

Discrimination and Abandonment of Mixed-Race Newborns in Portuguese America

The Examples of Mariana, Vila Rica and Recife

Discriminação e abandono de recém-nascidos mestiços na América Portuguesa

Os exemplos de Mariana, Vila Rica e Recife

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ABSTRACT Newborns abandoned by their parents in the streets of Portuguese localities were raised with funds regulated by Portuguese law – the Manueline Ordinances (Ordenações Manuelinas, 1512). This was often a controversial subject because it was a costly initiative that depended on the municipal treasury and, in the long run, the local community, through taxes (*fontas*) levied by the regulations. When it became a legal obligation, once put into practice, the councils were in charge of taking care of all of the area's *expostos*. This paper analyzes the cases of Mariana and Vila Rica, Minas Gerais, and Recife, Pernambuco, where funding for foundlings' foster care was regulated. However, this type of charity, typical of Catholic regions in the West, would undergo innovations in light of the presence of mixed-race populations in Portuguese America. In the three examples studied, the authorities proposed restricting those assisted on the basis of ethnic criteria, thereby establishing new boundaries for concepts of charity, poverty and assistance.

KEYWORDS foundlings, charity, poverty

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RESUMO O financiamento da criação de recém-nascidos abandonados pelos pais nas ruas das localidades portuguesas foi regulamentado pelas Ordenações Manuelinas (1512) e frequentemente constituía um tema controverso porque era uma iniciativa onerosa, que recaía sobre os cofres municipais e, no limite, sobre a população local, por meio de impostos (fintas) lançados pelo termo. Quando passou a ser obrigação legal, uma vez posta em prática, os concelhos encarregavam-se de cuidar de todos os expostos da localidade. Este artigo analisa os casos de Mariana e Vila Rica, em Minas Gerais, e Recife, em Pernambuco, onde foi regulamentado o financiamento da criação dos enjeitados. Contudo, essa forma de caridade, típica das regiões católicas no Ocidente, passaria por inovações frente à presença de populações miscigenadas na América portuguesa. Nos três exemplos estudados, as autoridades propuseram restringir o público de auxiliados a partir de critérios étnicos, estabelecendo, assim, novas fronteiras das noções de caridade, pobreza e assistência.

PALAVRAS-CHAVE enjeitados, caridade, pobreza

In Portugal, newborns anonymously abandoned by their parents, who thereby gave up the guardianship and care of their children, were called foundlings or *expostos* (literally, exposed ones). Until the end of the Middle Ages, foundlings were taken in by private parties and religious institutions, but since the enactment of the laws known as the Manueline Ordinances (*Ordenações Manuelinas*, 1512), providing foster care for abandoned babies became a legal obligation: city and town councils were responsible for supporting the *expostos* born in their jurisdiction until the age of seven.¹ At the time, during the reign of King Manuel

1 “But if some orphans who are not legitimate are the children of married or single men, in such a case, first, their parents will be obliged to raise them; and not having where to raise them, they will be raised at the expense of their mothers; and having neither one nor the other nor anywhere to raise them, their relatives are required to raise them; and if they are unwanted or are the children of religious or monks or nuns or married women, for such children not to die for lack of care, they will be raised at the expense of the assets of hospitals or hospices, if there are any in the city, town or place ordained for the raising of foundlings; and there are no

(1495-1521) special efforts were also made to organize and expand the system for aiding the poor, with the confraternities of Misericórdia (Mercy) playing a leading role. Funding for the foster care of the *expostos* emerged as a civil and public issue that, in a broader sense, originated from the moral obligation of the king (*pater familias*) to care for his less fortunate subjects. However, in practical terms, it made abandoned children a local issue whose management fell to the councils, and the financial burden, primarily, onto the communities. This model of funding based on the responsibility of the councils was endorsed by the Philippine Ordinances (*Ordenações Filipinas*, 1603),² which also ensured that the councils had the autonomy to levy taxes without prior authorization from the *ouvidores* (superior circuit judges).³

In the text of the regulations, the reference to *expostos* was closely linked to orphans, particularly those who were illegitimate. Although, from a much broader standpoint, foundlings, like orphans, were included in the category of the “poor,” abandoned children made up a specific vulnerable group that received institutional support until the age of seven (Sá, 1992, 76-89).⁴ Their legitimacy was also autonomous; that is, unless any information about them became known, *expostos* were considered neither legitimate nor illegitimate. Unlike orphans, for whom the death of their parents was a *sine qua non* for their status, foundlings had no ancestry. This was an important factor, particularly considering the inconveniences that illegitimacy, “impure blood,” and

such hospitals or hospices, they will be raised at the expense of the council's income; and if the council does not have income that can be used to raise them it will levy taxes on those people who must pay taxes and for the council's responsibilities, which will be levied by the officers of the council.” *Ordenações Manuelinas*. Reprodução em fac-símile da edição de 1512-1513. Lisboa: Centro de Estudos Históricos da Universidade Nova de Lisboa, 2002 [1512-1513]. Livro I, título 67, parágrafo 10, p.482.

2 *Ordenações Filipinas*. Rio de Janeiro: Edição de Cândido Mendes de Almeida, 1870 [1603].

Livro 1, título 88, parágrafo 11, p.210-211.

3 *Ordenações Filipinas*, livro 1, título 66, parágrafo 41, p.151.

4 See also: PINTO, Antônio Joaquim Gouveia. *Compilação das providências, que a bem da criação, e educação dos expostos ou enjeitados que se tem publicado*. Lisboa: Impressão Régia, 1820.

low social rank could cause in Portuguese society. Finally, according to the tradition of Roman Law, once they became foundlings, children were considered free (Boswell, 1988, 53-137). In the Portuguese empire, the principle of the freedom of *expostos* was reaffirmed by the decree of January 31, 1775, claiming the natural *ingenuidade*⁵ and personal empowerment of foundlings.⁶

After the age of seven, they had the same status of orphans and were placed under the responsibility of the orphans' court (*juiz de órfãos*). In theory, the main difference lay in the fact that *expostos* were emancipated at the age of 20, five years earlier than orphans. Because there were no specific laws on adoption, generally, after the financed period ended, they stayed with their foster families or went from home to home until they managed to find one that would take them in, working for wages or just shelter, food and clothing (Sá, 1995, 87). However, in areas where aid was more institutionalized, control over the fate of the *expostos* over the age of seven was relaxed and depended on the relationship between the abandoned children and their foster families.

Especially after the seventeenth century, the model based on funding from the city councils and the establishment of the foundling wheel became popular throughout continental Portugal (Sá, 1995). In many cases, the councils controlled a "wheel house," managing the foster parents, nurses, burials... However, the area with more dynamic *Santas*

5 According to BLUTEAU, "*Ingênuo* was the name given by the Ancient Romans to someone who was the son of free and honorable parents." In Antonio de Moraes Silva's dictionary, *ingênuo* is defined as "among the Latins, the child of a *libertino* father or Roman citizen. Candid, plain, without folds, not replated." It should be explained that, according to Moraes Silva, in this context "libertino" meant "among the Romans, the child of a freedperson, someone who had been enslaved and obtained manumission" (SILVA, 1789, 221).

