

***Mãe Africana, Pátria Brasileira: negotiating the racial politics
of identity, freedom and motherhood in nineteenth-century Bahia, Brazil.***

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Abstract

Margarida Ignácio de Medeiros was one of up to twelve million enslaved Africans brought to Brazil. She did not, however, remain enslaved all her life. Margarida's trajectory from enslavement to freedom was typical of many enslaved African women labouring in urban centres of nineteenth-century Brazil. Although regarded as a domestic slave her enslaved working life, and day, was divided between house and street. Margarida's work in the house provided her owner with domestic comfort, while her work in the street provided her with an income. Allowed to retain a portion of that income, Margarida was eventually able to purchase her freedom. While living with her owner, Margarida also (re)produced free born children over whom her owner tried to obtain custody.

Through an intersectional approach this study attempts to disentangle the conditions of race, gender and status to understand how these conditions interfaced to shape African women's lived experience as 'domestic' labourers and mothers in enslavement and in freedom, and how those experiences shaped ideas about resistance and identity. The very personal battle for the custody of Margarida's children examined here is also understood as an ideological one about the shape of the nation, about rights and power vis-à-vis freedom, property, family and citizenship. Within this case, then, lies a political struggle for the control of labour as a pre-requisite for citizenship, a racial struggle for supremacy and hegemony of white over black, Brazilian over African, and a cultural contestation over the conditions of creolization. For Margarida, though, as a 'domestic' labourer, and in ways similar to her free counterparts in the U.S., her act of litigation against her former owner was an assertion of her right as a freedwoman to an independent economic and emotional existence

*permissions granted



Jean Baptiste Debret, *Uma Senhora em seu lar* (1823)

For enslaved families, the strategies used to obtain freedom for enslaved mothers and children were crucial for determining the extent of control over the future lives of family members once freed. However, in most cases of childhood manumission, the mothers of those fortunate enough to be freed as children remained enslaved. Clearly it was more advantageous to be freed as an infant than an adult; even so, the freedom obtained and enjoyed by freed people was both fragile and precarious (Chalhoub, 2011, 2010; Paiva, 1995). Becoming freed through manumission was a momentous step in terms of the potential released for mobility. But manumission was only the beginning, and learning to walk the tightrope of life as a freed person was for many no less challenging (Butler, 2000; Chalhoub, 2006; Schafer, 2003). As Chalhoub has described for nineteenth-century Rio de Janeiro, being a freed African or Brazilian black (*crioulo*) became particularly difficult in the post-1831 period of the illegal slave trade. Africans, freed ones included, were not Brazilian citizens and were not, therefore, afforded even the rhetoric of constitutional liberalism; in fact blackness itself was a cause for doubt of status. Moreover, the politics of the international slave trade intensified the attention of the authorities on the presence of Africans in the nation's capital, providing new grounds for detention, deportation, incarceration, forced conscription and compulsory labour in public works (Azevedo, 2005; Chalhoub, 2011, 2010, 2006).

The geo-political context of 1830s Bahia may have been somewhat more intense, as the post-1835 period placed Africans under even greater police surveillance and aggressive cultural scrutiny. It is arguably the case, however, that the political climate of the 1830s provided the justification to legalise punitive practices which many believed should have existed already (Reis, 1993, 1988). Nonetheless, the series of anti-African acts of legislation prompted by the Malês Uprising of 1835 resulted in a virulent articulation of anti-African sentiment which extended beyond Bahia and

beyond the decade during which the rebellion took place (Barickman, 2003; Chalhoub, 2006, 1993, 1989; Fraga Filho, 2004; Reis, 2001, 1993, 1988). Indeed it has been argued by some scholars that this anti-African environment played a major role in determining the timing of the first effective piece of anti-slavery legislation in Brazil: the Queiroz bill of 1850 which finally and formally abolished the trans-Atlantic slave trade to Brazil. Specifically, it has been argued that the anti-African legacy of the Malês uprising meant that the 1849 outbreak of yellow fever in Brazil's major port cities was attributed to slaving vessels, which turned the focus of debate about the slave trade onto Africans themselves and the issue of contagion. In sum, a desire to keep Africans out allowed the bill to end the slave trade to be passed (Bethell, 1970; Chalhoub, 1993; Graden, 2010; Needell, 2010).

For sure, the historically specific context of the illegal slave trade and the post-Malês period allowed for anti-African ideas and practices to be expressed in ever more aggressive ways. But as Mary Farmer-Kaiser has examined for black men and women in the U.S., gender and race could cut across such mainstream events as emancipation to produce a different political process of continuity and change that does not fit neatly into traditional and progressive chronologies of history (2010). Thus, scholars of gender history, and feminist historians in particular, are minded (if not forced) to not only look at archival sources in a different light, but look to alternative historical sources to cast light on the different ways in which women experienced history and became historical agents in their own right (Campbell et. al., 2008; Morgan, 2004; Rago, 2007).

In this study I will explore how an anti-African ideology mapped onto manumission and motherhood on the one hand and citizenship and national identity on the other in Brazilian slave society. In turn, it will be demonstrated how the tensions inherent to these processes of ideological mapping converged in a contestation over the terms and conditions of child-rearing as well as labour relations in the very historically specific context and political climate of mid-nineteenth-century Salvador da Bahia. However, it will be argued that this specific contestation conceals as well as reveals practices that were not restricted or limited to a singular historical moment or place, but were instead widespread and long established in Brazilian slave society. It was the perfect storm of the historical moment that made the contestation public, transforming it from a private practice into a recorded and documented historical event.

Fevers and dramas

On the 31 March 1853, Bahia received a royal visit from the German duke Paul Alexander von Württemberg.¹ He arrived amidst a drought and on the brink of a second outbreak of yellow fever in four years. During his stay of a little over a month, the duke twice witnessed death as a result of the disease first hand. Bahia had been identified by some as a point of contagion of outbreaks that same year in New Orleans and Rio de Janeiro (Graden, 2006). In the former, the disease took on epidemic proportions resulting in the death of over 8,000 residents that year. Subsequently, the origin of the disease was debated on both sides of the Atlantic. Medical professions,

¹ *Viagem do príncipe Paulo Alexandre de Wuerttemberg à América do Sul*. RIHGB vol. 171 (1936): 3-30. Both the title and name attributed in this source are incorrect. His correct title was duke (he was nephew to King Friedrich I of Württemberg) and his correct name was Paul Wilhelm von Württemberg (Liebersohn, 2009, 1998).

politicians and business men in the U.S., Brazil and England discussed the causes of transmission, including the role of Africans and the slave trade (Kidder and Fletcher, 1866). Indeed, yellow fever was probably responsible for the death of the young son of the U.S. consul at Bahia, John S. Gilmer, in whose home the duke resided during his stay in the province. On 3 May 1853, and about to depart for Rio de Janeiro, the consul's son is said to have died in the duke's arms. The European duke was no stranger to epidemics, though, as his continent was in the grip of its third cholera pandemic that century (1841-1859) and this one would spread to central and South America too, reaching Bahia in 1855.

