

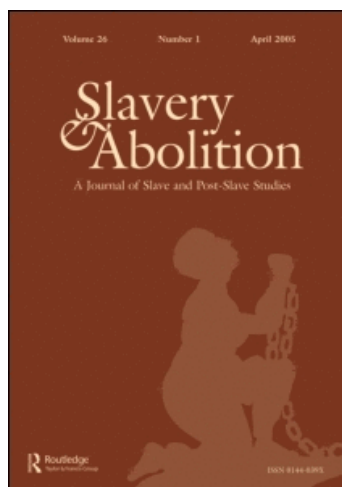
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The Politics of Silence: Race and Citizenship in Nineteenth-Century Brazil

Sidney Chalhoub

‘The best rule is not to talk about this’

On 14 October 1861, the Beneficent Society of the Congo Nation petitioned the imperial government to seek approval of its statutes.¹ The society usually held its meetings on Hospício Street, downtown Rio de Janeiro, in the evenings. The president and the vice-president of the society were illiterate and could not sign the petition. Article 1 established that members of the society had to be free and belong to the Congo nation. Sons and daughters of the Congo members, born in Brazil and of the color black, ‘could be admitted’. The required monthly contribution was very low and the number of members allowed to join the organization was ‘unlimited’. Men and women had equal rights and obligations according to the statutes, a most unexpected characteristic for mutual aid societies at the time, at least in Brazil.² However, only men signed – or had someone sign for them – the proceedings of the meeting in which the association decided to seek government recognition. The main objectives of the society were to aid its members in their illnesses, to seek their release from jail, to provide for their decent burials, to protect their families in case of death and to pay a small pension to people no longer able to work due to illness or old age. The statutes described in minute detail all the procedures required to guarantee the democratic election of president and directors. Elected officials were accountable for their acts and had to present to the annual general assembly of members a description of their initiatives and of the financial situation of the organization.

Imperial legislation required that the Council of State, the advisory board to the emperor and the ministers, examine such petitions.³ The council, composed of experienced politicians chosen by the emperor himself, held no executive power, but made general recommendations on public policies and influenced them decisively. The three

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members of the council's Section for Internal Affairs (Seção Império do Conselho de Estado) – Pimenta Bueno, the Viscount of Sapucaí and the Marquis of Olinda – analyzed the petition on 7 May 1862. The councilors did not reach a consensus and debates must have been heated. The most revealing passages of the report read as follows:

Articles 1 and 8 declare that the Society does not admit as members persons who do not belong to the Congo nation, or are the children of these people; furthermore, members must be black; this is the predominance of caste and color, thus it is not suitable for approval.

The expression 'of the Congo nation' is improper, since the members, although Africans, continue to reside in the Empire, where they have obtained their freedoms; therefore, they no longer belong to or are the subjects of the Congo nation, and this is even more true in the case of the children of these people, born themselves in the Empire

If the intended Society is to be indeed beneficent, then it must take out of the statutes expressions and restrictions of such kind, for humanity is not composed solely of the color black These articles must be modified, or better, rejected. . .

The statutes are poorly written and with many grammatical errors, thus not appropriate to be presented to the Imperial Government. . .

Consequently, the Section thinks that the petition cannot be approved as is; it needs to be properly drafted and rectified However, His Majesty will order what is most appropriate.

Pimenta Bueno and the Viscount of Sapucaí supported this report. The Marquis of Olinda disagreed and explained his reasons:

Article 1 issues not just a permission for the Society to admit members who are free; it requires positively that members be free. Such a clause is prudent. Slaves would find it difficult to conciliate the duties of their condition with those pertaining to the Society. The provision is sound in order to avoid complications with masters.

The clause that establishes that admission must be limited to persons of the color black should not be rejected, in my view. We have had brotherhoods instituted for blacks and mulattoes for ages. Nobody ever thought such brotherhoods contradicted the principles of beneficence, which are the same for all the sons of Adam; it does not contradict religion either, for religion does not acknowledge differences among men. Furthermore, there is a good reason for this provision; it prevents rivalries among members coming from their different blood origins; rivalries that would become more serious due to the circumstances of illegitimacy, that color would make evident. . .

Poor grammar. . . is not reason enough to reject the petition.

Thus it seems that the disagreement among the councilors centered upon three main issues. First, and despite the fact that the final report does not mention it, the councilors discussed the possibility of slaves being admitted to the association. The Marquis of Olinda does not see a problem here because Article 1 of the statutes states that members must be free. The qualification seems clear enough regarding

members of the Congo nation, but doubts may have appeared concerning 'the sons and daughters of the Congo' people, 'born in Brazil' and 'of the color black'. Pimenta Bueno and the Viscount of Sapucaí may have interpreted such wording to mean that Brazilian children of the African members, not yet freed, could also be admitted. If this was indeed what concerned the councilors, it made sense in the context of similar petitions examined by the Council of State in which societies organized by people of color openly admitted slaves and made the purchase of their freedom one of their main objectives.⁴

Second, the councilors held different opinions on whether it was appropriate to authorize associations that defined membership in terms of African origin and/or race. Again, the marquis found no problem here and cited religious brotherhoods as a precedent.⁵ His stance received a strong rebuttal from Pimenta Bueno, who spoke for himself and the Viscount of Sapucaí:

I'm sorry that I cannot agree with the observations of His Excellency the Marquis.

In my opinion there is a huge difference between beneficent societies constituted by the French, the Italian . . . , and those of the so-called Congos.

