

**“The *Preta* (Black Woman) Benedicta Has Always Been My Slave:” Enslaved Women, Men, Children, and the Politics of Slave Ownership in Late-Nineteenth-Century Rural Ceará, Brazil**

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In 1874, Dona Margarida Ferreira de Jesús, resident of the Boa Esperança farm located in the interior of the Brazilian northeastern province of Ceará, initiated a re-enslavement suit against “the black woman (*a preta*)” Benedicta and her daughter, “the minor” Damiana. In the suit, Dona Margarida argued that Benedicta and her daughter had illegally claimed their freedom because she had failed to register them as slaves in 1873. The 1871 Imperial Free Womb Law, which freed children subsequently born to enslaved women, also provided for the creation of a national slave registry and slaveholders were legally required to register their slaves until September 30, 1873. According to the law, slaves who had not been registered after one year of the deadline would be declared freed. To prove her claims of ownership over Benedicta and Damiana, Dona Margarida and her lawyer summoned six witnesses who publicly attested that they knew that Benedicta was Dona Margarida’s slave, that the slaveholding right of Dona Margarida over these slaves “had never been contested,” and that “it was publically known” that Dona Margarida’s late husband “or herself” had purchased Benedicta “many years ago.” In trying to make her case against Benedicta and Damiana, Dona Margarida did not present the bill of sale, a copy of a slave registration, a receipt for payment of taxes on slave property or any other written documentation that would uncontestedly prove right of ownership, dominion, and seigniorial authority.<sup>1</sup>

The case of Benedicta and Damiana serves as a window through which to observe the precarious nature of the practice of enslavement in the remote interior of Ceará during the late nineteenth century and the ways in which enslaved people of African descent, and women and

children especially, opened opportunities for freedom. Placing the situation of Benedicta and Damiana in its Northeastern regional milieu and in the imperial context of the Brazilian monarchy, this paper examines the factors that explain the tenuous hold that *Cearense*<sup>2</sup> slave owners exercised over enslaved people, and particularly women and children who represented the majority of the slave work force in interior municipalities and in the province as a whole. While I argue that the legal uncertainty or blurring between slavery and freedom that characterized nineteenth-century Brazilian slavery was also observable in rural Ceará, the local features of the institution of slavery in this drought-prone landscape, including small slaveholding units, joint slave ownership, and the high mobility of slaves, made slave owners' hold on their captives unstable and inefficient. Through a special focus on enslaved women and boys younger than 15 years of age, this paper also argues that enslaved people used the conditions of their enslavement to create their strategies for autonomy and freedom. Some female slaves and enslaved children made themselves indistinguishable from freed women and children and drought refugees, demanded their right to freedom at strategic moments in the legal undoing of slavery, and created networks of protection and support, including the re-establishment of ties between slave mothers and children who had been separated by their masters. This paper reflects on how the politics of enslavement and the politics of precariousness that have been studied in the Brazilian Southeast, South, and the Imperial court functioned in the hinterlands context of the Northeast and the ways in which people in captivity contributed to the destabilization of slavery in the late nineteenth century.<sup>3</sup>

A growing body of scholarly work on slavery in the backlands of the Brazilian Northeast has begun to fill huge voids in our understanding of this institution in regions with declining or non-plantation economies—locales that had been left largely unstudied by the previous historiographical focus on plantation, mining, and urban slavery in Central and Southern Brazil. We are learning how the demographic structure of the slave populations in many hinterlands locations coupled to the focus on production for internal markets made it possible to reproduce slavery without reliance on the transatlantic slave trade since the late eighteenth century and into the mid-nineteenth century.<sup>4</sup> Thanks to the scholarly emphasis on slave family formation, we are also finding out that some enslaved people were able to create family and fictive-kin networks while in captivity.<sup>5</sup> Yet, while these studies demonstrate the development of creole slave populations in the

backlands, with a few exceptions, they fail to examine the ways in which slave masters sustained their right to slave property, especially during the second half of the nineteenth century. These years were characterized by the gradual dismantling of the institution of slavery and the increasing de-legitimization of the practice in Ceará, in Brazil at large, and throughout the slaveholding Americas. The already small-scale enslaved population of Ceará began to decline rapidly since 1850, when the illegal transatlantic traffic ended and when Northeastern provinces, and particularly Ceará, became the main suppliers of slaves sold to the more profitable economies of the Brazilian Southeast in the interprovincial trade. Crucially, enslaved men of the ages of 16 to 25 years old, constituted the majority of the slaves exported from Ceará, leaving behind a largely feminine and young enslaved population. Since the mid-1860s, the Imperial government began to take the first legislative steps towards emancipation as the country faced mounting international pressure and internal anti-slavery mobilization and rebellion. In Ceará, the abolitionist press and the abolitionist movement increasingly publicized their critiques of the "immorality of slavery," worked towards the emancipation of certain slaves, and aided slaves who run away to secure their freedom. Ceará abolished slavery in 1884, four years ahead of the 1888 Imperial Golden Law (*Lei Aurea*) that freed all slaves in Brazil.<sup>6</sup>

