

## ARTICLE

**"THE SUN OF FREEDOM"?  
THE EDUCATION OF ENSLAVED, FREEDMEN AND INGENUOUS (1871-1875)**JOSÉ GONÇALVES GONDRA<sup>1</sup>ORCID: <http://orcid.org/0000-0002-0669-1661>FÁTIMA APARECIDA NASCIMENTO<sup>2</sup>ORCID: <https://orcid.org/0000-0002-8612-0438>

**ABSTRACT:** In this article, we seek to give visibility to the speeches made in the House of Representatives and in the Senate about the approval of the Free Womb Law. After all, how did the enslaved population face the new situation and what measures were taken to abolish what some considered as the "blackest slavery: ignorance"? To explore this question, we analyze the debates that took place during the drafting, processing and approval of the Law of September 28, 1871, the so-called "Free Womb Law", based on documents from the House of Representatives and the Senate, produced during the administration of João Alfredo Corrêa de Oliveira at the Ministry of the Empire's Businesses (1871-1975). With this investment, we analyze some aspects related to the access to formal or informal schooling of blacks, enslaved, freedmen and ingenuos. In order to reflect on the effects of this project, we consulted printed materials circulating at that time, such as *Gazeta da Tarde (Evening Gazette)*, *A Instrução Pública (The Public Instruction)*, *Ilustração Brasileira (Brazilian Illustration)* and *Jornal do Commercio (Trade Newspaper)*, in which we found important information about the debates and positions of this reform in the legislative apparatus and in public opinion. The mentioned printed materials also functioned as important sources to understand aspects and challenges of the schooling of blacks, slaves and ingenuos in the focused period.

**Keywords:** Free Womb Law, João Alfredo Corrêa de Oliveira, Slavery, Ministry of the Empire Business.

**"O SOL DA LIBERDADE"?  
A INSTRUÇÃO DE ESCRAVIZADOS, LIBERTOS E INGÊNUOS (1871-1875)**

**RESUMO:** Neste artigo, procuramos dar visibilidade aos discursos proferidos na Câmara dos Deputados e no Senado acerca da aprovação da Lei do Ventre Livre. Afinal, como a população escravizada enfrentou a nova situação e que medidas foram tomadas para abolir o que alguns consideravam como a "mais negra escravidão: a ignorância"? Para explorar esta questão, analisamos os debates presentes na elaboração, tramitação e aprovação da Lei de 28 de setembro de 1871, a chamada "Lei do Ventre Livre", tomando por base documentação da Câmara dos Deputados e do Senado, produzida durante a gestão de João Alfredo Corrêa de Oliveira no Ministério dos Negócios do Império (1871-1975). Com este investimento,

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analisamos alguns aspectos relacionados ao acesso à escolarização formal ou informal de negros, escravizados, libertos e ingênuos. Para refletir a respeito dos efeitos deste projeto, consultamos impressos que circularam à época, tais como: *Gazeta da Tarde*, *A Instrução Pública*, *Ilustração Brasileira* e *Jornal do Commercio*, nos quais localizamos índices importantes a respeito dos debates e posições desta reforma no aparato legislativo e na opinião pública. Os referidos impressos também funcionaram como fontes importantes para compreender aspectos e desafios da escolarização de negros, escravizados e ingênuos no período focalizado.

**Palavras-chave:** Lei do Ventre Livre, João Alfredo Corrêa de Oliveira, Escravidão, Ministério dos Negócios do Império.

### **“EL SOL DE LA LIBERTAD”? LA INSTRUCCIÓN DE LOS ESCLAVOS, LIBRES E INGENUOS (1871-1875)**

**RESÚMEN:** En este artículo, buscamos dar visibilidad a los discursos pronunciados en la Cámara de Diputados y en el Senado, sobre la aprobación de la Ley del Vientre Libre. Después de todo, ¿cómo afrontó la población esclavizada la nueva situación y qué medidas se tomaron para abolir lo que algunos consideraban la "esclavitud más negra: la ignorancia"? Para explorar esta cuestión, analizamos los debates presentes en la preparación, tramitación y aprobación de la Ley del 28 de septiembre de 1871, la llamada "Ley del Vientre Libre", basada en la documentación de la Cámara de Diputados y del Senado, elaborada durante la administración de João Alfredo Corrêa de Oliveira en el Ministerio de Negocios del Imperio (1871-1875). Con esta investigación se busca abordar algunos aspectos relacionados con el acceso a la educación formal o informal de las personas negras, esclavizadas, libres e ingenuas. Para reflexionar sobre los efectos de este proyecto, analizamos el material impreso que circulaba en la época, como: *Gazeta da Tarde*, *A Instrução Pública*, *Ilustração Brasileira* y *Jornal do Commercio*, en el que encontramos importantes índices sobre los debates y posiciones de esta reforma en el aparato legislativo y en la opinión pública. De la misma manera, el material impreso sirvió como fuentes importantes para comprender aspectos y desafíos de la escolarización de las personas negras, esclavizadas e ingenuas en el período en cuestión.

**Palabras clave:** Ley del vientre libre, João Alfredo Corrêa de Oliveira, Esclavitud, Ministerio de Negocios del Imperio.

## INTRODUCTION

The 27th of September!

*Vincula servitii tandem sunt saeva remissa.*<sup>3</sup> C. L.

"The month of September, the month of spring and flowers, is doubly flattering to the great American Empire.

The 7th dawned to record in the list of independent nations the autonomy of the nascent Empire.

The 27th dissipated from the Brazilian horizon the only cloud that obscured its brightness.

The first consecrated the independence of a people.

The second came to illuminate freedom in its fullness.

Hail September 27th, you who came to launch a milestone on the road to civilization and progress!

From this day forward, those who are born in this beautiful American land, will be born for freedom, and the chains of serfdom, the shackles of slavery, the humiliation of captivity, will no longer kill at birth the most flattering hopes, the most gratifying aspirations!

Glory to the Brazilian nation, which by a noble effort was able to place itself next to the most important and civilized nations in the world.

Recognition and respect to the monarch who took upon himself the generous effort of making the grand idea of freeing slaves come true.

Gratitude to the Cabinet that fought against the unbridled fury of wounded interests; against that legion of spite, of ignoble ambitions, of retrograde ideas that gathered to impede his step.

Happy are the unborn, because for them the sun of freedom has dawned!

(ILLUSTRATED WEEKLY, October 1, 1871).<sup>4</sup>

Reforms are part of the political agenda, sometimes more general, sometimes more specific. The proposal to carry out a set of reforms during the process of building the national state was the solution found by the government to deal with the social challenges that intensified after the 1870s<sup>5</sup>. Resulting from a set of elements that had been in place for decades, the conjuncture that mobilized the political environment in the 1970s led the leaderships to take some measures to mitigate the effects of political instability and ensure a favorable public opinion for the monarchy. The set of actions promoted were important to reorganize the social forces and prevent or delay certain projects, such as the abolition of slavery and the establishment of the Republic. In this sense, one of the central points of the political agenda was the project of emancipation of the serf element. However, how to deal with this problem? Should there be liberation of the enslaved? Should it be a full emancipation? Should it be gradual? Of what kind? Should it not be realized? Why should it not take place? In either scenario, one question remained: how to manage the access of the enslaved population to the world of literate culture? Finally, how and how should the enslaved, the naïve, and the freedmen be educated? These are the central questions that inspired and guided this work.

In the general imaginary, being a slave had an almost direct correlation with the color of one's skin. In this key, the black person was sometimes confused with the condition of being a slave<sup>6</sup>, as can be observed in the 1826 session of the Chamber of Deputies, in which Vasconcellos<sup>7</sup> stated: "the presumption is that a black man is always a slave". This statement from the tribune of the "old jail"<sup>8</sup> was contested by his colleagues on the bench, with remarks such as: "To say that a man of the black race

<sup>3</sup> Authors' emphasis. The phrase in Latin, stating that the cruel bonds are finally undone; by criticizing the cruel ties arising from slavery, also appears as an index of erudition and authority, giving a certain universality and position of the periodical contrary to slave labor. Co. Santiago, 2013.