The former are foreign nationals, and foreign subjects. The so-called Congo nation is not a foreign nationality, but a barbarian horde from Africa. Furthermore, the members of the society are free slaves [*sic*; *escravos livres* in Portuguese], or their children, in both cases subjects of the Empire, and not subjects of other foreign governments.

I believe it is not desirable to approve societies constituted of blacks, mulattoes, caboclos, etc. Political experience teaches us that the best rule is not to talk about this. If one allows the principle to exist, then it will develop, and there will be consequences.

Distinctions or divisions based on caste are always bad; homogeneity, if not real at least supposed, is the desired goal of nationalities. At least, we should not consecrate or promote the opposite principle.

In sum, Pimenta Bueno thought that, in devising public policies, the imperial government should not recognize the existence of differences based on race or color. Such recognition would be incompatible with the alleged goal of constituting a homogeneous nation. This document is valuable because it consists of one of the most precocious and clear expressions I have ever found of the making of contemporary Brazilian racial ideology: the idea was to produce silence on the question of race as a prerequisite to achieving the ideal of a homogeneous nation. At the same time, the construction of this homogeneity presupposed the political and cultural suppression of people such as the members of the Beneficent Society of the Congo Nation.

Finally, it is relevant that the councilors also disagreed regarding the importance of literacy requirements for the constitution of such societies. The marquis did not seem to attach much importance to it. Pimenta Bueno and the viscount thought the proponents did not qualify because they could not read or write. In thinking this, they showed that they shared a notion, then widespread among Brazilian elites, that literacy was a skill needed for the exercise of civil rights and participation in political life. After

all, a society such as the proposed one involved people deliberately joining a contractual relationship, according to which they had new rights and obligations. Similarly, the perfecting of the electoral system allegedly depended on the enlightenment of voters, to be achieved through proper schooling.

Thus, following the leads provided by the councilors, I end up with a structure for the rest of the article. First, I will show how Brazilian law – especially the Constitution of 1824 – defined the situation of slaves and described the civil and political rights of freed people. Second, I will examine the controversies that raged on how to define the political rights of the descendants of slaves – that is, the free children of slave women – during the debates that led to the gradual emancipation law of 1871 (the Free Womb Law). Third, I will turn to the question of the relation between literacy and citizenship rights for the people born free after 28 September 1871, as well as for people of African descent in general.

The Burden of Being Freed

Perdigão Malheiro, in his influential account of legal aspects of Brazilian slavery, published in the mid-1860s, observed that from the moment people were reduced to the condition of property, of ‘things,’ they were regarded as ‘legally *dead*, deprived of every *right*, and possessing *no representation whatsoever*.’⁶ Neither the Constitution of the Empire nor subsequent laws deemed slaves to belong to the mass of citizens for any purpose involving social, political or public life, even in the case of those who had been born in Brazil. Perdigão Malheiro remarked that this legal principle, ‘which *excludes slaves from the political community, from the exercise of any political right, from all participation in national sovereignty or public authority*,’ had existed invariably in all ancient and modern nations where slavery had been introduced. He added that these rigorous legal definitions of slaves as property often met limitations in customary Brazilian practices, such as slaves’ right to amass *pecúlios* (slave savings) and to achieve manumission through self-purchase. In any case, the situation changed for captives who became freed and had been born in Brazil: if male, they became Brazilian citizens, enjoying full civil rights and limited political ones. Freed persons born in Africa acquired civil rights; however, since they were considered foreigners, they could not seek qualification to vote in the elections, nor could they run for public office at any level.

According to Perdigão Malheiro, manumission restored those who had been slaves to the state of personhood. Thereafter, they could exercise rights and activities like other citizens: constitute a family, make contracts, acquire property, pass on a legacy even when dying intestate, and dispose of property through sale, trade or a last will and testament. Nonetheless, he remarked, freedmen were deprived of some political rights (needless to say, freedwomen’s exclusion from political life was taken for granted, much in contrast with the situation in the Beneficent Society of the Congo Nation) as a ‘result of the more general prejudice against the African race, from which the slaves in Brazil’ descended. The Constitution of the Empire stated that freed (*libertos*) Brazilians could vote only in primary elections, and this only if

they managed to prove that they fulfilled the legal income requirements established for all citizens. As a consequence, they could not become electors – that is, they could not vote for the election of deputies and senators – or hold positions for which only persons with electors' qualifications were eligible. These positions included the offices of general or provincial deputy, senator, juror, justice of the peace, subdelegate, police delegate, public prosecutor, councilor of state, minister of government, magistrate, diplomat, bishop, and so on. However, freed Brazilians could vote for and become aldermen and hold other offices for which the qualifications of ordinary voters were enough. They were permitted to serve in the army or navy, either voluntarily or as a conscript. Freedmen could belong to the National Guard, but could not become officers there. Perdigão Malheiro concluded that 'concerning the exercise of political rights, public power, and national sovereignty, the position and status of the freedmen in our society are greatly restricted.'⁷

In sum, the epithet *liberto* – freedman – indeed carried with it a considerable burden. In August 1876, the Section for Internal Affairs of the Council of State, whose members at the time were Teixeira Júnior, Paulino Soares de Souza and Dias de Carvalho, examined a delicate case regarding constitutional restrictions to the political rights of freedmen.⁸ Caetano Luiz Machado, a resident of the parish of Jurujuba, city of Niterói, appealed to the president of the Province of Rio de Janeiro against the election of João José da Costa to the office of justice of the peace in the same parish. Costa had won the election, had been sworn into office, and had actually been in the job for about two years when Machado filed his complaint. He alleged that Costa was a freedman, and thus ineligible for the office. The appellant evoked electoral legislation and the Constitution of the Empire, besides presenting several documents to substantiate the allegation that the justice of the peace had been born of a slave womb.

