and infanticide practices as resistance. In his discussion of the possible reasons for low slave birthrates, Maximilian wrote, “The principal reasons [for the low slave birthrate] probably are the ill-treatment of slaves, their immorality, the necessity laid upon the expectant mother to continue her work as long as possible and the excessive use of cachaça. There are also the fearful instances of slave women committing child-murder in order to revenge themselves on their cruel masters, and to rob him of valuable capital.”¹² Of the five reasons Maximilian cited, two were due to harsh treatment, two were due to slaves’ ‘inherent’ lascivious nature—here, immorality and excessive alcohol consumption—and one was due to slave women’s calculated resistance to slavery. This mixture of locating blame in both planters’ practices and slave women’s ‘nature’ was reiterated throughout medical and legal discussions on slavery. Interestingly enough, Maximilian also identified the link between abortion or infanticide and the economics of slavery by citing this resistance as economic in nature. Before the end of the trans-Atlantic slave trade, however, a slave child was not valuable capital, and Maximilian’s proclamation represents the brief 1850–1870 shift towards viewing Brazilian slave children as important economic investments.

‘Every Woman Has a Right, Even if She is a Slave’: Slave Honor and Motherhood

If some political officials saw slave women’s fertility control practices as active resistance to the institution of slavery, others saw slavery itself as the institution that stifled women’s ‘inherent’ motherly natures. The travel writings of Frenchman Charles Expilly cited the economic and social incentives behind wet nursing—a structure embedded in Brazilian slavery—as the cause for slave women’s practices of abortion, infanticide, and child abandonment. Slave women comprised the majority of wet nurses in both the colonial and imperial periods.

Slave owners often rented out slave women to serve as wet nurses, with or without their children. Wet nursing often increased the slave woman's chance at future manumission. These women also served as status symbols for the Brazilian families they served, and officials blamed both slave owners and slave women themselves for abandoning their children or committing infanticide in order to increase their market value.¹³ Wrote Charles Expilly,

And here again is one of the deadly results of slavery, that unhealthy institution which smothers all sense of decency in the woman, every moral feeling in the man. Without waiting for love to speak to her heart, the young woman seeks, not the sweet pleasures, but the benefits of motherhood. An obsession dominates her, a selfish, shameful scheme, which leads her to a disorderly life. She resolves to become a mother in order to become a wet nurse, even if to achieve her goal she is forced to abandon her child, the innocent fruit of hateful speculation.¹⁴

Expilly here gave slave women the characteristics of decency and motherly instincts that he believed were inherent to all women. Expilly saw the slave practice of child abandonment as the consequence of the institution of slavery and not as resistance to it.

Legal debates and court cases highlight the fact that, even if in bondage, a slave woman still held the qualities 'natural' to all women, especially sexual honor. In its debates over slave prostitution in 1871, the Chief of Police reported to the Rio de Janeiro legislature that even a slave was allowed to have honor: "Not only has there been cruelty to the body, but also to the spirit, because they prostitute the heart and the most personal and pure feeling—that of modesty and decency, to which every woman has a right, even if she is a slave."¹⁵ Interestingly, young slave women who sued their owners on the grounds of prostitution to gain their freedom used an ideal of womanhood based on white, upper-class values to support their cases. In 1872, the nineteen-year-old slave Honorata, a native of the northeastern state of Bahia who lived in Rio de Janeiro, sued her female owner, Maria Antonia de Albuquerque, for her freedom. Honorata claimed that Maria Antonia began to prostitute Honorata out at the age of twelve and, since then, she had lived as a free woman except for the wages that she gave to Maria Antonia. Honorata won the case. While Maria Antonia appealed, the Appeals Court granted Honorata access to proper womanhood, stating, "Nor can one allege that in the application of such laws exists the violation of property, because that to which it refers is special material, because the loss resulting is not more than the civil indemnization of the abuse committed, of the moral degradation, if not also of her life many times sacrificed."¹⁶ While morality was the initial basis of the petition, living as a de-facto free person became Honorata's lawyer's conclusive legal argument. Female sexual morality, however, still played a serious role in the Court's final decision.¹⁷