Until recently, the scholarship on slavery and freedom in the backlands had not addressed the specificity of the female slave experience and its links with reproduction and mothering for women of African descent who were at the center of the creolization and reproduction of the slave labor force during the nineteenth century. My latest article "Mothering Slaves" demonstrates that the type of slavery practiced in rural Ceará took advantage of both the productive and reproductive labor of enslaved women. Far from being employed only as household servants, female slave labor was central to the various economic activities, including cash-crop and subsistence agriculture, of the small-scale slaveholding units made up of one or two slaves that characterized the hinterlands. Moreover, enslaved women performed the childbearing and childcaring labor that was largely responsible for the persistence of the slave labor force at the provincial level until 1884. Yet, as in other creole societies of the Americas, slaveholding in Ceará disrupted the ties between enslaved mothers and their children.<sup>7</sup> Antonia Márcia Nogueira Pedroza's master's thesis "*Desventuras de Hypolita*" shows that illegal enslavement of Afro-descendant women and children was common in the *sertão* (or backlands). Nevertheless, at

least a few illegally enslaved women like Hypolita were able to use networks of interaction with freed and free peoples in markets and villages, patron-client ties with relatives and powerful local people who became their protectors, and the judicial system to sue for freedom for themselves and their children.<sup>8</sup> Still, much remains to be known regarding the experiences of slavery and freedom for people of African descent living in the slaveholding societies of backlands locales during the years when slavery faced an increasing crisis of legitimacy.

An initial look at the suit to re-enslave Benedicta and Damiana impresses the reader for the absence of legal documentation proving Dona Margarida's rights as a slaveholder and for the existence of only partial records. For instance, after Benedicta and Damiana's lawyer requested Dona Margarida to produce Benedicta's bill of sale, the elderly slaveowner presented a document that noted her husband as the person who purchased Benedicta, but it did not contain the signatures of the buyers and sellers and failed to demonstrate that she had paid the tax on slave purchases mandated by law since June of 1809, which conferred legitimacy to the transaction. Even more, given that Dona Margarida's late husband had been the buyer, Dona Margarida needed to present the *partilha* or record of the division of assets done after his death in order to prove her right of ownership, but she failed to produce that document as well.<sup>9</sup>

The lack of documentation regarding slave property was not unique to Dona Margarida or to others in the hinterlands of Ceará during this period. Indeed, scholarship based on parliamentary debates, legislation, and judicial cases centered on the Imperial court, the Southeast and Southern Brazil has demonstrated that the laxity regarding primary documents of ownership became institutionalized at the local and Imperial levels after 1831 when an imperial law prohibited the slave trade and traders continued a booming illegal business of importation and enslavement of Africans until 1850.<sup>10</sup> Beatriz Mamigonian has shown that the illegal enslavement of the so-called *africanos livres* [free Africans]<sup>11</sup> and their descendants, with the connivance of the Imperial state, generated an extraordinary vagueness in the production of documents proving ownership and identity of slaves, and made it difficult even to devise an effective means to tax masters for their enslaved property. Mamigonian's research reveals that the inclusion of the requirement to create a slave registry in the 1871 Free Womb Law was a departure from this ambiguous policy, designed with the goal of overcoming the instability of slave property in Brazil by

finally granting the Imperial government the authority to register all those who had been maintained under illegal enslavement, their children and their grandchildren.<sup>12</sup> Yet, as Sidney Chalhoub has shown, the mandated registration of slaves took place at a very slow pace, as local representatives of the Imperial government deliberately delayed the execution of the law and in some rural municipalities failed to even implement it.<sup>13</sup>

Within this context, as Chalhoub and Mamigomian have shown, the illegal enslavement of *africanos livres* was legitimated by custom, rather than law, and with the support of many different social groups.<sup>14</sup> The case of Benedicta and Damiana suggests that even in the predominantly creole slaveholding society of the Cearense interior, where the presence of *africanos livres* was minimum, slave owners could sustain their rights to property on social practice, or custom, rather than legal documents. According to the second witness that declared on behalf of Dona Margarida, it was "public knowledge" that she had "always" possessed these slaves. Clearly, this slave owner appealed to the idea that public opinion and reputation as a slave master of a particular person served as a means to prove right of property and dominion. The situation of the young girl Damiana is interesting because the witnesses presented conflicting information about her age—a matter of central importance after the passing of the 1871 Free Womb Law. The second witnesses attested that he knew that Damiana was born before 1871 "from his own knowledge," and that the girl had to be between 5 or 6 years of age." Yet, another witness mentioned that Damiana was three-years old. Dona Margarida's lawyer did not present Damiana's baptism registry, which would have proved her age and her slave status simply by listing the slave Benedicta as her mother, because in all likelihood she did not have it. Public knowledge that Benedicta was Damiana's mother seemed to have been enough for Dona Margarida to maintain the child in captivity, at least until 1871.<sup>15</sup>

Even though circumscribed to the rural context of Ceará, these findings have implications for our understanding of the ways in which the enslavement of people of African descent in the Americas actually operated on the ground. As Rebecca Scott has argued, "the existence of a set of laws declaring that persons could be owned as property did not, even in the nineteenth century, answer by itself the question of whether a given person was a slave. How was such status to be determined in everyday social life, and how was it determined if disputed in a court of law?"<sup>16</sup> In the case of Ceará, the fact that some

slave owners like Dona Margarida did not even possess the legal documentation that in theory served as the guarantee of their right to enslave particular people underlines even more pointedly the importance of what Scott calls "social facts" in determining slave status.