The tale emerging from such documents was not altogether unusual in those times. João José da Costa was allegedly João, son of Albana, slave of Francisco Domingues da Costa. The master had been present at the child's baptism and there declared that he granted freedom to 'the innocent João'. In order to demonstrate that the elected justice of the peace and the son of the slave Albana were the same person, Caetano Machado presented a certified copy of the master's last will and testament, in which he declared that 'among other natural children he had had, *there was one named João, son of the crioula Albana*' (emphasis in the original). In addition, there was a written statement by the Jurujuba parish priest attesting to the fact that 'his parishioner João José da Costa, proprietor of the Pendutiba plantation, is one of the heirs of the late Francisco José Domingues, *and he happens to know by hearsay that he had been born of a slave womb*' (emphasis in the original).

The story illustrates well the difference, regarding political rights and access to public office, between being born a slave, to become freed soon thereafter, and being born free – that is, *ingênuo* – a hotly debated issue in the making of the Law of 1871, as we will see next. The Jurujuba episode seemed delicate because João José da Costa had become an important planter in the locality; furthermore, as the councilors observed, the consequence of accepting the appellant's allegations was

‘to deprive a citizen of a mandate to which he had been elected by his co-parishioners’. The parts italicized in the documents were marked by the councilors themselves, and they allowed a way out of the trouble. The planter’s last will and testament indeed referred to ‘a *crioula* Albana’, João’s mother, but this did not suffice to prove that mother and child there mentioned were the same mother and child who appeared in the baptism records – ‘João, son of Albana, slave’. In addition, the master confessed he had had other natural children; thus, it appeared impossible to be sure that the documents analyzed referred always to the same ‘João’. The evidence presented by the parish priest – ‘hearsay’ – did not do much for the appellant’s case either. The councilors concluded that the allegations in the petition had not been proven, but recognized that if new evidence came up to establish beyond doubt the condition of the justice as a freedman, his election would be declared void and he would have to step down from the office.

The whole episode must have been annoying, obviously for the alleged freedman-become-planter himself, but also for the councilors. João José da Costa had reached a very prominent social position – a most unusual one for the son of a slave, if he indeed was one. Therefore, the councilors could understand very well the embarrassment caused to someone who, like themselves, had become a wealthy owner of lands and peoples. However abundant his economic means, the planter had to put up with gossip and hearsay about his origins, and even faced the threat of having his political ambitions thwarted by adversaries willing to revive a past best forgotten. Indeed, from reading these documents one gets the vivid impression that the councilors themselves found it most regrettable that such a story ever surfaced.⁹

Prudent Silence

The Jurujuba episode, however regrettable, dealt with an individual case, one single person who might have his political rights restrained because of his alleged birth from a slave womb. What had happened, years before, when the Council of State and the Parliament had to discuss the situation of the children of slave mothers who were born free as a consequence of the Free Womb Law, enacted in 1871? The question was complex because it involved property rights, the masters’ control over their slaves – their ‘moral force’, as they said – and the definition of political rights for the descendants of slaves.

The proposed bill sent by the cabinet to the Chamber of Deputies and there examined initially by a special commission determined that the free infants of slave women would remain ‘under the authority of the mothers’ masters’. Masters had the obligation of raising these children until they reached eight years of age. Once children reached their eighth birthday, slave owners could choose between receiving a given monetary indemnification for each child, who would then be turned over to the imperial government, and using his or her services until he or she became twenty-one years old. The parliamentary commission explained that the compensation established in the bill referred to expenses incurred in rearing the free offspring of slave women – that is, masters were not to receive indemnification for the children

themselves, since the imperial government would no longer recognize their property rights regarding the newborn children of slave mothers.¹⁰

Deputies fiercely debated how to denominate the children to be born free. The government proposal, originated in the Council of State, declared that the infants 'would be free and considered *ingênuos*'.¹¹ The Portuguese word *ingênuo* meant 'born of a free womb'. Opponents of the bill defended that the children should be considered *libertos*, that is, freed. They argued that the principle that the condition of the child followed that of the mother could not be contradicted; therefore, in order to have free children of slave mothers, one would have to suppose that these infants would be born slaves and then manumitted immediately after birth. This formulation entailed legal recognition of property rights over these children; thus, the government would have to indemnify masters for their full worth as captives, and not just for rearing them until eight years of age.¹² Deputies in favor of the government proposal replied that slavery as an institution contradicted natural law. Slavery remained in existence due to a series of social fictions, the most absurd of them being the idea itself that people could hold other people as property. The government proposal was a step towards restoring natural rights: although slave mothers were to remain in bondage, at least the natural free condition of their wombs would be reestablished.¹³

Opponents of the Law of 1871 dwelled endlessly on the aspects of it that they thought would undermine slave discipline. They argued that the idea of slave mothers giving birth to *ingênuos* contradicted the principle of the inviolability of the masters' will regarding manumission. A *ingênuo* child of a slave mother would not be the result of a master's act derived from his or her exclusive prerogative to grant manumissions, but the outcome of a government intervention in the relations between masters and slaves. Such intervention would send slaves the message that they acquired new rights and that the State seemed determined to support them against their owners. The epithet *libertos* – freed – for these children would preserve the notion that a master's initiative or, at least, consent originated the manumission, thus guaranteeing slave parents' gratitude to their supposed benefactors and the continuation of proprietors' moral force over bondsmen and bondswomen.¹⁴