<sup>4</sup> We have chosen to keep the spelling of the time, to produce a greater effect of verisimilitude.

<sup>5</sup> Regarding the employment of this expedient in the educational field Co. Gondra, 2018.

<sup>6</sup> For a discussion of this aspect, see Azevedo, 2004.

<sup>7</sup> Bernardo Pereira de Vasconcellos (1795-1850) - Son of doctor Diogo Pereira Ribeiro de Vasconcellos and Maria do Carmo Barradas, he was born in Villa Rica (Ouro Preto), Minas Gerais. He graduated in Law from the University of Coimbra in 1818. He was elected deputy for the province of Minas Gerais for the first time in 1826, occupying the position for the same province in several legislatures. He was part of the first Provincial Assembly of Minas Gerais and created laws to improve public education. He was Minister of the Treasury in 1831, of Justice in 1837, of the Empire in 1840, for only nine hours, the time he needed to send to the Legislative Chamber the decree postponing consecutively the declaration of the majority of Dom Pedro II. He also held the office of Senator in 1838 and State Councilor. Co. Blake, 1970.

<sup>8</sup> It was the seat of the first Constituent Assembly (1823) and of the first legislature (1826), and was demolished in 1922. About this space, see Castro, 1926.

should be considered a slave every time he does not prove the contrary is absurd, it is an insult to humanity in the person of this wretch" [...] "Any man has the presumption of being free, because all were born that way". Shifting the debate to the level of Brazilian legislation, the deputy from Minas Gerais replied: "I spoke in the form of our legislation when I said that the presumption is that the black man is a slave: this is the presumption that exists in it, and I am not obliged to say more. I did not say that blacks should always be enslaved" (SOUSA, 2015, p. 52).

Schueler and Teixeira resume the discussion about the simple, direct and mechanical correlation between blackness and slavery. In considering the centrality of slavery and inequality in imperial society, these authors point out the complexity of the legal and social status of blacks, free and freedmen, with indications of social ascension by portions of the black population in urban areas. They also observed that many blacks got involved in the process for the end of slavery and in the fight for access to school, especially in the years 1870 and 1880 (SCHUELER; TEIXEIRA, 2015).<sup>9</sup>

In this paper, we invest in the debates in the House of Representatives and the Senate about the approval of the emancipation reform in 1871, a measure that would contribute to definitively dissociate the supposed pair blackness-slavery. By examining the process surrounding this norm and the gradualism it represented with regard to the elimination of the serf element, we can see the obstacles and disputes it caused. In order not to remain within the limits of the normative and the disputes around the legal and the legal, the other movement carried out in the work corresponds to the analysis of initiatives that enabled the access of the enslaved, blacks, freedmen and commoners to the literate culture, with evidence of the participation of various groups, people, associations and clubs, among others<sup>10</sup>.

## HE WHO FIGHTS, FREES: BETWEEN THE ENSLAVED AND THE INGENUOUS

On September 29, 1870, the Cabinet of José Antônio Pimenta Bueno<sup>11</sup>, the Marquis of São Vicente, was organized, inviting João Alfredo Corrêa de Oliveira<sup>12</sup> to manage the Empire's portfolio. On this occasion, the emancipation question was taking on new contours and it was necessary to face it. Initially, the referred Marquis was the one who stood out in the Council of State in this matter, for he had the honor of being one of the first government men "that in the slaves issue tried and succeeded to move our whole political mechanism, - Emperor, Council of State, Ministry, - to have been the first to formulate the set of measures that uprooted slavery from our soil in 1871" (NABUCO, 1899, p. 179). However, the Marquis of St. Vincent was not a party leader, an orator with the stamina that the parliamentary struggle demanded. Thus, he did not get the support of the conservatives and was openly opposed by the liberals (LYRA, 1978). On March 07, 1871, São Vicente passed the presidency of the Cabinet to José Maria da Silva Paranhos<sup>13</sup>, the Viscount of Rio Branco, who had more appropriate

<sup>9</sup> The first dossier "Black People and History of Education" of the Brazilian Journal of History of Education, with articles that tried to give visibility to the different strategies of entrance of this part of the population in the field of more or less formal education. Co. Wissenbach, 2002, Fonseca, 2002, Silva, 2002 and Peres, 2002.

<sup>10</sup> For a reflection on the complexity of the school network and the diffuse forms of access to formal knowledge, see the synthesis elaborated by Gondra & Schueler, 2008.

<sup>11</sup> José Antônio Pimenta Bueno (1803-1878) - Doctor in Law from the Academy of São Paulo, where he was born. He presided over the provinces of Mato Grosso and Rio Grande do Sul. He was a Deputy from 1845 to 1847, Senator in 1853 for São Paulo, State Counselor in 1859, Minister of Foreign Affairs in 1848, in the Alves Branco and Macaré Cabinets and, in 1870, President of the Council. Co. Lyra, 1978.

<sup>12</sup> João Alfredo Corrêa de Oliveira (1835-1919) - Born in Goiana, Pernambuco, on December 12, 1835, he graduated from the Recife Law School. Honorary member of the National School of Fine Arts, president of the board of the Lyceum of Arts and Crafts. Knight of the Order of Christ, Grand Cross of the order of the same title, of Portugal, of the order of the Crown of Italy; of the order of the White Eagle, of Russia, and of Leopold, of Austria, member of the Brazilian Historical and Geographical Institute. Deputy in the Assembly of Pernambuco from 1856 to 1860, Deputy General in four legislatures from 1861 onwards and senator by imperial letter of January 4, 1877, President of the Province of Pará and of São Paulo, Minister of the Empire in the cabinets of September 29, 1870 and March 7, 1871, President of the Council and Minister of the Treasury in the cabinet of March 10, 1888, having the honor of presenting to the princess regent the decree that abolished slavery in Brazil. Co. Blake, 1970.

<sup>13</sup> José Maria da Silva Paranhos - Visconde do Rio Branco. Baiano. Presided in 1847 over the Province of Rio de Janeiro, which he represented in the Chamber in 1848 and from 1853 to 1860. Deputy for Sergipe and Senator for Mato Grosso. Great journalist "preferring lucid thought to literary ornateness". Orator of race, vigorous, clear, convincing and spontaneous.

characteristics for the discussion required by the reform aimed at the emancipation of the slave element. When referring to Rio Branco, Alonso underlines: "Love of mathematics, experience in negotiation, modernizing zeal and proverbial cold blood made Rio Branco the captain capable of crossing the wild sea in which São Vicente was shipwrecked" (ALONSO, 2015, p. 54).

When organizing the Cabinet of the Secretary of State for the Affairs of the Empire<sup>14</sup>, Rio Branco kept João Alfredo Corrêa de Oliveira in the post of Minister of the Affairs of the Empire. At the beginning of his term, he offers clues as to the reason that led him to change all the portfolios in his Cabinet, except the one under Oliveira's responsibility. According to Nabuco, João Alfredo "in the very first session in which he addressed the Chamber as Minister of the Empire, conquered, in Rio Branco's phrase, the baton of Marshal" (NABUCO, 1899, p. 203).

