

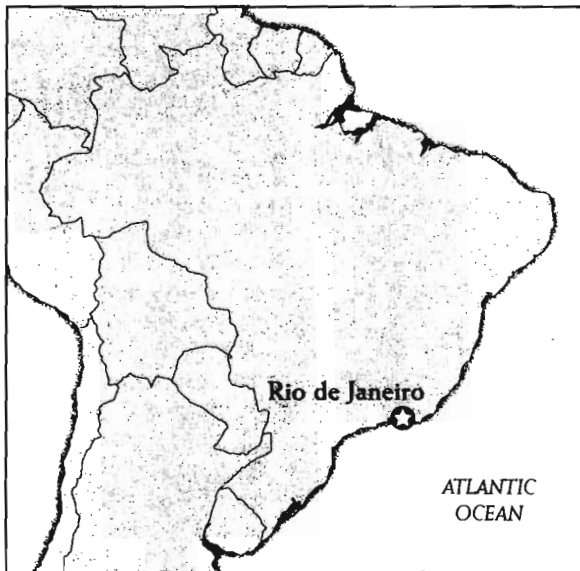
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Chapter 4



Slavery, Race, and Citizenship in the Empire of Brazil: Debates in the Constituent Assembly

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In 1822, Portuguese-born Prince Regent Dom Pedro I, son of Portugal's king who had come to Brazil 14 years earlier to escape a Napoleonic army's invasion of Portugal, declared Brazil's independence from Portugal. The royal nature of the gesture notwithstanding, elite and popular support for the declaration had been forged the previous year within an emerging political culture of constitutionalism. In the wake of a successful rebellion in the city of Porto, Portugal, a provisional government

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gesture notwithstanding, elite and popular support for the declaration had been forged the previous year within an emerging political culture of constitutionalism. In the wake of a successful rebellion in the city of Porto, Portugal, a provisional government

gathered to draft a written constitution. Supporters on both sides of the Atlantic claimed that a written constitution would guard against the tyranny of absolute monarchy and replace a corrupt old regime with virtuous national sovereignty. Initially constitutionalists also claimed that constitutional government would renew the ties between Portugal and its colonies strained by Napoleon's invasion and the transfer of the royal court to Rio de Janeiro in Brazil (1807). Accordingly, they included representatives from all of the territories of the Portuguese Crown.

By August 1821, however, with Brazilian delegates a minority (75 representatives out of 250), and before many of them had even arrived in Lisbon, the constitutionalists passed measures viewed in Brazil as contrary to Brazilian interests. Brazilian merchants' privileges were curtailed; the judicial courts established in Rio following the transfer of the court were abolished; and the heir to the throne (Dom Pedro) was ordered to return to Portugal, as his father (King Dom João) had been in 1821. The ideal of constitutionally sanctioned representation that had promised to preserve the unity of the Portuguese empire began, instead, to serve as the basis of rupture.

Following his declaration of independence in 1822, the prince Dom Pedro affirmed his support for constitutionalism and summoned to Rio de Janeiro representatives from Brazil's provinces to draft a constitution for the new Empire of Brazil. The elected representatives were well qualified for the task. Half had been educated at the University of Coimbra, Portugal, and many had subsequently served in imperial government and military service. They included lawyers, magistrates, clergymen, physicians, merchants, and landowners. Eighteen had been elected earlier to represent Brazil in Lisbon.

By April 1823 enough representatives were in Rio de Janeiro for formal proceedings to begin. As in other former European colonies in the Americas, one of the main tasks of the Assembly was to render a legal framework for the exercise of the popular or national sovereignty that had displaced the sovereignty of the king in the process of gaining independence. Thus, the representatives sought a legal framework for the exercise of the popular or national sovereignty that had displaced the sovereignty of the king in the process of gaining independence. Thus, the representatives sought to define a balance of legislative, executive, and judicial powers as well as the scope of nationhood and citizenship. The first draft of this framework, the "Project of [a] Constitution for the Empire of



Titled *The Foundation of the Brazilian Nation* (September 7, 1822), this allegory of the Brazilian nation, made well after independence, represents the three races: the African slave, the native Indian, and the Portuguese. A São Paulo landowner and architect of independence, José Bonifácio Andrada e Silva, a Brazilian-born elite (1763–1838), sits with a banner draped over his knees, while the young Portuguese prince and first Emperor of Brazil, Dom Pedro I (1793–1834), who supported the declaration of independence, clutches a sword to his chest. Among Brazil's elites, Silva supported slave emancipation early on; he asked how a newly freed people could steal the freedom from others. How are the three races portrayed in this image? What does the allegory suggest about the author's view of the relations among these groups and their respective roles in an independent nation? How closely do these images of race and nation correspond to the ideas and problems debated in the 1823 Constituent Assembly?