The hospitality of the U.S. consul at Bahia was well-known among the travelling imperial and colonial elite, as was his reputation for his commercial connections with slavers in Bahia and the U.S. (Kidder and Fletcher, 1866; Graden, 2006). True to form, while staying at the consul's home, the duke was visited by "os altos dignitarios" from the political, social and religious elite, including the president of Bahia, João Maurício Wanderley, for whom the duke was full of praise. The duke also expressed admiration at the cultural vitality of the Bahian black population, particularly the porters who sang "African songs" as they carried the duke, his companions and his baggage from the port in the lower part of the city to the consul's home in the upper part (Reis, 1997). Black and African culture was not so unfamiliar to this European duke, though, who had arrived in Bahia from the U.S. (Liebersohn, 2009, 1998). Perhaps the differences and similarities he witnessed between respective slave societies were a talking point with the provincial president himself when he paid the duke a visit. Be that as it may, the fact was that the president, whom the duke held in high regard, was in the midst of pursuing a hard-line anti-African policy at the time, particularly against the practice of *candomblé* (Harding 2003; Reis, 2005; Reis, 2001). Indeed, raids on suspected houses where African cults were practiced took place during the duke's stay in Bahia. Among those arrested was the African freed woman, Margarida de Medeiros.

Royal dignitaries and foreign travellers frequently visited the former colonial capital, in formal and informal roles. Like many of his peers and contemporaries, this German duke combined his sojourns in foreign parts with an interest in natural history, and was evidently a man accustomed to socialising with the local elite wherever he went (Liebersohn, 2009, 1998). For Margarida, this was not her first brush with the flip side of state authorities either, but it was in all likelihood the only time she had been arrested, imprisoned and threatened with deportation. The legislation used against her and other Africans had been framed in the anti-African backlash of the post 1835 period when Wanderley's predecessor, Francisco Gonçalves Martins, had been the city's chief of police (Barickman, 2004; Reis, 2001, 1997, 1993). On 8 April 1853 Wanderley's own chief of police dutifully dispatched his report to his superior detailing Margarida's arrest and others made that day.² Margarida had been arrested in the parish of Santo Antonio along with another freedwoman, Marcelina, *crioula*, a suspected runaway slavewoman from Santo Amaro, and taken to the Aljube city jail where they no doubt encountered others arrested on similar charges (Reis, 2008). Although Reis has revealed how some of those arrested certainly did take part and lead *candomblé* sessions, Margarida claimed her arrest was wrongful and that she had

² APEB, Sec. Colonial e Provincial, Presidência da província, Polícia assuntos (1850-1853), maço 3116 (1853).

been framed. The police authorities must have agreed as she was released a few weeks later without charge (Reis, 1993).

In Margarida's case, her arrest formed part of a series of events in what was an exceptionally dramatic year in her life. Since January 1852 she had been embroiled in a bitter legal dispute with her former owner, Maria Victoria de Ornellas, for the custody of two of her children, Maria da Glória and Marcolino Honório, both free born *crioulos*, and for whom Victoria had nominated a guardian.³ The arrest occurred in the midst of an attempt to bring an injunction against the verdict of a failed appeal against the initial judicial approval of the nomination. Given the timing of events and the fact no charges were brought against Margarida, the arrest was probably instigated by her former owner as her lawyers argued. Nonetheless, the arrest was instrumental in destabilising the case presented by her lawyers as well as throwing Margarida's life into turmoil.

Nominations of tutors (or guardians) were common place in the colonial and imperial Brazil and were designed to provide patronage for orphans and abandoned children (Marcílio, 1998; Venâncio, 1999; Fraga Filho, 1996). Indeed, it is clear that by the 1870s such paternal practices were easily manipulated to suit the needs of a nation in transition from slave to free labour (Cowling, 2010; Zero, 2004). But Margarida's case illustrates that there was more at stake than just a question of regulating the 'free' labour force. Nonetheless, challenges of the kind launched by Margarida against Victoria were rare. In fact, this was the only case of a former slave fighting for legal custody of her children from a former owner that I located for the best part of the nineteenth century (1830-1888) in the state archives of Bahia. However, it is arguable that the conflict that this custody case represents – and significantly the discourse used to articulate it - is far from exceptional on two counts. Firstly, because it is tied up in the specific anti-African legislation of the post-Malês period implemented by his predecessors but pursued vigorously by Wanderley. Second, because it represents hitherto undocumented social and cultural practices that underpinned the on-going processes of creolisation that targeted Brazilian-born children of African parents.

Mãe Africana: the mother(land) without legitimacy

Margarida's trajectory out of freedom in Africa, into enslavement and then out into a freedom of sorts in Brazil typified the experiences of many African women in mid-nineteenth century Salvador da Bahia. Margarida, a name she surely earned through enslavement, was described in the documents from the proceedings as Nagô. Nagô was the name by which Yoruba-speaking peoples were known in Bahia and as Reis has described, they became the dominant ethnic African group in the region in the 1820s and 1830s, and remained so until Abolition in 1888 (Andrade, 1988; Reis, 1993, 1997). Although enslaved labour remained predominantly African and male in Salvador until mid-nineteenth century, African women, unlike African men, managed to obtain their freedom in figures roughly proportionate to their numbers among the enslaved. In comparison, *pardos*⁴, who formed the minority among the enslaved, benefitted disproportionately in manumission (Nishida, 1993; Oliveira, 1988).

³ APEB, Processos Civis, Tutoria, 80-2848-03 (1852).

⁴ Light-skinned blacks.

We do not know precisely when Margarida became freed because so far I have not been able to locate her letter of liberty, but we know that she made the transition from *escrava* to *liberta* some time before March 1839 because it was at this time that her son, Marcolino, was born a free *crioulo*. Some five years later she gave birth to a daughter, Maria. We know too that Margarida bought her freedom from her then owner by raising the funds working in her owner's home for part of the day then the remainder in the street selling goods. Allowed to keep a percentage of the daily profits herself (a system known as working *ao ganho*) Margarida eventually saved enough money to buy her freedom although how long this took is unknown. Without the letter of liberty we do not know how much she paid for her freedom either, but paid manumission was the way most African women (and men) found their way out of enslavement and into freedom. Brazilian born black women (*crioulas*) tended to obtain freedom conditionally, and light-skinned women gratis, often as infants at the baptismal font.