Cearense small-scale slaveowners who owned only one or two slaves—representing the majority of slaveholders in backlands locations—were often poor farmers and ranchers, and many times illiterate. They used the predominantly female and young slave population to work in domestic tasks, including preparation of manioc flour and spinning cotton, in complementing family labor in the subsistence or small-scale commercial agriculture they performed in *roças* (plots planted with food staples), and in tending the livestock that they raised in corrals. Enslaved women also often provided nurturing labor for the large number of children of the slaveholding families. Evidently, in the Cearense interior, poor slaveholders relied heavily on the labor of their one or two slaves for their own survival.<sup>17</sup> The case of Benedicta is illustrative of this reality. Dona Margarida was an elderly slaveholder who lived with Benedicta and Damiana in the Lugar Boa Esperança. While the re-enslavement suit does not give us much information on Benedicta's occupations, it does state that Dona Margarida depended on Benedicta to travel to the village and to derive the sustenance for her household. It is possible that Benedicta sold surpluses of beans, manioc, corn, or prepared foods in the village, or, like other enslaved and freed women of color in the hinterlands, she could have sold sweets or cotton hammocks that she made herself.<sup>18</sup> In any case, it is clear that Dona Margarida was a *senhora de poucas posses* or a master of small means who, similarly to the poor slaveholders of the Vale do Paraíba that Keila Grinberg analyzed, were in precarious economic and social conditions and could not afford to lose the property that they considered theirs without losing their own livelihoods.<sup>19</sup>

The rural society in which small-scale slave owners like Dona Margarida lived remained in frontier-like conditions into the late nineteenth-century—a characteristic that contributed to the tenuous legal hold they had over their captives. Communication and transportation were difficult given the distance between small farms and villages, the lack of roads and the poor quality of those that existed. Likewise, even though the process of Imperial state formation accelerated since 1850, seats of municipal councils, police districts, local courts, Catholic churches, and most importantly, notary offices, were

few and often located in far-away locations. This created a situation in which finding out about changing legislation, registering slave property, paying slave taxes, notarizing documents and complying with regulations could be difficult for some slave owners.<sup>20</sup> In the case of Dona Margarida, her land was located nine leagues from the village of Souré, and her nearest neighbors lived about one league away from her house. According to one of the witnesses in the case, given her age and isolation, Dona Margarida actually relied on the slave Benedicta and her daughter Damiana for information. In fact, this is the reason she cited for not knowing that she needed to register her slaves after the passing of the Free Womb Law in 1871.<sup>21</sup>

Another facet that contributed to the precarious legal state of slaveholding in the interior of Ceará was the practice of co-owning slaves by various slaveholders or jointly holding shares or "portions" on the value of one slave. This was common in rural Ceará, given the peculiarities of the Brazilian inheritance system. According to Brazilian inheritance laws, both spouses held equal shares in matrimonial property. The rules of *ab intestato* or *intestate* succession—the major form of devolution in Brazil—sought to guarantee the instantaneous transmission of each parent's property to the legitimate offspring of a person or a married couple. Thus, inheritance took place after the passing of each spouse.<sup>22</sup> Given that many families of slave owners had numerous children and grandchildren and owned only a small number of slaves, the inheritance system divided that enslaved property among many heirs or between the surviving spouse and heirs, and several co-owners chose to share ownership over their slaves. Such arrangements as recorded in *partilhas* could become proof of ownership of slaves, in absence of other documents.<sup>23</sup>

The case of the slave Joaquina illustrates how this legal practice contributed to the precarious legal hold that some slaveowners had over those they claimed as property. Like Benedicta, Joaquina ran away from her master, Francisco Chagas Neponucemo e Silva in 1874 and claimed her freedom by arguing that he had failed to comply with the slave registry requirement of the 1871 Free Womb Law. In his re-enslavement suit against Joaquina, Neponucemo e Silva, a merchant from the mountainous village of Maranguape, tried to prove that he had claims of ownership over Joaquina since October 15, 1873. He presented the *partilha* of the estate of João Neponucemo da Silva Canguçu, Francisco's brother and father-in-law. The document stated that Francisco received a portion worth Rs. 583,134 on the value of the

slave Joaquina, and that he held this slave jointly with Francisco Anastacio Tabora, another co-proprietor. In his deposition, Francisco Chagas claimed that Francisco Anastacio was in charge of the slave during the year of 1873, and that he was absent from Maranguape at the time, and therefore not able to register the slave Joaquina on time to meet the deadline established by the 1871 law.<sup>24</sup>