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Brazil," written by a committee of representatives, was presented to the Assembly in September 1823.

What follows are excerpts from the Assembly's draft constitution and debates on the definition of citizenship in the Empire of Brazil contained in the draft. As many representatives agreed, "to attend to constituting ourselves, and giving the honorable title of Citizen" was a matter of forging an explicitly, and primarily, political identity. Yet the criteria for citizenship were various. Certain exclusions, such as those based on age, gender, and lack of wealth, did not generate discussion. Others were subjected to intense scrutiny and elicited the expression of passionate differences of opinion from members of the Assembly. These hotly debated criteria for citizenship included: legal status; perceptions of cultural, ethnic, and physical difference; and place of birth.

Of particular concern in these debates were articles of the draft constitution that recognized the existence and legacies of slavery. Slavery dominated early nineteenth-century Brazil's economy and society, and at least half of the population was of African descent (free, freed, and enslaved). In some regions of Brazil, patriots had encouraged slaves to enlist in the armed forces to fight for the cause of independence, promising freedom in return. Indeed, throughout the tumultuous 1810s and 1820s, slaves expressed hopes that challenges to the empire and the old regime would lead to an overthrow of the institution of slavery as well. In the wake of the transfer of the royal court to Rio in 1807–1808 and faced with internationalist abolitionist diplomacy, some Brazilian elites, including several representatives to the Assembly, expressed concerns about the moral, political, and economic consequences of slavery. However, preoccupied with the social and economic disorder that they imagined an immediate end to slavery would produce, these elites considered only the possibility of a gradual abolition at some point in the future. As a result, the drafters of the constitution had to reckon with the continuation of slavery in an independent Brazil. In Title II, Article 6, the draft constitution defined "Brazilians" as including "Slaves who obtain a letter of manumission." The law also recognized these former slaves, known as *libertos*, in articles of the draft constitution concerning voting rights.

In November 1823, confronted with the nativist (anti-Portuguese) speeches of some of its members

and what he perceived to be the increasing disorder of the assembly's sessions, Dom Pedro ordered military units to disband the Assembly. The use of such unconstitutional measures (as defined by the draft constitution itself) to protect constitutionalism signaled Dom Pedro's willingness to forego liberal principles in order to maintain his power. Nevertheless, despite this move, the Assembly, its deliberations, and its draft constitution became the "principle source" of the 1824 Constitution, drafted by a council of statesmen appointed by the Emperor, including former members of the disbanded Assembly. Indeed, the Constitution of 1824 both bore the marks of the draft constitution and the earlier assembly discussions; it attested to efforts to clarify ambiguities and resolve conflicts that had surfaced in the past. In contrast to the draft constitution, however, the Constitution of 1824 did not recognize the institution of slavery, the existence of slaves, or the possibility of abolition. Perhaps these purposeful omissions reflected the counsel offered by one representative at the beginning of the citizenship debates that there were things "that were better repressed." This constitution formed the legal foundation for the Brazilian Empire until its overthrow in 1889.

Questions to Consider:

1. Why was the question of manumitted slaves so heatedly debated? What did their status mean to the nation?
2. How did the members of the Assembly define citizenship? What were the grounds for inclusion or exclusion from Brazilian citizenry and society? Was citizenship related to other forms of identity and allegiance? How does the scope of citizenship and voting rights defined in the draft constitution ("Project") compare with those of the Constitution of 1824?
3. To what kinds of principles and authorities did the representatives appeal in making their arguments?
4. What were the main points of disagreement among the members of the Assembly over the definition of "Brazilian"? Do these disagreements affirm or challenge historical understandings of the way elites viewed the poor and people of color in the nineteenth century?

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Project of a Constitution for the Empire of Brazil, 1824¹

Title II: Of the Empire of Brazil

Chapter I: Of the Members of the Society of the Empire of Brazil

Article 5: Brazilians are

- I. All free male inhabitants of Brazil, and in Brazil born.
- II. All Portuguese residents in Brazil before October 12, 1822 [the date of Dom Pedro's Acclamation to the throne].
- III. Children of Brazilian parents born in foreign countries, who come to establish residence in the Empire.
- IV. Children of Brazilian parents who were in a foreign country in service to the Nation, even though they do not establish residence in the Empire.
- V. Illegitimate children of a Brazilian mother who, having been born in a foreign country, come to establish residence in the Empire.
- VI. Slaves who obtain a letter of manumission.²
- VII. Children of foreigners born in the Empire, as long as their parents are not in the service of their respective nations.
- VIII. Naturalized foreigners, regardless of their religion. . . .