The question of the political rights of the future generations of free children of slave mothers proved the most difficult. During the debates in the Council of State in 1867 and 1868 the Marquis of Olinda and the Viscount of Jequitinhonha argued that the children of slave mothers liberated by the Law of 1871 had to be considered *libertos* because the Constitution established important restrictions on the political rights of freed people. And wisely so, they thought, or, in Jequitinhonha's words, 'the evils everyone recognized in our elections would be aggravated'. The viscount deemed such evils a consequence of 'the lack of enlightenment and moral capacity pertaining to a great number of voters'.¹⁵ In other words, to allow a full participation of future generations of people of African descent in the electoral process seemed to doom it even more. The viscount apparently thought that the burdens of slavery rendered freed people unprepared for the responsibilities of freedom and citizenship.

However, several councilors sought to contradict Olinda and Jequitinhonha's stand on this issue. Nabuco de Araújo, Paranhos and the Viscount of São Vicente (the aforementioned councilor Pimenta Bueno, now raised to nobility) maintained that free children of bondswomen 'had to be considered *ingênuos*'. Paranhos argued the following:

...to do otherwise would be not only impolitic, but even unconstitutional. If they are free, according to the law, from the time of their birth, how can they remain in the condition of freedmen, that is, in the same condition as those who were slaves before being free?

The law does not restore the freedom of the individuals whom it benefits; it establishes that beginning on the date it is passed, nobody will be born a slave in Brazilian territory. This is its intent, and for this reason it does not recognize masters' rights to indemnification.

To do otherwise would be to contradict flagrantly everything that has been alleged against slavery, in the name of religion, natural law and the enlightened ideas of our century. To do otherwise would be to create amongst us a new social class, and not a less dangerous one – that of citizens deprived of precious rights regarding political and public life.

If freedmen have remained resigned until today, it is because the reasons for their incapacity established in the Constitution are clear. In addition, there are not great numbers of them, and they live under very diverse circumstances of place, social position and age, since manumissions are slow, uncertain and individual. It would be different with freedmen benefiting from the new law, if they were declared freed; they would be born free and would be raised as free persons; they would be numerous, and exist in considerable numbers in the same place and under other similar conditions. They would constitute a separate class, if legal incapacities distinguished them from the general mass of citizens.¹⁶

In sum, besides confirming that the choice of *ingênuo* meant denying masters' demands for indemnification, Paranhos thought that there were not tenable reasons to restrict the political rights of the free children of bondswomen. Such discrimination would lead to a social class hostile to social order. Nabuco de Araújo furthered the argument, saying that to create political incapacities might be justified in the United States, where 'there was racial antagonism'; in Brazil, the 'danger' was to provoke such antagonism where it did not exist.¹⁷

The Viscount of São Vicente, author of the first drafts of the Law of 1871 submitted to the Council, explained that, despite the fact that he deemed the children *ingênuos*, he had proposed the Law of 1871 to state simply that they were 'free', thus leaving undecided their status as *ingênuos* or *libertos*. On the one hand, he agreed with Jequitinhonha that it would be harmful for political institutions to consider them *ingênuos*; on the other hand, he thought that the denomination *libertos* would be humiliating for hundreds of thousands of people who would have never experienced the condition of slaves. If it was difficult to reach a decision at the moment, it seemed prudent to postpone it:

What seemed an omission in my draft was not so, but a deliberate act. It was not my intention to resolve this question now because a solution will not be needed for

another twenty years; it suffices that the Law declare them free. We will have time to see how things evolve and decide what is most convenient later.¹⁸

Such voluminous doses of prudence and silence appeared convincing, and helped to quiet foes on both sides of the political divide. The final text of the Law of 1871 adopted the Viscount of São Vicente's proposition. Despite agreeing to leave the question open, the government, represented by its cabinet leader, the Viscount of Rio Branco (formerly Paranhos), reaffirmed that it deemed the children to be *ingênuos*. Indeed, a careful analysis of government papers and edicts pertaining to the 1870s shows that the denomination *ingênuos* gradually became the most frequent one to refer to the free children of bondswomen. It was also common to refer to them as the 'free children of slave mothers', but I did not encounter the word *libertos* attached to these children more than once, and it occurred shortly after the enactment of the Law of 1871.¹⁹

By the early 1880s, although there had been no formal or legal decision on the matter, nobody seemed to dispute the fact that the children born free after the Law of 1871 were *ingênuos*. It is curious, however, that masters did not show any interest in resorting to the legal possibility of turning the children over to the imperial government once they became eight years old, to receive the established compensation in return. A ministerial report published in 1884 stated that there had been 363,307 children of bondswomen registered as free since the enactment of the Law of 1871; I do not know precisely how many thousand had turned eight years old by then, but masters had sent no more than 113 children to government institutions.²⁰ This fact does not mean that masters had chosen to take full responsibility to prepare the descendants of slaves to exercise full citizenship in the future. They had decided instead to benefit from the slave labor of the free children of slave mothers for as long as they could. But one question does not go away: if these people were *ingênuos*, and thus future full citizens of the Empire, what was being done to prepare them for their new rights and responsibilities?