Once freed Margarida remained in the home of her former owner and continued to work in the same way, working in the home in the morning then selling goods in the street in the afternoon. Later, Margarida moved out, leaving her two freeborn children with Victoria, and rented a place in the parish of Pilar in the lower part of the city. In this parish the enslaved comprised about one-third of the population, so did whites, while around 40 per cent of the population were free coloured (Nascimento, 1986). So it would not have been unusual to find a freed African woman like Margarida living and working in this parish. The front of her home served as a shop from where she traded shoes, as well as unspecified goods from Africa, which could have included cloth, food, jewellery, and religious items. Like her free and freed counterparts in the area, she used slaves to help her run her business. Margarida had owned three slavewomen, at least two of whom she had bought from her former owner. With her home and business established, Margarida wanted to raise her children herself. Victoria refused to let her have them.

It was for this reason that in January 1852 Victoria de Ornellas nominated a guardian for Margarida's children, Dr Marcolino António Mello de Albuquerque Pitta. In her opinion, Margarida was an unfit mother. As an African woman living and associating with other Africans she would give her children an African upbringing, considered unsuitable for her Brazilian born children. Thus by nominating a guardian Victoria hoped to prevent the children, once and for all, from "going to that prostitute of a mother of theirs" as she described Margarida. In contrast, as the children's guardian, Albuquerque Pitta had to agree to raise them according to Christian doctrine, to teach them to read, write, and count, and "what's more, to compete"; to clothe, shoe, and feed them. Presumably with this in mind, in 1851, Marcolino had been enrolled on a course as an apprentice carpenter at the Naval Arsenal while Maria had been sent to the Convent of the Sisters of Mercy to be "educated" so that she did not develop the same bad habits as her mother; a version of events disputed by Margarida's lawyers.⁵

In her petition against the nomination on 20 March 1852 Margarida's lawyers stressed the illegal and illogical nature of the nomination – Margarida was not insane and the children were not orphans. Margarida, it was argued, had every right, "in a civilised nation", to raise her own children, the same rights as any mother, Brazilian or foreign.

⁵ Those who represented Margarida may or may not have been trained lawyers, but there is no equivalent term in English to the one used in Portuguese (*procurador*), which captures both the role and the context of the legal representation undertaken.

Victoria was accused in this petition of exploiting Margarida's children by making them work for her as her slaves, putting the boy to work herding cows (barefoot – a true sign of enslaved status) and the girl doing “profitable personal tasks” for her mother’s former owner (Pinheiro, 2005).

Victoria's defence denied this and went on to allege how Margarida lived and associated with other Africans in *zungus* (rented accommodation, usually basements, that Africans shared), and that she believed in and practiced the African cults and customs of her *parentes*⁶, taking part in their *danzas* and *batuques*⁷. Margarida was accused of having no fixed abode, of being a drunk and a *meretriz* who did not make an honest living for herself. Somewhat contradictorily, it was also argued that she spent all day working and therefore had to leave her children with other Africans; and therein lay the problem. These Brazilian children would be raised by Africans, who would give them an “African education”, exposing them to “African customs”, leaving them “morally lost” and “corrupted”, because even the most well-mannered of Africans could not, when all was said and done, be trusted because they all stick together. In sum Margarida could not be entrusted with the raising of her own children because she was African.

As it was Margarida’s Africanness that was on trial the task fell to her lawyers to prove that an African woman could be honest and hardworking, and be as good a mother as any other. Thus it was emphasised that Margarida ran her own business, was a property owner because she owned slaves, she was clean living, she did not believe in African cults, was instead a baptised Roman Catholic and a firm believer in the Catholic faith. In addition, her lawyers aimed to prove that Victoria’s motives were purely malicious, that she did not take good care of the children, that she made them work for her in degrading tasks, and that they were not in the care of the nominated guardian.

The proceedings came to a close on 15 May 1852 after witnesses for both sides had testified. A judgement was reached on 3 July the same year when the nomination was upheld and Margarida lost custody of her children. Having lost the case she was liable for costs. However, an appeal was made to the High Court which was heard on 26 October 1852 but rejected on 15 February 1853. Nonetheless, Margarida's lawyers persisted and tried to take out an *embargo* (injunction) against the decision. The decision to uphold the case was “inappropriate in a civilised and Catholic country”. It was unjust and a blatant abuse of the law.⁸ In response Victoria’s lawyers insisted that Margarida was a homeless, immoral woman and therefore had no right to raise her Brazilian born Christian children. In her care they would also turn into immoral individuals, but instead “they had already begun to make themselves useful to the Nation”. It was at this stage that Margarida’s arrest took place, and on 18th April 1853 her lawyer demanded her release from jail on the grounds that she was innocent and had been set up. In the final judgement of July 1853 Margarida lost.

⁶ Literally relatives, but when used by Africans themselves, and by others in reference to Africans in Brazilian slave society, it was taken to mean other Africans in general.

⁷ Dances (often ritual) and drumming sessions.

⁸ In this appeal and condemnation of the sentence, it emerged that the injunction had been brought before the Bahian senate and had been defeated by only one vote. In the view of Margarida’s lawyer this was a perfect illustration of the inhumanity of the sentence as it was obviously an issue that “touched the hearts” of all parents.

Pátria Brasileira: the father(land) without blame

In the case presented by Victoria's lawyers, it was insisted that she had raised Margarida's children out of compassion and with tenderness and care. The witnesses called to testify on her behalf all confirmed this and stated that Victoria, in contrast to Margarida, had a "spotless reputation", and flawless character. However, while Victoria clearly emerged triumphant from this case, other historical documents reveal that her character was not as unblemished as her defence made out. In her will and testament of 1857 Victoria declared that she had no "natural" legal heirs, but she did have an illegitimate daughter named Carolina Maria da Conceição e Silva who was the main benefactor. In her will, Victoria admitted that Carolina was not the child of her late husband, with whom she had a son who later died at a young age.⁹ In her own words, she conceived and gave birth to Carolina as a widow. The name of Carolina's father was not revealed. Curiously, it appears that Carolina lived in the company of her mother until her death.

By 1857, when her mother drew up her will and testament, Carolina was thirty years old. Victoria was a reasonably wealthy widow when she died a year later. She owned some fairly valuable real estate worth almost seven *contos*, and eight slaves worth almost eight *contos*. Carolina would inherit almost everything. Of the slaves Victoria owned, she freed three women unconditionally. Carolina would receive payment for the freedom from another (Maria Romana), a lifetime of conditional labour of another (Generosa), and the enslaved labour of two young *crioulo* men and a Nagô woman (Domingos, Sebastião and Maria,). One of the less valuable properties was bequeathed to a witness from the custody case, but Carolina inherited a *sobrado*¹⁰ in the Sé parish, plus two *casas terreas*¹¹ in other neighbouring parishes. Significantly, Margarida's children, described here as her two *crias livres*¹², were left only 50 mil reis each, while Victoria's godchildren received 500 mil reis. Carolina on the other hand inherited a small fortune.