6 "Article VII – I hereby order that after each foundling reaches the age of seven and being just as above delivered to the judge of orphans, the Hospital and the Board of Misericórdia is no longer obliged to care for him, being for this reason without any privileges of that house, as if it had never existed, because I deem them null and void within the law or outside it, they being reduced to mere orphans, like others from the people. Except for those privileges that pertain to the *ingenuidade* and personal qualification of these orphans; because they will enjoy them without pause or restriction." Available at: http://www.governodosoutros.ics.ul.pt/?menu=consulta&id_partes=109&id_normas=33643&accão=ver; Accessed on June 16, 2015.

Casas da Misericórdia, the councils handed over responsibility to those charitable institutions by means of regular payments. The presence of a foundling wheel tended to centralize child abandonment, making it more impersonal and bureaucratic. Three wheels were established in Portuguese America by 1822: in Salvador (1726), Rio de Janeiro (1738) and Recife (1788).

In communities that did not have foundling wheels, the children were left on strangers' doorsteps or in public places, which ensured a more public dynamic because, for example, it enabled families to establish strategies – not always successful – for choosing the homes where the babies would be abandoned. In communities without wheels, the councils often simply exempted themselves from paying for the *expostos* (Scott; Bacellar, 2010, 59-80). In other cases, the councils paid the foster families that requested the subsidy without interfering any further in the dynamics of the abandonment of the child, as was the case, for example, in Mariana and Vila Rica, in the Captaincy of Minas Gerais.

This paper will discuss the applicability of the council subsidy for foundlings – a law that was supposedly universal – in slaveholding societies. To do so, I will analyze the examples of Mariana and Vila Rica, where children were abandoned on doorsteps and institutionally supported by the local councils, and the town of Recife, which established an anonymous foundling wheel in 1788. In all three cases, the proposals for limiting child abandonment were intended to discriminate among foundlings on the basis of their social status. Based on these examples, I also intend to examine how colonial institutions viewed the concepts of charity and poverty.

THE COLOR OF FOUNDLINGS

According to the Council of Trent, as soon as an abandoned child was found, it had to be re-baptized, *sub conditione*, even if it was accompanied by a note saying it had already been christened.⁷ In addition to

⁷ The precept of “conditional” baptism was observed in the *Constituições Primeiras* of the

the conditional sacrament, the other recommendation was that parish priests should note down information that would make it easier for the child to be identified in case the parents wished to recover it.⁸ An exposito's registration often included the place where it was found, the name of the person who took it in, a transcript of the notes, and a list of the objects left with the children (blankets, clothing, ribbons). That way, the quality of the information depended on many aspects of the situation in which the child was found, and the parish priests' diligence in recording the details of each case.

The other procedures were similar to the general guidelines for baptismal records: date, name, parents, godparents, parish and parish priest. The *Constituições primeiras* (diocesan laws) themselves did not require information about the child's color, as it was more common to register them according to the legal status of the population: the registry of free individuals and freedpersons was kept separately from that of slaves. In many colonial areas, the reference to the "quality" of the newborns was mentioned infrequently and depended on the good will of the parish priests. For the expositos, that silence could be beneficial.⁹ However, once again, mention of the mixed-race ancestry of the newborns varied according to the disposition of the parish priests: for example, records in Recife from the turn of the eighteenth to nineteenth centuries mentioned the newborns' color (Nascimento, 2008, 222).

In practical terms, we cannot know how much the absence of information about their color benefited the babies, although, in theory, the foundlings would always receive the benefit of the doubt. In 1795, in

Archbishopric of Bahia, of 1707. VIDE, Sebastião Monteiro da. *Constituições Primeiras do Arcebispado da Bahia* (1707). Estudo crítico e edição de Bruno Feitler e Evergton Sales Souza. São Paulo: Edusp, 2010, p.150.

8 "And if there is any foundling to be baptized, and their mother or father is unknown, it will be done in the site of said declaration and in the place, day and by whom it was found" (VIDE, 2010, 156-157).

9 Regarding the color of the expositos, see: MARCÍLIO, 2006, p.230-236; VENÂNCIO, 1999, p.47-50; CAVAZZANI, 2005, p.117; BRUGGUER, 2006, p.119-127; PAULA, 2009, p.141; FARIA, 2010, p.81-98; DAMASCENO, 2011, p.103-107; FRANCO, 2014, p.82; SILVA, 2014, p.127-128.

Vila Rica, the Creole (Brazilian-born) freedwoman Ana Pereira Pinta requested a change in the baptismal records that described the *exposta* Domitila as *parda* (mulatto). According to Ana, this statement could only be made if the priest knew the girl's parents, so there should not be any "recognition of the quality of the said *exposta*," because "the sacrament of grace does not open the door of infamy." The council ordered the change and the coadjutor declared that it was his mistake: "for that reason I now report that then she seemed to me to be *parda* and now she is white; that is what I have to say."¹⁰

In some cases, notes left with the children made a point of mentioning their color, certainly in an attempt to influence the baptismal record: on March 11, 1777, a foundling was left on the doorstep of Antônio Correa Mayrinck, vicar of Pilar Parish in Vila Rica, with a brief note saying that the baby was "the child of a white woman and should be named Antonio."¹¹ However, it should be emphasized that it is not possible to establish a pattern or even verify each story. Ultimately, these brief statements could be false, means of ensuring better conditions for the children, formalizing strategies that corresponded to institutional expectations (Venancio 1999, 75-85).

While most of the baptismal records made no reference to skin color, the entry books of the wheel houses of Salvador and Rio de Janeiro were more explicit, from the eighteenth century, immediately stating the "quality" of the foundlings. The designation was vague, based on appearance and often negotiable. In the early nineteenth century, in the investigations of *expostos* made by the Santa Casa de Misericórdia of Salvador, they observe many gradations in color classifications, such as "pale white," "very dark white," "tawny white," "colored white," "tawny brown"

10 Arquivo Público Mineiro (hereafter, APM), Câmara Municipal de Ouro Preto (hereafter, CMOP), Av., Cx. 67, Doc. 32.

11 *Banco de Dados referente às séries paroquiais da Freguesia de Nossa Senhora do Pilar de Ouro Preto, séculos XVIII e XIX*, coordinated by Ph.D. Adalgisa Arantes Campos, with the 'atas de batismo da Paróquia de Nossa Senhora do Pilar do Ouro Preto' (CNPq, Fapemig); id. 5354.

or “dissimulated pardo.” The children’s color might change as they grew up, or when there was a change in staff (Santos, 2005, 115-137).

In any case, in the long term, we have observed the prevalence of white foundlings being superseded by black and mixed-race children from the second half of the nineteenth century onward, when the ethics of abandonment was being questioned from several standpoints, and it gradually became a practice markedly associated with the poor and destitute (Venancio 1999, 48). Without establishing a strict timeline, we can say that until the first half of the nineteenth century, child abandonment was a widespread practice and involved different social classes.