The Burden of Being Illiterate

In November 1877, the Council of State's section for Internal Affairs convened to address a question that originated in the second department of the Directory of Agriculture of the Ministry of Agriculture.²¹ As mentioned before, the Law of 1871 divided the free offspring of bondswomen into two categories: on the one hand, there were those who would remain under the authority of the mothers' masters; on the other hand, there were those who would turn to government control, either because masters abandoned them or because they decided to opt for indemnification when the children became eight years old. Regarding the latter category, the Law of 1871 and its regulations established that the government had to found institutions to receive and care for these children. If it were not possible to place all children in government institutions, officers known as 'justices of the orphans' would appoint citizens to act as guardians to a number of them. The justices would accompany

and supervise the situation while the children remained under private guardianship, especially concerning the obligation of providing elementary education and religious instruction.²² In other words, free children of bondswomen turned over to the Imperial government were entitled to learn how to read and write, either in government institutions or through arrangements made by their private tutors. The officials in the Ministry of Agriculture wanted to know if the obligation to provide elementary education to the children applied to the masters of bondswomen who decided to benefit from the services of the *ingênuos* until they reached the age of twenty-one. The question became of paramount importance because, as seen above, nearly all free children of slave mothers remained under the authority of the masters' mothers. Furthermore, politicians and government officials increasingly deemed literacy an essential requirement for participation in electoral politics.²³

The councilors thought the Law of 1871 and its regulations did not leave room for doubt in the matter. It was 'evident' that the individuals obligated to provide elementary instruction to free children of bondswomen were only those who had received authority over them directly from the government. The Law did not require masters of slave mothers to provide any schooling to *ingênuos*. Maybe a little aghast that public officials at the Ministry of Agriculture, who obviously *had to know* the answer to the query, might be making some kind of political statement in forwarding the question to the Council of State, councilors remarked that the 'intention' of the legislators was clear, and added that under no circumstances could masters be demanded to do what the Law of 1871 did not explicitly require of them.

It is indeed probable that officials in the Ministry of Agriculture intended to politicize the issue within the government. They had done so before, and would continue to do so, concerning other controversial aspects pertaining to the application of the Law of 1871. These officials defended slaves' right to freedom if masters failed to comply with mandatory slave registration, tried to stop the abusive manumission of elderly slaves carried out through masters' manipulation of the emancipation fund, and struggled for the rigid imposition of fines on masters who sought to circumvent several aspects of the new legislation. In all these issues, civil servants at the second department of the Directory of Agriculture, under the leadership of Machado de Assis, otherwise famous as a literary figure, pursued their view that the Law of 1871 meant to 'proclaim, promote, and defend freedom'.²⁴ Most generally, they sought to submit the private power of masters – that is, seigneurial power – to the rule of law. To achieve this, one of their methods was to highlight paradoxes such as the one which granted some *ingênuos* the right to have an education, while the large majority were left to the discretion of slaveholders in such a crucial matter. Thus they attempted to spur the government into action in this specific area.

The timing of this query on the education of *ingênuos* is also revealing of its political import. The year before, 1876, the results of the 1872 census had finally come to light.²⁵ Numbers on literacy seemed disappointing for politicians convinced of its centrality for public virtue: in the free population, 23.43% of men and 13.43% of women knew how to read and write, making the total average of 18.56%; if slaves were included, just 15.75% of the total population was literate.²⁶ Perhaps no more than

30% of potential voters – adult males old enough to try to meet income requirements established in the Constitution and other subsequent legislation – could read and write. Among them, there were quite a few for whom ‘literacy’ meant the ability to write their names and little else.²⁷ In the parliament, there was mounting pressure for a constitutional reform to redefine citizenship rights, as well as demands for the imperial government to make elementary education available to a much greater number of citizens. There seemed to be a consensus, sweeping conservative and liberal politicians alike, that fraud, patronage and violence permeated Brazilian elections because voters were not enlightened enough.

In 1878, the Liberal Party returned to power after ten years in opposition. The cabinet’s president, Cansansão de Sinimbu, was said to have ‘the fixed idea’ of constitutional reform.²⁸ He proposed to establish direct elections, thus writing out of the Constitution the difference between voters and electors, which had decisively limited the political rights of freed persons, as seen before. Instead, he suggested increasing the minimum income requirement and establishing a rigid literacy one to allow for citizens to become electors. It would no longer suffice to be able to sign one’s own name in the petition to qualify for the elections; now citizens had to hand-write their own petitions, to be certified by officials or notaries.²⁹ Although initially the cabinet had the unanimous support of the parliament,³⁰ it soon became clear that Sinimbu intended to revamp elections to exclude large portions of the electorate. As a consequence, liberals diverged among themselves almost as soon as they seized power. Saldanha Marinho, Joaquim Nabuco and José Bonifácio led the opposition to the proposed constitutional reform. They argued that it was absurd to demand literacy to vote in a country where elementary education remained unavailable to the large majority. No one questioned the importance of literacy to enlighten the electorate, but the cabinet had inverted the order of things: only after making elementary education available to a great number of people could the government move to a stricter literacy requirement.³¹

Saldanha Marinho perused the archives in the Chamber of Deputies and analyzed available data on the population of the empire, previous elections, income and literacy to conclude that the cabinet proposed direct elections in which only 1/20 of the free population could participate – that is, 400,000 men might become electors in a population of 8.4 million men and women. An indication of Saldanha Marinho’s progressive view on this matter is the fact that he accounted for free women in his estimate of the number of people excluded from voting rights. Leôncio de Carvalho, then Minister of Empire, and thus in charge of the public school system, rebutted Saldanha Marinho regarding his evaluation of the impact of illiteracy on the electorate. The minister said that the government had taken steps to improve the elementary public school system, and therefore all interested citizens would have the time and opportunity to seek and learn how to read and write before the new electoral legislation came into effect.³² Joaquim Nabuco, soon to become the leading Brazilian abolitionist, hit the ceiling at such cynicism and demanded that the minister start creating schools in real life, instead of continuing to found them in theory.³³ The reform was nonetheless voted into law on 9 January 1881.