Victoria's ownership of slaves was typical of her status as a widow (Higgins, 1999; Oliveira, 1988). Her enslaved property, and indeed most of her wealth, was in enslaved women and their children. Thus by purchasing only enslaved women Victoria would have been able to extract the maximum returns from her investments and thus provide for her own daughter's financial security and domestic comfort. As Jennifer Morgan put it so pointedly, "[s]laveowners [whose future was otherwise uncertain or insecure] looked to black women's bodies for a promising future for their own progeny...[B]lack women's bodies [thus] became the vessels in which slaveowners manifested their hopes for the future; they were, in effect conduits of stability and wealth..." (2004).

Ironically but typically as a freedwoman Margarida also became a slaveowner, albeit not on the same scale as her former owner from whom she purchased her slaves. But she only owned one in 1852 and documentation from the case indicates she no longer

⁹ APEB, Sec. Jud., Testamentos e Inventários, 7-3120-0-3 and 3-1228-1697-15.

¹⁰ A house with more than one storey.

¹¹ Single storey houses.

¹² This term refers to the children of enslaved women born in a slaveowner's home (*crias*), but who in this case were born free (*livres*).

had her shop in the lower city. As noted, Victoria's lawyers insisted that Margarida was a woman without the means or conditions to provide for her children. Unsurprisingly, Margarida did appear to struggle to support herself and her children in freedom. The 1849 census of the parish of Santana do Sacramento registered Margarida de Medeiros as resident at no. 94, Largo da Palma. The police census for the parish records her occupation as a vegetable seller, and owning three slaves worth 1 conto 640 mil reis.¹³ But a year later Margarida petitioned the provincial president for exemption from the 50mil reis owed for her license to trade on the grounds of ill-health and having to provide for her "three children", indicating that Maria and Marcolino were not her only children (Soares, 1996).¹⁴ We know from the proceedings that in 1852 Margarida rented a shop in the Pilar parish in the lower city. Then when arrested in 1853 she gave her residence as a shop at "no. 10, rua Manoel de baixo do Crucifixo de São Francisco", in the Sé parish in the upper part of the city, from where she sold "cachimbo de fazenda".¹⁵ As discussed in the elsewhere, some African freedwomen did manage to prosper as traders of foodstuffs and African goods, particularly cloth. But Margarida's case reminds us just how difficult it was to make freedom pay. In the space of four years Margarida lost two-thirds of her property in slaves, for sure her most valuable assets, changed residence at least three times, and scrapped together a living selling a wide range of goods including vegetables, shoes, chickens, tobacco and African textiles.

Interestingly, it was in 1850 that Victoria too had cause to make a petition to the president. The petition requested the release of one of Victoria's slaves, Joaquim Quiritino, *pardo*, from his duties in the *Esquadrão de Cavalaria* which appears to have had him assigned to either the *Fragata Paraguassú* or *Constituição*.¹⁶ As Kraay has shown such requests were commonplace and the authorities mostly obliged just as they did in response to Victoria's request (Kraay, 1996). But Victoria had originally made the request the year before, so had had to wait some time before Joaquim was returned. As he was not included in Victoria's will and testament some seven years later then the request was probably made with a view to selling Joaquim. In all likelihood, Margarida had also had to sell her slaves to raise funds. But despite their apparently common business interests, Victoria and Margarida remained worlds apart. Indeed, their worlds were in every other respect opposed. In one, the mark of illegitimacy and race was used to disqualify her right to motherhood, and pronounced as evidence of Margarida's immoral lifestyle. In the other it was race that allowed for the cover of illegitimacy (otherwise a social stigma for Victoria), as well as bestowing authority and superiority in all things relating to motherhood and morality.

But this is far more than an individual battle for the moral high ground between two single mothers of illegitimate children. There was a much wider cultural and political struggle being waged here. Victoria's case against Margarida was constructed on the idea that African motherhood represented a dual threat: first to the welfare of her own children and second to the welfare of the nation. Indeed, the words of Victoria's attorney reveal a fear surrounding African motherhood that was as much about

¹³ APEB, Relação dos africanos libertos existentes nesta freguesia, Santana, 1849 (maço 2898).

¹⁴ APEB, Colonial e Provincial, Sec. Jud., Escravos Assuntos, maço 2885 (1829-1868). Soares refers to this document too, but the number of children cited is incorrect; Margarida is referred to as having three children not six.

¹⁵ APEB, Colonial e Provincial, Presidencia da Província, Polícia Assuntos, maço 3116 (1853).

¹⁶ APEB, Colonial e Provincial, Sec. Jud., Escravos Assuntos, maço 2885 (1850).

identity as it was about morality. It was a fear that Brazil's own citizens, as sons and daughters of enslaved Africans, would not be loyal to their own nation. It was a fear that as descendants of enslaved Africans they would fashion an identity out of their ties to their African past rather than their Brazilian future. Africans could not be trusted to raise the citizens of a nation that had enslaved them, a nation against which Africans (and particularly Nagô's) had a long and notorious tradition of rebellion in nineteenth century Bahia.

From Margarida's perspective, despite her lawyer's insistence on her commitment to Catholicism and her lack of association with other Africans, if Margarida had lived with other Africans in *zungus* as accused, her *parentes* in these *zungus* no doubt shared comparable concerns about the upbringing of her children. Victoria's fears about the lack of appropriate education of the children may well have been echoed by Africans with whom Margarida was said to have lived and associated. They too would have had misgivings about the appropriateness of sons and daughters of Africans being disconnected from their parents, their cultural heritage, religious practices, and ancestral past. This case then, was about much more than the right of a mother to raise her own children; it is an exposé of the cultural contortions of creolisation in nineteenth-century Bahia at a time when the state was deeply committed to suppression and eradication of practices such as of *batuques*, *candomblé*, and capoeira among its African and black Brazilian populace. This case, though, reveals a private but much more pernicious and pervasive *para-statal* mechanism of social control that targeted the children of African parents.

These children were regarded first and foremost as Brazilian citizens and therefore belonged to the nation of their birth rather than their foreign-born parents. As Nancy Stepan has argued for twentieth-century Latin America, "children especially were thought of as biological-political resources of the nation..." (Stepan, 1991). The nation, as represented by the nominated guardian in Margarida's case, also had to instruct them in how to become "useful to the nation"; read obedient and productive workers and loyal and grateful citizens. Such a duty could not be entrusted to their culturally inferior, morally degenerate and politically suspect African parents – so it was argued in the case.