The same year, the slaves Sabrina and Sebastianna petitioned for freedom from their female master, based on her prostitution of the two women. In his petition, their guardian cited Roman law as the basis for their freedom. "That the constituted Authority is called to intervene in favor of the offended slave woman in her modesty and coercively debauched in body, to rip her from such nefarious captivity . . . That in agreement with . . . Roman Law are the principles of Natural Law, the victims of morality, the precepts of Christianity and the spirit of our country's legislation."¹⁸ The court initially granted Sabrina and Sebastianna their freedom, citing that, because Brazilian law did not specifically address this issue, it was legally sound to use Roman law in its place. Yet, when their owner, Dona Custodia Maria de Araujo appealed the case, the Appeals Court reversed the decision, arguing that Dona Custodia's constitutional right to property overruled Roman law. While both the slaves' guardian and the courts agreed that Sabrina and Sebastianna had the right to proper womanhood, in which their sexual honors were protected, ultimately, private property proved the more cogent legal argument. In both cases, the slave owners were female, providing an interesting twist to the idea of female honor based on class, race, and legal status. The female slave owners, supposedly true representatives of female sexual morality, forced their own slaves into prostitution. The courts, however, allowed slave women the same access to sexual honor that their owners possessed.

The courts also prosecuted slave owners on grounds of slave honor. In the 1882 case of a master brought to court for deflowering his underage slave girl, the prosecution cited the Criminal Code as reason to press charges. "Considering that slaves possess so much personal honor that, in the opinion of our Criminal Code, nobody could deny the master's right to file a complaint against anyone who deflowered his slave woman; in spite of everything, honor or virginity is of interest to the peace of the community, and to the important interests of the family, of society, and of public morality."¹⁹ The slave owner was acquitted of any wrongdoing, as the prosecutor could not prove the exact age of the slave girl at the time of deflowering. More importantly, however, this case did not question the *de facto* rape of slave women. It was not the rape of a slave woman that the court debated, but rather the deflowering of an underage virgin. A woman's sexual honor, not the institution of slavery, was the issue at stake.

The Debate over the Law of the Free Womb

Whether attributed to slave women's resistance, the economic, legal, and psychological aspects of the institution of slavery, or slave women's sinful nature, the medical, legal, and planter communities all agreed that the Brazilian slave population did not reproduce itself naturally. Interestingly, even before the end of the trans-Atlantic slave trade in 1850, planter manuals advised owners to support the natural reproduction of their slaves by lightening the workload of their pregnant and nursing slaves. One 1840s British report in Pernambuco highlighted the 'humane' nature of one planter through his policies towards his

pregnant slaves: “He [Colonel Drummond] does not allow a woman to perform labour after the 5th month of her pregnancy, and she continues her light domestic occupations for 12 months after her child is born, that she may rear it.”²⁰ In his medical advice to plantation owners in the state of Rio de Janeiro, Francisco Peixoto de Lacerda Werneck wrote in 1847, “Do not send a childbearing black woman to the fields for a period of one year. Occupy her with household chores such as washing clothes, sorting coffee, and other work. After she has nurtured her child she should then go to the fields, leaving her little one in the care of a general nurse.”²¹ Both pieces of advice were written several years before the final end of the trans-Atlantic slave trade, which imported large numbers of slaves into Brazil until its very end.²² Whatever the motivation behind this advice, it is clear that Brazilian elites saw the need to support natural reproduction of the slave population before 1850.

Yet it was not until the 1871 debate over the Law of the Free Womb that the intersection of slavery, women’s fertility control practices, and reproduction came to a head. In his 1871 attack on the impending Law of the Free Womb, Senator Cristiano Benedito Ottoni argued that, while infant mortality among the slave population was high, the Law of the Free Womb would only increase its numbers. Here, in contradiction to Charles Expilly, who saw slavery as an obstacle towards natural population growth, Ottoni saw its existence as the only reason infant mortality in the slave population was not close to 100 percent. Before the end of the slave trade, Ottoni cited opportunity cost as the reason for infant mortality rates. “It is an incontestable fact that while the price of slaves was low few babies survived on the plantations . . . In all the discussions among the planters this kind of calculation was heard: ‘Your buy a black for 300\$000. In a year he harvests 100 *arrobas* of coffee, which at least produces his cost clear. From then on everything is profit. There is no advantage in tolerating the *crias* who will be capable of similar labor only after sixteen years.’”²³ Ottoni reiterated the fact that, until 1850, it made more economic sense to buy new slaves than to support natural reproduction. Planters, thus, did not lighten the workload of pregnant slaves or those with newborns. After 1850, however, planters’ economic interest in slave reproduction led to reduced slave infant mortality rates. If the Law passed, however, the newly lowered infant mortality rates would again skyrocket. Ottoni argued, “The rising prices . . . caused a greater number [of children] to be saved . . . Eliminate personal interest, and we will return to 95 percent mortality among the children.”²⁴ Brazilian Senator José Inácio Barros Cobra of Minas Gerais echoed this sentiment in his 1871 address to the National Legislature. “Doing justice to the generosity and natural humanity of the Brazilian character, I do not expect the law to produce a slaughter of innocent children. But, when the present interests of the masters are not sufficient to prevent a huge mortality among the newborn slaves, it can be seen as obvious that, with this great incentive lacking, the mortality will be much greater.”²⁵ While granting Brazilian slave owners ‘generosity and natural humanity,’ Barros Cobra

