

Politics, Parliament, and the Penalty of the Lash: The Significance of the End of Flogging in 1886¹

Política parlamentar e a punição do chicote: o significado do fim dos açoites em 1886

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Abstract

The Brazilian penalty of the lash was reformed (1886) by a cabinet and parliament opposed to abolition. While the penalty's abuse had been exploited by Abolitionists attempting the cabinet's fall, the cabinet unexpectedly supported its reform. This apparent contradiction has not been satisfactorily addressed; this article attempts to do so. It will demonstrate that the cabinet's support was a cabinet tactic designed to vindicate the cabinet's policies and strength. Nonetheless, the revocation of the state's role in flogging delegitimizing flogging on plantations, too, despite the cabinet's expectations. Indeed, the reform impacted plantation destabilization, which helped lead to the cabinet's fall and the 1888 law abolishing slavery. This complex series of events illustrates the Abolitionist struggle's interweave between parliament, the movement, and slave agency.

Resumo

A punição pelo açoite prevista na lei brasileira foi reformada, em 1886, por um gabinete e um parlamento contrários à abolição. Se o abuso da norma foi explorado pelos abolicionistas para tentar derrubar o gabinete, este, inesperadamente, deu apoio à reforma. Essa aparente contradição ainda não foi satisfatoriamente explicada; é o que este artigo pretende fazer. Ele demonstrará que o apoio do gabinete ao projeto foi uma tática desenhada para dar suporte às suas próprias políticas, fortalecendo-as. Mas, contrariando as expectativas do gabinete, a revogação do papel do Estado na aplicação dos açoites acabou por deslegitimar, também, o açoitamento nas fazendas. De fato, a reforma contribuiu para a desestabilização da disciplina nas fazendas, o que, por sua vez, deu impulso à queda do gabinete e à lei de 1888, que aboliu a escravidão. Esta série complexa de eventos ilustra o entrelaçamento da luta abolicionista com o parlamento e o protagonismo escravo.

Keywords

Abolitionism, slavery, pena de açoites, Parliament

Palavras-chave

Abolicionismo, escravidão, lei dos açoites, Parlamento

1

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artigos

91

2

See Manuel Dantas, *Jornal do Commercio* [hereafter, *JC*], 31 July 1886, 1; *Ibidem*, 18 August 1886, 1; Ribeiro da Luz, *JC*, 23 August 1886, 1. I should note that one of the five captives was sentenced to life prison with hard labor (*galés perpétuas* – the galés is a reference to the antique Portuguese punishment of being sent to the galleys); it was the remaining four who were flogged. The *JC* was the Monarchy's journal of record for the parliamentary debates. Dantas raised the issue for reasons to be discussed below; Ribeiro da Luz was minister of justice at the time, and presented a report on the incident as demanded by Dantas.

3

For the larger context of the law, see BARMAN, Roderick J. *Brazil: The Forging of a Nation: 1798–1852*. Stanford: Stanford Univ. Press, 1988. ch.6; and NEEDELL, Jeffrey D. *The Party of Order: The Conservatives, the State, and Slavery in the Brazilian Monarchy, 1831–1871*. Stanford: Stanford Univ. Press, 2006. ch.2. On the Malês and the law, see, e.g., FLORY, Thomas. Race and Social Control in Independent Brazil. *Journal of Latin American Studies*, [hereafter, *JLAS*], v.9, n.2, p.216, May 1977; or the now classic treatment, REIS, João José. *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*. Baltimore: Johns Hopkins Univ. Press, 1993 [1986]. p.230. Reis cites two sources on the law's origin, but neither establishes a direct relationship between the law and the revolt; see PINAUD, João Luiz Duboc, et al. *Insurreição negra e justiça*: Paty do Alferes, 1838. Rio de Janeiro: Ed. Expressão e Cultura/Ordem dos Advogados do Brasil, 1987. p.69, n.132 and Apêndice, passim; and COSTA, Emilia Viotti da. *Da senzala à colônia*. 2ª ed. São Paulo: Ed. Ciências Humanas, 1982 [1966]. p.276–77, p.287, p.298. Instead, see PIROLA, Ricardo Figueiredo. *O governo e o desgoverno dos escravos: a pena de morte escrava e a lei de 10 de junho de 1835*. 4o. Encontro Escravidão e Liberdade no Brasil Meridional, Curitiba, 13 a 15 de maio de 2009, who studies the history of the legislation in parliament. He does not raise the issue of the Malês at all, and traces the law to one of the five 1833 legislative proposals described in the text here. It is Pirola, also, who cites an earlier work: RIBEIRO, João Luiz. *No meio das galinhas as baratas não têm razão: a lei de 10 de junho de 1835: os escravos e a pena de morte no Império de Brasil: 1822–1889*. Rio de Janeiro: Renovar, 2005. cap.2. This chapter, again, demonstrates that the law was one of five proposals derived from 1833 restorationist fears, and pinpoints the so-called Carrancas slave revolt in Minas (1833), with its restorationist association (see RIBEIRO, João Luiz. Op. Cit., p.44–48, p.52–53). Ribeiro does suggest (RIBEIRO, João Luiz. Op.Cit., p.65), that the Malês revolt may well have clinched matters among Chamber deputies, but this is speculation. Certainly, the Chamber annals associated with the law have no discussion of the Malês at all; see *Annaes do parlamento brasileiro*: Camara dos srs. Deputados. Brasília: Câmara dos Deputados, 1982 [1874], p.73–74, 1835, t.1, 15 May. For more on the law of 10 June 1835 and slave repression, see BROWN, Alexandra K. "A Black Mark on Our Legislation": Slavery, Punishment, and the Politics of Death in Nineteenth-Century Brazil. *Luso-Brazilian Review*, v.37, n.2, p.95–121, Winter/2000. Finally, the legislative reform of the penalty of the lash has not been the only abolitionist measure enjoying recent attention; see, e.g., CHALHOUB, Sidney. The Politics of Disease Control: Yellow Fever and Race in Nineteenth Century Rio de Janeiro. *JLAS*, p.441–63,

In 1885, five captives were accused of murdering an overseer in the Province of Rio de Janeiro. Passions in the region ran high, and the captives had to be guarded in jail for fear of their being butchered. Between 21 June and 1 July 1886, after trial and sentencing, they were punished according to the Law of 10 June 1835.²

The Law of 10 June 1835 is notorious in the historiography of Brazilian slavery. Its origins may be noted quickly. It was passed by the Moderate Party's parliamentary majority, which dominated the imperial state in the early Regency (1831–1840). At the time, Dom Pedro I was in exile, and his son and heir, Dom Pedro II, was in his minority. The regime was going through a period of violent instability, in which social divisions and geographic distance played a part, and in which an ebbing imperial authority was weakened by repeated coup attempts against the Moderates by both restorationists and radicals. While many historians have assumed that the law was part of a reaction to the 1835 Malê slave revolt, it seems clear now that the law was one of five proposed in 1833, comprising the Moderados' response to its opposition's repeated attacks. In this case, the law was a reaction to a failed partisan conspiracy – not the 1835 Malê revolt in Salvador, but a 1833 rural slave revolt in Minas Gerais associated with the restorationists.³