Sharing ownership over slave property could lead to conflicts regarding the right of possession of particular slaves and to a precarious type of seigniorial dominance. This is made evident in an 1858 letter to the editor of the *Araripe* newspaper, which details the contested claims of two different co-slave owners over the lives of an enslaved woman named Josefa and her five children. According to the letter, in 1827, Antônio Pereira Bezerra and his wife Dona Teresa, who lived in the province of Piauí, purchased the slave Josefa and her daughter "of young age." The sellers—the brothers Bartolomeo Ferreira de Oliveira and Pedro Ferreira de Oliveira, the eldest sons and heirs of the smallholder Antônio Ferreira de Oliveira who co-owned the slaves at the time of his death—sold Josefa and her baby to settle their father's debts. Antônio Pereira died in 1844 and his wife Dona Teresa drew up a postmortem inventory that listed Josefa and her now five children as property that had belonged to the couple. In the beginning of 1857, according to the letter, Manuel Saraiva de Menezes persuaded the younger sons and also heirs of Antônio Ferreira de Oliveira to reclaim Josefa and her children as their property, arguing that the original sale was illegal because they were also co-owners and had not been consulted. Manuel Saraiva de Menezes then maneuvered to purchase the six slaves. Even more, Saraiva de Menezes proceeded to get an illegal order, signed by the ex-municipal judge of the township of Saboeiro, to repossess Josefa and her children. Saraiva, aided by a police squad, invaded Dona Teresa's house, where Josefa and her children were making manioc flour, to take the six slaves into custody. Dona Teresa's sons and sons-in-law managed to repeal them, but later on, Saraiva returned with another order and a bigger police force to attempt to take Josefa and her children. Dona Teresa had already sent the six slaves to her house in Jaicós, but Saraiva managed to get the authorities to draw up another inventory that listed these slaves as property that he held jointly with his *compadre* (or his child's godfather) Francisco de Abreu Barros.<sup>25</sup>

Another feature of the practice of enslavement in the hinterlands, which affected the ability of masters to effectively maintain



continuous control and authority over their slaves was the high degree of mobility and even autonomy that characterized the day-to-day lives of captives. Enslaved men and also women often moved about alone in the properties of their masters, in the cases of large estates, and traveled to the villages on their own to take care of business for their masters or for themselves. During the summer months and droughts that occurred periodically in the interior, cattle raisers moved their animals to the fresh *serras* or elevated areas within each municipality, and when they had slaves, they took their captives with them.<sup>26</sup> Likewise, sharing ownership over several slaves might have meant that in practice, enslaved people had to move about, most likely on their own, between different masters' households.

The onslaught of the Great Drought of 1877-79, which disrupted livelihoods especially among small farmers and ranchers and which claimed the lives of at least 127,243 Cearenses created a situation of extreme dislocation and human movement that included enslaved peoples as well as freed and poor free people. The length and severity of the Great Drought, coupled with self-serving and inadequate municipal, provincial, and Imperial responses to the crisis contributed to the death toll, extreme deprivation, and displacement associated with this climatic phenomenon. During these years, thousands of dispossessed drought refugees, called *retirantes*, migrated from the backlands to the mountaintops or the coast, and others to the Amazon basin—especially the provinces of Pará, Amazonas and Maranhão—to work in rubber plantations.<sup>27</sup> A recent study on drought-related migration demonstrates that while many of the *retirantes* were free or freed people, slaves were also part of this group.<sup>28</sup> Indeed, according to newspaper accounts, some impoverished slave owners even abandoned their slaves and released them to find a way of survive on their own.<sup>29</sup> But even more importantly, in the widespread and chaotic movement of people generated by the drought, the identities of enslaved, freed and free peoples became blurred. This is possible to observe in the following ads from 1877 which offered rewards for the capture of two run-away female slaves, one named Jacintha and the other Raymunda.

On the fourteenth day of this month, my slave Jacintha run away. She is twenty-four years old, of regular height and full body, of regular face if not because she has large cheeks, with long and curly hair, big eyes, flat nose, regular mouth with big lips, of *pardo* color. She speaks slowly. She has her shoulders lifted and has small feet, and she walks with a slight bend forward. She is original from Paraíba do Norte and she was

bought from Mr. Candido Francisco Carneiro Monteiro of Icó. It is believed that she is trying to pass as a retirante, and because of it, it is probable that she is in the outskirts of this city, with the goal of emigrating outside of the province.<sup>30</sup>

On Tuesday 28<sup>th</sup> of last month, the slave Raymunda disappeared from the house of the undersigned. Her skin color is almost black. She has short frizzy hair and is short. She has marks of two scratches in one of her cheeks. She speaks in a singing manner. She feigns humility. She has a slight Italian accent when she speaks, perhaps because she belonged to one when she lived in Assaré... It is supposed that she is concealing herself in some house in this capital city, advised by someone, and with illicit intentions... Or perhaps she might be acting as if she is a retirante and might be receiving aid in a drought refugee camp...<sup>31</sup>

### **Enslaved Women, Men and Children Challenge a Precarious Institution**

The precariousness of mastery in the hinterlands was related to climatic, geographic and social conditions at the local level and to the structural legal ambiguity of enslavement as a whole in the Brazilian Empire. Yet, the strategies of enslaved people and, in the cases analyzed here, of women and children of African descent who sought spaces of autonomy and freedom also contributed to the increasingly ineffective exercise of the authority of slave masters. Indeed, the same documents that reveal the institution of slavery at work in the backlands of Ceará demonstrate the initiative of enslaved women and children and the ways in which they used the particular conditions of their enslavement to search for freedom or at least a minimum level of autonomy. The case of the slaves Jacintha and Raymunda above are illustrative of this. They took advantage of the general dislocation generated by the drought to run away from their masters. Since many slaves took on the identity of retirantes to flee their captivity and attempt to move away to the provinces of the North, it is highly likely that Jacintha and Raymunda did the same, as their owners suspected, and that they did join retirante camps to receive aid until they left Ceará.