still viewed the changed cost-benefit analysis resulting from the proposed Law as causing higher infant mortality rates. Barros Cobra continued, “[T]here will be a complete loss of the incentive that otherwise would encourage masters to accept the efforts and burdens involved in rearing and educating the children of the slave women, along with the loss of the latter’s services during the time they are burdened with pregnancy and motherhood.”²⁶ Absent, of course, from these cost-benefit calculations were the choices of slave women themselves. Both Ottoni and Barros Cobra ignored the role of slave women in biologically reproducing and raising their own children.

It is interesting to note that after the passage of the Law, some slave owners abandoned their *ingênuo* children with the state. In 1874, Alberto Fernandez de Castro left his nine-month-old *ingênuo* with the courts, citing the expenses tied to the illness of the child’s mother—who was still his slave—as well as the mother’s inability to breastfeed her child as the factors which prohibited him from caring for the child. The Santa Casa da Misericórdia orphanage, which took in thousands of abandoned children on its *roda* throughout Imperial Brazil, refused to take in the child. The orphanage cited that its mission was to raise children abandoned on the *roda* and not to take in *ingênuos* abandoned by their masters.²⁷ The child died of bronchitis a month later.²⁸ In this scenario, both the slave owner and the Brazilian state abandoned the child, facilitating its early death. The slave mother had no voice in the fate of her infant. In 1886, Achilles de Macedo Friburg abandoned his *ingênuo* of unknown age after the child’s mother—still a slave—had died.²⁹ Other slave owners were more pragmatic of their use of *ingênuos*. In 1882, João Nunes da Costa petitioned the courts for the custody of the orphaned *ingênuo* held by his sister. Dona Josefa Maria da Costa had turned in the minor of unknown age to the police citing “incorrigible” behavior. Nunes da Costa was subsequently granted custody over the child. While Nunes da Costa did not cite the reasons for his petition, he did mention he would employ the child.³⁰ Female slave owners also abandoned their *ingênuos*, an act that directly contradicted the view that all women held inherent maternal instincts. For instance, in 1887, the courts granted Justino and Leocadio, both 18-years old, their freedom due to their abandonment by Dona Maria E. de Carvalho the owner of their parents.³¹

Like Dr. Carvalho’s words at the beginning of this paper, senator Francisco Salles Torres-Homem, while not necessarily disagreeing with Barros Cobra’s moral panic on slave infanticide, argued that the inherent motherly nature of slave women would take over from slave owners’ economic interests. “Those thousands of women who during the course of three centuries have so often cursed the hour of their motherhood and blasphemed Providence, seeing the innocent fruit of their bodies condemned to perpetual slavery, as if it were a crime to be born, will now raise their arms and their prayers toward heaven invoking the diving blessing upon those who granted them control over their own wombs.”³² Interestingly enough, Torres-Homem mentioned, slave women’s rejoicing in having *control* over their own wombs. To him however, this control

implied slave women's wholehearted embracing of motherhood. Here, the control over their own wombs was only the control to have free children. Torres-Homem even argued that slave women's motherly instincts belied the need for state indemnification. "What is the purpose of the indemnification? The costs, it is said of bringing up the children. But these unfortunate people are nursed by their mothers, nourished by the crumbs of coarse food which their mothers help to plant and harvest: the milk from the maternal breast given to her own child, the mothers's sweat that allows them to survive and covers their nakedness, this is what the masters will possess to sell the treasury!"³³ These debates fixed slave women in a static position. If under slavery they had no choice but to *not* have children, under freedom they had not choice but *to* have children. Slave women's own choices and desires remained absent. True womanhood based on white, upper-class ideals, while available to slave women, implied embracing motherhood. As illustrated in the cases above, slave women often had no choice whether or not to raise their free children.

Yet, when possible, free black and slave women with children used this upper-class rhetoric of motherhood to fight for their children's rights. Pierre Bourdieu writes that, "social capital is the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition."³⁴ Elite Brazilians' emphasis on the maternal instincts inherent to all women gave marginalized women—including enslaved and freed black women—the social capital to petition for their families' freedom. For instance, in 1886, the free black Apolinaria Maria Francisca went to the Second Civil Court for Orphans, "in the enjoyment of her rights as a free person, [so] she can petition the competent and zealous authority in the interests of her children, as a mother."³⁵ Two years later, in 1888, Henriqueta Maria da Conceição, a free black, petitioned the courts for custody of her daughter, who lived with Henriqueta's former owner. Henriqueta argued that, "in her quality as a mother, she has the best guarantee of educating her daughter and keeping her in honest conditions."³⁶ Henriqueta continued by arguing that her daughter received no salary for the work she performed and was treated badly. While the case does not provide an outcome of the proceedings, Henriqueta clearly used her role as a mother to petition for the legal rights of her children.