Fore-fathers of Bahian abolitionism

The discourse of the prosecution (which ended up being very much defensive) presented on Margarida's behalf, suggests that the men representing her were either sympathetic to or members of one of the recently formed abolitionist societies in Bahia. The first known abolitionist society in Bahia is believed to have formed in 1852 by students of the Faculdade de Medicina. Known as the *Dois de Julho Sociedade Emancipadora*, Anselmo da Fonseca claimed that it did not last long and had little impact other than freeing a few slaves by raising funds for manumission (Graden, 2006, 1996). Precisely how many slaves were freed is not known, but among them were the three *pardo* children of Gertrudes. Their letter of manumission, dated 17th August 1852, confirmed that they were all owned by the illustrious Seabra family who received 400 mil reis from the society for their "boas vontades", a sum that would not have made a jot of difference to a family of such wealth and status.¹⁷ Typically and

¹⁷ APEB, Sec. Jud., LN 01/04/305 (09.08.1851-25.06.1853).

revealingly, the children's mother remained enslaved.

The ineffectiveness of Bahian abolitionist movements prior to the 1870s has been questioned by Jailton Lima Brito who suggests that Fonseca's perspective was somewhat inexplicably biased as well as incomplete (Brito, 2003). According to Brito there is sufficient evidence to indicate that abolitionist activists and activities were not, as Fonseca maintained, mostly absent from Bahia and were not necessarily late in formation or restricted to urban areas (Graden, 1996; Silva, 2007). Indeed, two different abolitionist societies contributed to the purchase of the freedom of nine year old Olympia, *parda*, in November 1857. The "digna Comissão da Sociedade Dous de Julho" paid 150 mil reis, another 100 mil reis was paid by the "Directoria da Sociedade Académica Abolitionista", and 50 mil reis came from Olympia's *crioula* mother, Francisca, who as usual remained enslaved to her owner Anna Joaquina de Sousa Ribeiro.¹⁸ Further evidence of abolitionist activities can be found a few years later. A petition to the provincial president of September 1859 from the Sociedade Abolicionista, "hoje denominada Beneficente da Escravatura", requested permission to hold a benefit event in the city's *Teatro Público* in the name of freeing female children "nascidas no Paiz". Such performances of freedom-giving were commonplace by the 1870s but not known to be so in the 1850s (Cowling, 2010; Kittleson, 2001). It is not clear from these documents whether or not permission was granted.¹⁹

Only one of the signatories of the 1859 petition, Jerónimo Sodr  Pereira, was associated with the society of 1852. Not even a qualified doctor at time, Sodr  Perreira would go on to be a Bahian politician, then president of Sergipe, a well as a noted abolitionist. As for the abolitionist societies he took part in, most members were either like him trained in medicine, or in law at one of the academies in Salvador, Recife or Rio de Janeiro, although those from more wealthy and traditional families, sent their sons to Coimbra. Not all such men were white, though, and some were well-known men of colour (Borges, 1992; Brito 2003; Jacobina, 2008). However, none of the lawyers named in Margarida's case can be traced to any of the abolitionist or emancipationist societies mentioned thus far. Nonetheless, they were clearly well-versed in the practice of advocacy, and in all likelihood moved in the same professional and social circles as members of emancipationist and abolitionist societies. For sure, they were indefatigable in their insistence upon Margarida's right, as an African woman "in a civilised nation" to raise her own children and exhausted every judicial avenue available to them.

Even so, at the heart of their passionate discourse in defense of Margarida was a cultural and political struggle over racial identity and citizenship which was doomed to failure given the immediate political context. For sure, a mainstay of the strategy was to demonstrate that Margarida's former owner had not treated Marcolino and Maria with the care and devotion she claimed, but instead had acted out of ill-will and injustice. On the other hand, though, it was difficult to move beyond the tropes and traps of gender stereotypes and racial prejudices as any indication of association with Africans, highly unlikely and almost demographically impossible for a Nag  woman in nineteenth-century Bahia, would have condemned her automatically. For sure, the

¹⁸ APEB, Sec. Jud., LN 01/04/334 (13.03.1857-01.03.1858).

¹⁹ APEB, Colonial e Provincial, Sec. Jud., Escravos Assuntos, maço 2885 (1859).

accusations made against Margarida about her lifestyle and livelihood could have been true or false – we cannot know which. But we do know she traded in African goods, she had run a stall during the festivities of Our Lord of the Afflicted, and the parishes in which was known to have lived and worked had significant African populations, the majority of which were Nagô. But for witnesses, Margarida called upon those whom she knew who were not African, although they were mixed race men, and she counted on their testimony to confirm her honesty, good character and her lack of association with other Africans. Clearly she could not call on other Africans to do this. Furthermore, although her lawyers insisted she could not be denied her natural rights as a mother simply because she was African, to construct an argument in defence of Africanness in 1850s Bahia was a bold and highly-principled position to take. But such positions and arguments were perhaps not completely unheard of in the judicial and political arena at least. Indeed, high-principle and boldness, as well as contradiction, were evident in the position taken by the mixed race lawyer and teacher, Felipe Carlos de Madeira Bahiense, who in his representation of Luís Sanim (Tapa/Nupe), a Malê elder and ringleader of the 1835 revolt, defended this enslaved African's right to practice his own religion: Islam (Orton 1970; Reis, 1993). He also argued successfully for a commutation of the death sentence, which was reduced to 600 lashes (Reis, 1993).

Ambivalence and contradiction about African identity plagued Brazilian abolitionism to the end (Azevedo, 1987; Brookshaw, 1986; Dennison, 2006; Isfahani-Hammond, 2002; Silva, 2013). As is the case with any political movement, abolitionists did not form a “homogeneous group” in terms of class and race, did not necessarily hold the same views about Africans, nor agree about how slavery should be abolished only that it should (Brito, 2003). Indeed, Ricardo Tadeu Caires Silva has explored the ambivalent position of Bahian abolitionist societies in the post 1870s period, operating as they did with government approval and support by aiding what was clearly a gradual, rather than radical, route to abolition (2013, 2007). But the thorny and threatening nature of the ideological conflict between emancipation and economic prosperity of the nation had been around ever since Bonifácio made his famous abolitionist speech in 1824 (Costa, 1985). The political tension did not abate, but instead remained ever present in the minds of the political and economic elite as they faced mounting political pressures, both internationally and domestically, diplomatically and economically, to bring an end to the institution of slavery in the Americas (Bethell, 1970; Conrad, 1972).