Another strategy that at least some enslaved women used to conquer spaces of autonomy and even freedom in the Cearense hinterlands was to take advantage of the late-nineteenth century Imperial legislation designed to change relations between masters, slaves and the state, to demand the legal right to emancipation. Just like their enslaved counterparts who lived in the city of Rio de Janeiro and other regions of the Southeast, enslaved women of the sertão, like

Benedicta and Joaquina, were aware that the failure of their masters to register them as slaves could grant them their freedom after the passing of the 1871 Free Womb Law.<sup>32</sup> Thus, as soon as the time stipulated by the law had passed, they ran away and then appealed to the authorities so they could be declared freed. It is precisely to reverse such decisions that slaveholders Dona Margarida and Francisco Chagas Neponucemo pursued re-enslavement suits against these women.<sup>33</sup> As Nogueira has shown, the increasing judicial awareness on the part of enslaved women in the nineteenth-century sertão was related to the fact that they were not necessarily isolated. Instead, they maintained relations with other slaves, freed and free peoples, and often with previous slave owners or other more influential persons or families who could help them, protect them, or provide crucial information about changing legislation.<sup>34</sup> Thus, enslaved women like Benedicta and Joaquina in all likelihood were aware not only of the political possibilities that began to open for slaves due to the 1871 Law but also of the fact that at least some local authorities and judges began to willingly intrude state power into what until then had been constructed as a private relationship between masters and slaves.<sup>35</sup> Indeed, in 1874 Dona Margarida lost her re-enslavement suit against Benedicta and Damiana because she was unable to prove that she had the legal right of dominion and that the failure to register the slaves was not her fault. In 1875, Dona Margarida appealed that verdict to the Court of Appeals in Fortaleza, but lost that case as well.<sup>36</sup>

Newspaper advertisements offering rewards for the capture of run-away slaves are useful sources to observe the ways in which the conditions of their enslavement shaped the strategies that enslaved women and children devised to make moves towards autonomy or freedom. Two studies that have used run-away slave ads as primary source material in the Cearense backlands during the second half of the nineteenth century have demonstrated that as whole, more enslaved men than women with children ran away.<sup>37</sup> This situation has been noted for other regions of Brazil and the slaveholding Americas. The practice of linking reproduction and nurturing of infants and children to slave mothers and not fathers, the cultural ideas about women's long-distance mobility, and the particular dangers that fugitive women and little children of African descent could face on their own, including the risk of re-enslavement and sexual violence, shaped a lower rate of flight for enslaved women.<sup>38</sup> Even though the ads describe the more common male experience of running away, thus obscuring the fact that the Cearense enslaved population of the late nineteenth-century was

predominantly female and young, they are still useful to examine the particular ways in which enslaved women and children sought autonomy and freedom.

From the collection of run-away slave ads from six Cearense newspapers reproduced by Oswaldo de Oliveira Riedel that I use here, we can observe that to facilitate their escape, enslaved men often stole horses, mules, knives, rifles or other weapons from their masters.<sup>39</sup> Only one ad featuring an enslaved woman named Margarida mentioned that she carried a rifle that she often used to hunt.<sup>40</sup> Evidently, enslaved people were inserted within their regional cultural contexts in which longer-distance travel and the use of violence by men, including freed and poor free men of color, were common. As I have shown elsewhere, male violence was often sanctioned as a means to get the upper hand in interactions for resources or power in the hinterlands.<sup>41</sup> The run-away ads featuring men also commonly describe these slaves' occupations, including carpenter, bricklayer, shoemaker, blacksmith, and joiner. In several cases, the ads mention that these slaves were *cantadores* or popular poets, as well.<sup>42</sup> It is highly likely that these men would use the skills that they had acquired, including making *versos*, as they attempted to live as free or freed peoples. By contrast, the run-away ads featuring women do not specify occupations, except in a few cases, such as the one of the slave Margarida, who was a shoemaker, fisherwoman, hunter and also worked in agricultural fields. The absence of descriptions of occupations in these ads reflects the reality that enslaved women in the sertão, unlike enslaved women in larger cities like Rio de Janeiro, provided many different types of services for their masters and did not work only on domestic activities or as street vendors.<sup>43</sup>

In the case of women, the run-away ads more often detail the social relations with *amasios* (consensual husbands), husbands, other men, and in some cases former slave owners that these enslaved women relied on to facilitate their escape. For instance, according to an ad placed in 1880, a couple of married slaves named Raymundo and Margarida, about forty years of age each, ran away with their two children who were *ingenuos*, or born free.<sup>44</sup> An ad placed in Fortaleza in 1870 depicts the slave Mariana, twenty years of age, who had run away from the house of her owner. He suspected that Mariana was "hiding in Lagoinha, where she had some acquaintances or that she continued to the village of Arraial, where her previous masters lived."<sup>45</sup> Another ad describes the slave Maria, nineteen or twenty years of age, who ran

away when she was eight-months pregnant. Her owner believed that Maria was hiding in the house of a slave who had recently arrived from Inhamun and who was handling his owner's cattle in the market.<sup>46</sup>

Like their counterparts in Rio de Janeiro, Cearense enslaved women, as well as enslaved men and even children, as we will see, used the increasing ambiguity in the determination of the status of people of color characteristic of the post-1831 years to try to live away from their masters by passing themselves as freed. As Chalhou, has argued, the lives of enslaved, freed and free people of color in Rio de Janeiro were shaped by the ambiguous reality that slave emancipation, through changes in laws, judicial activism, slave initiatives for freedom, and abolitionism, coexisted with the legal and illegal practice of enslavement until 1888.<sup>47</sup> Thus, it is not surprising that the forty-year old enslaved woman Joaquina, featured in a run-away slave ad of 1856, regularly tried to "pass herself as an *africana livre*," or that the elderly slave Luiza often called herself *forra* or freed, and claimed that she had paid Rs.300,000 for her freedom.<sup>48</sup>