Rio Branco would not reform as much as the abolitionists wanted, nor would he leave everything the way it was, as the "stuck" clamored (ALONSO, 2015). Operating in a scenario of increasingly polarized interests, the Viscount needed all the support possible, because there was a great resistance to the approval of a reform that would change the social, economic and educational structure of a country that had been built on the pillar of slavery. Reflecting on the influence of slavery in society, Joaquim Nabuco enumerates some elements that justified, in some respects, the "nature" of slavery:

Quite the opposite, on the contrary, when it was possible to extinguish the cancer and repudiate in the benefit of the inventory the servitude inherited from the metropolis, the arms were opened to African emigration, as it was said, that is, to the trafficking of blacks. All the crimes that the imagination can conceive, from the throwing of hundreds of living men into the sea to the death, in the hold, by suffocation, of so many other unfortunates, everything falls like an enormous responsibility of blood on our heads.

This is why today, when we want to get rid of this evil without shaking, we cannot.

It has the age of our country: we were born with it; we live with it. It is like a virus that has soaked into our blood for centuries.

Our whole social existence is fed by this crime: we grew up on it, it is the basis of our society. Where does our fortune come from? From our slave production. Suppress slavery today, you will have suppressed the country. This is how the moral law reacts. Our freedom made us choose the path of crime, we followed it: today when we want to get out of it we are nailed to it (NABUCO, 1988, p. 32).

With a long tradition, strongly anchored in the economy based on slave labor and customs, slavery assumed legitimacy, having been strongly institutionalized as shown in the study by Alonso (2015, p. 53): "Only fools would rebel against the natural order of things, which was not in force by the will of some, but by necessity of all. Criticism of "the natural order" was taking to the streets and entering parliament. Among the biggest supporters of the "senseless" project were Sales Torres Homem<sup>15</sup>, São Vicente, Bom Retiro<sup>16</sup> and João Alfredo Corrêa de Oliveira (HOLANDA, 1972).

The resistance to the emancipation reform in the Chamber of Deputies, on the other hand, was led by Paulino de Souza<sup>17</sup>, with the collaboration of representatives such as José de Alencar<sup>18</sup> and

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Diplomat and excellent parliamentarian. State Counselor, Minister of Navy and Foreign Affairs in the Paraná Cabinet. President of the March 7 Cabinet, he was also Minister of the Treasury and interim Minister of War. Co. Lyra, 1978.

<sup>14</sup> About this institution see: Nascimento, 2016 and Sá Netto, 2013.

<sup>15</sup> Francisco Sales Torres Homem - Graduated in Medicine at the Faculdade do Rio de Janeiro and in Law at the Paris School. Deputy elected several times for his province, he was Minister and Secretary of State for the Treasury Businesses. Co. Silva, 1857.

<sup>16</sup> Luís Pedreira do Couto Ferraz (1818-1886). In 1845, he sat in the provincial assembly of Rio de Janeiro. He promoted the improvement of primary education, and of communication routes. He was president of the Rio de Janeiro province from October 1848 to September 1853. In the collections of Provincial Laws are stamped the regulations he issued for the reform of Public Instruction. He was called on September 6, 1853 to the Crown Council, as Minister and Secretary of State for the Empire's Businesses, during which time he regulated Decree n. 1.331-A of February 17, 1854. Co. Sisson, 1999.

<sup>17</sup> Paulino José Soares de Souza - He was born on April 21st, 1834, in the city of Itaboraí, at Fazenda de Itapacorá - one of the largest sugar mill houses that existed at the time. He was the first son of Paulino José Soares de Sousa, the viscount of Uruguay. He graduated from the Law School of São Paulo, and was elected provincial and general deputy in several legislatures of the Empire. He integrated the Senate and the Council of State, occupying the position of Minister of the Empire's portfolio in the Cabinet of July 16, 1868, being one of the leaders of the conservatives. Co. Blake, 1970.

<sup>18</sup> José Martiniano de Alencar (1829-1877) - Lawyer, journalist, politician, orator, novelist and theater writer, he was born in Fortaleza. He is the patron of chair n. 23 of the Brazilian Academy of Letters, by choice of Machado de Assis. He collaborated

Ferreira Viana<sup>19</sup>, for example. The Conservative party was divided, as some conservative congressmen were in favor of the gradual emancipation of the serf element, despite the strong opposition front, led by Souza. Among the Liberals, the division was less noticeable, due to the absence of representatives in the Chamber of Deputies. In the Senate, the emancipation project found supporters such as Nabuco de Araújo<sup>20</sup> and Paranaguá<sup>21</sup>. The opposition was supported by the militant Zacarias<sup>22</sup>, who fought every article of the reform (HOLANDA, 1972).

The impasse made the mayor bring together the government and the dissidents in an attempt to reach an agreement, without success. Paulino remained adamant and the government members did not negotiate the core of the project; the free womb. The sessions were obstructed by the minority, who used tricks: they prevented quorums, invented meetings at session times, and delayed deputies' watches, among other actions. This set of strategies sought to test the strength and organization of the emancipationists, insofar as it forced them to make an effort to put their entire base in the Chamber. According to the observations of Angela Alonso (2015), to face this situation, Corrêa de Oliveira seems to have had a great participation. According to her, the other batch of deputies, trickier, joined thanks to the halter of the Minister of the Business of the Empire, who, as a kind of "ministerial lightning rod", hunted deputies at home, put sentries so that they would stay in the session, even dragging a deputy with fever to the plenary.

As can be seen, the project's passage through the House of Representatives was not smooth. The minister from Pernambuco was in the front, urging the statesmen to attend the sessions. According to Barreto (1884, p. 85), "The minister of the Empire, Councilor João Alfredo, whose energy powerfully influenced the less courageous governors", was one of those who most helped the President of the Council. His tenure in the ministerial portfolio, the longest in the Empire, earned him the reputation of:

An intelligent, hardworking, enterprising, broad-sighted administrator, very concerned with public education and the capital's improvements, but what earned him priceless laurels was his *collaboration in the law of September 28, 1871*. At the time, he was called the *taciturn leader* of the closings, a regimental resource that the government made great use of to avoid delaying debates. [...] His assistants had another role reserved for them. And no one performed his better than João Alfredo, *gathering and disciplining* the majority, bringing them into the chamber and making them support the government's action (LYRA, 1978, p. 211, emphasis added).

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with the *Correio Mercantil* (Mercantile Mail), and wrote for the *Jornal do Comércio* (Trade Newspaper) the pamphlets that, in 1874, he gathered under the title *Ao Correr da Pena* (The Flowing of the Pen). He was editor-in-chief of the *Diário do Rio de Janeiro* (Rio de Janeiro Diary) in 1855. Affiliated to the Conservative Party, he was general deputy for Ceará. From 1868 to 1870, he was Minister of Justice. In 1857, he revealed himself as a more mature writer with the publication, in pamphlets, of *O Guarani*, which earned him great popularity. In 1866, Machado de Assis, in an article in the *Diário do Rio de Janeiro*, warmly praised the novel *Iracema*, published the previous year. Co. <http://www.academia.org.br/academicos/jose-de-alencar/biografia>. Accessed on: 01 Jan. 2021.

<sup>19</sup> Antonio Ferreira Vianna (1834) - Born in Rio Grande do Sul, graduated from the Law School of São Paulo, general director of the municipal classes, lawyer of the Court's auditoriums. He represented the Court and the Province of Rio de Janeiro in the temporary Chamber in the legislatures from 1869 to 1877. Co. Blake, 1970.

<sup>20</sup> Joaquim Aurélio Barreto Nabuco de Araújo (1849-1910). Son of Senator José Thomaz Nabuco de Araújo. He was born in Pernambuco. He graduated in Social and Legal Sciences from the Recife College, in 1870. He was a deputy for Pernambuco and one of the hardest working in the campaign for the Abolition of the slave element, which ended with the Law of May 13, 1888. Co. Blake. 1970.