If there has been confusion over the law's origin, however, its intent was obvious: to try and punish slave violence, particularly homicide. Execution was prescribed for slaves who killed their masters, overseers, or their families, or were involved in insurrection or any other capital crime. However, over the years, the death sentence was generally commuted by the emperor, often to the *pena de açoites*. This generally consisted of tying the convict up to the jail-house pillory (or, lacking a pillory, to some other fixed structure), stripping his back and buttocks, and striking him there again and again with a whip. The law held that the convict was to be whipped with a maximum of fifty strokes at a time. If, as usual, he was given the penalty of 200 strokes, these were given to him over a period of days, with medical supervision to ensure he was capable of bearing the successive sets. One wonders about the nature of the medical supervision, for, despite these precautions, one contemporary recalls cases in which the muscles of the buttocks were entirely destroyed.⁴

In the 1885 case with which we began, each of the men sentenced to flogging was given 300 strokes, with intervals of one or two days between sets. They were then allowed to recover in jail over 26 days and then handed over to agents of their owner. These agents, mounted on horses, bound the captives' upper bodies and then forced them to follow them on foot en route to their plantation. Two collapsed and died before they got there. Subsequently, their bodies were disinterred for an official investigation, to see if the crown officials overseeing the flogging were responsible for their deaths. It was alleged that they had not died of the whipping, but of "pulmonary congestion." That is, they had most probably suffered heart attacks, their lungs had filled with bloody fluid, and they died as a consequence.⁵

The case of these two men came to the attention of Abolitionists. One of these, Joaquim Nabuco, published an account in a sympa-

v.25, n.3, May 1993; Idem. *Visões da liberdade: uma história das últimas décadas da escravidão na corte*. São Paulo: Companhia das Letras, 1990. cap.2,3; Idem. *Machado de Assis, historiador*. São Paulo: Companhia das Letras, 2003. cap.4; GRADEN, Dale T. An Act "Even of Public Security": Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-56. *Hispanic American Historical Review* [hereafter, *HAHR*], v.76, n.2, p.249-82, May 1996; MENDONÇA, Joseli Maria Nunes. *Entre a mão e os anéis: a Lei dos Sexagenários e os caminhos da abolição no Brasil*. Campinas: Unicamp, 1999; PENA, Eduardo Spiller. *Pagens da casa imperial: juriconsultos, escravidão e a lei de 1871*. Campinas: Unicamp, 2001; NEEDELL, Jeffrey D. The Abolition of the Brazilian Slave Trade in 1850: Historiography, Slave Agency and Statesmanship. *JLAS*, v.33, n.4, p.681-712, November 2001; Idem. *The Party of Order*, Op. Cit., p.233-240 and cap.7; GRINBERG, Keila. Reescravização, direitos e justiça no Brasil do século XIX. In: LARA, Sílvia Hunold e MENDONÇA, Joseli Maria Nunes (orgs.). *Direitos e justiça no Brasil: ensaios de história social*. Campinas: Unicamp, 2006. p.101-128; MAMIGONIAN, Beatriz Gallotti. O direito de ser africano livre: os escravos e as interpretações da lei de 1831. In: ibidem, 129-60; e PENA, Eduardo Spiller. Burlas à lei e revolta escrava no tráfico interno do Brasil meridional, século XIX. In: LARA, Sílvia Hunold e MENDONÇA, Joseli Maria Nunes (orgs.). Op. Cit., p.161-197.

4

See BROWN, Alexandra K. Op. Cit., p.101-110; the Dantas and Ribeiro da Luz accounts, in n.1, above and OTONI, Cristiano Benedito. *Autobiografia*. Brasília, 1983 [c.1908]. p.273-274.

5

See the accounts in n.1, above. Note that this and most other aspects of the captives' punishment and subsequent treatment were disputed by the Senate opposition explicitly or implicitly, for political reasons clarified in this text, below.

6

Renewed interest in Nabuco, associated with the centenary of his death (1910), will make citations of the most recent studies almost immediately passé. However, see the work and citations in the two anthologies of recent conferences in the United States now in print and, on Nabuco as an abolitionist, the filial biography, the classic biography, and the most recent popular biography, all of which are based on extensive research: ALBUQUERQUE, Severino (ed). *Joaquim Nabuco: ensaios do seminário na Universidade de Wisconsin*, 2009. Rio de Janeiro: Editora Bem-te-vi, 2010; JACKSON, K. David (ed). *Joaquim Nabuco: ensaios do seminário na Universidade de Yale*, 2009. Rio de Janeiro: Editora Bem-te-vi, 2010; NABUCO, Carolina Nabuco. *A vida de Joaquim Nabuco*. São Paulo: Nacional, 1928, pt.II, cap.2-10; VIANA FILHO, Luiz. *A vida de Joaquim Nabuco*. São Paulo: Ed. Nacional, 1952, 1a. pt., cap. 6-10.; ALONSO, Angela. *Joaquim Nabuco: os salões e as ruas*. São Paulo: Companhia das Letras, 2007. cap.4. A recent study of the Abolitionist historiography and of the movement, which contextualizes the latter in the formal, parliamentary history, is NEEDELL, Jeffrey D. *Brazilian Abolitionism, Its Historiography, and the Uses of Political History*. *JLAS*, v.50, n.2, May 2010.

7

Nabuco's credentials were disputed in the Chamber for months by his moderate opposition – eventually,

thetic paper, *O Paiz*. At the time, this sort of propaganda was the best Nabuco could do for the cause. It had not always been so. After the death of his father, José Tomás Nabuco de Araújo, a great chieftain in the Liberal Party, Nabuco had won a seat in the Chamber of Deputies in 1878, using his father's connections; his radical position as an Abolitionist, however, had put him in opposition to the Liberal cabinet and his party's majority and he had subsequently lost the seat in the next election. He left for Europe, organizing support for Brazilian Abolitionism there and wrote a great work of propaganda, *O abolicionismo* (1883) while his allies successfully continued to organize and press for reform at home. Nabuco returned to the empire in 1884, with the ascent of the Liberal Party's reformist wing to power, in the hope that he could lead the Abolitionist movement in an alliance with the Liberals to achieve significant change.⁶

The cabinet that Nabuco had returned to support in 1884 was that of Manuel Dantas, an established Liberal reformist with Abolitionist connections. Over months of hot dispute within his own party, Dantas sought to pass a reformist Abolitionist piece of legislation. However, the Liberal Party split on the issue, and a moderate minority, in alliance with the Conservatives in the Chamber, voted no confidence. The emperor, however, supported the cabinet; he dissolved the Chamber, and new elections took place, in December 1884. In these elections Nabuco was denied a seat again, clearly defrauded. Indeed, although other reformists did form a critical minority in the new Chamber, the majority elected were far more conservative.⁷ Again, as in 1884, enough Liberal moderates voted no confidence in alliance with Conservatives to undercut Dantas once more. This time, the emperor, seeing that Dantas could not cull adequate Chamber support, withdrew his support and compelled Dantas to resign.⁸

These details point to an aspect of the political history generally overlooked or misunderstood by the analyses most of us depend upon.⁹ Both the complex weave of parliamentary history, and the critical role of the monarch in it, are critical to comprehension of what actually took place. These lacunae affect our understanding of how formal politics articulated with the movement on the street or in the rural sector. The issue of the penalty of the lash, which opens this exercise, offers one an opportunity to demonstrate this. Let us establish the context, first.