For the colonial period, the “omissions” of the parish priests and the constant reference to whites in the records of the Salvador and Rio de Janeiro Misericórdias have led some historians to interpret the phenomenon as a moral issue. While respectable white families feared that news of their unwanted offspring might become public, the mixed-race groups, for whom illegitimacy was a trivial matter, did not need to abandon their children (Silva 1980, 95-104; Russell-Wood, 1981, 233-251). From this perspective, abandonment was due to a strict moral code and had little to do with personal contingencies (the death of the parents, disease) or social problems (poverty).¹²

The most recent studies have insisted on the widespread nature of the phenomenon, covering different social groups that communally engaged in the dynamics of abandonment. It should also be noted that, throughout the modern era, child abandonment was a common practice in different parts of southern Europe (Sá, 1995). In the colony, blacks, whites, the poor, rich, free and enslaved either had foundlings in their family circles or certainly knew someone who did (Franco, 2014). Abandoning a child was part of a repertoire of measures through which families gave up their offspring for various reasons, such as illegitimacy, poverty, illness and orphanhood. The idea that the of foundlings’ backgrounds were totally unknown is highly questionable: there were high

12 For a discussion of the causes of child abandonment, see: SÁ, 1995, p.12-22; MARCÍLIO, 2006, p.257-266; VENÂNCIO, 1999, p.85-94; FRANCO, 2014, p.62-74.

rates of abandonment in small towns. It was a legitimate and tolerated phenomenon, ultimately less cruel than abortion and infanticide.

However, though they were a socially widespread phenomenon, in slaveholding societies *expostos* presented another commonplace question: if their mixed-race appearance immediately linked child abandonment with slavery, how could abandonment be restricted to the free segments of the population? Occasionally there were cases of the “improper” use of that institution, such as stories of slave women who hid their pregnancies and abandoned their babies, thereby setting them free and subverting the charitable principle that dealt with the common good. Because of that, when such cases were discovered, the children of slaves were returned to bondage despite the law.

In Vila Rica, for example, the site of the baptism of Angelo, in January 1760, a rectification was made, “in that it was registered in the book of freedpersons as a foundling due to a mistake by the mother who had it abandoned.”¹³ In 1782, the Reverend Francisco de Palhares filed a petition with the town council claiming that the foundling Bernardo, raised in the home of the blacksmith Joaquim da Silva Guerra and his wife, Victoria Correa Maciel, was the son of his slave woman. The clergyman asked, through an interview, for explanations and the return of his “young mulatto slave furtively abandoned to the council of this town,” regaining custody of the child that was “temporarily” considered an *exposto*.¹⁴

Isabel, the slave of said priest, “with a generally good reputation among those who know her,” had “given birth in secret” and left the child on the doorstep of Judge Cláudio Manuel da Costa, who, in turn, had handed it over to Joaquim da Silva Guerra, a “pardo blacksmith” and his wife, Vitória Correa Maciel, to raise at the council’s expense,

13 *Banco de dados referente às séries paroquiais da Freguesia de Nossa Senhora do Pilar de Ouro Preto, séculos XVIII e XIX*, Batizado em 07 jan. 1760, id. 9313.

14 “...whether due to their age or temporary status of *exposto*, commonly known as a foundling, and freedom in which you, as judge of orphans and minors similarly give him and appoint him guardian.” APM, CMOP, Av., Cx. 58, Doc. 04.

“all of which occurred in December 1780.” When Isabel abandoned Bernardo, he was wrapped “in a thick diaper instead of a towel, with two shirts and one or two cubits of yellow baize.” According to a statement by the poet and Inconfidente Cláudio Manuel da Costa, “some time later, they put a letter under the door saying that that boy came from the household of Father Francisco Palhares.”

In light of the evidence, the orphans’ court judge, Antônio de Castro Peixoto, ordered a full investigation because “there is no doubt that freedom is a goodly thing from which to be reduced to the bondage of slavery.” An inquest was held, obtaining statements from the people directly involved or who knew the slave woman. The parda freedwoman Ana Maria de Jesus, 25, a seamstress, confirmed the priest’s story and added that as soon as Isabel had given birth, she had told the witness personally that she had abandoned the child, something Ana Maria also knew “from reliable reports from several other people.” However, the witness made it clear that Isabel had “asked her to keep it a secret” and she had only divulged it because she had received a court order. Other witnesses confirmed her story: Maria Cecília, 30, a parda woman who lived with her mother; Antônia Gomes Ribeiro, 48, a Creole freedwoman, married to Antônio João; the pharmacist Joaquim Coelho Pereira, 24, a white man; Cláudio Manuel da Costa, 53, an attorney and knight of the Order of Christ, and Vitoriana Correa Maciel, 30, a parda woman married to Joaquim da Silva Guerra. They were the couple whom the judge given the child to raise. She said she knew nothing about the circumstances in which the child was abandoned.

The final and most important statement was given by Isabel, 21, the child’s mother. The slave woman confirmed what had happened, explaining that she had abandoned the boy “as soon as she had given birth,” at “around four in the morning,” at the home of Cláudio Manuel da Costa and had then learned that Bernardo had been given to Joaquim da Silva Guerra and his wife to raise. After the investigation had ended and all the witnesses had been heard, the enslaved *exposto* was returned to his owner, Father Francisco de Palhares, on January 18, 1783.

Naturally, cases like those reported in Vila Rica have also been found in studies of Mariana, São João del Rei, Rio de Janeiro and Salvador, for example (Souza, 1999, 63-79; Brügger, 2006, 121-123; Marcílio, 2006, 267-276; Franco, 2014, 107-110). In Mariana, in 1762, the *exposto* José was returned to his master after being raised by the council senate for two years: “that order being overturned because the foundling’s owner appeared” (in Souza, 1999, 76); in Salvador, in 1782, Misericórdia noted in a foundling’s registration data: “this charitable institution is not obliged to support it because its mother escaped from her master’s house and gave birth in another location, as confessed by the same.”¹⁵

All indications are that, to successfully abandon a child, slaves had to let very few people into the secret. This was a difficult task, especially for women who depended on work and could not find shelter in people’s homes. In addition, any kind of disagreement could be a reason for spreading the story of a foundling slave. In short, the abandonment of newborns had to be a privilege of the free, and everything indicates that it was. Keeping an eye on complaints resulting from quarrels or personal antipathies was more effective than extreme measures taken by institutions.

Against the provisions of the law, foundlings could also be destined for enslavement. Just as there were reports of the children of slaves left as foundlings, stories of enslaved foundlings often emerged. Although skin color certainly facilitated enslavement in Vila Rica, the curious case of a “white” foundling indicates that the fate of *expostos* very much depended on their luck: secretly taken in to be raised by a slave woman, a “white” girl named Cipriana inherited her enslavement from her supposed mother (Franco, 2014, 23-24). At any rate, this seems to be a very specific and unrepresentative example: cases of enslaved mixed-race foundlings were more frequent.

15 Arquivo Histórico da Santa Casa de Misericórdia de Salvador (hereafter, AHSCMS), Livro 6º dos *expostos*, 1777-1783, 20 jan. 1783. Thanks to professor Maria Luíza Marcílio, who kindly provided me these documents.