<sup>21</sup> João Lustosa da Cunha Paranaguá (1821). Graduated in Legal and Social Sciences at the Olinda College. He was Provincial and General Deputy in several legislatures, President of the Province of Maranhão, Piauí and Pernambuco, Law Judge in São Gonçalo do Piauí, in Petrópolis and at Court, Orphans' Judge of the first court of Rio de Janeiro, Senator for the Province of Piauí since January 16, 1865, Minister of Justice in the Ministry of August 9, 1859, Minister of War in the Cabinet January 7, 1878. Co. Silva, 1857.

<sup>22</sup> Zacarias de Góes e Vasconcellos (1815-1877). Born in Bahia, he graduated in Law from the Olinda Academy, was a professor in the same academy, and Senator of the Empire and of the Emperor's Council. He presided over the provinces of Sergipe, Piauí and Paraná. Zacarias Góes occupied in several cabinets the portfolios of the Navy, Empire, Justice and Finance. He organized the cabinet of May 24, 1862 (the ministry of the three days, because he only lived that long), January 15, 1864 and August 3, 1866. On July 15, 1868 he asked for his exoneration from this cabinet as a consequence of the question of the crown prerogative, a question that arose when Francisco de Salles Torres Homem, later Viscount of Inhomirim, was chosen Senator for the province of Rio Grande do Norte. He was one of the most notable orators in Brazil. Co. Blake, 1970.

The way the ministers conducted the emancipation project was being observed in several instances. The effort that the Ministry erected to achieve success in the approval of the proposal was observed by Senator Souza Franco<sup>23</sup> in a heated discussion with Rio Branco in the Senate:

Mr. Souza Franco - I congratulate you for the fact, but not for the way, because you promote this great humanitarian act and advantageous to the Empire; tearing it by force to the chamber of deputies, and dragging your friends, representatives of the nation, under the caudine forces. [...]

Mr. Viscount of Rio Branco (President of the Council): - I have already complained against this.

Mr. Souza Franco - So that it may be recorded in the annals that the slaveholding Brazil decided not to decree the manumission of its slaves, but it was not spontaneous. The strong arm of Mr. Viscount of Rio Branco (this name shall remain in our memory) snatched it from the representatives of the nation. This is what S. Ex. in *the Jornal do Commercio*. [...]

Mr. Viscount of Rio Branco (President of the Council): - Who said that the Council was being forced? Just the opposite is said; I was even censured for my moderation by the noble Senator for Bahia, who said that I had disarmed the Ministry.

Mr. Zacarias - Yes, sir. [...]

Mr. Souza Franco - Then you must retreat. Ex. must retreat for lack of enthusiasm and will not pass the emancipation law.

Mr. Viscount of Rio Branco (President of the Council): - So we must take it by force, according to you? (ANAIS DO SENADO, May 17, 1871, p. 113).

The discussions about the emancipation project were equally heated in the Chamber of Deputies, as shown by the debate that took place in the session of May 16, 1871, in which Mr. Saraiva<sup>24</sup> questioned

Yes, if for the emancipation of the slave... emancipation, no; the project does not deal with the emancipation of the actual enslaved, and only with extinguishing the source of slavery without prejudice to the masters. If to achieve such a prudent reform, and which is not political, the Ministry struggles with so many difficulties, what embarrassments will it not find as soon as it tries to make the freedom of vote, and thus threaten the hope that the conservative party has to keep the power for a century or more? (Senate Annals, May 16, 1871, p. 94).

The radicalization and polarization of the speeches brought up issues that were not on the agenda, but presented themselves as a problem to be solved by the ministry, indicating a redirection of the debate. In this case, Mr. Saraiva brought up for discussion the electoral reform, another item on the reform agenda of the period.

The August 2nd session was marked by generalized disorder. Article 4 of the bill was under discussion. Mr. Paulino requested a roll-call vote, in which article 4 was approved with 59 votes in favor and 39 against. As a strategy, to prevent the vote on the 5th article, the dissidents spoke about other subjects, such as electoral reform. The president warned that the agenda was different, without having the desired effect. There was a reaction from the government members, who requested the session's extension. After the procedural discussions and many comments, from both the opposition and the situation, the governors managed to move on to the debate on the 5th article.

The opposition accused the chief of staff of subservience to the emperor (ALONSO, 2015). At this point, Rio Branco asked the President to call the speaker to order. The insults continued until Rio Branco, exalted by the words he had heard, exclaimed, "V. Excellency is in no state to deliberate." Everyone stood up, shouting loudly. The Speaker of the House addressed the President of the Council saying, "You Minister cannot use those words in relation to a member of the House. Only the Speaker of the House has that right." Rio Branco tries to explain that he had called the President's attention to

<sup>23</sup> Bernardo de Souza Franco - Viscount Souza Franco (1805-1875). He graduated from the Recife Law School in 1835. He was Fiscal Attorney of the Treasury, Civil Judge of the Capital, President of the Province of Pará, of Alagoas, Deputy, Minister of Finance, Senator and State Counselor. He accompanied the cabinet presided over by the Viscount of Rio Branco in the effort to promulgate the law of freedom of the womb. Co. Blake. 1970.

<sup>24</sup> Jose Antonio Saraiva (1823-1895) - Born in Bahia. He graduated in Law from the College of São Paulo. He was Municipal Judge and fiscal procurator of the Bahia treasury, Provincial and General Deputy in several legislatures, Senator, President of the Piauí, Alagoas, Pernambuco and São Paulo provinces, Minister of the Navy in the Cabinets of June 4th, 1857, May 12th, 1865, and of the Empire on March 2nd, 1861. Co. Blake, 1970.

the speaker's words, but it was useless, for disorder had become widespread. Feeling unable to reestablish order, the President of the Chamber suspended the session, after declaring his resignation from office (HOLANDA, 1972).

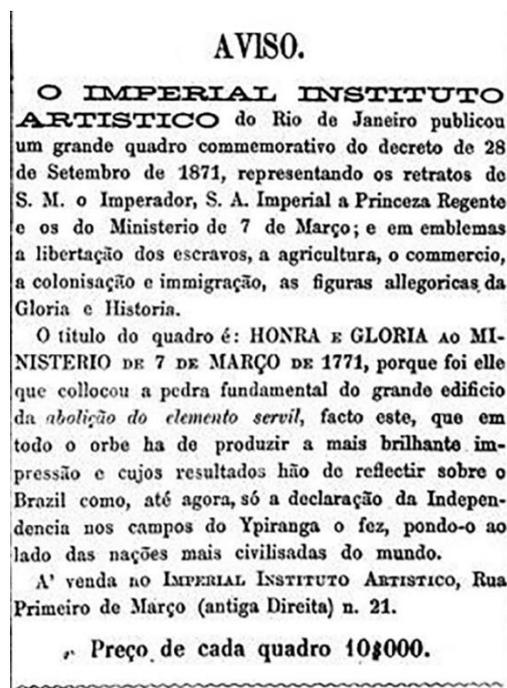
The Ministry's efforts to approve the reform, the conservative party's division, the heated sessions and the Chamber's president's resignation made 1871 a year marked by turbulence between the ruling and dissenting parties, with the institute of slavery as the neuralgic point. The construction of very marked positions leads us to "think about the symbolic dimension of political power, about how the State uses theatrical devices to represent and stage the power that it effectively exercises" (SCHWARCZ, 2001, p. 7).

Concerns and fears were literally driving the debates in society. There was a lot at stake, as the *free womb* was represented as a threat to the economy, as it could break farmers and merchants. At the same time, if it failed in its goals, it would ruin politics, with the discredit derived from its failure. As highlighted by Alonso (2015), the *free womb* would cause classes such as commerce and farming, which firmly supported the monarchy, to be able to divorce themselves from it.

After the long and untimely debates in the House, on August 29, the bill with the amendments was sent to the Senate, where the discussions were a little calmer. When it was sanctioned by the imperial princess regent, it became Law 2,040 of September 28, 1871, known as the Free Womb Law.