As has been demonstrated elsewhere, the Law of the Free Womb, often called the Rio Branco Law, was passed in 1871 because the emperor made it critical to the mission of the new prime minister, the viscount do Rio Branco. It was the emperor's project, something he had attempted to impose upon the nation since the mid 1860s. It did not arise out of a groundswell of public opinion. It did not arise out of organized abolitionist parties. It did not arise out of a movement from within the established political parties, Liberal or Conservative (although the reformist Liberals made abolitionism a party cause – when the party was out of power and without influence). The most radical party of the time, the Republican Party of 1870, was split on the issue and did not support it; it was also a party without political

he was denied. He entered the Chamber shortly afterwards only because he could run in another *pernambucano* district by-election where his followers could assure an uncontested majority. See CONRAD, Robert. *The Destruction of Brazilian Slavery: 1850-1888*. Berkeley: Univ. of California, 1972. p.219.

8

See NEEDELL, Jeffrey D. *Brazilian Abolitionism*, Op. Cit., II

9

See *ibidem*, I; cf. WEINSTEIN, Barbara. *The Decline of the Progressive Planter and the Rise of Subaltern Agency: Shifting Narratives of Slave Emancipation in Brazil*. In: JOSEPH, Gilbert M. (ed.). *Reclaiming the Political in Latin American History: Essays from the North*. Durham: Duke University, 2001. p.81-101; and CARDOSO, Ciro Flamarion S. *A abolição como problema histórico e historiográfico*. In: CARDOSO, Ciro Flamarion S. (org.). *Escravidão e abolição no Brasil: novas perspectivas*. Rio de Janeiro: Zahar, 1988. p.73-110. The memoirs and contemporaries' histories of Abolitionism, with the exception of Duque-Estrada, are understandably much more engaged with the role of the monarch and the parliament in the conflict. The generalization here, however, refers to the spectacular pioneering work on the Abolitionist movement which emerged after 1960. For the contemporaries, see OTONI, Cristiano Benedito, Op.Cit.; DUQUE-ESTRADA, Osorio. *A abolição (esboço histórico): 1831-1888*. Rio de Janeiro: Leite Ribeiro e Maurillo, 1918; CELSO, Afonso. *Oito anos de parlamento*. 2ª ed. Brasília: Senado Federal, 1981 [1901]; MONTEIRO, Tobias. *Pesquisas e depoimentos para a história*. Rio de Janeiro: Alves, 1913; MORAES, Evaristo de. *A campanha abolicionista (1879-1888)*. Rio de Janeiro: Leite Ribeiro, Freitas Bastos, Spicer, 1924; NABUCO, Joaquim. *Minha formação*. Rio de Janeiro: Garnier, 1900 [1893-1899]; SILVA, J.M. Pereira da. *Memórias do meu tempo*. 2 Vols. Rio de Janeiro: Garnier, 1895, 1896. For the more recent scholarly surveys, see CARDOSO, Fernando Henrique. *Capitalismo e escravidão no Brasil meridional: o negro na sociedade escravocrata do Rio Grande do Sul*. São Paulo: DIFEL, 1962; IANNI, Otávio Ianni. *As metamorfoses do escravo: apogeu e crise da escravatura no Brasil meridional*. São Paulo: DIFEL, 1962; COSTA, Emilia Viotti da. Op. Cit. and, *Idem. The Brazilian Empire: Myths and Histories*. Chicago: Univ. of Chicago, 1985, cap.6 and p.215-216; CONRAD, Robert. Op. Cit.; TOPLIN, Robert Brent. *The Abolition of Slavery in Brazil*. New York: Atheneum, 1975; and BERGSTRESSER, Rebecca Baird. *The Movement for the Abolition of Slavery in Rio de Janeiro, Brazil, 1880-1889*. 1973. 208f. Dissertação (Doutorado em História). Stanford University. Stanford, 1973; GRAHAM, Richard. *Britain and the Onset of Modernisation in Brazil: 1850-1914*. Cambridge: Cambridge University, 1972, cap.6, contributes an analysis of the English influence on Brazilian Abolitionism and of the emergence and role of the urban middle class. COLSON, Roger Frank. *The Destruction of a Revolution: Polity, Economy and Society in Brazil, 1750-1895*. 1979. 937f. Dissertação (Doutorado em História). Princeton University, Princeton, 1979 – does not focus upon the Abolitionist movement, but does provide the larger economic shifts and conflicting interests of the time; cf. SCHULZ, John. *The Financial Crisis of Abolition*. New Haven: Yale University, 2008. As is discussed in NEEDELL, Jeffrey D. *Brazilian Abolitionism*, Op. Cit., I, and WEINSTEIN, Barbara. Op. Cit., since the 1970s, with the exception of Costa's 1985 synthesis, historians

consequence at the time. In sum, the 1871 law passed because the emperor insisted upon it, and because Rio Branco, as prime minister, had the patronage and personal political skill to make it happen – even in the same Chamber which had voted against abolitionist reform the year before.¹⁰

Once passed, the law was hollowed out by bad faith, evasion, and willful neglect. After all, all those who were in a position to implement the reform were precisely from the fraction of the ruling class with most at stake in stable slave labor. It was observed that more people were freed by private initiative during the 1870s and early '80s than by the execution of the law. Indeed, the hunger for more slaves continued unabated. At least one periodical pointed to the ongoing theft of free people of color and their sale into the slave-labor force through fraud. Nor are these things to be blamed on the Conservative Party alone, which was in power from 1868 to 1878. When the Liberals returned to power, they sponsored an Agricultural Congress (1878) that explicitly supported the great landholders and their labor concerns. Indeed, the Liberal Party, in power, consistently relegated active abolitionists to the party's fringe. That helps explain why Nabuco and other reformists had to struggle, and often failed, in their bids for election.¹¹