In May 1758, in Salvador, the pardo baby Antônio da Conceição was left in the wheel with a note saying that his father would be back to fetch him, but as soon as she took him in, his foster mother sold him to another woman.¹⁶ The foundling Floriana Maria, a “parda freedwoman,” then 21, had lived in the same house in Guarapiranga, in the Mariana area, since she was a child, working in the house and fields. In 1771, she asked the commander of the district for help, because although free by law, she was punished, mistreated and shackled as though she were a slave.¹⁷

One of the most representative reports of the enslavement of mixed-race *expostos* comes from the *provedor* in charge of the Misericórdia of Lisbon in 1779. Recently instated, José António Castilho Furtado de Mendonça began keeping separate records of the black and pardo foundlings that arrived in the Lisbon wheel to make it easier to find those records because, albeit rarely, they were being enslaved. The *provedor* thought it was impossible – the institution of slavery had been in decline in continental Portugal since 1773¹⁸ – but it often happened that black and pardo foundlings lost their freedom when their foster families sold them, making “groan all their lives in the shackles of slavery the same innocents that the privilege of the wheel makes free and others who were already [free].”¹⁹

In Portuguese America, where mixed-race newborns were not uncommon and slavery was the order of the day, *expostos* of color were definitely closer to enslavement. But the outcome that caused the authorities’ tremendous indignation actually arose from the (rhetorical)

16 AHSCMS, Livro 3º dos *expostos*, 1757-1763, 20 jan. 1783.

17 APM. Seção Colonial, Cód. 186, 40-40v.

18 On September 19, 1761, the entry of new slaves into Portugal was banned. On January 17, 1773, it was decided that slaves who inherited their condition of enslavement from their mothers and grandmothers should be enslaved for life without passing on their [status] to their descendants. Those who inherited slavery from their great-grandmothers, however, would be set free, as would any children born from that time forward. RAMOS, 1971, 169-178.

19 PAIVA, José Pedro; LOPES, Maria Antónia (coord.). *Portugaliae Monumenta Misericordiarum*, vol. 7: sob o signo de mudança – de D. José I a 1834. Lisboa: União das Misericórdias Portuguesas, 2008, p.552-560. See especially the article by BRAGA, 2011, p.223-247.

fear of indiscriminate abandonment of enslaved women's children. In at least three localities – Mariana, Vila Rica and Recife – the debate on selecting *expostos* on the basis of their skin color sought to redefine concepts of poverty, merit, need and charity.

THE BOUNDARIES OF CHARITY: COLOR, HONOR AND MERIT

Although required by law, especially in Portuguese America, foster care for *expostos* was frequently neglected by municipal governments. The resistance to introducing universal benefits, albeit at the expense of the communities, could be closely related to the beneficiaries, who were virtually all descended from slaves. Because the basic premise was keeping the parents' identity a secret, theoretically child abandonment was a practice that was within reach of the entire community. It was not unusual for the councils to claim that they had higher priorities than providing foundlings with regular care, particularly because, once this form of aid had been introduced, the rate of child abandonment tended to increase.²⁰ This was the case, for example, in Mariana and Vila Rica: after experiencing small percentages in the first half of the eighteenth century, both towns saw them rise exponentially in the second half of that century.

In September 1748, Mariana's city councilors issued an edict ordering justices of the peace (*juízes de vintena*) to report all women suspected of being pregnant, because the council's funds were in very poor order

20 For Vila Rica, in the parish of Nossa Senhora do Pilar, abandonment of newborns from the free population: 5,46% (1740-1749), 8,75% (1750-1759), 7,67% (1760-1769), 11,65% (1770-1779), 16,06% (1780-1789), 15,83% (1790-1799), 19,3% (1800-1809). FRANCO, 2014, p.71. For the parish of Antônio Dias: 5,1% (1740-1749), 7,4% (1750-1759), 7,8% (1760-1769), 14,2% (1770-1779), 12,4% (1780-1789), 14,4% (1790-1799), 12,2% (1800-1809). COSTA, 1979, apêndice estatístico. Damasceno did not calculate the rates of abandonment based on baptismal sites for Mariana, but it is possible to follow the considerable increase in those rates based on the number of foster parents. DAMASCENO, 2011, 71, 73, graphs 8 and 11. Although Alcileide Nascimento does not do a comparative survey of legitimate, illegitimate and abandoned children, an increase in the number of foundlings can be seen in the Wheel House as of 1790. For Recife, see: NASCIMENTO, 2008, 124.

due to the “many foundlings that this senate is asked to raise.”²¹ That form of assistance had been regulated in 1737, and until 1750, Mariana was the only town in Minas that paid for the foster care of *expostos* (Damasceno, 2011, 60). It was regulated in Vila Rica in 1750, when Caetano Costa Matoso was *ouvidor* (superior circuit judge). The close proximity between the towns must also have encouraged the regulation of aid in Vila Rica, and from 1750, both towns’ councils gave each other mutual support in an attempt to limit the beneficiaries to those who were considered white.

Once regular subsidies for *expostos*’ foster parents were approved in Vila Rica, there was an upsurge in the number of requests for payment under the Ordinances. In October 1750, José Antônio de Martins appealed to the *ouvidor* to force the council to pay for the foster care of a foundling whose financial aid had been rejected. According to the council’s response to the *ouvidor*, the senate of Vila Rica did not permit aid for “mulatto foundlings.” At that point, the argument was also based on mathematics: if the council agreed to support that mulatto foundling girl, it would set a precedent for many foster parents of mixed-race *expostos* to request the same pay, which would put the council into debt.²² If mixed-race ancestry was an obstacle, whiteness became a positive argument: in February 1751, Josefa Maria de Jesus requested payment for the foster care of José: “the *exposto* boy...is white as you can learn and see when you please, and he should not be awarded less than what is awarded to others that have mixed blood.”²³ The request was accompanied by an opinion from the president of the council: “the foundling is white, which I know because she [Josefa] is my neighbor.”²⁴

21 Arquivo Histórico da Câmara Municipal de Mariana (hereafter, AHCM), Termos e acórdãos, série I, vol. 660, f. 107v.

22 “if the senate gives aid to similar foundlings its income will not be enough for such support and for the many that are found in this Town in the course of the year.” APM, CMOP, Av., Cx 26, Doc 24.