Title V: Of Elections

Article 122: Elections are indirect, the mass of active citizens electing electors, and the electors the

¹Source: "Project of [a] Constitution for the Empire of Brazil," in *Diário da Assembleia geral constituinte e legislativa do Império do Brasil* (Rio de Janeiro: Imprensa Nacional, 1824) 1: 689–700.

²Source: "Project of [a] Constitution for the Empire of Brazil," in *Diário da Assembleia geral constituinte e legislativa do Império do Brasil* (Rio de Janeiro: Imprensa Nacional, 1824) 1: 689–700.

³The term used here is *carta de alforria*, the legal document that established that a slave had been freed or manumitted.

Deputies [representatives], and equally, Senators in this first organization of the Senate.

Article 123: Those who are active citizens to vote in the Assembly primaries, or the parish:

- I. All freeborn Brazilians, and *libertos* born in Brazil.
 - II. Naturalized foreigners . . .
- Article 124: Exceptions:

- I. Minors under the age of twenty-five years, not including those who are married, military officers who are twenty-one years old, recipients of higher degrees, and clergy of Holy Orders.
- II. Sons of families who are under the power and in the company of their fathers, except if they serve in public office.
- III. Servants, not including in this class foremen.
- IV. Freedmen who are not born in Brazil, except those who have military commissions or [are in] Holy Orders.
- V. The religious and whoever lives in a cloistered community, not including in this exception the religious of military orders or the secular clergy.
- VI. Clerks, not including bookkeepers.
- VII. Day laborers.

Article 127: *Libertos* born in any parts cannot be electors even if they have military commissions or [are in] Sacred Orders. . . .

Title XVIII: Of Public Instruction, Charitable Establishments, Correctional Houses, and Work

Article 254: There will be equal care to create establishments for the catechism, and civilization of the Indians, the slow emancipation of the Blacks [*Negros*], and their religious and vocational education.

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⁴Source: *Diário da Assembleia geral constituinte e legislativa do Império do Brasil* (Rio de Janeiro: Imprensa Nacional, 1824) 1: 130, 133–140.

⁵The term used here is *stúpido*, a recently arrived African Portuguese and unfamiliarity also came to mean stupid.

Sessions of September 27 and September 30³

... There began a discussion of article six . . . "The slaves who obtain a Letter of Manumission."

Mr. Costa Barros: I will never be able to accept that the title of Brazilian citizen is given indiscriminately to every slave who obtains a Letter of Manumission. Recently arrived blacks,⁴ without a trade, without benefits, are not, in my understanding, deserving of this honorable prerogative; rather I see them as harmful members of society for which they are a burden [even] when they do not cause evil. I judge it is necessary to limit such a generality, conceiving this article in the following terms: "Slaves &c. who have employment or a trade."

It was supported.

Mr. França: This article six could pass if all of our slaves were born in Brazil because, having the right of territorial origin to be considered citizens as long as the civil impediment of the condition of their parents is removed, they would be restored *pleno jure* [with full authority] the benefit of this right, which was suspended by captivity; but since it is not the case, because a great number of our *libertos* are foreigners from different Nations of Africa . . . it is clear that being coherent in our principles, that this article can pass regarding that which pertains to *libertos crioulos* [born in Brazil], but never to African *libertos* . . . I offer an amendment so that we understand the article in the following terms: "The *libertos* who are native to Brazil."

It was supported. . . .

Mr. Moniz Tavares: . . . I judge that it is best that this article passes without discussion; [this] reminds me that some speeches of the celebrated orators of the Constituent Assembly of France produced the dreadful events of the Island of São Domingos, as some writers who have impartially written of the French

Revolution affirm;⁵ and perhaps among us some representatives, carried away with excessive zeal in favor of humanity, have expressed ideas (that are best repressed), with the intention of stirring up the Assembly's compassion for this poor race of men, so unfortunate only because nature created them tanned. I will say only that in the old system a slave had only to obtain a Letter of Manumission, and he could assume a military post in a corps, he had entrance to the sacred priestly ministry, without questions of whether he was or was not born in Brazil. . . .