The collection of run-away slave ads analyzed here includes a significant proportion of advertisements detailing the escape of young boys and male youths, ranging in ages from ten to eighteen years old, from those who claimed them as their masters. Of the total of 102 advertisements featuring men, sixteen describe fugitive young boys and male youths. Remarkably, advertisements for the capture of boys who ran away on their own began to appear consistently in the collection in the year 1865 and became more common during the 1870s and particularly during the drought years.<sup>49</sup> The considerable representation of young boys in the ads corresponds to the demographic structure of slaveholding in the second half of the nineteenth century, when enslaved women, who were often mothers, and children constituted the majority of the slaves in the interior. This numbers do not only reflect the creole slave society that persisted in Ceará into the late nineteenth century but also the fact that enslaved men, particularly of the ages of 16 to 25 years old, constituted the majority of slaves exported from Ceará to the Southeast in the internal trade.<sup>50</sup>

These ads impress by showing how young boys of African descent carried the violent marks of slavery (scars of lashings, burns, and beatings, scratches, missing teeth, missing fingers) in their bodies at such young ages. For instance,

On the 31<sup>st</sup> of December of this year, a slave named Manoel disappeared from the house of the signer. His color is mulatto, of 12 to 13 years of age. He has the following characteristics: big head, fine hair, large and salient eyes, big ears, pointy nose, where he has a big scar... This slave is natural from Banabuiú and has run away several times with the objective of returning there. He is accustomed to changing his name and saying that he is *forro* (freed). He already has been in the house of João Baptista Machado in the Sítio Grande, on the riverside of the Pacotí, where he stayed for several months. He also has stayed in the house of Mr. Porfirio Theophilo, in the village of Acarape...<sup>51</sup>

Nevertheless, as this ad demonstrates, young enslaved boys like Manoel also took advantage of the ambiguity in the determination of the legal status of people of color to attempt to free themselves from their masters, if only during a period a time, by claiming to be freed and running away. Young boys who were enslaved could also seize the opportunity of a new sale to run away from their new masters and return to their locations of origin. This was the case of a twelve-year old enslaved boy who run away from Fortaleza where his new owner had taken him. The advertisement offering gratification for his capture noted that it was widely believed that the young boy had returned to São Francisco, where he had been purchased, and where his brothers and mother lived. Even though this description comes from the perspective of the slave owner, it alludes to the importance of family ties, and particularly of ties between mother and child, for a young enslaved boy. Thus, it is highly plausible that this boy indeed returned to São Francisco in search of his mother and siblings.<sup>52</sup>

Some enslaved boys used the landscape of the sertão, with its liminal and confusing qualities, where slaves and freed people moved about on their own, to stay away from their masters. For instance, the fourteen-year old slave Joaquim had run away from the house of his master in Fortaleza in 1868. According to the ad that the slaveowner placed in the *Pedro II* newspaper in November of 1870, Joaquim had been away for two years and had been sighted in the interior villages of Arronches, Souré, Cauipé and in the mountainous village of Maranguape. In fact, the slaveowner noted that Joaquim was "a cunning slave."<sup>53</sup>

## Conclusion

In the 1874 re-enslavement suit against Benedicta and Damiana, Dona Margarida attempted to prove that she had rights of ownership and dominance by claiming that "the preta Benedicta" had "always been" her slave. This assertion points to the persistence of the institution of slavery in the backlands of Ceará into the late nineteenth-century and to the construction of racial difference associated with the enslavement of people of African descent, even in a society characterized by racial mixing among all its population. This declaration depicts a master's dominion over a slave as a timeless right precisely at the moment when slave owners' legal and practical hold over their slaves became increasingly unstable and precarious. The structural vagueness that characterized the practice of enslavement in Brazilian law since 1831 and the consequent ambiguity in the determination of the status of people of color operated in the Cearense hinterlands as it did in the Imperial court. Even more, the local features of enslavement in this distant, drought-prone landscape, including small slaveholding units, communal slave ownership, high mobility of slaves, within a context of declining slave numbers and declining fortunes of slave owners, intensified the precariousness of slave mastery. Nevertheless, through their initiative and the actions they undertook to live more autonomous or free lives, enslaved women and children—who by the late nineteenth-century represented the majority of the persisting enslaved population—made the practice of enslavement even more precarious and unstable. Indeed, enslaved women and children used the conditions of their enslavement to shape their strategies for autonomy and freedom. By blurring their identities with those of freed peoples or retirantes, running away to demand their legal right to freedom, moving about in the liminal space of the sertão, and establishing relationships with men who could protect them when they left their masters, enslaved women and young boys of African descent contributed to the destabilization of slavery in the backlands of the late nineteenth century.

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<sup>1</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús against Benedicta and Her Daughter Damiana. Caixa Relação de Fortaleza, 1881, Arquivo Público do Estado do Ceará, hereafter APEC.

<sup>2</sup> The term *Cearense*, which is used throughout this essay, refers to a resident of Ceará. As an adjective, the term means having to do with or relative to Ceará.