On October 15, 1871 the *Magazine Semana Ilustrada (Illustrated Week Magazine)* published a "notice" about a painting commemorating the September 28th Decree, drawn up by the Imperial Artistic Institute of Rio de Janeiro:

Figure 1 – *Semana Ilustrada*. Commemorative Board.



Source: *Semana Ilustrada* (RJ), October 15, 1871, ed. 566, p. 7.

Image translation:

NOTICE. The IMPERIAL ARTIST INSTITUTE of Rio de Janeiro has published a large commemorative picture of the decree of September 28th, 1871, representing the portraits of H.M. the Emperor, H.H. the Princess Regent and those of the Ministry of March 7th; and in emblems the liberation of slaves, agriculture, commerce, colonization and immigration, the allegorical figures of Gloria and History.

The title of the painting is: HONOR AND GLORY TO THE MINISTER OF MARCH 7, 1771, because it was he who laid the cornerstone of the great building of the abolition of the servile element, a fact that in the whole world will produce the most brilliant impression and whose results will reflect on Brazil as, until now, only the declaration of Independence in the fields of Ypiranga did, placing it alongside the most civilized nations of the world.

For sale at the IMPERIAL INSTITUTO ARTISTICO, Primeiro de Março Street (March 1<sup>st</sup>) (formerly Right) n. 21.  
Price per painting 10\$000.

The ad describes the representations projected on the board entitled "Honor and Glory to the Ministry March 7, 1871. A tribute to the main agents who, in the political game, disputed the project in the Chamber's plenary. The opinions were divided, a part of society and statesmen clamored for the reform, which would change the lives of the enslaved population and their children, but would also directly affect commerce and agriculture. In this sense, to defend or be against emancipation meant to support different national projects. For the advocates of the gradual abolition of slavery, the measure expressed the desire for freedom and equality for all Brazilians as an indispensable element for the formation of a civilized Nation. For the opponents, the project constituted a kind of negative, a risk to the order, instituted under the aegis of the labor of the enslaved.

In the aforementioned "notice" there is a description of a set of elements that represented slavery, they are: emblems the liberation of the enslaved, agriculture, trade, colonization, immigration, the allegorical figures of Glory and History. By highlighting these elements in the picture (figure 2), the reader is thrown into a well-defined symbolic universe<sup>25</sup>.

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<sup>25</sup> The allegories, palm trees, laurels, and naturalistic portraits, flanked in the image, reinforce the symmetrical distribution of the composition. It is worth noting that the same visual attributes still persist in the printed compositions of invitations, certificates, and institutional diplomas today. Another formal aspect is the distribution of vectors that form a triangle in the foreground, formed by the vertices of the allegories of the base (History and Glory) and the winged figure (Princess Isabel) at the top of the print. Another geometric shape observed is the "able arch" that enhances the allegory of "Freedom" involving women (representatives of motherhood) who thank "Freedom", exalting the long-awaited redemption for their children. This same arch is topped by two winged allegories (commerce and agriculture) holding cornucopias. The landscapes found represent the exuberance of tropical flora with the image of Guanabara Bay, where a steam-powered boat appears. In the background, we can see next to the allegory of Liberty: groups of people (immigrants) walking with tools for working in the fields. There is also a moving locomotive on the left side of the picture and people trading sacks of a certain product, probably coffee. Finally, all the winning portraits are identified by the numbered references at the bottom of the print. The "foreshortening" (almost profile) positions of the portraits positioned towards the center of the print, reinforce the centrality of the perpetual defender of the Empire of Brazil. It is very likely that the engraving was organized in a collective way and consulted until the final printing. Our thanks to Professor Carlos Henrique do Mattos Prado for his assistance in this note.

Figure 2 - Honor and Glory to the Ministry March 7, 1871.



Source: Biblioteca digital luso-brasileira (Luso-Brazilian digital library). Available at: [http://objdigital.bn.br/acervo\\_digital/div\\_iconografia/icon1208241/icon1208241.jpg](http://objdigital.bn.br/acervo_digital/div_iconografia/icon1208241/icon1208241.jpg). Accessed on: 01 jan. 2021.

The centrality of the figure of the Emperor, Princess Isabel and the components of the March 7th Ministry in the painting serves to fix the image of these agents. It is also an attempt to highlight the protagonists of an event aimed at changing the social, economic, political, cultural, and educational configuration of the country. It is, finally, an attempt to inculcate in society a collective memory, which "is essentially mythical, deformed, anachronistic, but constitutes the lived experience of this never-finished relationship between the present and the past" (LE GOFF, 1990, p. 22-23).

In seeking to constitute a collective memory of the emancipation policy, gradual in character, the picture merges elements of nature, industry, Catholic religion, black women in a gesture of gratitude, at the same time indicating that the civilizing task and the path to progress was associated with two other phenomena: colonization and immigration. Thus, the tripod of a new policy of support for the Empire was assembled.

The writer of the ad attributed to the Free Womb Law a status similar to that of the Independence of Brazil, as was also registered in *Semana Illustrada*, highlighted in the epigraph of this article. It is a matter of considering the freedom of the enslaved and of the Nation as equivalent, since to free a portion of the population, the enslaved, should assume the meaning of completing an unfinished task, both resulting from many mediations, conflicts and death<sup>26</sup>.

Machado de Assis<sup>27</sup>, an attentive observer of public life, frequented the sessions of Parliament and in his chronicles made some satires and criticisms of the government. In March 1877 he

<sup>26</sup> Regarding politics and war in the process of Brazil's independence, Co. Franchini Neto, 2019.

<sup>27</sup> Joaquim Maria Machado de Assis (1839-1908) - Journalist, storyteller, chronicler, novelist, poet, teatrologist and founder of the chair #23 of the Brazilian Academy of Letters. For more than ten years he held the presidency of the Academy, which became known as Casa de Machado de Assis. Without the means for regular courses, he studied as best he could and, in 1854, at the age of 15, published his first literary work, the sonnet "To the Most Illustrious. Mrs. D.P.J.A.", in the *Periódico dos Pobres*

wrote in the *Magazine Ilustração Brasileira* (*Brazilian Illustration Magazine*): "In representative countries public life is mainly in the Chambers. Who doesn't remember the sessions of 1871? Life is struggle; where there is opposition, there is contrast, there is life" (*Ilustração Brasileira*, March 1, 1877, ed. 17, p. 9).

As an additional highlight of this "place of memory" (NORA, 1993), it refers to the Latin emblems. The commemorative picture recovers the Latin phrase, published 14 days earlier in the *Magazine Semana Ilustrada*, with the addition of a new motto: *In hoc signo vinces*. Located on the coat of arms of the Imperial State, between the image of the emperor and the word liberty, this phrase was also inscribed on the Brazilian silver coins of the Empire of Brazil, with various values; multiplying indefinitely the message in a non-disposable support. On one side, the figure of the emperor. On the other, the coat of arms and the illustrated motto, which seeks to synthesize a kind of destiny of the regime: win!

Figure 3- Silver Coins- *In hoc signo vinces*



Source: Brazilian Mint

Available at: <http://www.moedasdobrasil.com.br/moedas/catalogo.asp?s=105&xm=462> Accessed on: 01 Jan. 2021.

In a free translation, the expression reproduced in various media means "With this sign you shall overcome". What signs does it seem to refer to? There are indications that it refers to a set of signs that make up the painting, and here we must emphasize the convergence with the sign of freedom. This, in turn, is associated with the central figure of Dom Pedro II, flanked by the body of ministers, composed of seven men, anointed by celestial figures. In the margins, history and glory, encompass a prodigious nature, hard-working and productive people in agriculture and commerce, whose increase is connected to the end of the servile element. Finally, the enslaved women appear in a grateful, subservient position, which ends up erasing the diverse strategies activated by the enslaved population, a very strong trait in the historiography of education, according to studies such as that of Fonseca (2007).