Evidence of the scale of domestic political pressures emerged quite clearly at the time of Margarida's ordeal. A March 1853 edition the Bahian newspaper *O Século* reproduced a report from Rio de Janeiro on the poor government handling of the “political volcano” that was the contraband slave trade (Graden, 2006, 1996). The article expressed fears about the way enslaved Africans in Brazil might first perceive and then respond to the politics of the abolition of the trans-Atlantic slave trade. The edition pointed out that whereas the “well known stupidity of Africans” had been something that could normally be counted on, it was feared that the government's inconsistent and contradictory handling of the contraband trade (post-1850) meant this was no longer the case:

Não terão esses escravos alguns momentos de reflexão
para ver que a autoridade que defende com tanto empenho
os seus *parceiros da Costa d'África*, devia também defende

a elles em tudo iguaes aos recém-chegadas?
(*O Século*, 10 Março 1853)

Revealingly, and in a self-proclaimed attempt to confirm the papers' position, the same edition published a condemnation of the activities of contraband slave traders. In sum, while there was a strong moral imperative to end the contraband traffic and get rid of the traffickers, abolition of slavery would be possible in Brazil only as long as it did not represent a threat to political and economic stability. A not insignificant part of that perceived threat was founded on a fear of Africanisation (Azevedo, 2003; Bethell, 1970).

The pressures and politics of the anti-slave trade era in Brazil, then, as Chalhoub has argued, witnessed an intensification of racially repressive measures and a hardening of anti-African attitudes. It should be stressed, though, that this was an intensification of pre-existing ideas and practices, particularly illegal enslavement (2010, 2011). It is worth noting too that the majority of measures were aimed at regulating freedom of movement and association, much of which was either public or collective. In contrast, no legislative measures were necessary to legitimise private practices such as those against which Margarida protested. Although Victoria de Ornellas and her lawyers could have attempted to present a legal case for guardianship on the basis of abandonment, instead their case rested on evidence about Margarida's unsuitability as a mother because she was African, and therefore innately incapable and unsuited to raise Brazilian children and make them "useful to the nation". This anti-African argument, though, was not one born out of individual circumstances of this specific case, but one that had been rehearsed and refined many a time already in the homes of slaveowners in Brazil, a Brazil perhaps more receptive than ever to the articulation of an anti-African ideology.

Domestic (dis)orders

It is possible to frame the cultural contestation over motherhood and citizenship made public in the case of Margarida v Victoria, within the broader and on-going spectrum of processes that constituted creolisation. As way of describing cultural adaptation and change either endured or initiated on the part of enslaved Africans and their descendants, the term comes loaded with its own field of polemics. Indeed, the intellectual struggle of the twentieth and twenty-first centuries is probably no less contentious than the historical struggle itself; that is, whether or not (or the extent to which) one dominant culture and order assimilated, appropriated and oppressed a subjugated and subordinated 'other'. As such, historians of slavery in the Americas (and mostly in the U.S.) have grappled with the way enslaver and enslaved, white and black, negotiated (or not) the terrain of identity and culture in slave societies. Terminology and polemics aside, it is clear that whatever the process of creolisation involved and invokes, it was never an exclusively one way, linear, unquestioning, unending and progressive loss of one culture and absorption of another. That is to say, and is self-evident in the case of Bahia, the dominated-dominant model fails to reveal the full dynamics of this process (Kiddy, 200; Miller, 2003). As has been argued by other scholars, creolisation, in its most useful application, embraces a collection of intersecting processes of cultural (re)configurations including Africanisation (Curto, Karasch, Heywood, Nishida, Slenes, Sweet), Nagoization (Parés, Reis) and Indianisation (Alencastro, Cunha, Warren), as well as *ladinisação* (Parés, Reis).

Nonetheless, one area in which the process of creolisation – and its negative connotations – has been somewhat neglected from a theoretical perspective is the slaveowner home. Indeed, despite the high-profile given to the study of private life in Brazilian history, this has contributed little to our understanding of the ways in which private and personal relations interfaced with labour relations within the slaveowning home (other than the *casa grande*) as a critical site of creolisation. As Algranti observes in her contribution to *Historia da vida privada*, “é no interior do lar que se dá a intimidade dos corpos e dos sentimentos de seus habitantes” (110, 1997). She notes too in reference to a painting by Jean Baptiste Debret, “a escravidão limitava a intimidade dos senhores” (69). May be so, but slaveowner expressions of intimacy in the presence of slaves was the prerogative of the slaveowner and a function of slaveownership, and arguably all domestic service. Moreover, the Debret painting Algranti uses to illustrate her point is not “Uma senhora Brasileira em seu lar” (1823) as the reference states, but is instead “O Jantar no Brasil” (1827). More importantly, perhaps, is the fact that while the setting, the interior of a slaveowning home, is similar in both paintings, the configurations of race and gender are markedly different, hence too the dynamics of intimacy, as expressed through “bodies” and “feelings”.

Jean Baptiste Debret drew and painted over five hundred images of Brazil, mostly of Rio de Janeiro (1940). *Uma Senhora Brasileira em seu lar* is one of the few he did depicting, with great care, the interior of a Brazilian home. This single image, though, provides multiple insights not just into the structure and order of a slaveowning household of middling wealth, but it also reveals very cleverly a view of the cultural trajectory and moral imperatives of the nation as told through the positioning of the conditions of race, status and gender. As a scene of an interior world of domestic order, the image depicts mainly female characters engaged in typically feminine activities. This household of middling wealth was one that needed all its female members to be engaged primarily in activities of production (Frank, 2004): all three adult women are dedicating their time to the delicate and painstaking art of lace making, a traditional European female skill and a domestic art central to female convent education (Freyre, 1959).

Although all three women are engaged in the same activity the seating arrangements confirm that they are not all working together on an equal basis. One is clearly in a position of power and authority: she is the largest figure, she is white, and situated just off centre of the picture, seated on a cot, whereas the other adult women, who are black, are seated on the floor on straw mats. In an intermediate but still elevated position and turning away from the viewer, is the white female child studying her alphabet. Curiously, she is in fact located in a position slightly higher to that of her mistress, suggestive of the difference literacy could make in her life. Significantly, she has her back to the two most obviously African characters in the painting: one of the seated adult women and the only obvious male in the picture, the young African man entering the room with a drink on a silver tray, surely destined for the mistress.