However engaged the opposition, the fact is that neither Saldanha Marinho nor Joaquim Nabuco, or anyone else for that matter, perceived the real dimension of the political exclusion that would result from this electoral reform. Participation in the elections plummeted from about 10% of the total population in 1872 to less than 1% in 1886, and the situation would not change for decades to come.³⁴ Concerning schools, the numbers for the city of Rio de Janeiro, the capital of the empire, do not indicate any improvement at least until the end of the monarchical regime in 1889. In the country as a whole, the percentage of people who knew how to read and write even suffered a small decline between 1872 and 1890: from 15.75% to 14.80% of the total population.³⁵

Therefore, Joaquim Nabuco and fellow members of the parliamentary opposition seem to have really missed much of what was to come in terms of political disfranchisement. Unfortunately, they did not fail solely regarding numbers or percentages. On 13 April 1880, the imperial government decided to publicize the Council of State's instructions regarding the elementary education of the free children of slave women, apparently circulated only internally until then.³⁶ To recapitulate, masters were not legally required to provide elementary instruction to *ingênuos* under their authority. As a consequence, the future generations of people of African descent, nominally free but entrapped until adulthood on plantations under the control of masters not obligated to provide for their education, were to remain excluded indefinitely from formal political rights. José Bonifácio, the most fervent orator of the opposition, said once that the cabinet sought to deprive the people of education and political rights; the government appeared to think that 'the best way to liberate the masses is to keep them in ignorance [*embrutecê-las*, in Portuguese] and to submit them to political bondage'.³⁷ Perhaps he could have said, with less rhetorical flourish, that the unstated aim of all these political and bureaucratic maneuvers was to promote racial exclusion. It seems, however, that everyone in the parliament had taken to heart the idea that 'the best rule is not to talk about this'.³⁸

Notes

- [1] Conselho de Estado, pareceres, caixa 531, pacote 3, documento 46, Arquivo Nacional do Rio de Janeiro (AN). Unless otherwise indicated, I rely on documents collected in this folder for the first part of the article. I would like to thank Professors Rebecca Scott and Sueann Caulfield for their critical comments and corrections of my English. This text was written while I was a visiting professor at the University of Michigan, Ann Arbor, Winter 2004. Research was funded by the Conselho Nacional de Desenvolvimento Científico e Tecnológico (Cnpq) and the Fundação de Amparo à Pesquisa do Estado de São Paulo (FAPESP), Brazil.
- [2] For mutual aid societies in Brazil at the time, see Batalha, "Sociedades de Trabalhadores," 43–68; Pereira de Jesus, "O Povo e a Monarquia," chapter 3; Staudt Moreira, *Os Cativos e os Homens de Bem*. For a recent article on mutual aid societies in Latin America, which does not mention women's participation, see García-Bryce, "Politics by Peaceful Means."
- [3] Law n.1083, 22 August 1860, 'Contendo providências sobre os Bancos de emissão, meio circulante e diversas Companhias e Sociedades'; reference to the need of government approval with previous consultation with the Council of State is in article 2. Decree n. 2686, 10 November 1860, 'Marca o prazo dentro do qual os Bancos e outras Companhias e Sociedades anônimas,

suas Caixas Filiais e agências, que atualmente funcionam sem autorização e aprovação de seus Estatutos, devem impetrá-las'. Decree n. 2711, 19 December 1860, 'Contém diversas disposições sobre a criação e organização dos Bancos, Companhias, Sociedades anônimas e outras, e prorroga por mais quatro meses o prazo marcado pelo artigo 1o. do Decreto no. 2686 de 10 de novembro do corrente ano'; articles 9 and 27 of this decree specify the items the Council of State had to consider in evaluating the petitions. Laws and decrees consulted in the *Collecção das Leis do Imperio do Brazil*.