The liberation of children born from the womb of slaves, starting with the Law of September 28, 1871, constitutes, therefore, a milestone in the history of slavery, with diverse effects, being worth noting some of those that affected part of the enslaved population, especially those who were formally born free.

## BETWEEN LASHINGS AND BOOKS: THE EDUCATION OF BLACKS, SLAVES AND INGENUOUS

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(*Journal of the Poor*), on October 3, 1854. In 1856, he joined the National Press and there met Manuel Antônio de Almeida, who became his protector. In 1858, he was a proofreader and collaborator for the *Correio Mercantil* and, in 1860, at the invitation of Quintino Bocaiúva, he joined the editorial staff of the *Diário do Rio de Janeiro*. He also wrote regularly for the *Magazine O Espelho* (*The Mirror Magazine*), where he debuted as theater critic, *Semana Ilustrada*, and *Jornal das Famílias* (*Family Newspaper*). Co. <http://www.academia.org.br/academicos/machado-de-assis/biografia>. Accessed on: January 1st, 2021.

What to do with the *productive forces* that became free, those *degraded* by the slavery system that, from then on, would be freed from the bonds of slavery and from the private control of the lordly power? (SCHUELER, 2005, p. 20, emphasis added).

The question presented by Schueler was related to the educational debates of the second half of the 19th century, especially after the Law of September 28, 1871. In this sense, the education of the naïve started to be discussed in several instances of the Brazilian Empire, in search for solutions for the education of the unborn. The sentence published in the journal *A Instrução Pública (The Public Instruction)*, 1872, illustrates the public opinion of the time about emancipation: "The Law of September 28 was the harbinger of general freedom for the enslaved: let us now get together and work vigorously for the abolition of the blackest slavery: ignorance" (*A Instrução Pública*, 1872, p. 5).

Public officials sometimes criticized the Law of September 28, using the instruction of the ingenuous as an obstacle, as occurred in the Senate in 1879:

Mr. Marquez do Herval (Minister of War) - Gentlemen, I wish that everyone in this country were doctors....Mr. Baron of Cotegipe - No bull in this house of wasps (laughs).

Mr. Marquez do Herval (Minister of War) - ... I wish that even the little black boys, the ingenuous ones of the September 28th law, were educated and trained (laughter), but, gentlemen, since we don't have enough to support the army; since we don't have enough to support a fleet whose ships are mostly useless; since we don't have enough to give roads to agriculture; since we don't have enough to give useful arms to agriculture, since agriculture lacks arms, and we haven't been asked to give anything but young men... (Applause; laughter). [...]

Mr. Marquez do Herval (Minister of War) - ... who come to Brazil for the weight of gold and don't want to work....

Mr. Marquez do Herval (Minister of War) - ... not having so many needs to meet, we should not only take care of educational establishments (ANAI DO SENADO, February 7, 1879, p. 70).

The debate focuses on one of the most discussed issues in both Chambers, during and after the passage of the emancipation project: the education of the unborn. As can be seen, this is a session from 1879, eight years after the promulgation of the Free Womb Law, an occurrence which indicates that the education of the unborn did not end with the approval of the law of September 28, 1871.

The struggles and movements around definitions of citizenship, including among blacks and mestizos, between freedom and slavery are indicative of the cleavages that characterized a hierarchical, aristocratic, and monarchical society that maintained, for example, the monopoly over land and slaves, as stated in the Constitution of 1824, which recognized an old colonial tradition.

Regulation No. 1.331-A, of February 17, 1854, maintained the prohibition of enrollment and attendance to schools by subjects submitted to the slavery regime. However, several studies in the field of History of Education point to the presence of slaves who could read, write, and count in 19th century society. In the nineteenth century, several educational forces configured spaces and networks of formal and informal sociability, which favored the insertion of poor, devoid, enslaved, freedmen and ingenuous in the literate world (SEBRÃO, 2015; FONSECA & BARROS (orgs), 2016; MAC CORD; ARAÚJO & GOMES (orgs), 2017; LOPES, 2020).

In studies regarding the issue of instruction and education of children born after the Free Womb Law, Lopes (2012) points out that the *Manifesto of the Brazilian Society against Slavery* characterizes the referred Law as conservative because it respects the interests of the masters, assuring them the property of their enslaved<sup>28</sup>. At the same time, the aforementioned Manifesto recognizes the emancipation of the unborn as a blow to the slave system, by being described as the "Law of Emancipation", a mode of representation that would have induced the belief, outside the country, that Brazil had freed, at once, about one and a half million slaves.

The author corroborates the statement that the Free Womb Law legitimated the return of the children of slaves to captivity, condemning them to the same condition as their parents, given the

<sup>28</sup> In 1851, the court had the largest urban concentration of enslaved people in the world since the end of the Roman Empire: 110 thousand enslaved people over 266 thousand inhabitants. Entrenched not only in the Empire's Neutral Municipality, but throughout the country, slavery represented a constant threat to the stability of the monarchy and contrasted with the official image of an American kingdom. Co. Schwarcz, 2001.

fact that the owner could preserve responsibility over the unborn child until the age of 21. Lopes points out that the issue of underprivileged children and the issue of the free children of enslaved women were simultaneously posed in the final decades of the 19th century. For her, the education of the ingenuous was articulated to the problems related to poor and devoid children, which, in a way, represented the failure of a more egalitarian education policy regarding the insertion of ingenuous in a society based on free labor.

The author resumes the arguments of the Minister José Antônio Saraiva, when this statesman had affirmed that, due to the small number of minors delivered to the State, it was not necessary to think of specific educational establishments for children born from the free belly, marking his preference for appropriate establishments for the education of orphaned and disabled minors, institutions that should also serve the ingenuous. Two institutions in the Neutral Municipality were created to fulfill this function, the Santa Isabel Agricultural Asylum and the Homeless Boys Asylum (LOPES, 2012). According to the studies of (NASCIMENTO, 2016), the education of the ingenuous seems to have availed itself of the strategy of an education articulated to the training for work:

The imperial society was concerned about the fate of this social layer, the children born from the free womb, and the educational control of this new model of childhood should be part of a social framework organized on the moral and civilizing precepts in course. The solution was not simple. Some traces point to measures adopted to ease this problem, such as the creation of colleges, mainly, the professional schools (NASCIMENTO, 2016, p. 157).

In 1875, the Minister João Alfredo inaugurated the Asylum for Disabled Boys<sup>29</sup> for the reception of abandoned minors, orphans and ingenuous. The institution was to offer primary and vocational education. In 1874, in the report presented to the Legislative Assembly, Minister João Alfredo announced the creation of the Asylum for Disabled Boys, which would meet the articles 62 and 63 of the Regulation of 1854, which dealt with the withdrawal to the asylum institution, children in a state of poverty and living in begging. As long as the law had not been established, the children could be handed over to parish priests, curates, or even to district teachers. After receiving first grade education, the boys would be sent to the apprentice companies of the arsenals or to public or private workshops, by contract.

Despite notifying the creation of the asylum as a response to the legislation in force, the project prepared during João Alfredo's ministerial administration, according to paragraph 5 of Project 73/1874 established

Professional schools will be created in the municipalities of the provinces of the Empire, in which the sciences and their applications that best suit the prevailing arts and industries will be taught. The study plans of these schools shall be organized so that the students, who wish to do so, may, at the end of the course, complete their studies in the establishments mentioned in § 12 - III, taking into account the exams of the subjects they have already learned.

§ 12. the government may:

III. - Assist the private establishments of free primary and professional education of the same municipality that prove themselves worthy of this favor, with preference being given to those that propose to maintain night courses for adults, and the respective directors being subject to the same obligations as public teachers in relation to the Inspector of Education (PROJETO 73/1874, p. 2-3).