Liberals' reaction against abolition may not have been anticipated by the emperor. Indeed, some observers on both sides of the aisle thought that the emperor's decision to return the Liberals to power in 1878, while ostensibly to carry out a long-awaited electoral reform, indicated, instead, the emperor's private desire to implement abolitionist reform. On the one hand, he may have been frustrated with the Conservatives' failure to implement the 1871 reform after having passed it. On the other hand, the Liberal Party's manifesto of 1869 had included an abolitionist plank, as noted earlier. In effect, the emperor may have hoped that abolitionism stood a chance with the Liberals. If this was his expectation, he must have been terribly frustrated. The Liberal cabinets that followed, one after another, between 1878 and 1884 consistently opposed their own reformist minority. The latter, in turn, allied with the Conservative minority in the Chamber to vote against each of these cabinets, compelling their resignations.¹²

All the while, Rio's urban reformists, in alliance with the parliamentary abolitionists of 1879-1880, organized an Abolitionist movement, first in societies and then around an Abolitionist press. Their foremost militants, particularly the noted journalist, José do Patrocínio, began to reach out to the urban public. As was demonstrated years ago, the growth and metamorphosis of the free urban population, particularly the middle class, provided a sector without a vested interest in slavery itself, one frustrated with Brazilian backwardness and elite control, and one suffering the consequences of the repeated financial crises of the last twenty-five years. As the Vintém Riots of 1880 demonstrated, there were enough people suffering in the middle and working classes to mobilize unprecedented urban demonstrations in the hundreds, focusing on an issue that knit together

have left analyses of the national movement for local movements, particular issues, and, especially, aspects or explorations of slaves' agency.

10

NEEDELL, Jeffrey D. *The Party of Order*, Op. Cit., cap.6, 7. This analysis explicitly engages and revises the previous literature on these points.

11

For the law's impact, see MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., ch.1; CONRAD, Robert. Op. Cit., cap.7. *The Rio News*, over 1880 and 1881, regularly reported on the suspicious demography of slavery and explicitly charged that illegal reduction to slavery was going on. The latter certainly figured in slaving in Brazil after the 1850 end to the African trade; see, e.g., FREITAS, Judy Bieber. *Slavery and Social Life: Attempts to Reduce Free People to Slavery in the Sertão Mineiro, 1850-1870*. *JLAS*, v.26, n.3, p.597-619, 1994; and GRINBERG, Keila. Op. Cit. On Nabuco's reception by the party leadership and his failed re-election, see, e.g., *JC*, 31 Aug. 1880, 1; *The Rio News*, 15 Sept. 1880, 2; SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.219-220; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.14-19; CONRAD, Robert. Op. Cit., p.168-69, ALONSO, Angela. Op. Cit., p.128-135, passim.

12

On the emperor's post 1871 abolitionism, see OTONI, Cristiano Benedito. Op. Cit., p.205-207 and SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.185, p.186, p.274-275, p.282. The latter, passim, provides an account of the fragility of the Liberal cabinets 1878-1884. Otoni, republican by conviction, was a militant liberal since the Regency; Pereira da Silva had been a member of the Conservatives since their origins as Regency reactionaries.

13

On shifts in urban slave holding among people of various strata and among people of colour, see, e.g., KARASCH, Mary C. *Slave Life in Rio de Janeiro, 1808-1850*. Princeton: 1987, p.342-43, p.366 and FRANK, Zephyr L. *Dutra's World: Wealth and Family in Nineteenth-Century Rio de Janeiro*. Albuquerque: University of New Mexico, 2004, cap.1,2,4,5, passim. NB that Frank emphasizes the linkage between the ebb of middle-class slave holding and the potential for abolitionism. Despite the lacunae noted earlier, it is in the study of the movement's mobilization that the established literature has been richest. For the events and propaganda, see DUQUE-ESTRADA, Osorio. Op. Cit., p.92-109; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.22-25; COSTA, Emilia Viotti da. *Da senzala à colônia*. Op. Cit., pt.3; CONRAD, Robert. Op. Cit., cap.10-14; TOPLIN, Robert Brent. Op. Cit., cap.3,4. On the middle-class nature of Rio's abolitionism, see GRAHAM, Richard. *Britain and the Onset of Modernisation*, cap.6; CONRAD, Robert. Op. Cit., cap.9, and, particularly, BERGSTRESSER, Rebecca Baird. Op. Cit., cap.1-3. The *Vintém* riots took place in early 1880; many Republicans and later Abolitionists were involved. The riots had to do with the cabinet's deeply unpopular decision to raise revenue through taxing use of urban street cars by an added *vintém* (a *vintém* was a small unit of the currency). See *A Revista Ilustrada*, nºs 189, 205 (1880); *The Rio News*, 5 Jan., 1880, 2; BERGSTRESSER, Rebecca Baird. Op. Cit., p.18-22; cf. LAUDERDALE GRAHAM, Sandra. *The Vintem [sic] Riot and Political Culture: Rio de Janeiro 1880*. *HAHR*, v.60, n.3, p.431-449, aug. 1980.

both economic pressure and lack of political representation. Abolition offered such people a great deal more: a moral crusade against a barbaric oppression, linked to the aspiration for a "civilized," progressive society.¹³

Between 1882 and 1884, without Chamber representatives, the movement radicalized and mobilized support in Ceará, São Paulo, Rio Grande, and Amazonas, and founded a national organization, the Confederação Abolicionista (1883). Abolitionists not only mobilized support, they engaged in public emancipation and clandestine liberation. Indeed, Ceará, and then, Amazonas, abolished slavery. Such a movement was unprecedented; it threatened the established pattern of political behavior. It was clear to the party leaders in Rio and to the emperor that the movement had to be engaged. Indeed, its radicalism provided the political shelter for the emperor's renewed abolitionism. It justified his decision to empower the reformist wing of the Liberal Party to move abolitionism forward, however timidly. In this way, the emperor could not only satisfy his own desire, he could also hope to contain the destabilizing reality of these new, radical, urban politics.¹⁴ In 1884-1885, all of these concerns were hung about the shoulders of Dantas, who was burdened with carrying out a reform that might contain the mobilized national movement, satisfy the monarch's reformism, and yet not divide his party. As noted, however, he failed. He could not muster sufficient support in the Chamber. His failure radicalized further both the Abolitionists and their opposition.¹⁵