<sup>3</sup> See e.g., Keila Grinberg. *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX*. (Rio de Janeiro, Relume Dumará, 1994); "Freedom Suits and Civil Law in Brazil and the United States," *Slavery and Abolition* 22, no. 3 (December, 2001): 66-82, "Senhores sem escravos: a propósito das ações de escravidão no Brasil Imperial," *Almanack*

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*Brazilienze* 6 (November 2007): 4-13; Beatriz Mamigonian, *Africanos Livres: A abolição do tráfico de escravos on Brasil* (Rio de Janeiro: Companhia das Letras, 2017); Sidney Chalhou, *Visões da Liberdade: uma história das últimas décadas da escravidão na corte* (São Paulo: Companhia das Letras, 1990), Machado de Assis: *Historiador* (Rio de Janeiro: Companhia das Letras, 2003), and *A força da escravidão: Ilegalidade e costume no Brasil oitocentista* (Rio de Janeiro: Companhia das Letras, 2012); Hebe Mattos, *Das cores do silêncio* (Rio de Janeiro: Nova Fronteira, 1998), among others.

<sup>4</sup> See, e.g., Luiz Mott, *Piauí colonial: População, economia e sociedade* (Teresina: Projeto Petrônio Portella, 1985); Miridan Britto Knox Falci, *Escravos do sertão: demografia, trabalho e relações sociais. Piauí, 1826-1888* (Teresina: Fundação Cultural Monsenhor Chaves, 1995); Diana Soares de Galliza, *O declínio da escravidão da Paraíba (1850-1888)* (João Pessoa: Editora Universitária UFPb, 1979); José Hilário Ferreira Sobrinho, "Catirinha, minha nêga, tão querendo te vendê...": *escravidão, tráfico e negócios no Ceará do século XIX* (Fortaleza: Secretaria de Cultura, 2011); Pedro Alberto de Oliveira Silva, *História da escravidão no Ceará* (Fortaleza: Instituto do Ceará, 2011).

<sup>5</sup> Slave marriages were allowed during the colonial and imperial periods. The 1707 *Constituições Primeiras*, a compilation of Catholic Diocesan laws for the Portuguese colony in Brazil, stated that slaves could marry other slaves or free people. The law also admonished masters not to separate enslaved spouses, while it recognized the masters' right to their slave property and the obligation of the slave to continue serving a master, even if this service would separate a slave from his or her spouse. In practice, the private authority of a slave owner mediated the opportunity of slaves to marry and create families that was sanctioned by canon law. Private authority or customary right also allowed masters to separate enslaved families throughout most of the slaveholding years. Until 1869, no law prohibited slave owners to separate husband and wife or enslaved parents from their children, despite the Church's admonishments to encourage slave marriages. Sandra Lauderdale Graham, *Caetana Says No: Women's Stories from a Brazilian Slave Society* (Cambridge: Cambridge University Press, 2002), 26-32. On enslaved families in the backlands of Ceará, see Lindemberg Segundo, "Para além do cativo: Batismo, compadrio e casamento como símbolos da dinâmica social entre cativos e livres na freguesia de Limoeiro/província do Ceará (1862-1872)," *Outros Tempos* 5, no. 5 (Junho, 2008): 76-93; Ana Sara Ribeiro Parente Cortez, "Cabras, caboclos, negros e mulatos: A família escrava no Cariri Cearense (1850-1884)" (Ph.D. diss., Universidade Federal do Ceará, 2008); Raimundo Nonato Rodrigues de Souza, "'Minha riqueza é fruto do meu trabalho': Negros de cabedais no Sertão do Acaraú" (Ph.D. diss., Universidade Federal do Ceará, 2015).

<sup>6</sup> On abolitionism in Ceará, see Paulo Henrique Souza Martins, "Esvravidão, Abolição e Pós-Abolição no Ceará: sobre histórias, memórias e narrativas dos últimos escravos e seus descendentes no sertão cearense." (M.A. thesis, Universidade Federal Fluminense, 2012).

<sup>7</sup> Martha S. Santos, "Mothering Slaves, Labor, and the Persistence of Slavery in Northeast Brazil: A Non-Plantation View from the Hinterlands of Ceará, 1813-1884," *Women's History Review*, online (June 2017): 1-18.

<sup>8</sup> Antonia Márcia Nogueira Pedraza, "Desventuras de Hypolita: luta contra a escravidão ilegal no sertão (Crato e Exu, século XIX)," (M.A. Thesis: Universidade Federal do Rio Grande do Norte, 2013).

<sup>9</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús, APEC.