Mr. França: . . . In the last session in which this subject was discussed I offered an amendment with the intention of limiting the privileges of the citizen to *libertos crioulos* only; and this was not due to less philanthropy than the authors of the Project [the draft constitution] appeared to have when they wanted to make [it] extend to *liberto* natives of Africa. I am philanthropic when it comes to providing the protection which they need, as the miserable persons that they generally are; but the force of my devotion does not lead me to a demented course [and] speech such that, without regard, the privileges of the citizen, which are denied to [those of] other parts of the world, are lavished on foreigners of Africa. . . .

Sr. Alencar: I am of a contrary opinion to that of the illustrious deputy, and I say that the article is consistent with the principles of universal justice, and that the amendments seem to me to be unjust, contradictory and impolitic. I say that the article is consistent with the principles of universal justice because it still seems that we should make all inhabitants of the territory of Brazil Brazilian citizens, although we cannot rigorously follow this principle, without offending the supreme law of the salvation of the state. This is the law that prevents us from

³Source: *Diario da Assembleia geral constituinte e legislativa do Imperio do Brasil* (Rio de Janeiro: Imprensa Nacional, 1824) 2, no. 10: 130, 133-140.

³Source: *Diario da Assembleia geral constituinte e legislativa do Imperio do Brasil* (Rio de Janeiro: Imprensa Nacional, 1824) 2, no. 10: 130, 133-140.

⁴The term used here is *Negros boças*. At the time, *boçal* referred to a recently arrived African and connoted an inability to speak Portuguese and unfamiliarity with Luso-Brazilian culture. The word also came to mean stupid and crude.

⁵Moniz Tavares refers to The Haitian Revolution (1791-1804) on the French colony of Saint Domingue. After the French Revolution began in 1789, and as the French National Assembly debated the status of the colonies and the institution of slavery, a massive slave insurrection began that culminated in the independence of Saint Domingue as Haiti in 1804.

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making slaves citizens, because besides being the property of others, and so we offend [this] right [of property] if we take away the patrimony of these individuals to whom they belong, we would diminish agriculture, one of the principle sources of the wealth of the nation, and we would open a hub of disorder in society, suddenly introducing into it a bunch of men who, having left the state of captivity, can hardly be guided by principles of well conceived liberty. . . . The illustrious authors of the amendments do not want those who only by virtue of being freedmen should be indistinctly Brazilian citizens; but what will they be, these who are excluded by the amendments? They are certainly not foreigners; because they do not belong to any society, nor do they have any *Pátria* (homeland)⁶ that is not ours, nor do they have a religion that is not the one which we profess. . . . Furthermore, if by the principles of sound politics, we should curtail as much as we can the slave trade so that we may end it, it seems that we go more directly towards this end by granting to *libertos* the privileges of the Brazilian citizen, than by demanding that for this that certain conditions be verified. That a *liberto* has to have some trade or employment to acquire such a condition [citizenship] seems to me unjust; it is enough that he has worked all his life, without making him have to overcome one more obstacle. I see that the Indian who quickly enters our society, savage that he is, is a citizen; he does not know how to read nor write, he does not have a trade or a job, and nevertheless none of this impedes the recognition of him [as a citizen]; but it is understood that the slaves, who I judge to be in worse circumstances, should not be admitted even though in terms of customs they are much closer to our own, because they acquire them from their owners in the time of their captivity. . . .

Sr. Carneiro de Cunha: . . . I would add only that the slave who obtains his liberty has in his favor, generally speaking, the presumption of good behavior and industriousness; . . . and because of this

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⁶*Pátria* was a key word in political discourse at the time. Although in the 1810s it could refer to Portugal, in the process of independence it was invoked in reference to feelings of allegiance to Brazil or to more local regional identities.

I think that such men well deserve the privileges of the citizen, without the obligation of having a trade or employment . . . Mr. França also excludes slaves from Africa: but I do not know why those born in our territory will be at an advantage over those [African-born] on this point, after being almost always enslaved, as the African has no one who protects him, from the time when he arrives he is always wretched, while the *crioulo* born into the bosom of a family enjoys some comforts, and has, generally, more respect. It does not seem just to me that the less fortunate are offered less assistance. . . .

Mr. Almeida e Albuquerque: . . . How is it possible that by the simple fact of obtaining a Letter of Manumission one acquires the right of citizenship? . . . Won't the fact that they [the African-born] are pagans or idolaters disqualify them? . . . How is it possible that a man without *pátria*, without virtue, without customs, torn, by way of an odious commerce, from his land, and brought to Brazil, may by way of a simple fact, by the will of his owner, suddenly acquire such important rights in our society? If Europeans, born in civilized countries, having customs, good education, and virtues, may not acquire the benefit of the rights of Brazilian citizen without obtaining a letter of naturalization, and this same naturalization requires that they profess the Christian religion, according to the Project [the draft], how can the African slave, devoid of all qualities, be of better condition? . . .