Their opposition, first in the Liberal Party, then in the Conservative, sought to contain the Abolitionist movement by promoting a clearly reactionary version of Dantas's 1884 proposal, now explicitly designed to "tranquilize" the slaveholders. This law, passed in 1885, actually strengthened slaveholding and delayed emancipation, while allowing the Conservatives who finally passed it to claim themselves "abolitionist." They then made it clear that no other abolitionist legislation would pass; indeed, they repressed the Abolitionists in town and country. This aggressive defense of the new status quo was captained by the chief of the Conservative Party, João Maurício Wanderley, barão de Cotegipe. Cotegipe, who succeeded Dantas's immediate successor, José Antônio Saraiva, was perfect for the role. Tough, profoundly conservative, and opportunistic, Cotegipe had practiced hard-ball politics successfully for forty years. While the Liberals had split repeatedly on reform issues, the Conservatives, while they had both a reformist and reactionary wing, were more disciplined, hungry for a return to power, and fearful of further reform. They united behind Cotegipe.¹⁶

If their opposition radicalized to the right, the Abolitionists did so to the left. They gave up gradual reform and united behind rapid, unconditional abolition. Their tactics, already involving illegal activity by 1883, now increasingly emphasized it. Accompanied by their more aggressive and polemic press, Abolitionists were involved in burning fields and organizing mass flights, and their parliamentary spokesmen and their lawyers started a more aggressive attack on the

14

See SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.272-275, p.282; OTONI, Cristiano Benedito. Op. Cit., p.200, p.211-212; NABUCO, Joaquim. *Minha formação*, Op. Cit., p.233-34; MONTEIRO, Tobias. Op. Cit., p.9, p.64-68; DUQUE-ESTRADA, Osorio. Op. Cit., p.92-117; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.52-55; COSTA, Emilia Viotti da. *Da senzala à colônia*. Op. Cit., p.401-05; CONRAD, Robert. Op. Cit., cap.12-14, especially p.194-98, p.212-213; TOPLIN, Robert Brent. Op. Cit., p.99-101. On the decision for a "new phase" of Abolitionist propaganda in May 1883, see André Rebouças, entry 4 May, diário 1883, Coleção André Rebouças, lata 464, Instituto Histórico e Geográfico Brasileiro [hereafter, CAR].

15

MONTEIRO, Tobias, Op. Cit., p.180-83. OTONI, Cristiano Benedito, Op. Cit., p.215-218; SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.282-292; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.74-78.

16

Dantas' successor, Saraiva, a Liberal, was noted for his political acuity and success. He it was who crafted a revision of Dantas' reform legislation so that it explicitly "tranquilized" the slave holders. It actually favored slaveholders' interests (see OTONI, Cristiano Benedito. Op. Cit., p.221-223 and CONRAD, Robert. Op. Cit., p.222-224). After passing it in the Chamber, Saraiva resigned, knowing full well he had passed it only through Conservative support and unwilling to continue in power hostage to that support – which would doubtless be denied him in the Senate, whose Conservative majority would be hostile to the Liberals' continued success. The Senate Conservatives (and the party elite as a whole) were led by Cotegipe, who longed to return himself and his party to power. On Cotegipe, a key Conservative since the 1840s, a member of Bahia's sugar-planting elite, and a man of singular ambition and abrasive temperament, see the text and references in NEEDELL, Jeffrey D. *The Party of Order*. Op. Cit., p.173-75, 245-46, 252-63, *passim*. The Conservatives' two wings had emerged during the controversial administration of the visconde do Rio Branco, whose success at passing the 1871 Law of the Free Womb had divided the party; see, *ibidem*, cap.6,7. On the party's reconciliation after Rio Branco's resignation, see SOUZA NETO, Paulino José Soares de. *Conselheiro Paulino de Souza*. *Revista do Instituto Histórico e Geográfico Brasileiro*, v.169, p.503, 1934. Cotegipe, who had long opposed abolitionism, had finally apparently accepted its inevitability under the monarch's pressure and supported Rio Branco; nonetheless, his long-time alliance with the reactionary hard-core of the party remained strong. That, and his seniority in the Senate, apparently provided the foundations of his party preeminence with both wings; his 1884 public statements supporting gradual abolitionism had made him less unpalatable to the monarch. On the origins and nature of Cotegipe's administration, particularly *vis-à-vis* Abolitionism, see MONTEIRO, Tobias, Op. Cit., p.82-85; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.94-95, 105, 122-23, 128, 147-48; DUQUE-ESTRADA, Osorio. Op. Cit., p.187-92; OTONI, Cristiano Benedito. Op. Cit., p.220-224; SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.298-307; Nabuco to barão de Penedo, Rio, 31 May 1884; Rio, 23 July 1884; Rio, 31 July 1884; to Rodolfo Dantas, Recife, 27 Oct. 1884; [Recife.] 2 Nov. 1884; to barão de Penedo, Recife, 28 Oct. 1884; 10 Dec. 1884; Pernambuco [Recife], 7 Jan.

barbarism and legal standing of slavery itself. Dantas and Nabuco exemplify the latter patterns. Dantas went from gradual reformism to calling for immediate abolition in the Senate, where he led both parties' reformists against Cotegipe. Nabuco, who had unexpectedly regained a Chamber seat in a by-election in mid 1885, was thrown out of parliament when the emperor granted Cotegipe a Chamber dissolution later that year. Nabuco was then defeated again in the new elections, elections held under close Conservative control. He refused to accept marginalization, however. He simply shifted entirely to another battlefield, remaining the public leader of the movement and continuing to work closely with the urban radicals, his allies since the early 1880s, whose propaganda and organization had made his earlier election in 1885 possible. Now, as a journalist, he fired the faithful with biting, radical criticisms in pamphlets and in the press.¹⁷

The Abolitionists' strategy involved two coordinated tactics, targeting the state and its traditional constituency. First, they sought to use traditional parliamentary and press tactics to embarrass and obstruct the cabinet, to render Cotegipe's position untenable and compel his resignation. Second, they undercut slavery itself, by destabilizing slave labor in the rural sector through violence, through encouraging resistance, and through mass flight. One was designed to obstruct, even replace, the state's leadership. The other, to compel a change in state policy, by threatening the socio-economic and legal order.¹⁸

It is this context which makes the issue of the penalty of the lash intelligible. In contrast, it makes no sense as it stands in our historiography; this generally states that the revocation of the penalty occurred because the Abolitionists shamed parliament into it. More, the literature claims that, afterward, masters no longer had the right to beat their slaves, thus undercutting plantation discipline.¹⁹ Such analyses are mistaken. Both houses of Parliament were dominated by Conservative majorities and the party was led by an unabashed reactionary. It makes no sense to argue that they could be shamed into undercutting slaveholding by abolishing the lash. Indeed, given Cotegipe's personal interests, his historical, explicit and obvious opposition to emancipation, his acknowledged chieftaincy of the party, and his commanding majority in the Chamber, he could easily have opposed and quashed the reform. Yet, he actually supported it. The literature does not address these contradictions.²⁰ Worse, the established literature does not understand the reform itself. The reform only eliminated flogging by public authorities. It was the state that lost the lash, not the slaveholder.²¹ Given these facts, better questions must be posed: for example, how was such a reform possible, given the parliamentary realities of the time, and why was the reform significant at all, given its limitations?