There is, I would argue, a cultural trajectory of Brazil being mapped out here, with an African past behind the white female child looking into a (barely) literate and Europeanised future, but with a view on the creolised elements of Brazilian society in which European values will dominate. Hence, the two adult black females are seated apart and on opposing sides of the painting. One of them, surely a *crioula*, though, is closer both in terms of position and attire to her mistress, and her probable future

owner, the white female child. Her appearance and position, then, distance her too from her African past. Interestingly, the veiled image of Christianity – the Virgin Mary - sits above the heads of the African woman and the young African man, suggestive of how their presence is reluctantly tolerated and safeguarded against, only as long as the influence of Christianity prevails over them. Furthermore, the two Africans appear squeezed into the edges of the image and the room. The African woman is crammed between one end of the cot and the wall, while the young African man appears (deliberately?) diminutive in size, dressed in clothes he has clearly outgrown, not unlike his servile and demeaning role in the household. The whip, kept handily in the basket next to the mistress, is a stark reminder of the normality of threats to punish, as well as the frequency and ease with which punishments were inflicted. Conversely, the constant presence of the whip is testimony to the quotidian and persistent nature of resistance to the order imposed through this carefully structured arrangement, designed to ensure productivity, cultural conformity and political stability no doubt (Fox-Genovese, 1988). The seemingly mocking monkey sits tellingly over the head of the well-dressed *crioula* in an inverted symbolic pose to the Virgin over the head of the *Africana*. The message conveyed in this positioning serves as a reminder of the ever-present dangers of the ‘simian’ origins of *crioulas*; origins that might be cloaked or disguised by elegant European clothes, but rarely obliterated by them. There is, therefore, and despite the physical separation and distinctions between the *crioula* and *Africana*, no greater degree of trust in one over the other as the behaviour of both require supervision, regulation, and threat. Such was the climate of fear and control within the feminised spaces of the interior of a slaveowning home.

While the positioning of the two black babies on the floor is a perfectly normal place for babies to be, within the framework of the composition they are placed with greater proximity to the Brazilian members of the household. Indeed, one of the babies is actually crawling away from the two Africans and towards the *crioula*; a symbolic back-turning on its own African heritage, even though the African woman is mother to one or perhaps both. Her breasts are uncovered, not unusual in depictions of African women by European men, but in this instance she is probably nursing the babies as she works. Still, these are Brazilian children and while they may be nurtured physically by their African mother, it is their creolised future to which they are closest and to which they must look for moral and cultural guidance. Africa, then, is something reluctantly allowed only to lurk in the shadows of Brazilian life and culture, hanging as the two Africans do on the edge of the canvas, at a safe distance from their Brazilian born brothers and sisters who will be surveilled by their white Brazilian masters and mistresses attendant to the dangers of cultural contagion, moral corruption and political subversion.

Just as Margarida’s case is about much more than the right of a mother to raise her own children, Debret’s painting is not just about the person and the place identified in the title of his work. The carefully contained order or things related by Debret of an imagined slaveowning home holds within it all the elements of the very real trauma of urban slavery experienced by Margarida de Medeiros in Salvador da Bahia some thirty years after Debret painted his picture. This depiction of domesticity where women are devoted to the apparently harmless and benign craft of lace-making, relies on a disturbing and brutal set of closely controlled relations between women in an otherwise intimate and private space. This is no scene of “racial harmony”

misapprehended by Debret as cheekily claimed in the 1995 carioca carnival song, “O rei e os três espantos de Debret” (Sousa, 2009). Instead, Debret’s observation of this inner world provides insights into the mechanisms of cultural, social and emotional control emanating from within the slaveowning home. But because the inner worlds of domestic spaces are feminised spheres of influence and female-centred areas of activity and interest, they remain peripheral, and hence problematical, sites from which to construct theories about social practices that shaped wider society such as creolisation. That is to say the home, as an edifice and as a unit of social organisation is typically regarded as a reflection of historical forces of continuity and change that take place outside it, not as an originary agent of change in itself.

The language of an 1861 letter of liberty awarded to the son of Cyprianna, an African woman of the Tapa nation, provides a case in point. Cyprianna had given birth to a *pardo* son on 9 March 1861. On the first day of this child’s life his owner named, freed, and awarded custody of him to two women nominated his “tutoras e curadores”. Here is how this slave owner worded the letter of Cyprianna’s new born son:

Digo eu Felisberto Constancio Lins de Vasconcellos, que entre os mais bens de que sou livre senhor e possuidor publicamente à vista e face a todos, é uma cria cabra, a que puz o nome Senhorinho Solter Lins de Vasconcellos, nascido hoje, filho da minha escrava de nome Cyprianna, de nação Tapa, o qual entrega a minha Irmã, Dona Constança Satyro Lins de Vasconcellos, e Amiga desta Maria Rofina da Conceição, para cuidar delle, tractarem, e zelarem com todo o amor e caridade; e as nomeio ambas conjuntamente Tutoras e Curadoras, e defensoras e protectoras delle, e por isso, com a conidção de as acompanhar obsequiar, seguir, respeitar e obedecer, durante a vida dellas, e primeiramente a mim, muito a minha livre vontade....[no 731]

As a widow, Victoria de Ornellas had perhaps felt compelled to nominate a male tutor for Margarida’s children in an attempt to invoke both judicial and social legitimacy to a process otherwise achievable through separation by sale of enslaved progeny. In Cyprianna’s case, with a patriarch present in the slave owning household legitimacy was a given. Thus the performance of manumission lent a cloak of benevolence to this act of loss and separation between African mother and Brazilian child, without which Victoria had to resort to brut judicial force.

The study of childhood tells us that there is a long history of mothers who have surrendered their children to those in a better position to raise them, be it out of poverty, shame, or despair, and it may well be the case that Cyprianna fulfilled one or all of these conditions. But the ways in which such conditions interfaced with positions of status and power made explicit in the language employed by Cyprianna’s owner, together with the implied differences of race and status, produce a distinct set of contextual causes as well as possible consequences as has been demonstrated for other imperial and colonial orders (McClintock, 1997). Margarida’s experience and Debret’s pictorial commentary, though, point to the causes and consequences relative to the Brazilian context.

As a site of control and power the home of the small time slaveowner in particular has often been overlooked or taken for granted from a scholarly perspective and has yet to

form the basis for theoretical understandings of race, gender and slave labour relations in Brazilian historiography (Papali, 2003; Pires, 2003). What Margarida's case and Debret's image confirm, though, is the significance of this site for understanding the interface between historical forces of cultural adaptation and change, and those of slave control and resistance. Moreover as a site of historical enquiry, the small-time slaveowner home was not a mere microcosm of wider slaveowning society, nor a replica in miniature of slave relations on the plantation, in the big house, or the *engenho* or the mine. Therein, labour relations and personal relations were intrinsically linked and intimately entangled, formed as they were around the continual demands of restorative and reproductive labour, the need for all members of the household to be productive, and where there was little space or time for personal privacy, whether enslaver or enslaved (Lauderdale-Graham, 1988).