Sr. Costa Barros: . . . I know that there is no more wretched and horrific condition than that of the slaves, but not even for this [reason] should we understand that to indemnify them for the evils which they suffered should we receive them under circumstances that would be damaging for us. . . . Thus, I demand that they have a job or a trade. . . . Mr. Carneiro da Cunha says that the slave who acquires a Letter of Manumission shows with this proof of occupation and good conduct. . . . I am not persuaded of this; Letters of Manumission are almost always given because of love, and most slaves are poorly raised. . . .

José da Silva Lisboa: . . . When it is the *Liberal* persuaded of this; Letters of Manumission are almost always given because of love, and most slaves are poorly raised. . . .

José da Silva Lisboa: . . . When it is the *Liberal* Cause that is in question, it is not possible to remain silent, rather I should say with the classic Latin [author] "I am a man; nothing pertaining to

humanity should be strange to me."⁷ It seems to me that it is right to make the article simple or broad, to get rid of any doubt, declaring to be a Brazilian citizen not only the slave who obtains from his owner a letter of liberty, but also he who acquires liberty by any legitimate entitlement. . . . I am opposed to the amendments. . . . I have as a guiding light the author of *The Spirit of the Laws*,⁸ who advises legislators to maintain, when possible, simplicity in legislation. . . . Why will they make arbitrary distinctions among *libertos*, by place of birth, and service and trade? As soon as they [*libertos*] acquire the condition of *civil person*, they deserve the equal protection of the Law. . . . To be a Brazilian citizen is indeed to have an honorific title, but it is only civic rights and not political rights that are dealt with in the chapter under discussion [. . .] civic rights are limited to giving to the free man the *jus* [right] to say – I have a *pátria*; I belong to such a city or village; I am not subject to the will of anyone, but only to the empire of the Law. . . . When I link the article in question with articles 245 and 255 [sic],⁹ it seems to me that they completely address the objections, in which some have insisted, by establishing a basis for the regulated benefits to slaves, proposing only their slow emancipation, and moral instruction. Africans themselves, notwithstanding the accusations of paganism and brutality, are susceptible to mental improvement, and for this reason can be called *tabulas rasas*.¹⁰ Mr. President, in the era of liberalism, will the legislature be less equitable than in the time of *despotism*? . . . Enough, Gentleman, of the odious distinctions of castes, of differences of color. Now diversity¹¹ is an almost indestructible attribute of the population of Brazil. Politics cannot end such inequalities, [rather] it should take advantage of all elements for our regeneration, but not add new inequalities. The class of

slaves will henceforth look upon this august Assembly with the proper confidence in the hope that it will attend to their fate and the improvement of their condition, having in sight the general good, as much as humanity inspires and politics may allow. . . . This consideration alone would be enough to sanction the controversial article, which to me seems to need only the following amendment . . . "The *libertos* who acquire their liberty by whatever legitimate entitlement."

It was supported.

Mr. Maciel da Costa: . . . Does a nation have an obligation to admit foreigners into the union of its society? No. Naturalization is a type of favor, and this favor is always regulated by motives of national interest. . . . If we agree that the admission of foreigners into the union of our society is a favor, if for this favor we demand conditions that political calculation induces us to impose; if upon the same individuals in whose veins runs Brazilian blood, and only because they were born in a foreign country, we impose the condition of residence, considering them half-foreigners; it frightens me to see that the African has only to obtain a letter of manumission, which is a deed that simply authorizes him to dispose of his time, and he enters ipso facto into the union of the Brazilian family, becomes our brother. . . . Not having doubt that the children of an African mother and father should be considered Brazilian because their birth in this country makes them ours, and they have this link to the country, the Africans, because they were born in a foreign country, because we cannot suppose that they have affection for the country in which they lived as slaves, should not be admitted to the union of our family without marrying a Brazilian woman and having a type of industry from which they live. . . .

Mr. Henriques de Resende: . . . As long as they were manumitted, *libertos* used to enlist in the appropriate corps and occupy military posts. . . . Why then in a system of liberal government are they to remain in a worse condition than they were in the era of despotic government? . . . appropriate corps and occupy military posts. . . . Why then in a system of liberal government are they to remain in a worse condition than they were in the era of despotic government? . . .