- [4] For other examples of societies organized by people of African descent having their petitions examined by the Council of State, see Conselho de Estado, pareceres: caixa 550, pacote 3, documento 37, Sociedade União Lotérica Cadeira de Ouro (24 March 1871); caixa 552, pacote 2, documento 43, Associação Beneficente Socorro Mútuo dos Homens de Cor (24 September 1874); also, on this same society, caixa 611, pacote 1, documento 60; caixa 552, pacote 2, documento 45, Sociedade de Beneficência da Nação Conga 'Amiga da Consciência' (24 September 1874); also, on this same society, caixa 611, pacote 1, documento 58 (all folders consulted in the Arquivo Nacional do Rio de Janeiro). For a more detailed analysis of these documents, see Chalhoub, *Machado de Assis, Historiador*, 240–54.
- [5] On religious confraternities and the participation by blacks (enslaved and freed or free, men and women alike) in them, see, for example, Reis, *Death Is a Festival*.
- [6] On Perdígão Malheiro's ideas and the importance of his book, see Chalhoub, *Visões da Liberdade, passim*; and, especially, Spiller Pena, *Pajens da Casa Imperial*. Passages of Perdígão Malheiro's book cited here are taken from the translation in Conrad, *Children of God's Fire*, 237–45; italics in original.
- [7] Cited in Conrad, *Children of God's Fire*, 244.
- [8] Conselho de Estado, pareceres, seção Império, código 783, volume 2 (1876–77), documento 2, AN.
- [9] The theme of African descent or slave 'origins' that needed to remain silenced or not be admitted publicly was recurrent in nineteenth-century Brazilian literature and culture; for examples, see Azevedo, *Mulatto* and the play 'A Mãe', by José de Alencar, written in the 1850s.
- [10] *Annaes do Parlamento Brasileiro. Camara dos Senhores Deputados*, 1871, tomo III, *passim*.
- [11] Pimenta Bueno, *Trabalho Sobre a Extinção da Escravatura no Brasil*; for defense of this position by councilors Paranhos and Nabuco de Araújo, see 86 and 109, respectively.
- [12] For amusing examples of the rationale of opponents of the this law, see the speeches delivered by the Baron of Vila da Barra on 11 July and 18 August 1871; *Annaes do Parlamento*, tomo III, 95–6 and 171–2.
- [13] Parecer da comissão, *Annaes do Parlamento*, tomo III.
- [14] The Baron of Vila da Barra exposed this idea in detail in his 18 August 1871 speech.
- [15] Pimenta Bueno, *Trabalho Sobre*, 40 (for Olinda) and 196–7 (for Jequitinhonha).
- [16] *Ibid.*, 86–8.
- [17] *Ibid.*, 109.
- [18] *Ibid.*, 90–1.
- [19] The word *libertos* appeared in the following ministerial report: *Relatorio Apresentado à Assembléa Geral Legislativa na Quarta Sessão da Decima Quarta Legislatura Pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Barão de Itaúna*, 6. It is possible to identify a clear shift towards the use of *ingênuos* in the reports presented by minister Thomaz Coelho: for example, *Relatorio Apresentado à Assembléa Geral Legislativa na Segunda Sessão da Decima Sexta Legislatura Pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Thomaz José Coelho de Almeida*, 9–10, 11–13; for *ingênuos* in internal, routine ministerial affairs, see, for instance, Conselho de Estado, pareceres, caixa 602, pacote 3, documento 75, AN.
- [20] *Relatorio Apresentado à Assembléa Geral Legislativa na Quarta Sessão da Decima Oitava Legislatura pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Affonso Augusto Moreira Penna*, 184–5.

- [21] Conselho de Estado, pareceres, caixa 602, pacote 3, documento 77, AN; also, Conselho de Estado, pareceres, seção de Agricultura, código 783, volume 1 (1876–83), documento 27, AN.
- [22] For the text of the Law of 28 September 1871, its regulations and other government recommendations regarding its application, see da Silva Mafra, *Promptuario das Leis de Manumissão*; da Veiga, *Livro do Estado*.
- [23] de Holanda, *O Brasil Monárquico*, tomo II, vol. 5: 184.
- [24] This argument is presented in detail in Chalhoub, *Machado de Assis, Historiador*, chapter 4.
- [25] On the repercussions in Rio de Janeiro's press, see de Seixas Guimarães, "Os Leitores de Machado de Assis."
- [26] de Carvalho, *A Construção da Ordem*, 65.
- [27] An interpretation of census data along these lines appears in a chronicle published by Machado de Assis on 15 August 1876; Machado de Assis, "História de 15 dias", in Coutinho, *Machado de Assis*, vol. 3: 343–6.
- [28] de Holanda, *O Brasil Monárquico*, 184.
- [29] Decree n. 3029, 9 January 1881, "Reforma a legislação eleitoral," in *Collecção das Leis do Imperio do Brazil*; Article 8 described requirements concerning literacy.
- [30] de Carvalho, *Teatro de Sombras*, 153.
- [31] For the debates regarding electoral reform, see *Annaes do Parlamento Brasileiro*, sessão de 1878, tomo III; *Annaes do Parlamento Brasileiro*, sessão de 1879, tomo I; also, de Holanda, *O Brasil Monárquico*, 195–238.
- [32] de Holanda, *O Brasil Monárquico*, 202–3.
- [33] Speech delivered on 27 May 1879; *Annaes do Parlamento Brasileiro*, sessão de 1879, tomo I, 408–9. The next day, José Bonifácio would ask: 'In a country such as ours, is it to be expected that in little time people will be able to learn how to read, and everywhere? Is this serious?'; *Annaes*, tomo I, 437–8.
- [34] de Carvalho, *Teatro de Sombras*, 141.
- [35] Frota Martinez, "Educar e Instruir: a Instrução Popular na Corte Imperial," 62.
- [36] *Annexos ao Relatorio Apresentado à Assembléa Geral*, 20.
- [37] Speech delivered on 28 May 1879, *Annaes do Parlamento Brasileiro. Camara dos Senhores Deputados*, sessão de 1879, tomo I: 437–8.
- [38] For the theme of silencing 'race' in public discourse, and the pressures to do so in everyday social relations as well, during the transition from slavery to post-emancipation in Brazil, see de Castro, *Das Cores do Silêncio*. I have encountered and described such a phenomenon before regarding public health: Chalhoub, "The Politics of Disease Control." For a fuller exposition concerning citizenship rights, see my *Machado de Assis, Historiador*, chapter 4.