The reform was made possible by a cabinet crisis. The case, it will be recalled, began with Nabuco's late July 1886 report of the gruesome death of two captives; his report pointed to the horror as one associated with the barbarism of slavery itself. Dantas raised Nabuco's report in the Senate, but also asked whether the deaths derived from particular brutality in the whipping – in effect, a mat-

1885; to João Clapp, Petrópolis, n.d. [very early May] 1885; to barão de Penedo, Rio, 17 May [1885]; Recife, 24 June 1885, all in NABUCO, Joaquim. *Cartas a amigos*. 2 Vols. São Paulo: 1949, Vol.1, p.122-138.

17

After succeeding Saraiva, Cotegipe faced the Liberal majority in the Chamber, elected under Dantas's auspices. It was clearly hostile to him for partisan reasons, and the emperor could not expect him to govern with its support; he thus granted the dissolution alluded to in the text, and Cotegipe then undertook elections which returned a strong and disciplined Conservative majority. On these matters, see the citations on the Cotegipe administration made in n15, above. On the other matters in this paragraph, see SILVA, J.M. Pereira da. Op. Cit., Vol.2, p.315; DUQUE-ESTRADA, Osório. Op. Cit., p.183, p.186-198 MORAES, Evaristo de. *Campanha abolicionista*. Op. Cit., p.134-38, 147-59, cap.8; CONRAD, Robert. Op. Cit., p.197-98, 231-37, 242-45; TOPLIN, Robert Brent. Op. Cit., p.190-202; NEEDELL, Jeffrey D. Nabuco e a batalha parlamentar pela abolição. In: ALBUQUERQUE, Severino (ed). Op. Cit., p.293-313. For Nabuco's perspective and relationship with respect to the critical alliance with the urban radicals, see his correspondence: U. do Amaral to Joaquim Nabuco, Rio de Janeiro, 5 July 1883, CPp318 doc6490; Nabuco to Meu distinto Correligionario, Rio 18 October 1887, Cap5 doc 91; Luiz de Andrade to Nabuco, Rio de Janeiro 24 July 1887, CPp333doc6786; V. de S. Salvador dos Mattosinhos to Joaquim Nabuco, Rio, 13 December 1887 CPp337 doc 6853, all in the Instituto Joaquim Nabuco, Arquivo Joaquim Nabuco, Recife; see, also, Nabuco to barão de Penedo, Recife, 28 Oct. 1884; 10 Dec. 1884; Pernambuco [Recife], 7 Jan. 1885; to João Clapp, Petrópolis, n.d. [very early May] 1885; to barão de Penedo, Rio, 17 May [1885]; Recife, 24 June 1885, all in NABUCO, Joaquim. *Cartas*, Op. Cit., Vol.1, p.122-138. See, also, NABUCO, Joaquim. *Minha formação*, Op. Cit., p.252-58 and, for an idea of Nabuco's popular style, Idem. *Campanha abolicionista no Recife: eleições 1884: discursos de Joaquim Nabuco*. 2ª ed. Recife: Massangana, 1988 [1885]. In the aftermath of Dantas' fall, Nabuco wrote three unprecedentedly radical pamphlets of opposition – *O erro do imperador* (1886), *O eclipse do abolicionismo* (1886), *Eleições liberais e eleições conservadoras* (1886) – and caustic, regular columns in the pages of *O Paiz*, one of the two most energetic periodicals opposed to Cotegipe. *O Paiz*, it should be noted, was edited by Quintino Bocaiuva and was strongly associated with the Republican movement; its owner, the Visconde de São Salvador dos Mattosinhos, was a sympathizer with both the Republican and the Abolitionist movements.

18

See the sources in n15 for examples of the tactics. There is some disagreement in the literature regarding whether the Abolitionists in the parliamentary, public activities are to be associated with any part in the movement's success or with its more radical actions or demands, and this debate goes back to its veterans (e.g., DUQUE-ESTRADA, Osório. Op. Cit. – who sought to distinguish between reformists like Nabuco and the urban, radical, republican militants whom he had supported). The analysis here is based on the observation of what occurred, how it makes sense in the political world as perceived by the Abolitionist leadership, and both the private correspondence (see, e.g., Nabuco's, as cited in n16) and André Rebouças' 1880s diaries (CAR, cited

ter of crown abuse. Dantas asked for an inquiry. Cotegipe's minister of agriculture, Antônio Prado, in a speech three days after Dantas's incendiary attack, charged that Dantas and the reformists were using every excuse possible to bring the cabinet down, and that they were using abolition to do so.²²

This clarifies the political situation. Dantas, indeed, had successfully put together an ephemeral opposition majority in the Senate. The penalty of the lash was only one of his tactics in doing so. Indeed, Prado's speech makes it clear that Dantas's tactics were succeeding even before the lash issue had matured: for Dantas had already successfully led a vote in the Senate which actually obstructed passage of the Ministry of Agriculture budget. While it was traditional to indicate a lack of confidence in a cabinet by obstructing passage of a budget, it was not traditional to do so from the Senate. Confidence in a cabinet was traditionally demonstrated in the Chamber. However, in this case, faced with an overwhelming Conservative majority in the lower house, the Abolitionists had decided to work through the upper house. There the Conservative majority was very, very thin, and there were Abolitionist allies among them. In sum, while the opposition could not win a vote in the Chamber, they could in the Senate, and, under Dantas's adroit leadership, they had done so. How had they succeeded? Prior to the issue of the penalty of the lash, Dantas and his allies pulled together a bare majority by dismissing Cotegipe's claims of being an abolitionist by attacking his controversial implementation of the 1885 abolitionist reform, persuasively arguing that Cotegipe's alleged abolitionism was false and betrayed true Abolitionist reformism entirely.²³

While, for obvious reasons, Cotegipe did not announce it, this unprecedented Abolitionist success, calling his administration's moral and political coherence into question (and, thus, effectively undermining its public strength), apparently compelled him to undertake two related actions. Cotegipe had to eliminate the opposition's unexpected majority in the Senate and he then had to demonstrate his strength in parliament as a whole. This provides the plausible explanation for his handling of the penalty of the lash issue in the Senate, over the course of August and September. In word and deed, his cabinet representative, Ribeiro da Luz, the minister of justice, supported the penalty's reform. Cotegipe's unexpected support for the reform can best be explained as part of a calculation to reduce his Abolitionist opposition, by embracing this particular legislation, in order to reassert his own abolitionist credentials. If this was the plan, it apparently worked. After taking this position on the lash, Cotegipe made the cabinet's position on the larger question, his implementation of the 1885 Abolitionist law, a matter of a vote of confidence in the Chamber (5 October). The cabinet was vindicated by a landslide. This process then reached its partisan apotheosis (in a general assembly of both houses for a vote, 9 October), when parliament voted in massive support for Cotegipe.²⁴