Mr. Maciel da Costa: . . . political security rather than philanthropy should be the basis of our decisions on this matter. Philanthropy laid the ground for the loss of the flourishing French Colonies. As

⁷The Roman author, Terence (185 B.C.–159 B.C.).

⁸The French Charles de Secondat, Baron de Montesquieu (1669–1755), published the widely read *The Spirit of the Laws* in 1748.

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¹⁰The concept *tabula rasa* (blank slate) suggested that people are not born with innate ideas.

¹¹Silva Lisboa uses the Portuguese word *variegado*, which means "diverse" as well as, more specifically, "multicolored."

making slaves citizens, because besides being the property of others, and so we offend [this] right [of property] if we take away the patrimony of these individuals to whom they belong, we would diminish agriculture, one of the principle sources of the wealth of the nation, and we would open a hub of disorder in society, suddenly introducing into it a bunch of men who, having left the state of captivity, can hardly be guided by principles of well conceived liberty. . . . The illustrious authors of the amendments do not want those who only by virtue of being freedmen should be indistinctly Brazilian citizens; but what will they be, these who are excluded by the amendments? They are certainly not foreigners; because they do not belong to any society, nor do they have any *Pátria* (homeland)⁶ that is not ours, nor do they have a religion that is not the one which we profess. . . . Furthermore, if by the principles of sound politics, we should curtail as much as we can the slave trade so that we may end it, it seems that we go more directly towards this end by granting to *libertos* the privileges of the Brazilian citizen, than by demanding that for this that certain conditions be verified. That a *liberto* has to have some trade or employment to acquire such a condition [citizenship] seems to me unjust; it is enough that he has worked all his life, without making him have to overcome one more obstacle. I see that the Indian who quickly enters our society, savage that he is, is a citizen; he does not know how to read nor write, he does not have a trade or a job, and nevertheless none of this impedes the recognition of him [as a citizen]; but it is understood that the slaves, who I judge to be in worse circumstances, should not be admitted even though in terms of customs they are much closer to our own, because they acquire them from their owners in the time of their captivity. . . .

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Sr. Costa Barros: . . . I know that there is no more wretched and horrific condition than that of the slaves, but not even for this [reason] should we understand that to indemnify them for the evils which they suffered should we receive them under circumstances that would be damaging for us. . . . Thus, I demand that they have a job or a trade. . . . Mr. Carneiro da Cunha says that the slave who acquires a Letter of Manumission shows with this circumstances that would be damaging for us. . . . Thus, I demand that they have a job or a trade. . . . Mr. Carneiro da Cunha says that the slave who acquires a Letter of Manumission shows with this proof of occupation and good conduct. . . . I am not persuaded of this; Letters of Manumission are almost always given because of love, and most slaves are poorly raised. . . .

José da Silva Lisboa: . . . When it is the *Liberal* Cause that is in question, it is not possible to remain silent, rather I should say with the classic Latin [author] "I am a man; nothing pertaining to

humanity should be strange to me."⁷ It seems to me that it is right to make the article simple or broad, to get rid of any doubt, declaring to be a Brazilian citizen not only the slave who obtains from his owner a letter of liberty, but also he who acquires liberty by any legitimate entitlement. . . . I am opposed to the amendments. . . . I have as a guiding light the author of *The Spirit of the Laws*,⁸ who advises legislators to maintain, when possible, simplicity in legislation. . . . Why will they make arbitrary distinctions among *libertos*, by place of birth, and service and trade? As soon as they [*libertos*] acquire the condition of *civil person*, they deserve the equal protection of the Law. . . . To be a Brazilian citizen is indeed to have an honorific title, but it is only civic rights and not political rights that are dealt with in the chapter under discussion [. . .] civic rights are limited to giving to the free man the *jus* [right] to say – I have a *pátria*; I belong to such a city or village; I am not subject to the will of anyone, but only to the empire of the Law. . . . When I link the article in question with articles 245 and 255 [sic],⁹ it seems to me that they completely address the objections, in which some have insisted, by establishing a basis for the regulated benefits to slaves, proposing only their slow emancipation, and moral instruction. Africans themselves, notwithstanding the accusations of paganism and brutality, are susceptible to mental improvement, and for this reason can be called *tabulas rasas*.¹⁰ Mr. President, in the era of liberalism, will the legislature be less equitable than in the time of *despotism*? . . . Enough, Gentleman, of the odious distinctions of castes, of differences of color. Now diversity¹¹ is an almost indestructible attribute of the population of Brazil. Politics cannot end such inequalities, [rather] it should take advantage of all elements for our regeneration, but not add new inequalities. The class of

Politics cannot end such inequalities, [rather] it should take advantage of all elements for our regeneration, but not add new inequalities. The class of

⁷The Roman author, Terence (185 B.C.–159 B.C.).