The social capital that free black and slave women held with respect to their maternal identities expanded beyond the nuclear family, however. For example, when the police picked up eight-year-old *ingênuo* Alberto for being a vagabond, his free uncle petitioned for and was granted legal responsibility for the boy.³⁷ The free black Albino José Maria petitioned for the freedom of his three sisters, Izabel (17 years old) Julia (15 years old), and Eva (eight years old) after the death of their mother Joaquina's owner. According to Albino, the owner, José Maria Candido, who also happened to be the father of all of Joaquina's children, had granted full freedom to the three girls moments before his death, naming himself

as their father. The court threw the case out as unfounded, citing that, while witnesses confirmed the deathbed declarations of José Maria Candido, this in-and-of itself was not sufficient evidence in knowing the true paternity of the children or their legal status. These declarations had to be made in legally binding ways. Despite his unsuccessful attempts, Albino tried to use his free status to push for the equal rights of his sisters. Joaquina, however, remained the property of her former owner's wife.³⁸

These court cases give us a glimpse of the ways in which former slave women used the maternal rhetoric available to them to fight for the legal rights of their families, yet they do not shed light on if, or why, slave and free women rejected these roles by practicing fertility control, a topic discussed avidly in the public sphere in regards to the abolition of slavery. The choice to not have or to not raise a child could have been tied to calculated resistance efforts, psychological and physical desperation, and attempts at social mobility, among others. Yet while Brazilian legislators and monarchs debated the future of slavery, which inherently meant debating women's reproductive capabilities, these reasons were erased in favor of a monolithic view of motherhood based on white, upper-class ideals that would be expanded upon under Brazil's first democratic state.

NOTES

¹ Amancio de Carvalho, "Untitled," *Anuario Medico Brasileiro* (1887): 224–225.

² Robert Edgar Conrad, *The Destruction of Brazilian Slavery, 1850–1888* (Berkeley: University of California, 1972), 91. Not all slave owners were meticulous in their registration of *ingênuos*, however. In 1880, a free black man, Sebastião, petitioned for the freedom of his five children. His wife's owner had not registered them in the correct emancipation fund, and his petition was denied. Museu da Justiça (MJ) RG.15003 Cx.1583 (1880) Ação de liberdade.

³ Conrad, *The Destruction of Brazilian Slavery*, 90.

⁴ Conrad, *The Destruction of Brazilian Slavery*, 5 and Chapter Six. The only exception to this negative population growth trend was the state of Minas Gerais in the nineteenth century. See Laird Bergard, *Slavery and the Demographic and Economic History of Minas Gerais, Brazil, 1720–1888* (Cambridge: Cambridge University Press, 1999).

⁵ Conrad, *The Destruction of Brazilian Slavery*, 3–4 and Chapter Six.

⁶ My dissertation examines the changes in the price profiles of slave women between 1850 and 1888. The prices of male and female slaves controlled for age differed between 1850 and 1871, as the price of female slaves of reproductive age included the future economic worth of their reproductive capabilities.

⁷ At the moment, I am researching police investigations and criminal trials of the practices of abortion, infanticide, and child abandonment from 1850–1930. I have not yet found any slave women brought to trial. Yet, criminal court cases for these practices for all women are rare during the 1850–1889 period. In fact, I have only found six cases during this time period, all of which deal with sensationalist infanticide cases. In comparison, I have found 126 police investigations and court cases in the 1890–1930 time period. There could be several reasons for the paucity in court cases before 1890. To begin with, we could hypothesize that women—slave and free—were not practicing fertility control. I doubt this hypothesis, as I subscribe to historian Linda Gordon's view that people across time and place have always controlled their reproduction. More convincingly is the expansion of the police presence in the everyday lives of citizens in the Republican era (1890–1930).

Additionally, advances in medico-legal technology at the turn of the century allowed police investigators to differentiate between abortion and infanticide, making it easier for police investigations to go to court. Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Urbana-Champaign: University of Illinois Press, 2007), 7.

⁸ Angela Davis, “Racism, Birth Control and Reproductive Rights,” in *Feminist Postcolonial Theory*, eds. Reina Lewis and Sara Mills (New York: Routledge, 2003), 355.