23 APM, CMOP, Av., Cx 24, Doc 27.

24 APM, CMOP, Av., Cx 24, Doc 27.

In 1750, when he received a request for payment for the foundling Antônia, attorney Luiz Henrique de Freitas refused to comply with one of the new requirements: swearing that the exposito's ancestry was unknown. The lawyer sought to be categorical: "he did not know and even if he knew a great deal, he would not swear to it." Antônia was definitely of mixed race, because the documents in her case include an opinion from the president of the council: "if this request is approved without further investigation, it will set a precedent for all other foundlings, not only whites but mulattos and Creoles."²⁵ In February 1751, another petition asked that the obligation to swear on the Bible be eliminated because people would run the risk of being discredited.²⁶

In the *correição* (audit) of 1752, the councilors complained about the increase in expenses and proposed rejecting "such a detested caste and condition of blood and therefore exclude foundlings that are known to be mulatto, *cabra* (racially mixed) or black, just as this is not allowed in the Mariana council."²⁷ It was true that the *correição* for Mariana had followed the same line, complaining about the injustice of spending the council's revenue on foundlings of low birth, "or even lower." Therefore, the councilors suggested, going against the laws of the realm, that foundlings older than seven should "from that time on be obliged to serve the people who raised them until that age for ten years."²⁸

In 1753, the parts of the *correições* dealing with expositos are practically identical for the councils of Mariana and Vila Rica. The main arguments had two orientations: providing aid without restriction would condone the generalized immorality of slaves and their descendants, as well as resulting in a financial loss for the slave owners. For the councils, because abandoning children was a way of preserving their mothers'

25 APM, CMOP, Av., Cx 26, Doc 38.

26 Cópia do termo de agravo contido no processo de Josefa Maria de Jesus. APM, CMOP, Av., Cx. 24, Doc. 27.

27 APM, CMOP, Cód. 22, Correição de 02 nov. 1752.

28 AHCM, Correição do ano de 1752, códice 176, fl. 38 – 38 v. Cited from DAMASCENO, 2011, p.67.

honor, financial aid should not be given to mulatto women because they had no honor to protect.²⁹ Furthermore, slave women who abandoned their children were violating their owners' proprietary rights. For these reasons, from that year forward, payment for the foster care of blacks and mulattos was officially banned in Mariana and Vila Rica.³⁰

From the beginning, the councils had been trying various ways of curbing the unrestricted access of foundlings to the financing of foster care: from swearing ignorance of ancestry, to attempts to limit the aid to the poor, to an open ban on mulatto and Creole foundlings. In any event, legal measures taken by the local community thwarted the Vila Rica council's aims (Franco, 2014, 135-148). While the foster parents demanded something that was the legal and unrestricted responsibility of the senate, the council saw the aid as an institutional form of charity and thus intended for a select audience determined by parameters based on the needs of the moment. The councils' attempts to set limits based on ethnic and social criteria specified a group of needy individuals – “white” foundlings – and established the boundaries of the concept of the type of poverty eligible for benefits. It is impossible not to associate these forms of discrimination with the difference established for centuries between the “deserving” and “undeserving” poor on which the systems of aid in modern Europe were based, especially since the sixteenth century (Geremek, 1986; Woolf, 1987; Jütte, 1994; Leeuwen, 2000).

29 “...the greatest basis for this credulity is the laxity that this country ignores, that mulatto women get pregnant; because whether they are slaves or freedwomen, no discredit falls on this caste of people regarding the outcome of their frivolity and this not being so for that reason, there is less reason to oblige them to abandon children due to poverty because for the initial raising, the natural raising by the mothers is enough, principally not being those of the rank dealt with in the Ordinance, book one, article 87, paragraph 11.” APM, CMOP, Cód. 22, Correição de 14 dez. 1753. AHCMM, Cód. 176, Livro de Receita e Despesa, 1752-1762.

30 “Under no circumstances shall this measure be taken with mulatto and black foundlings, which I order not to be accepted, thereby protecting the public coffers, considering the cunning care with which the mothers, usually slaves, hide the foetuses, and abandon them as foundlings to set them free....” APM, CMOP, Cód. 22, Correição de 14 dez. 1753. AHCMM, Cód. 176, Livro de Receita e Despesa, 1752-1762.

In Europe, charity systems were accustomed to establishing criteria based on questions of morality and birth. Similarly, the councils of Mariana and Vila Rica were striving to reduce the number of “worthy” beneficiaries. This was not exactly a colonial innovation, but it arose from the hierarchical view that organized the societies of the Old Regime: especially in institutions, among the “deserving” poor, the priority was given to assisting white Christians of legitimate birth. People of African descent remained on the sidelines, relegated to a second plane by the presence of a white population, although the whites were better off financially.

As of 1753, in Mariana, some registrations came with the warning: “whenever a mulatto foundling is declared to be mulatto and not white, said stipend will not go into effect” (in Souza, 1999, 74-76). In Vila Rica, from then on a certificate of whiteness issued by licensed physicians was required for an abandoned baby to be registered as an *exposto* (Russell-Wood, 1968, 31-32). In January 1757, Miguel Borges, claiming to be poor and not having a wet nurse, requested payment for a “white” foundling. Soon after, the prosecutor replied, “the supplicant must make sure that it is white and innocent by means of proof, as only by proving it to be white can the supplicant apply and not merely based on his word.” This was a considerable innovation in attempts to restrict child abandonment because it was intended to determine a specific fate for each child based on its physical appearance. The two council professionals issued an examination certificate of the foundling Silvério and attested to his whiteness. “Based on signs by which similar children are known, we have found through those signs that it is white, there being no indications to contradict this statement.”³¹

While foster parents and councils waged an increasingly open war, the seats of baptism remained silent about the children’s color. In different ways, the senates tried to contain child abandonment by threatening to levy taxes, ordering investigations and recommending vigilantism, but all their attempts failed: on one hand the foster parents won major victories

31 APM, CMOP, Av., Cx. 34, Doc. 02.

via the Court of Appeals (*Tribunal da Relação*) in Rio de Janeiro; on the other hand, child abandonment rates were still rising without any change in dynamics. However, the 1759 *correição* held in Vila Rica showed a significant difference from the views of previous narratives. The council argued that spending on foundlings was excessive due to their large numbers, “whites, as well as mulattoes and blacks and the council’s revenue could not go so far.”³² For the first time in years, the council acknowledged that child abandonment did not just concern blacks and mulattos. After all, despite the tough measures taken to stem it, the average rate of abandonment had risen steadily throughout the 1750s.

This time, ouvidor Manoel Fonseca Brandão sent an emphatic reply to the council: “as for the foundlings, there is no need to provide more assistance than that stipulated by the law that must be observed.” After all, it was impossible to “fail to observe and comply with the provisions of the law in favor of abandoned and motherless human beings.”³³ Certificates of whiteness disappeared from the records from that time on. The requirements for registration as a foundling were a sworn, witnessed statement, presentation of the foundling, and a copy of its baptismal records. To pay benefits, the councils required either the presentation of the *exposto* or a certificate of good treatment issued by the parish priest or a person of good repute, swearing that the child was being well fed and clothed.