In effect, the penalty of the lash reform was simply a component in an attack by Cotegipe's opposition to undermine the cabinet.

above). These make clear that people like Nabuco (the parliamentary chieftain, public spokesman, and noted propagandist) and Rebouças (the critical organizer, financier, and publicist of the movement) worked closely with people like Patrocínio (the foremost urban radical, journalist, Republican) and João Clapp (a key urban militant, involved in organization and the underground railroad). Rebouças's diary, in particular, indicates the regular meetings between them at the seat of the *Gazeta da Tarde*, and demonstrates that their actions were designed, in concert, both to undermine the cabinet and challenge the stability of slave labor. To give useful examples, people like Patrocínio supported the Abolitionists of Campos, accused of inciting the cane-field burnings in the area, and *O Paiz* and *Gazeta da Tarde* (and Patrocínio's later journal, *Cidade do Rio*) gave a great deal of supportive attention to the paulista movement led by Antônio Bento [de Sousa e Castro], which incited and organized mass flights from the plantations. An Abolitionist did not have to do all things to appreciate the things other Abolitionists did, and how the actions of each enhanced and enabled different elements of the movement. More, the various provincial Abolitionist organizations were in contact, and all were related through the organizational umbrella of the Confederação Abolicionista, founded in 1883.

19

On the condemnation of flogging, see OTONI, Cristiano Benedito. Op. Cit., p.273-276; DUQUE-ESTRADA, Osório. Op. Cit., p.199; MORAES, Evaristo de. *A campanha abolicionista*. Op. Cit., p.215-16; CONRAD, Robert. Op. Cit., p.237; and TOPLIN, Robert Brent. Op. Cit., p.198-200. While Moraes' and Conrad's appreciation of the actual law is closest to what it actually involved, only BROWN, Alexandra K. Op. Cit., p.110, n.112, has noted the difference between what the reform entailed and what the historiography has claimed. Even Evaristo de MORAES, loc.cit., who did understand the distinction, elided it, by arguing that the magistracy could and did interpret the reform to impact private corporal punishment.

20

Moraes and Brown actually address Cotegipe's support, but both do so inadequately. Evaristo de MORAES (Op. Cit., p.215) simply observes that Cotegipe supported the reform, without explanation except the implication that he was moved by the particular horrors of the case in question. This honors Cotegipe's sensitivities more than they merit. Brown does not see the issue at all; she merely notes that Cotegipe publicly declared he would not have supported the reform if it had any impact on private flogging, suggesting through her language that Cotegipe's support had something to do with a lack of attention: "Cotegipe...who had remained silent throughout the discussion of the bill, rose from his slumber to announce that if he had believed the project extended into the private domain, he would never have voted for it!" (BROWN, Alexandra K. Op. Cit., p.110). However, the record (as the text here argues) indicates that Cotegipe may have been obstinate, but he was hardly inattentive.

21

Aside from Brown, in the note cited in n19, see the record, for the bill from the Senate, clarification on domestic flogging from the cabinet, and, finally, the text of the law in, respectively, *JC*, 6 Oct. 1886, 2; *ibidem*, 14 Oct. 1886, 2; and *ibidem*, 17 Oct. 1886, 1.

In the Senate, the cabinet was vulnerable because of an ephemeral Abolitionist alliance between the Liberals and a Conservative fraction.²⁵ This "accidental" majority suggests the reason for Cotegipe's response to this particular reform. While he would not yield to the Abolitionists' pressure for emancipation, he met the Abolitionist attack on their own terrain by seizing upon this reform; it allowed the cabinet to claim itself abolitionist and civilized. Cotegipe's minister of justice publicly asked a Senate Liberal to propose the reform, debated the amendments, and then supported it. In effect, Cotegipe's cabinet denied their Senate opposition the moral "high ground" on this particular issue, and apparently this helped them in the larger debate over the cabinet's abolitionist credentials and coherence.²⁶

The question then becomes, why would Cotegipe support this reform, when he determinedly obstructed all others? The obvious answer is that, to the cabinet, the reform paid significant political dividends without significant cost – it helped them to maintain power but had no direct bearing on plantation slaveholding. Indeed, Cotegipe and his minister stated this limit explicitly, dismissing the more radical, abolitionist claims his opposition tried to pin upon the reform. In one instance, Cotegipe answered such claims with cynical euphemisms regarding both the 1885 reform and plantation punishment. When the Abolitionists argued that the reform had far-reaching implications, and sought to exploit them, Cotegipe stated:

...considerado o projeto tal como o entende o nobre ministro da justiça, e como S. Exa. e os seus colegas do governo, não pode ter ele semelhante alcance.

Trata-se apenas de comutar a pena de açoites em outra qualquer que não seja essa que o nobre senador considera infamante, e que, na realidade aplicada a homens que amanhã podem ser livres, em virtude da lei, torna-se um pouco bárbara...

O Sr. Silveira da Motta: – Um pouco?

O Sr. Barão de Cotegipe (presidente do conselho): – O fim é este apenas; mas daí não se vá inferir que os escravos não estejam sujeitos aos castigos moderados que podem receber de seu senhor, assim como do pai os recebe o filho, e de seus mestres o discípulo.

O que se quer é acabar somente com a pena de açoites; em tudo o mais conserva-se a lei antiga; não há alteração alguma.

... A inteligência que quis dar o nobre senador não é a dada pelo governo ...O governo há de se guiar pela lei e não pelas ilusões que dela se pretenda tirar.²⁷

As we shall see, however, it was Cotegipe's own illusions about the reform which proved problematic to the regime of law he sought to defend.

Given historians' misunderstanding of the context and the reform, what, then, is this parliamentary reform's significance in the

22

See Dantas, *JC*, 31 July 1886, 1; Antonio Prado, *ibidem*, 10 August 1886, 2. The citations are dated by their appearance in the periodical; the actual events occurred 30 July and 2 August 1886, respectively.

23

See Antonio Prado, *JC*, 10 August 1886, 2 and SILVA, J.M. Pereira da. *Op. Cit.*, Vol.2 p.318-320. Both detail the immediate issues relevant to the 1885 law and the political implications. Evaristo de Moraes recalls the situation in *Op. Cit.*, p.154-155.