If it is the case, as is generally accepted, that manumission was facilitated by greater familiarity with and proximity to the slaveowner, then the ways in which Debret's and Margarida's perceptions and experiences of Brazilian slavery converge suggest alternative approaches to understanding issues of agency and control in Brazilian manumission, which in turn have implications for understanding questions relating to creolisation. Africans are known to have predominated in self-purchase, and this has traditionally been read as a reflection of slaveowner penalty, designed to make it difficult for Africans to become freed, by restricting their access to freedom by other 'easier' options. An alternative (or additional) explanation is that self-purchase for some groups of Africans at least (and possibly Nagô and Mina Africans over others) was the more acceptable route to freedom offering them as it did greater independence from their former enslavers. Self-purchase then, was a way of ensuring a distance from the socio-political influence of former owners in their lives. It would also permit freed Africans to raise their (Brazilian) children away from the gaze of the former owners who generally viewed African culture, religion and politics as either inferior or threatening.

Similarly, *crioulas* did not necessarily monopolise conditional manumission in the way Florentino has argued (2002). In all likelihood, given the moral imperatives and racial prejudices of the slaveowning household, *crioulas* were given little or no choice; conditional liberty was (as Nabuco pointed out at the time) part of their training as potential Brazilian citizens (1977 (1883)). *Crioulas* (and mulattas and *pardas* for that matter) may well have been the favoured or preferred form of enslaved domestic labour in the slaveowning household as illustrated by Debret in differences in dress between the two black women. But such preferences were as also a matter of cultural compliance, of acquiring "certas normas de conducta" (Algranti, 140, 1997), not just a question of more favourable treatment: from the slaveowner perspective, Brazilian born blacks were expected not to appear or behave like their African counterparts (Reis, 1993).

Moreover, very few slaveowners (Victoria de Ornellas is case in point) could afford to comply in full with the racial rhetoric of not having Africans work in the slaveowning home. Instead, slaveowners of low and middling wealth came to rely on the market trade skills of African women. Even so, many freed African women, like Margarida, became traders as well as slaveowners and many of them literally traded their way out of captivity rather than endure the uncertainties of conditional manumission. The predominance of Africans in paid manumissions, then, is evidence that Africans

preferred, whenever possible, to resist the restrictive conditions of working and residing within the slaveowner home. For Margarida and countless other Africans like her, living and working in the home of their enslaver was, like conditional manumission, altogether too compromising and too risky for their cultural and political sensibilities. Above all these aspects of slave/free labour relations were too intrusive and controlling, especially in the private spheres of their social and personal relationships, and their cultural and religious practices and affiliations, for which Margarida (and her *parentes*) were vilified in the proceedings she brought against her former owner in mid-nineteenth century Bahia.

* * * * *

The parallel experiences of loss endured by Margarida and the U.S. consul that took place in mid-nineteenth century Bahia were, on one level, separate and disconnected individual experiences. But they were not merely timeless and ahistorical personal events. Instead, both were wrapped up in the highly contentious and topical debates about Brazilian political sovereignty and national identity vis-à-vis the morality of the slave trade and the place of Africans in a slave society. Gilmer, as Graden has demonstrated, was very well connected to the major players in the trans-Atlantic slave trade in Bahia and the U.S.; seeing his son die of yellow fever at a time when Africans and slave traders were being blamed for the transmission of the disease must have given him pause for thought (Graden, 2007). He may have even had to endure the doubly cruel irony of burying his young son in the protestant cemetery that he fought hard to have established in Salvador (Kidder and Fletcher, 1866). In comparison, Margarida's case was only made possible by the support of abolitionist lawyers who would have actively campaigned against the trade, although on terms that were not always favourable to Africans themselves as illustrated by the racist limitations of the ideological framework employed in the legal debate of her case, as well as the wider abolitionist discourse. Moreover, the feverish political climate of 1850s slave trade politics gave a new legitimacy to anti-African practices and ensured that Margarida's legal claims to motherhood would not be upheld.

For sure, both the dramatic death of the consul's son in the arms of a world-travelling German duke and Margarida's audacious legal challenge for the custody of her own free-born children were parallel but isolated incidents. Nonetheless, there was in fact nothing exceptional or unusual about either the death of the consul's son (probably yellow fever) or Margarida's loss of control of her children (which slaveowners did *defacto* anyway); it is the way in which the son died (in the arms of a duke) and the way in which Margarida chose to launch her challenge (legally) that made these events exceptional. Yellow fever cases peaked between March and May 1853, precisely when the consul's son died, and 350 others died from the disease that year too: the Gilmer family was not alone.

Margarida was not alone in her emotional struggle either as her situation was one that other African women would have recognised and understood. But her legal challenge politicised her struggle in such a public way that left her over-exposed and highly vulnerable. The cultural and political parameters of motherhood, then, were to be determined within the slaveowner home because, as Lauderdale Graham has observed, "[e]ven the emotional and sexual life of a slave belonged within the

master's jurisdiction" (110, 1988). Moreover, low levels of slave marriage in urban Brazil provide further evidence of the pervasive influence of this jurisdiction (Mattoso, 1988; Nascimento, 1986). However, as Graham has shown in her study of Caetana, notably a household slave from the *casa grande*, such jurisdiction was not always as perniciously powerful as it was in Margarida's life (2002). Nonetheless, whether paternal, weak, coercive, or abusive, the regulation and control of enslaved women's reproductive and emotional lives was as much a feature of Brazilian slave society as sugar plantation labour. It is arguable that in small to medium sized slaveowning households such jurisdiction was most intrusive and most destructive.

From a theoretical perspective, this jurisdiction can be identified as part of the forces of change within a multifaceted and non-linear process of creolisation. Indeed this facet of creolisation, as evidenced in the rhetorical glue of Debret's painting, the paternalistic language of Senhorinho's letter of liberty, and the blatant xenophobia and racism of Margarida's custody case, was expressed most potently within the homes of small urban slaveholdings. Just as the fragility of slave family formations in urban centres point to the damagingly restrictive conditions imposed through domestic servitude, African patterns of manumission are testimony to the extent of resistance to such conditions as well as the cultural conditioning that came with living with a former owner. Given the chance, it is arguable that *crioulas* too would have followed a similar path to freedom taken by Africans. Indeed, Graham's own figures for domestic workers in late nineteenth-century Rio de Janeiro confirm how live-out status was highly-valued by all enslaved women once freed, a demographic trend which somewhat undermines the collapsing of enslaved and free status into a single category of domestic service (187, 1988). The case for such differentiation, though, has already been made by Katzman and others for post-emancipation U.S., where black women in domestic service made a rapid shift from live-in to live-out status almost as soon as they became free labourers (1978). Whether servant or slave, live-out status represented an assertion of a desire for and right to an emotional and economic independence. Margarida's case provides historians with new perspectives on mechanisms developed and deployed by enslaved and freed African women to cope with the obstacles they faced in this regard. Her case also demonstrates the extent to which Margarida's desires and efforts to establish her independence and autonomy were frustrated and foiled by slaveowners and the institutional framework that supported them.

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