It can be seen that the Ministry did not wait for the approval of the aforementioned project by the Chamber of Deputies<sup>30</sup> to create an asylums and professionalizing institution for the reception of poor, underprivileged and orphaned boys<sup>31</sup>, which would also serve to receive those born of the free womb.

<sup>29</sup> In this regard see: Lopes, 1994, Marques, 1996, Souza, 2008 and Pavão, 2013. For the case of Pernambuco, see Arantes, 2009. For the case of Pará, see Barbosa, 2011.

<sup>30</sup> The project 73/1874, which reorganized primary and secondary education in the Municipality of Corte, was presented to the House of Representatives on July 30, 1874. The Commission of Public Instruction presented its opinion to the House, favorable to the project, on May 14, 1875 and the discussion, about the elements that made up the project, was held on May 20, 1875. This project, however, did not obtain final approval in the Chamber of Deputies.

<sup>31</sup> On this type of training mesh, Co. Rizzini, 2009.

To get an idea of the effect of this measure, fifteen years after the promulgation of the Free Womb Law, the Report of the Minister of the Empire presented the following results about the Asylum for Disabled Boys:

Figure 4 - Asylum for Disabled Boys

### ASYLO DE MENINOS DESVALIDOS

Está completo o numero de 300 asylados, marcado pela Lei n 3314 de 16 de outubro de 1886.

Além das officinas de latoeiro, encadernador, marceneiro, torneiro, sapateiro, alfaiate e carpinteiro, funciona mais a de pautador.

De maio do anno passado a 16 de março findo a receita das officinas foi de 11:638\$444, assim distribuidos :

Officina de latoeiro.....	5:186\$620
» » encadernador .....	2:943\$024
» » marceneiro, lustrador e empalhador.....	2:181\$000
» » torneiro.....	601\$600
» » pautador.....	493\$900
» » sapateiro.....	183\$800
» » carpinteiro.....	48\$300
	11:638\$444

Na officina de alfaiate manufactura-se a roupa e na de sapateiro o calçado para os asylados.

Todas estas officinas têm sido estabelecidas pouco a pouco, applicando-se á acquisição de machinismos, assim como á de materia prima, o producto dos trabalhos que nellas se executam.

Recebidos os machinismos que brevemente devem chegar da Europa, poderão todas ellas satisfazer a qualquer encomenda.

Por haverem completado a idade de 21 annos, foram desligados do Asylo, na fórma do Regulamento, 16 alumnos, os quaes saíram dalli sabendo um officio, ler e escrever, e tambem conhecendo as noções geraes de geographia e historia patria, geometria e algebra elementar e desenho: 12 dentre elles aprenderam musica instrumental. Assim habilita o Asylo a tornarem-se cidadãos uteis os que a elle se recolhem sem meios de receberem educação moral e profissional.

Source: Report of the Minister of the Empire 1886, p. 58-59.

Image Translation:

#### HOME FOR DESTITUTE BOYS

The number of 300 asylums set by Law 3314 of October 16, 1886 is complete.

In addition to the workshops of cobbler, bookbinder, joiner, woodworker, lathe operator, shoemaker, tailor and carpenter, there is also a workshop for the tariff.

From May of last year to March 16 last, the revenue of the workshops was 11:638\$444, distributed like this:

Tinsmith workshop --- 5:186\$620

Bookbinder's workshop --- 2:943\$024

Cabinetmaker's workshop, polisher and stuffer --- 2:181\$000

Turnery workshop --- 601\$600

Tariff workshop --- 493\$900

Shoemaker's workshop --- 183\$800

Carpenter's workshop --- 48\$300

Total: 11:638\$444

The tailor's workshop manufactures clothing, and the shoemaker's workshop makes shoes for the asylums.

All these workshops have been established little by little, applying the acquisition of machineries, as well as of raw material, the product of the works that are executed in them.

Once they receive the machineries that will soon arrive from Europe, they will all be able to satisfy any order.

For having completed the age of 21 years, 16 students were discharged from the Asylum, according to the Regulation, and left there knowing a trade, reading and writing, and also knowing the general notions of geography and national history,

geometry and elementary algebra and drawing; 12 of them learned instrumental music. The Asylum thus enables those who come to it without the means to receive a moral and professional education to become useful citizens.

The number of 300 asylums received in the institution corresponded to the maximum amount allowed by Law No. 3114 of October 16, 1886. It can be seen that there were no vacant positions in the institution, indicating that the number of children in a state of abandonment and poverty in the city was high. Probably, the institution did not attend all the underprivileged boys of the city<sup>32</sup>.

The workshops were diversified and operated in order to obtain results, in the sense of meeting some of the asylums' needs such as clothes and shoes. The purchase of machines seems to have been another investment made with the resources obtained by the services performed by the boarders in the professionalizing workshops, which, in the year 1886, totaled 11:638\$444<sup>33</sup>.

The asylums solution, however, is not the alternative to account for the effects of the Free Womb Law, with a potential increase in the population's demands for schooling, especially when education is represented as a condition to overcome barbarism and achieve citizenship/civilization, an argument mobilized by several social agents.

Rui Barbosa, for example, in "Discursos Parlamentares Sobre a Emancipação dos Escravos" (Parliamentary Discourses on the Emancipation of Slaves), in the session of July 13, 1871, takes up José de Alencar's<sup>34</sup> speech.

We want the redemption of our brothers, as Christ wanted it. It's not enough to say to the creature, hampered in his intelligence, crushed in his conscience: You are free; go; roam the fields like a beast! ....

No, gentlemen: it is necessary to enlighten the blunted intelligence, elevate the humiliated conscience, so that one day, when the moment comes to grant you freedom, we can say: You are men, you are citizens. We have redeemed you not only from captivity, but also from ignorance, vice, misery, animality, in which you were lying! (ALENCAR, apud BARBOSA, 1945, p. 77).

In the end, Alencar asks: "And how to free the captive, before educating him? Barbosa denounces the sophistry employed by José de Alencar who, through "seductive words", defended an impossible previous preparation. In this case, Alencar's rhetorical expedient was adopted to oppose the emancipation project, using as argument the State's incapacity to invest in the instruction of the ingenuous. In this logic, that of the slavocrats, it made no sense to liberate the unborn.

The education of the ingenuous and the (in)ability of the State to provide for the education of those born of the free belly became central to the debates of those who advocated in favor of the norm, as well as those who opposed it. In the 1871 session, an opponent spoke out on the matter, highlighting the limits of the State in issues related to the provision of services, treatment and education of the unborn:

Mr. Baron of Villa da Barra<sup>35</sup> - I condemn the basis of the free womb, because the government cannot take charge of the upbringing, treatment, and education of these ingenuous in order to later lead them into society as free citizens with all their prerogatives and rights (ANAIS DA CÂMARA DOS DEPUTADOS, July 11, 1871, p. 97).

The opposition used another argument to combat the project, drawing attention to the fact that the upbringing and education of the ingenuous would be under the responsibility of the slave owner, another facet of the argument of the inability of the State and Civil Society to respond satisfactorily to the freedom of the unborn.

<sup>32</sup> Institutions with similar characteristics proliferated in the Empire's capital and in other cities. Regarding some of them in the city of Rio de Janeiro, see: Narcizo, 2004, Gomes, 2007, Cunha, 2009 and Reis, 2019.

<sup>33</sup> To get an idea of the purchasing power relative to the revenue obtained in 1886, an annual subscription to the newspaper "*A Estação - Jornal Ilustrado para a família* (The Station - Illustrated Newspaper for the Family)" was 12\$00 for the Court and 14\$00 for the Provinces. With this year's income one could subscribe to the newspaper for 970 years.