- <sup>10</sup> See fn. 3 above.
- <sup>11</sup> The term africanos livres, which literally translates as free Africans or liberated Africans, was applied to Africans transported to Brazil illegally after passage of the 1831 law. The law, which prohibited the slave trade, also declared all smuggled African slaves freed upon entry to Brazil. Despite the use of the word free, africanos livres who entered Brazil were enslaved, until 1850, when a second law finally abolished the slave trade.
- <sup>12</sup> Mamigonian, "O Estado nacional e a instabilidade da propriedade escrava: a Lei de 1831 e a matrícula dos escravos de 1872," *Almanack, Guarulhos* 2 (2d semester, 2011): 20-37.
- <sup>13</sup> Chalhoub, *Machado de Assis*, 208-18.
- <sup>14</sup> Chalhoub, *A força da escravidão*; Mamigonian, *Africanos Livres*.
- <sup>15</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús, APEC.
- <sup>16</sup> Rebecca Scott, "Social Facts, Legal Fictions, and the Attribution of Slave Status: The Puzzle of Prescription" *Law and History Review* 35, no. 1 (2017): 1.
- <sup>17</sup> Martha S. Santos, *Cleansing Honor with Blood: Masculinity, Violence, and Power in the Backlands of Northeast Brazil, 1845-1889* (Stanford: Stanford University Press, 2012): 38, 130-32, and "Mothering Slaves;" Nogueira, "As desventuras," 63.
- <sup>18</sup> Nogueira, "As desventuras," 64.
- <sup>19</sup> Grinberg, "Senhores sem escravos," 4-13.
- <sup>20</sup> Edson Holanda Lima Barbosa, "'Ela diz ser cearense': Escravos e retirantes contra as correntes do tráfico interprovincial entre fronteiras do Norte (1877-1880)," in *Tornando-se livre: Agentes históricos e lutas sociais no processo de abolição*, orgs. Maria Helena Machado and Celso Castilho (São Paulo: Editora da Universidade de São Paulo, 2015); Silva, *História*, 121.
- <sup>21</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús, APEC.
- <sup>22</sup> Martha S. Santos, "Recreating Patriarchy in Northeast Brazil: Widows, Property Rights, and Gender Inequality in the Backlands of Ceará, 1845-1889," *Luso-Brazilian Review* 51, no. 2 (2014): 155.
- <sup>23</sup> Santos, "Mothering Slaves."
- <sup>24</sup> Carta testemunhavel da cidade de Maranguape, A liberta Joaquina por seu curador, Tribunal de Apelação, pacote 93, 538, 1866-1874, APEC.
- <sup>25</sup> *O Araripe*, 29 May 1858, 2-4.
- <sup>26</sup> Nogueira, "As desventuras", 63; Santos, *Cleansing Honor*, 88.
- <sup>27</sup> Santos, *Cleansing Honor*, 125-130.
- <sup>28</sup> Barbosa, "Ela diz ser cearense," 105-126.
- <sup>29</sup> Santos, "Mothering Slaves," 1-2.
- <sup>30</sup> *Cearense*, 20 September 1877.
- <sup>31</sup> *Pedro II*, 18 October, 1878, 4.
- <sup>32</sup> Grinberg, *Liberata*, Chalhoub; *Visões da Liberdade*; Mattos, *Das cores do silêncio*.
- <sup>33</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús; Carta testemunhavel da cidade de Maranguape, A liberta Joaquina, APEC
- <sup>34</sup> Nogueira, "As desventuras," 25, 40, 65.
- <sup>35</sup> Chalhoub, *Visões da Liberdade* and *Machado de Assis*.
- <sup>36</sup> Ação de Escravidão, 1874. Dona Margarida Ferreira de Jesús, APEC
- <sup>37</sup> Oswaldo de Oliveira Riedel, *Perspectiva antropológica do escravo no Ceará* (Fortaleza: Edições UFC, 1988), 102-175; Nogueira, "As desventuras," 82-83. See also Eduardo Campos, *Revelações da condição de vida dos cativos do Ceará*, 2d ed. (Fortaleza: Secretaria de Cultura e Desporto, 1984).

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<sup>38</sup> Maria Helena Machado, "Corpo, gênero e identidade no limiar da abolição: A história de Benedicta Maria Albina da Ilha ou Ouvídia, escrava (Sudeste, 1880)," *Afro-Asia* 42 (2010): 168; Alvin Thompson, "Gender and Marronage in the Caribbean," *Journal of Caribbean History* 39, no. 2 (2005): 262-289; Camillia Cowling, "Gendered Geographies: Motherhood, Slavery, Law and Space in Nineteenth-Century Cuba," *Women's History Review* online, (June 2017), 223-231; Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).

<sup>39</sup> Oliveira Riedel, *Perspectiva*, 102-175.

<sup>40</sup> *Commercial*, 11 September 1856, in Oliveira Riedel, *Perspectiva*, 118.

<sup>41</sup> Santos, *Cleansing Honor*.

<sup>42</sup> Oliveira Riedel, *Perspectiva*, 102-175.

<sup>43</sup> Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro* (Cambridge: Cambridge University Press, 1988).

<sup>44</sup> *Cearense*, 10 June 1880, in Oliveira Riedel, *Perspectiva*, 173-74.

<sup>45</sup> *Pedro II*, 10 September 1870, in Oliveira Riedel, *Perspectiva*, 147-48.

<sup>46</sup> *Cearense*, 20 September 1871, in Oliveira Riedel, *Perspectiva*, 153.

<sup>47</sup> Chalhoub, *A Força da escravidão*.

<sup>48</sup> *Commercial*, 14 February 1856, in Oliveira Riedel, *Perspectiva*, 116, 103.

<sup>49</sup> Oliveira Riedel, *Perspectiva*, 102-75.

<sup>50</sup> Santos, "Mothering Slaves," 4-6.

<sup>51</sup> *Cearense*, 23 January 1876, in Oliveira Riedel, *Perspectiva*, 158.

<sup>52</sup> *Pedro II*, 29 July 1870, in Oliveira Riedel, *Perspectiva*, 147.

<sup>53</sup> *Pedro II*, 10 November 1870, in Oliveira Riedel, *Perspectiva*, 149.