24

On the crisis and the cabinet's response, see *ibidem*. As Pereira da Silva notes, while the Senate's vote could not be considered critical to the cabinet's survival by constitutional practice or parliamentary tradition, it did challenge its public moral authority, which was critical to any cabinet's capacity to function politically (cf. NEEDED, Jeffrey D. *The Party of Order*, *Op. Cit.*, p.72, p.76 e p.243 and note that both Cotegipe and Pereira da Silva, as traditional Conservatives, would have been sensitive to both the political realities and their party's ideological position on such matters). This is made explicitly clear by Pereira da Silva, master and veteran of such matters. One should note, however, that he does not mention the *pena de açoites* reform at all, nor does Antonio Prado. This suggests that it was subsumed in the larger debate over the cabinet's policy towards abolition, at least by the cabinet's supporters. As Nabuco indicated in an 1887 letter, the implications of the reform were seen as far more important by the Abolitionists (see the letter to Allen cited in n29, below). The dating of the reform supports the analysis here. The Senate debate on the reform was over by 1 October; it passed to the Chamber on 5 October, the date Cotegipe asked for and won his vote of confidence there, before going on to the vindication of the fused general assembly (9 October); see Ignacio Martins, *JC*, 5 Oct. 1886, 1; and *ibidem*, 6 Oct. 1886, 2.

25

Both Prado and Pereira da Silva are explicit on the Abolitionist basis for the alliance between the Liberals and a small number of Conservatives in the Senate in the citations made in n22, above.

26

See Dantas, et al., *JC*, 31 July 1886, 1; Ignacio Martins, *ibidem*, 3 Aug. 1886, 1; Ribeiro da Luz, et al., 21 August 1886, 1; Ignacio Martins, Cotegipe, et al., *ibidem*, 30 Sept. 1886, 1; Ribeiro da Luz, et al., *ibidem*, 2; Silveira da Motta, et al., *ibidem*, 1 Oct. 1886, 1; Ignacio Martins, et al., *ibidem*, 5 Oct. 1886, 1. The struggle over the meaning of the reform is clear in all of these, but the struggle for the moral "high ground" is particularly clear, and cynical, in the debate recorded 1 Oct.

27

Cotegipe, et al., *JC*, 30 September 1886, 1 [29 September 1886]. See n.25, above, for other examples.

28

In the debates of 1871, as in the opposition to the 1886 reform in question, the issue of the moral prestige of the slaveholder was an explicit concern. It had to do with the perception of power on the plantation, a perception which was understood by all to be a component of plantation discipline. As such, it fits in nicely with E.P. Thompson's concept of "moral economy," that is, the traditional assumptions about what was acceptable and what was not in the established economic and social relationships

Abolitionist struggle and our understanding of that struggle? First, the debate, and the larger debate of which it was a part, indicate the clear impact of Abolitionism on the Senate. By 1886, the Abolitionist movement was so politically powerful at all levels, that, even in the Senate, the cabinet was challenged and had to meet its challenge to maintain power. Second, that, while the reform had only to do with state flogging, as Cotegipe insisted, its erasure struck a blow at the moral economy of the plantation.²⁸ While the cabinet presumed that the reform would be inconsequential for slaveholding, such was not always the perception, and, in moral economy, perception is critical. Indeed, although Cotegipe explicitly sought to dismiss them, the reform's implications for private plantation repression were anticipated by parliamentary supporters and enemies alike.²⁹ More important, the perception of the captives themselves may be indicated by their actions. Two credible contemporaries, from opposite sides of the aisle, recorded the notable ebb of slaves' discipline over the course of 1886-1887, and one stated directly that the abolition of the lash had a clear impact on that shift.³⁰ This man, Cristiano Otoni, a senator at the time, could not have been clearer:

Logo que se propagou no país a notícia – *não há mais açoites* – começaram a modificar-se as relações entre os senhores e os escravos. Estes afrouxaram no serviço, furtavam-se a ele, fugiam; aqueles, sentindo-se desarmados e compreendendo afinal que a escravidão não podia durar...³¹

Thus, while the historiography does not recover the political reality with which to comprehend the meaning of the reform's passage, much in the historiography's conclusions still rings true. As demonstrated, Cotegipe did not pass it out of shame, but in a successful political calculation to reassert his parliamentary strength. Nonetheless, in passing it, he lent himself to Abolitionism's triumph. In this reform, Abolitionists exposed the regime's barbarism, challenged a cruel practice, and undercut slavery in law and in public opinion. Indeed, as feared among slaveholders in the parliament and seen shortly afterwards, the impact of these victories may well have had material influence on the plantations. As Otoni's words indicate, such victories probably spurred the captives' resistance.

If this is so, that is, if the reform did have an impact on slavery's more rapid erosion, what does it matter that the reform's origins have been misunderstood? It matters because the origins help us to recover the complicated nature of the Abolitionist struggle, and, obviously, an accurate analysis of that struggle is central to our work. Without such an analysis, we misunderstand the political process; we fail to understand how Abolitionism actually went forward. This one incident indicates a larger truth, for it reveals how parliamentary struggle, the Abolitionist movement, and the resistance of the captives interacted. Indeed, the dramatic 1886-1887 deterioration of plantation discipline, spurred by Abolitionist subversion, propaganda, and the reform of the penalty of the lash, was central to the crown's and parliament's shift favoring some immediate form of Abolitionist legislation, to

between the oppressor and the oppressed. While most of us, following Thompson's concern with shifts in eighteenth-century market relations, focus upon what happens when the oppressor upsets this economy by innovation, there is no reason not to use the concept when the state intervenes to upset it by legal reform. See THOMPSON, E.P. *The Moral Economy of the English Crowd in the Eighteenth Century. Past and Present*, n.50, p.76-136, especially p.78-79, Feb. 1971.

29

See the debates in *JC*, 30 Sept.1886, 1, 2; *ibidem* 1 Oct. 1886, 1; *ibidem*, 5 Oct. 1886, 1; and the final debate, *ibidem*, 14 Oct. 1886, 2.

30

SILVA, J.M. Pereira da. *Op. Cit.*, Vol.2, p.311; OTONI, Cristiano Benedito. *Op. Cit.*, p.276; Pereira da Silva writes of the general milieu of the agricultural sector due to Abolitionist propaganda by mid 1886; Otoni writes explicitly of the 1887 impact of the reform. Nabuco himself believed that the reform actually abolished flogging altogether, and that, if enforced, it would have effectively ended slavery itself – or, at least, this is what he conveyed in one letter: See Nabuco to Mr. Allen, [London, April 1887], in: BETHELL, Leslie e CARVALHO, José Murilo de (eds.). *Joaquim Nabuco, British Abolitionists and the End of Slavery in Brazil: Correspondence 1880-1905*. London: Institute for the Study of the Americas, 2009. p.116.

31

OTONI, Cristiano Benedito. *Op Cit.*, p.276.

32

See NEEDELL, Jeffrey D. *Brazilian Abolitionism*, *Op. Cit.*, III.

contain the destabilization of slave labor and the consequent sapping of the established social and political order. This shift at the highest levels of the formal political structure forced the fall of the Cotegipe cabinet, the ascent of João Alfredo's reformist administration, and, under continued, dramatic Abolitionist urban and rural destabilizing pressure, the passage of the Golden Law, ending slavery immediately, on 13 May 1888.³²