⁸The French Charles de Secondat, Baron de Montesquieu (1669–1755), published the widely read *The Spirit of the Laws* in 1748.

⁹The article to which he refers is 254. See above excerpt.

¹⁰The concept *tabula rasa* (blank slate) suggested that people are not born with innate ideas.

¹¹Silva Lisboa uses the Portuguese word *variegado*, which means "diverse" as well as, more specifically, "multicolored."

slaves will henceforth look upon this august Assembly with the proper confidence in the hope that it will attend to their fate and the improvement of their condition, having in sight the general good, as much as humanity inspires and politics may allow. . . . This consideration alone would be enough to sanction the controversial article, which to me seems to need only the following amendment . . . "The *libertos* who acquire their liberty by whatever legitimate entitlement."

It was supported.

Mr. Maciel da Costa: . . . Does a nation have an obligation to admit foreigners into the union of its society? No. Naturalization is a type of favor, and this favor is always regulated by motives of national interest. . . . If we agree that the admission of foreigners into the union of our society is a favor, if for this favor we demand conditions that political calculation induces us to impose; if upon the same individuals in whose veins runs Brazilian blood, and only because they were born in a foreign country, we impose the condition of residence, considering them half-foreigners; it frightens me to see that the African has only to obtain a letter of manumission, which is a deed that simply authorizes him to dispose of his time, and he enters ipso facto into the union of the Brazilian family, becomes our brother. . . . Not having doubt that the children of an African mother and father should be considered Brazilian because their birth in this country makes them ours, and they have this link to the country, the Africans, because they were born in a foreign country, because we cannot suppose that they have affection for the country in which they lived as slaves, should not be admitted to the union of our family without marrying a Brazilian woman and having a type of industry from which they live. . . .

Mr. Henriques de Resende: . . . As long as they were manumitted, *libertos* used to enlist in the union of a Brazilian woman and having a type of industry from which they live. . . .

Mr. Henriques de Resende: . . . As long as they were manumitted, *libertos* used to enlist in the appropriate corps and occupy military posts. . . . Why then in a system of liberal government are they to remain in a worse condition than they were in the era of despotic government? . . .

Mr. Maciel da Costa: . . . political security rather than philanthropy should be the basis of our decisions on this matter. Philanthropy laid the ground for the loss of the flourishing French Colonies. As

soon as the declaration of the so-called rights of man¹² was heard there, spirits were enflamed and the Africans served as the instrument of the worst horrors that can be conceived.¹³ . . . To diminish gradually the traffic in men and in the meantime treat those who are slaves humanely, this, Gentlemen, is all that we owe them.

Mr. Henriques de Resende: . . . The scorn with which owners or the whites treat the *libertos* will give rise to the aversion that both feel for each other. . . .

¹²This is a reference to the French "Declaration of the Rights of Man," approved by the revolutionary National Assembly of France in August 1789. The first article reads "Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good." For the full text, see <http://www.yale.edu/lawweb/avalon/rightsof.htm>.

¹³Haitian Revolution.

Mr. José da Silva Lisboa: . . . A more reasonable fear is that we perpetuate the vexation of the Africans, and of their offspring, showing scorn and hate, with a fixed system of never improving one's condition. . . . Let us leave behind, Gentlemen, the controversies over the color of peoples; they are physical phenomena that vary according to the degrees from the equator, the influx of the sun's rays and geological dispositions and other more profound causes that are not the subject of this discussion. The French were very white when they invaded Egypt and half-black when they left.¹⁴ . . . Good institutions, with correct education, are what make men have the dignity of the species regardless of their color. . . .

¹⁴Napoleon Bonaparte led the French invasion of Egypt, then an Ottoman territory, in 1798.

Political Constitution of the Empire of Brazil, 1824¹⁵

Title II: Of Brazilian Citizens

Article 6. They are Brazilian citizens

- I. Those who have been born in Brazil, whether they are freeborn, or freed persons, even if their father is a foreigner, as long as he does not reside in Brazil in service to another nation. . . .