⁹ Davis, “Reflections on the Black Woman’s Role in the Community of Slaves,” *The Massachusetts Review* 13, no. 1/2 (1972): 81–100. See also Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004), 11, 36.

¹⁰ Morgan, *Laboring Women*, 11.

¹¹ André João Antonil, *Cultura e opulência do brasil por suas drogas e minas*, 3rd ed. (Belo Horizonte: Itatiaia/Edusp, 1982), np.

¹² Maximilian I, *Recollections of My Life*, vol. 3 (London: Richard Bentley, 1858), 175–176.

¹³ Robert Conrad, *Children of God’s Fire: A Documentary History of Black Slavery in Brazil* (Princeton: Princeton University Press, 1983), 133, 135, 139.

¹⁴ Charles Expilly, *Le Brésil tel qu’il est* (Paris: Jung-Treuttel, 1863), 203–205. In Conrad, *Children of God’s Fire*, 14.

¹⁵ “Relatorio do Chefe de Policia da Corte,” *Relatorio apresentado á Assembléa Geral legislativa na Terceira Sessão da Decima Quarta Legislatura pelo Ministro e Secretario de Estado das Negocios de Justiça, Francisco de Paulo de Negreiros Sayão Lobato* (Rio de Janeiro, 1871), 21–22. In Conrad, *Children of God’s Fire*, 132.

¹⁶ National Archive, Rio de Janeiro (BR AN, RIO) Supremo Tribunal Federal BV.0.RCI.0069.

¹⁷ See also BR AN, BU.0.RCI.0045 (1873) for another case of a slave prostitute successfully suing for her freedom on the basis of living as a de facto free person.

¹⁸ BR AN, RIO Supremo Tribunal da Justiça (BU) M.1654 N.1257.

¹⁹ *O Direito* 35 (1884):103–118. In Conrad, *Children of God’s Fire*, 276–277.

²⁰ *Class B. Correspondence with Spain, Portugal, Brazil, etc. Relative to the Slave Trade, 1841* (London, 1844), 363–369. In Conrad, *Children of God’s Fire*, 73.

²¹ Francisco Peixoto de Lacerda Werneck, *Memoria sobre a fundação e custeio de uma fazenda na provincia do Rio de Janeiro, sua administração e epocas em que se devem fazer as plantações, suas colheitas, etc., etc.*, (Rio de Janeiro: Typographia Universal de Laemmett, 1847), 16–18. In Conrad, *Children of God’s Fire*, 78–79.

²² Leslie Bethell, *The Abolition of the Brazilian Slave Trade* (Cambridge: Cambridge University Press, 1970), 388.

²³ C.B. Ottoni, *A emancipação dos escravos* (Rio de Janeiro: Typographia Perseverança, 1871), 67. Translation from Conrad, *Children of God’s Fire*, 100.

²⁴ Ottoni, *A emancipação dos escravos*, 69. Translation from Conrad, *Children of God’s Fire*, 100.

²⁵ *Annaes da Camara dos Senhores Deputados*, vol. 3 (1871): 249–263. In Conrad, *Children of God’s Fire*, 442.

²⁶ *Ibid.*

²⁷ Sandra Lauderdale Graham cites that Santa Casa took in 17,000 children on the *roda* between 1859 and 1908. Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro*, 2nd ed., (Austin: University of Texas Press, 1992), 84. For detailed data on the Santa Casa and child abandonment, see Erica Windler, “City of Children: Girls, Boys, and the State in Imperial Rio de Janeiro,” (Ph.D. Diss., University of Miami, 2003), especially Chapter 2.

²⁸ BR AN, RIO Segunda Vara de Órfãos e Ausentes do Rio de Janeiro (ZM), M.2287 N.467 (1874).

²⁹ BR AN, RIO ZM M.2282 N.1692 (1886).

³⁰ BR AN, RIO ZM M.2287 N.332 (1882).

³¹ BR AN, ZM M.2284 N.1951 (1892).

³² *Discussão da reforma do estado servil na Camara dos Deputados e no Senado*, vol. 2 (Rio de Janeiro: Typographica Nacional, 1871), 282–297. In Conrad, *Children of God's Fire*, 451.

³³ *Ibid.*, 449.

³⁴ Pierre Bourdieu and Loïc J.D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: The University of Chicago Press, 1992), 119.

³⁵ BR AN, ZM M.2282 N.1689 (1886).

³⁶ BR AN, ZM M.2315 N.2135 (1888).

³⁷ BR AN, ZM M.107 N.2089 (1886).

³⁸ MJ, RG.20034 Cx.2022 (1881) Ação de liberdade.