Thwarted by the ouvidor, the councilors appealed to the governor: on November 22, 1759, the senate of Vila Rica requested a reduction in the monthly benefits for foundlings, and that a distinction be made between mulattoes, Creoles and whites.³⁴ This request did not receive an immediate response, and in the *correição* of 1761, the council complained about the high and rising cost of the foundlings’ foster care. In a slightly more moderate tone, the councilors said that “most of the foundlings proceed from unmarried *parda* and black women” who abandoned their

32 APM, CMOB, Cód. 22, *Correição* de 13 maio 1759.

33 APM, CMOB, Cód. 22, *Correição* de 13 maio 1759.

34 Arquivo Histórico Ultramarino (hereafter, AHU), Minas Gerais, Cx. 88, Doc. 44.

children to obtain an income; moreover, single black and *parda* women were not considered people with a reputation to protect.³⁵

In the 1761 *correição*, new measures were proposed to cut down on child abandonment. This time, the Vila Rica council suggested obtaining the permission “according to law, of official inspectors in the districts and streets as they see fit in this town so they are obligated to report to this council of the qualities of similar pregnant women and knowledge of the children to which they have given birth.” The inspectors of Vila Rica would be required to swear on pain of imprisonment and a fine of six thousand réis for negligence. The *ouvidor* adopted this solution and extended the obligation to justices of the peace.³⁶ The measures taken in Vila Rica substantially resembled those adopted in Mariana in 1748.

Especially since the *correição* of 1761, the councilors began to generalize their discourse on foundlings, allocating responsibilities among the community, although emphasizing those of mixed race. They had to find alternative ways to contain child abandonment without violating the Ordinances. In March 1763, the council published edicts blaming the increased number of *expostos* on “public harlots.” Moreover, it urged the public to report such women, threatening to levy taxes on the entire population. All to little avail:³⁷ the number of foundlings kept growing.

THE UTILITY OF MULATTO FOUNDLINGS

Writing in 1759, a petition from the councilors of Vila Rica proposed that mulatto and Creole foundlings remain at the service of the senate “for the same amount of time as they were fostered,” thereby offsetting

35 “they found that it would be fair to take some measures to enable said women to raise their children, as they are not people whose reputation would be endangered.” APM, CMOP, Cód. 22, *Correição* de 1761.

36 APM, CMOP, Cód. 22, *Correição* de 1761.

37 “we order all the people in our jurisdiction, if they know, in their districts or neighborhoods, of some of those public harlots, women who have left children as *expostos* or foundlings and are doing so at the expense of this senate, to make it known to that council or its president.” APM, CMOP, Cód. 77, *Edital* de 02 mar. 1763.

the financial burden.³⁸ In 1763, the Mariana council swelled the chorus of protests and wrote to the king complaining about the increasing debt caused by the rising number of foundlings “because they are abandoned by mulattos and blacks, who because they are of such low station do not suffer more from their disgraceful acts and are less at risk.”³⁹ This argument had been repeated at different times and places, indicating a perception common to several different locations: aid for foundlings was a form of charity whose main purpose was to safeguard their mothers’ honor, but since a woman of mixed race had no honor, they must re-establish the boundaries of what was meant by the kind of poor to be assisted.

Although the governor rejected its petition in 1766, the council of Vila Rica took up the Mariana councilors’ argument in 1772. The excessive number of white, mulatto and Creole foundlings was the result of the freedom of many women who, even if they had no need to protect their reputations, abandoned their children so they did not have to raise them.⁴⁰ The charitable foundling law was being subverted because in Vila Rica, “they go so far as to abandon not only the children of white women, but mulatto and black women; not only the children of those who live a sheltered life and who would risk their lives and honor if they raised them, but also those born of free women who can raise them without attracting undue attention.”⁴¹

In 1799, Bishop Azeredo Coutinho – a member of the junta that ruled the captaincy of Pernambuco between 1798 and 1802 – wrote to Secretary of State for the Navy and Overseas, Rodrigo de Sousa Coutinho, using the argument put forward in Minas Gerais decades before: created to save the innocent lives of those who would otherwise be killed by their mothers “to preserve their credit and reputation,” the Recife foundling

38 AHU, Minas Gerais, Cx. 88, Doc. 44.

39 AHU, Minas Gerais, Cx. 81, Doc. 20.

40 AHU, Minas Gerais, Cx. 103, Doc. 47.

41 APM, CMOP, Cód. 86, Registro de uma carta que esta câmara escreveu a Sua Majestade Fidelíssima, 28 nov. 1772.

house had been abused by mulatto, black and enslaved women.⁴² These women had no reputations, no honor to preserve, nor punishments to fear, “seeing however that their children would be raised at the expense of the state; either they will offer to raise them, receiving money in payment of their same crime, or they will abandon them in order to be freer to continue their depraved lives.”⁴³

The similarity of the arguments in those three locations is worth a quick comparison of their discourse: Mariana in 1763, “has reached the point where the same mulatto and black harlots” abandoned children “only in order to be better able to continue their offenses against God without interruption.” Worse, many were slaves: “hiding their bellies and having [the babies] delivered as *expostos* so they will be freed, while their masters lose money by losing their slaves.”⁴⁴ In Vila Rica, in 1772, the council was overwhelmed because it was paying to raise the children of slave women “with a major financial loss to their masters.”⁴⁵ In Recife, in 1799, according to Azeredo Coutinho, the mulatto, black and enslaved women were worse because “seeing that their children will be freed, [they] purposely leave them in the foundling wheel, deceiving their masters and telling them that they died or were miscarried.”⁴⁶

For the councilors of Mariana, the subversion of child abandonment could only be restricted “if Your Majesty orders that *expostos* that are not legitimately white be indentured for being raised by the same council,” in order to repay some of its costs.⁴⁷ Although the Overseas Council rejected Mariana’s proposal in 1764, the Vila Rica council in 1772 suggested

42 AHU, Pernambuco, Cx. 207, Doc. 14109. Transcribed and published in: CARDOSO, Manoel. Dom José Joaquim da Cunha de Azeredo Coutinho, Governador Interino e Bispo de Pernambuco, 1798-1802. (Alguns documentos elucidativos do Arquivo Histórico Ultramarino). *Revista do Instituto Histórico e Geográfico Brasileiro*, vol. 282, p.3-45, jan./mar. 1969, p.13-14.

43 AHU, Pernambuco, Cx. 207, Doc. 14109.

44 AHU, Minas Gerais, Cx. 81, Doc. 20.

45 APM, CMOP, Cód. 86, Registro de uma carta que esta câmara escreveu a Sua Majestade Fidelíssima, 28 nov. 1772.

46 AHU, Pernambuco, Cx. 207, Doc. 14109.

47 AHU, Minas Gerais, Cx. 81, Doc. 20.

that mulatto and Creole foundlings be indentured to the senate, which could make use of them until the age of 25, because “that is the only way to restrict the laxity of mothers who abandon them and it will reduce the expense incurred with them.”⁴⁸ Although it is unlikely, it is as if Azeredo Coutinho had read the texts of the Vila Rica and Mariana councils. According to the bishop, who had visited the foundling house in Recife, most of the children were certainly black and mulatto, with “a small portion of whites.” This abuse could only be contained if “all blacks and mulattoes were enslaved in the same foundling house,” following the practice of the Santa Casa de Misericórdia of Rio de Janeiro.⁴⁹