Chapter IV: On Elections

Article 90. The nominations of Deputies and Senators to the General Assembly, and of members of the General Provincial Councils, will be made by indirect elections, the mass of active citizens in Parochial Assemblies electing electors of the province, and these the representatives of the nation and province.

Article 91. [Those who] vote in primary elections . . . province, and these the representatives of the nation and province.

Article 91. [Those who] vote in primary elections

- I. Brazilian citizens who enjoy their political rights.
- II. Naturalized foreigners.

Article 92. [Those who] are excluded from voting in Parochial Assemblies

- I. Minors under the age of twenty five years, not including those who are married, military officers above twenty one years, recipients of higher degrees, and clergy of Holy Orders.
- II. Sons of families who are in the company of their fathers, except if they serve in public office.
- III. Servants, not including in this class bookkeepers, principal clerks of commercial houses, servants of the Imperial household [who do not wear a certain uniform], and administrators of rural estates and factories.
- IV. Clergy, and whoever lives in a cloistered community. [who do not wear a certain uniform], and administrators of rural estates and factories.
- IV. Clergy, and whoever lives in a cloistered community.
- V. Those who do not have an annual income of 100 *milreis*¹⁶ from landed property, industry, commerce, or employment. . . .

¹⁵Source: "Political Constitution of the Empire of Brazil" (1824), from "Political Database of the Americas," at Georgetown University, <http://pdba.georgetown.edu>.

¹⁶*Milreis* was a unit of currency. The income requirements for voting were viewed by many as low. A wage laborer typically earned enough to satisfy the requirement in 100 days. See Graham, *Patronage and Politics* (pp. 103–104) in Suggested Sources.

Article 94. All those who can vote in parochial Assembly can be electors, and vote in the election of Deputies, Senators, and members of the Provincial Councils. The following are exceptions:

- I. Those who do not have an annual income of 200 *milreis* from landed property, industry, commerce, or employment.
- II. *Libertos* [freed persons].
- III. Criminals indicted in a judicial complaint or inquiry. . . .

Suggested Sources:

Roderick Barman provides an overview of Brazil's political independence in *Brazil: The Forging of a Nation: 1798–1852* (Stanford, CA: Stanford University Press, 1988). Emilia Viotti da Costa's *The Brazilian Empire: Myths and Histories* (Chapel Hill: University of North Carolina Press, 2000) offers analysis of social and cultural transformations and theories and practices of liberalism. On nineteenth-century political practice, see Richard Graham, *Patronage and Politics in Nineteenth-Century Brazil* (Stanford, CA: Stanford University Press, 1990). For emancipation in the United States and Brazil, see Celia M. Azevedo's *Abolitionism in the United States and Brazil: A Comparative Perspective* (New York: Garland, 1995). On defining citizenship, see Hilda Sabato, "On Political Citizenship in Nineteenth-Century Latin America," *The American Historical Review* 106, no. 4 (October 2001): 1290–1315; and Marcia Regina Berbel and Rafael de Bivar Marquese, "The Absence

of Race: Slavery, Citizenship, and Pro-slavery Ideology in the Cortes of Lisbon and the Rio de Janeiro Constituent Assembly (1821–1824)," *Social History* 32, no. 4 (November 2007): 415–433.

Among the most extensive primary sources in English on nineteenth-century Brazil are those of the British merchant John Luccock, *Notes on Rio de Janeiro and the Southern Parts of Brazil; Taken during a Residence of Ten Years in That Country, from 1808–1818* (London: Samuel Leigh, 1820); and Maria Dundas Graham, *Journal of a Voyage to Brazil and Residence There during Part of the Years 1821, 1822, 1823* (1824) (New York: Praeger, 1969). Documents on Brazilian and Latin American slavery and its legacies can be found in Robert Edgar Conrad's *Children of God's Fire. A Documentary History of Black Slavery in Brazil* (University Park, PA: Penn State University Press, 1994); and Sue Peabody and Keila Grinberg, eds., *Slavery, Freedom, and the Law in the Atlantic World. A Brief History with Documents* (Boston/New York: Bedford/St. Martins, 2007).

A number of Internet sources also shed light on the problem of slavery. "Slave Movement during the Eighteenth and Nineteenth Centuries" can be found at the Data and Information Services Center of the University of Wisconsin (<http://www.disc.wisc.edu/slavedata/>). "The Atlantic Slave Trade and Slave Life in the Americas: A Visual Record" (University of Virginia) offers images of enslaved Africans in nineteenth-century Brazil. The "Political Database of the Americas" at Georgetown University (<http://pdba.georgetown.edu>) provides links to online constitutions.