References

- Annaes do Parlamento Brasileiro. Camara dos Senhores Deputados*, sessão de 1878, tomo III. Rio de Janeiro: Typographia Nacional, 1879.
- Annaes do Parlamento Brasileiro. Camara dos Senhores Deputados*, sessão de 1879, tomo I. Rio de Janeiro: Typographia Nacional, 1879.
- Annexos ao Relatorio Apresentado à Assembléa Geral na Terceira Sessão da Decima Setima Legislatura pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Manoel Buarque de Macedo*. Rio de Janeiro: Typographia Nacional, 1880.
- Azevedo, Aluísio. *Mulatto*. Austin: University of Texas Press, 1990; 1st. Brazilian edition: 1881.
- Batalha, C. H. de M. "Sociedades de Trabalhadores no Rio de Janeiro do Século XIX: Algumas Reflexões em Torno da Formação da Classe Operária." *Cadernos AEL*, 10/11 (1999): 43–68.
- de Carvalho, José Murilo. *A Construção da Ordem. A Elite Política Imperial*. Rio de Janeiro: Campus, 1980.

- . *Teatro de Sombras. A Política Imperial*. São Paulo: Edições Vértice, 1988.
- de Castro, Hebe Maria Mattos. *Das Cores do Silêncio: os Significados da Liberdade no Sudeste Escravista – Brasil, Século XIX*. Rio de Janeiro: Arquivo Nacional, 1995.
- Chalhoub, Sidney. *Visões da Liberdade: Uma História das Últimas Décadas da Escravidão na Corte*. São Paulo: Companhia das Letras, 1990.
- . “The Politics of Disease Control: Yellow Fever and Race in Nineteenth-century Rio de Janeiro.” *Journal of Latin American Studies* 25 (1993): 441–63.
- . *Machado de Assis, Historiador*. São Paulo: Companhia das Letras, 2003.
- Conrad, Robert Edgar. *Children of God’s Fire. A Documentary History of Black Slavery in Brazil*. University Park, Pennsylvania: Pennsylvania State University Press, 1994.
- Coutinho, Afrânio, ed. *Machado de Assis: Obra Completa*. Vol. 3. Rio de Janeiro: Nova Aguilar, 1986.
- Frota Martinez, Alessandra. “Educar e Instruir: a Instrução Popular na Corte Imperial – 1870–1889.” M.A. thesis, Universidade Federal Fluminense, 1997.
- García-Bryce, Iñigo. “Politics by Peaceful Means: Artisan Mutual Aid Societies in Mid-nineteenth-century Lima, 1860–1879.” *The Americas* 59 (2003): 325–45.
- de Holanda, Sérgio Buarque. *O Brasil Monárquico. Do Império à República*. Rio de Janeiro e São Paulo: Difel, 1977.
- Pereira de Jesus, Ronaldo. “O Povo e a Monarquia: A Apropriação da Imagem do Imperador e do Regime Monárquico entre a Gente Comum da Corte (1870–1889).” Ph.D. diss., Universidade de São Paulo, 2001.
- Pimenta Bueno, José Antônio. *Trabalho Sobre a Extinção da Escravatura no Brasil*. Rio de Janeiro: Typographia Nacional, 1868.
- Reis, João José. *Death Is a Festival: Funeral Rites and Rebellion in Nineteenth-century Brazil*. Durham: University of North Carolina Press, 2003.
- Relatorio Apresentado à Assembléa Geral Legislativa na Quarta Sessão da Decima Quarta Legislatura Pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Barão de Itaúna*. Rio de Janeiro: Typographia Americana, 1872.
- Relatorio Apresentado à Assembléa Geral Legislativa na Quarta Sessão da Decima Oitava Legislatura pelo Ministro e Secretario de Estado dos Negocios da Agricultura, Commercio e Obras Publicas Affonso Augusto Moreira Penna*. Rio de Janeiro: Typographia Nacional, 1884.
- de Seixas Guimarães, Hélio. “Os Leitores de Machado de Assis. O Romance Machadiano e o Público de Literatura no Século 19.” Ph.D. diss., UNICAMP, 2001.
- da Silva Mafra, Manoel. *Promptuario das Leis de Manumissão; ou, Indice Alfabético das Disposições da Lei no. 2040 de 28 de Setembro de 1871, Regulamentos no. 4835 de 1o. de Dezembro de 1872, no. 4960 de 8 de Março de 1872, no. 6341 de 20 de Setembro de 1876, e Avisos do Ministério da Agricultura, Commercio e Obras Publicas, Tribunal de Justiça*. Rio de Janeiro: Typographia Nacional, 1877.
- Spiller Pena, Eduardo. *Pajens da Casa Imperial: Jurisconsultos e Escravidão no Brasil Imperial*. Campinas: Editora da UNICAMP, 2001.
- Staudt Moreira, Paulo Roberto. *Os Cativos e os Homens de Bem: Experiências Negras no Espaço Urbano, Porto Alegre, 1858–1888*. Porto Alegre: EST Edições, 2003.
- da Veiga, Luiz Francisco. *Livro do Estado Servil e Respectiva Libertação Contendo a Lei de 28 de Setembro de 1871 e os Decretos e Avisos Expedidos Pelos Ministérios da Agricultura, Fazenda, Justiça, Império e Guerra Desde Aquela Data Até 31 de Dezembro de 1875 Precedido dos Atos Legislativos e Executivos, em Benefício da Liberdade, Anteriores à Referida Lei*. Rio de Janeiro: Typographia Nacional, 1876.