It should be emphasized that studies of *expostos* make no reference to the explicit color-based discrimination of mixed-race children at the Misericórdia of Rio de Janeiro (Venancio 1999, 50). If it was not a rhetorical argument on Azeredo Coutinho’s part, discriminating against foundlings of color was a silent practice. However, also according to the bishop, he had heard that the enslavement of mixed-race *expostos* in Rio de Janeiro “had an entirely good effect,” because now there were no “black or mulattos foundlings, or at least there have been very few.” For him, the reason for the declining numbers was clear: freed mothers did not want their children to spend their lives as slaves; in turn, for slave women, it was preferable for their children, to remained close to them, albeit enslaved, as they might at some point in life be able to help them, supporting them in times of need.⁵⁰ Once again, we should recall the efforts of the Misericórdia of Lisbon, in 1779, to curb the enslavement of mixed-race *expostos*, going in the opposite direction of cases seen in the colony.⁵¹

Putting foundlings to work was not a novelty, nor was it arbitrary. After seven years, if the foster families did not want them, the *expostos* were sent to households that paid for their services (“given for wages”), or, as was more common, took them in and paid for their work with food

48 AHU, Minas Gerais, Cx. 103, Doc. 47.

49 AHU, Pernambuco, Cx. 207, Doc. 14109.

50 AHU, Pernambuco, Cx. 207, Doc. 14109.

51 *Portugaliae Monumenta Misericordiarum*, vol. 7, p.552-560.

and clothing.⁵² In the proposals presented by Mariana, Vila Rica and Recife, the innovation had to do with African ancestry and the proposal of temporary enslavement: this was indeed a substantial change, because once approved, the enslavement of mixed-race foundlings would go from being an infraction committed by individuals to an institutionally regulated legal innovation.

The first rejection of the suggestions of temporary enslavement addressed to the king was sent in response to the letter from the Mariana council. The following year, in 1764, the Overseas Council responded with three definitive findings: first, the suggestion was evaluated as “reckless and incongruous”; in the second, it recalled that exostos were free, even if they were the children of slaves; finally, the third described the proposal as “scandalous” and “incongruous,” being foreign to such Catholic and pious work, and the council should merely increase its vigilance of pregnant women.⁵³

In 1766, Governor Luis Diogo Lobo da Silva responded to the petition from the Vila Rica council dated November 1759, and followed the same lines as the Overseas Council’s assessment of the proposal from the Mariana councilors two years earlier. According to the governor, the Ordinances did not recognize any distinction in the quality or condition of foundlings and authorized that, if funds were lacking, taxes should be levied on the populace, “whose piety should be exercised equally with white foundlings, as with the mulattoes and Creoles, because the helpless state in which their parents left them merits as much care as the others.” Moreover, it was dubious to claim that the mixed-race foundlings were the children of slave women, because it was not “likely that a slave after nine months visibly pregnant” would set their child free. They should keep a better eye on pregnant women, but they should not

52 PINTO, Antônio Joaquim Gouveia. *Exame crítico e histórico sobre os direitos estabelecidos pela legislação antiga e moderna, tanto pátria como subsidiária, e das nações mais vizinhas e cultas relativamente aos exostos ou enjeitados*. Lisboa: Typographia da Academia Real de Ciências, 1828, p.43-46.

53 AHU, Minas Gerais, Cx. 81, Doc. 20.

reduce to slavery, albeit for a limited time, “a creature that nature and the disregard of its parents has made free.”⁵⁴

In Vila Rica, the governor’s decision to back the admission of black and mulatto foundlings obviated the way they had been dealt with previously. From then on, everyone, without distinction, had the official right to receive the council’s benefits. The argument used in the 1768 *correição*, for example, was that parents abandoned their offspring in the houses where they were born, intending to take them in and raise their own children. The solution was to investigate the women in the town, taking care not to defame anyone who deserved to “keep her reputation.”⁵⁵ While the argument that mixed-race women had no honor to protect had remained largely intact, little or nothing had changed in the ways of controlling the growing number of *expostos* – that is, the investigations would only be conducted for mixed-race children.

The publication of the Pombaline charter of January 1775 must have helped discourage discourse that incited discrimination. At that time, it may have put a legal end to disputes about the enslavement of foundlings, the reason why proposals to contain child abandonment on the basis of social rank disappeared from the correspondence between the councilors and the Overseas Council. However, as we have seen, the arguments used in Mariana and Vila Rica were very similar to those of Azeredo Coutinho, set forth in the early nineteenth century. Remembered for his personal commitment to the creation of educational institutions in Pernambuco, Coutinho also spearheaded a movement to moralize child abandonment in Recife’s wheel house. In March 1800, the bishop approved an edict stating that black and *pardo* foundlings would belong to that institution from then on “so that it can employ their labor, even on the farms, plantations.”⁵⁶

The basis for the edict was similar to the solution implemented by the senate of Vila Rica when, in the 1750s, it began requiring a certificate of

54 AHU, Minas Gerais, Cx. 88, Doc. 44.

55 APM, CMOB, Cód. 22, *Correição* de 12 dez. 1768.

56 AHU, Pernambuco, Cx. 216, Doc. 14597.

whiteness from licensed physicians to provide financial support. In Recife, the text was primarily based on physical appearance, which would determine different fates due to “racial” characteristics. The edict established specific regulations based on color: if black and pardo foundlings were to do farm work, when they were old enough the mixed-race girls would marry the mixed-race male foundlings; white foundlings were to learn reading, writing and arithmetic, also acquiring the skills that were most necessary for employment in the army and navy; in their turn, white female foundlings were to learn to sew, weave and spin cotton for the benefit of the wheel house, and remained as wards of the institution until they were married, either to white male foundlings or men with a trade.⁵⁷

It was a substantial innovation of the future in store for the expostos because their pre-ordained fates were based on the children’s ancestry. Most of the orphaned children of farmers, for example, followed in their parents’ footsteps: the judge of orphans’ court was supposed to give preference to farmers as guardians for farmers’ orphans, and artisans for artisans’ orphans.⁵⁸ But according to the Recife edict, mixed-race foundlings would be subject to a dual destiny inherited from dishonorable ancestry: in addition to temporary enslavement, farm work for men and domestic service for women.

The document issued by the governing board of Recife referred to the king’s consent. It sounds a bit strange because it legalizes the selection of expostos along ethnic lines after the monarchy’s intransigent defense of

57 “[due to] this and similar wrongdoing, being presented to His Royal Highness, the same Lord ordered that black and pardo foundlings should from this day forward belong to the Wheel House so that it can use their labor even in the fields, plantations and in the same manner black and pardo girls when they reach the appropriate age must marry those same foundlings and the white girls must learn to sew, weave and spin cotton for the benefit of the wheel house that raised them, and remain as wards of that institution until they are married, either to white male foundlings or men with a trade; and the white boys must serve in the army and navy, as soon as they are of a suitable age, and so that this plan may be best implemented, principally regarding the whites, it will be necessary that they are taught reading, writing and arithmetic while they are still minors, and the trades that are required for the army and navy, because even if they do not serve as soldiers or sailors, they will at least work as artisans in the trades that are most required.” AHU, Pernambuco, Cx. 216, Doc. 14597.

58 *Ordenações Filipinas*, livro 1, título 88, parágrafos 11 e s.s., p.210-213.

universal benefits, the most representative document being the charter of 1775. According to the Overseas Council's archives, the letter from Pernambuco did not merit any response. In Recife, child abandonment had, in fact, declined from the early nineteenth century. Given the legislative silence, we cannot know what course the Pernambuco Wheel House took (Nascimento, 2008, 165, 222).

In Vila Rica, references to mixed-race children disappeared from the councilors' complaints and foundling registries in the 1770s. Only the *correição* of 1768 made way for selective investigations of pregnant women, always taking care not to ask whose honor might be at risk. After decades of silence over the major conflicts, in June 1815, the ouvidor of the district of Ouro Preto was reprimanded for allowing different treatment of *expostos* based on their color: in Mariana, while whites were accepted without any problems, a *pardo* child was subject to investigations to determine who his father was and thus officially return it to his charge. The monarch urged the ouvidor as follows: "I ordered him to receive, enroll and send out for foster care all the children that were abandoned without distinction or attention to differences of color because they all have the right to My Royal Protection."⁵⁹ That very day, a letter with the same message was also sent to the Mariana council.⁶⁰

Of course, this did not put an end to the issues involving race, rank and abandonment, because supervision was difficult and abuses were easily committed. Soon after independence, on February 22, 1823, Emperor Pedro I returned to the issue of foundlings of color by recalling the freedom guaranteed to those taken in by the wheel house, along the lines of the Pombaline charter of 1775.⁶¹ According to that monarch, in Rio de Janeiro it was common for black and *pardo* foundlings to be claimed as slaves by their alleged masters after being raised by the *Misericórdia*. Again, long-standing arguments were recalled: newborn

59 Arquivo Nacional do Rio de Janeiro (hereafter, ANRJ), Mesa do Desembargo do Paço, Cód. 19, vol. 1, f. 117v.

60 ANRJ, Mesa do Desembargo do Paço, Cód. 19, vol. 1, f. 118.

61 ANRJ, Série Saúde, IS31.

foundlings abandoned by their parents were legally free. Until 1823, the periodical repetition of this principle of universal freedom seems to indicate that it was not having the expected effect.

CONCLUSIONS

In different colonial societies, discrimination against mixed-race children increased in the late seventeenth century (Boxer, 1967; Raminelli, 2015, 207-239), and in the Iberian areas, there was an increasing association between slave ancestry and low social status (Dutra, 2010 101- 114). They sought to reorganized social hierarchies by stressing, in their administrative discourse, catastrophic visions of the social order. Especially from the second half of the eighteenth century, the rhetoric that the population was made up of idlers, vagrants and vagabonds who disjoined the political and social body in Portuguese America markedly blamed people of African descent (Souza, 1986; Schwartz, 1996). In this regard, the measures that sought to reduce the number of beneficiaries could rely on increasingly negative views on people of mixed race.

Moreover, especially from the eighteenth century onward, *expostos* had become common in the urban and rural areas of all communities. In Catholic Europe, and in the case of Portugal in particular, foundlings represented a rising population contingent that was being supported by town and city councils, often in association with the local *Misericórdias*. This model was universal accepted as a way to save lives and preserve the honor of mothers who could not raise their children due to poverty or a need to protect their reputations. However, in the colonial regions, the initial proposal of providing unlimited benefits underwent some adaptations.

The case of Goa seems to be paradigmatic: accepted by the poor hospital and funded by the council since the sixteenth century, as of 1755, Indian foundlings would no longer be welcomed, limiting the benefits to white children (Sá, 1995, 109-110). It would not be lying to say that if all foundlings were treated equally, the financial cost would increase due to the large number of mixed-race children found throughout

Portuguese America. However, as far as we know, there are no reports of discrimination against children in continental Portugal's foundling wheels. Of course, this issue was more controversial in the colonies, whether Portuguese or Spanish.

Furthermore, the principle of discrimination was not just based on financial considerations: both in the Portuguese and Spanish Americas, the authorities believed that access to charitable aid and certain social spheres should be based on people's social status. In 1772, a magistrate of the Indies Council stated categorically that the benefit of the doubt customarily given to foundlings should not be extended to all of the Americas, due to the "wide range of varieties that has been produced with the introduction of blacks and mixture with the natives." Since many came from the lower classes, foundlings, whether "mulattos or of other equally unseemly castes for the ecclesiastical hierarchy" could not be ordained as priests. From then on, except for specific cases, the king authorized a ban on the indiscriminate entry of foundlings into the church (in Stolcke, 2009).

Especially from the second half of the eighteenth century, abandoned children were part of a specific group of beneficiaries that gained importance in the wake of the value placed on the enlightenment principle of public utility. Fresh concerns about the fates of foundlings reaffirmed the legitimacy of abandonment and concentrated efforts in the traditional forms of care and education, sealing a disastrous fate for thousands of newborns that would only be slowly altered as of the second half of the nineteenth century (Marcilio, 2006, 196-201). In 1783, the police superintendent of the Portuguese court, Pina Manique, released a circular urging all parts of the empire to establish wheels because foundlings were dying in large numbers, and could be useful in the militias, crafts, and various other occupations.⁶²

62 "As the increase in population is one of the most interesting and particular aspects of a well-regulated policy, since the wealth of a state consists of the multitude of people, this is so forgotten in this realm that some lands find themselves entirely empty and without people, a large number of houses with no one to inhabit them; and the cause, among others, of such a remarkable decrease, is the repeated infanticide that is happening every day and in every land

It was also with that orientation that Charles IV in 1794 issued an edict valid throughout the Spanish Empire that put foundlings – “children of the king” – on an equal footing with legitimate children, rendering any previous legislation null and void. The regulation lamented the dire state of foundlings, who, being without nannies or families, were in need of the monarch’s paternal compassion. As the royal decree made no mention of race, the immediate effect in the colonial regions was a claim of nobility for foundlings, even postulating exemption from taxes. Naturally, although conceived as a homogeneous group, the treatment of colonial *expostos* had many local variations (Milton, 2007, 141-148).

In the cases presented, however, there is at least one unique feature: the benefits provided to *expostos* in Mariana, Vila Rica and Recife were viewed in theory as a charitable gesture, used to aid poor waifs without distinction. Certainly, local realities were not limited to the wishes of senators: child abandonment was a public phenomenon whose dynamics depended on the community’s silence. But an often forgotten aspect should be emphasized: as they restricted the beneficiaries, the authorities also redefined the idea of poverty, limiting access to an imagined community whose borders were established on the basis of concepts of social rank (*qualidade*) and sometimes race. While part of the population was considered to have the undisputed right to abandon their children, the other was repeatedly reprimanded in moral terms stemming from their ethnicity, which was distinctly African. The problem, at least in administrative discourse, was the misuse of aid. Child abandonment was not the crux of the matter; it was the obligation to pay for the foster care of mixed-race foundlings.

where there are no wheels or cots for foundlings, which being exposed at night at the doors of individuals who lack the means or the will to have them raised, are sacrificed as innocent victims of indolence, as a result of which the communities see perish so many people who could be useful to the state, and glory to the nation” (apud PINTO, 1828, 213-215).

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