<sup>34</sup> Co, Alencar, 1871.

<sup>35</sup> Regarding this character, Co. <http://www.dichistoriasaude.coc.fiocruz.br/iah/pt/verbetes/abreufanbon.htm>. Accessed on: 01 Jan. 2021.

Sr. Souza Reis<sup>36</sup> - Therefore, the noble deputies can see that the repugnance that exists for the liberation of the womb is not because, as the noble deputy who preceded me said, the sordid interests of the slave owners are speaking to their souls, no; this is not the reason; but because the slave masters cannot, without sacrifices of all kinds, bear the heavy burden of raising and educating the children of such slaves, as free men, in the bosom of their farms, where they will live with their parents, siblings and many other slaves destined to work. (Supported by the minority).

This is the great inconvenience of this idea of the proposal (ANAI DA CÂMARA DOS DEPUTADOS, July 11, 1871, t. V, p. 76).

This deputy, however, tried to give greater visibility to the debate that took place inside the Chamber of Deputies, using the publication of his speech on the servile element, delivered on July 21, 1871. The speech of the deputy for the 1st district of the province of Pernambuco, in justification of his vote against the attempt to hasten the extinction of slavery, states that it could not be maintained in perpetuity, but that, at that juncture, such an act would bring about the ruin of the country. The arguments of risk, danger, ruin, and legality organize the Pernambuco parliamentarian's narrative, so as to modulate public opinion and reinforce the positions of the "stuck". At the end, as a synthesis of the position he embodies and defends, he points out:

If, however, the government wants to go further, and can overcome all the difficulties that will present themselves, then, respecting the constitutional principle, establish the means to raise and educate those born to slaves after the law, but leave the freedom to the masters to use this means to free those who generously want to be free, sending them to establishments created by the government.

The project under discussion, Mr. President, greatly alters the existing legislation with regard to the relationship between masters and slaves. (Seconded.)

This is a point on which the proposal is clearly worthy of all consideration, because it seems to me a great danger to alter the legislation in this respect.

Regarding the relations between masters and slaves, let's respect what exists; let's do what we want, if we can do it, if the government has the means to do it, if we can count on the guarantee of individual security and public tranquility, but let's not change the current legislation regarding the relations between masters and slaves (REIS, 1871, p. 30).

As we can see, one of the ways to oppose the emancipation project consisted in addressing the issue of the education of children born from the womb of enslaved women after the promulgation of the law, considering the limits of the government in offering services to this part of the population. What limits was the deputy from Pernambuco referring to? He was referring to two of them; the ability to indemnify and the reception of the ingenuous in proper institutions, as foreseen in the second article of the law.

Article 2 The Government may deliver to associations authorized by it, the children of female slaves, born since the date of this law, which are yielded or abandoned by their masters, or removed from their power in virtue of art. 1 § 6°.

§ 1° The said associations will have the right to free services for minors until the age of 21 years, and may rent these services, but will be obligated

1° To raise and treat the same minors;

2° To constitute for each one of them a fund, consisting of the quota that is reserved in the respective statutes for this purpose;

3° To find them, after the time of service, an appropriate placement.

§ 2° The associations that deal with the previous paragraph will be subject to the inspection of the Orphans' Judges, regarding the minors.

§ 3. The provision of this article is applicable to houses for exposed children, and to persons whom the Orphan Judges entrust with the education of these minors, in the absence of associations or establishments created for this purpose.

<sup>36</sup> Joaquim de Souza Reis was a deputy for the Province of Pernambuco. He published "O elemento servil em 21 de julho de 1871 (The servant element on July 21, 1871)", a speech he gave during the second discussion of the Government's proposal. See Reis, 1871.

§ 4. The Government has the right to order the collection of these minors to public establishments, transferring in this case to the State the obligations that § 1 imposes on authorized associations (Law No. 2040 of September 28, 1871).

As can be seen, the creation of an institutional apparatus is foreseen to enroll the unborn in certain institutions and families/people to prevent the dangers of uselessness and ignorance. However, the problems arising from the conceptions of society and slavery were far from being settled.

The sharpening of positions does not imply the affirmation of an inaugural act, as if access to the literate universe was about to begin with those born of the free womb. The fear was of the intensity and of the alteration of the constituted order<sup>37</sup>. As recent studies have shown, portions of the black, freed, and even enslaved population had access to the world of letters. Some traces show that blacks and slaves participated in the schooling process, as we can see through an initiative that took place in the 1830s. Back in 1839 there was a literate slave, Cosme Bento das Chagas, known as the "emperor of freedom", who opened a school of first letters, located on the Yellow Lagoon farm, to teach 3,000 blacks who had run away from the farms or who had escaped from the slave settlements in the Codó region, in the Maranhão Province<sup>38</sup>. This occurrence indicates the existence of multiple forms of education and strategies of access to schooling and learning of letters by blacks and slaves throughout the eighteen hundreds (GONDRA; SCHUELER, 2008)<sup>39</sup>.

In the Court, the journal *A Instrução Pública* (The Public Instruction), in 1873, provides other clues by reporting the education of slaves of both sexes, at the initiative of an owner:

Primary Instruction - We have been written: Mr. Commander Joaquim José de Souza Breves<sup>40</sup>, wealthy farmer from the province of Rio de Janeiro, has just ordered the establishment in his several farms of classes of first letters for the education of his slaves that where minors of both sexes (*A INSTRUÇÃO PÚBLICA*, March 18, 1873, ed. 20, p. 160).

The experience of schooling slaves was developed in various ways, formal or informal. Two elements draw attention in this article. First, the fact that the landowner ordered to establish classes in several farms, which would increase the number of enslaved girls and boys instructed in first letters. Secondly, we can highlight the effect of the legislation passed two years earlier, an indicator of the landowner's willingness to comply with the law and maintain his extensive plantation, a guarantee of the riches obtained from the cultivation of the "black gold", a common way to refer to coffee.

It is worth remembering that there were other ways of inserting slaves into literate environments. In 1870, Policarpo Leão<sup>41</sup> published a book with his conceptions about the slave element. In this publication, the author offers clues about the presentation of slaves' works in an exhibition in Rio de Janeiro in 1865: "In the exhibition, which took place in Rio de Janeiro in the year 1865, masters were rewarded, only because their slaves presented very good works, due to the slaves' talent and dedication".

<sup>37</sup> See also, for example, Santos, Gondra and Lopes (in press).

<sup>38</sup> The year 1780 marked the beginning of the settlement of Codó. Its economy was based on agricultural activities developed by Portuguese and lords of the Maranhão rural aristocracy. One of the first explorers was the farmer Luís José Rodrigues and the Portuguese Francisco Marques Rodrigues. The settlement also had the participation of African slaves who worked in the plantations, Barbados and Guanaré Indians, and Syrian and Lebanese immigrants. To be elevated to the category of town, the settlement of Codó obtained the aid of a Royal Resolution signed in April 1833, later the State Law n°. 13, sanctioned by Governor Alfredo da Cunha Martins, in April 16, 1896, elevated Codó to the category of city.

<sup>39</sup> See also Leal, 2020 and Pasche et al., 2020.

<sup>40</sup> Commander Joaquim José de Sousa Breves was the most opulent coffee farmer in Imperial Brazil, having planted 5 million coffee trees and having owned more than six thousand slaves. See also, Lourenço, 2010. In one of his estates, he established a school where reading, writing, counting and doctrine were taught, being attended by 30 students of both sexes, ingenuous, freedmen, a few slaves and some freemen, being governed by one of the Comendador's slaves. Co. Report of the President of the Province of Rio de Janeiro, 1879, p. 10.

<sup>41</sup> Judge and former provincial president of Rio de Janeiro (1863-64), Policarpo Lopes de Leão proposed in this booklet alternative bills to the free-bellum law. The first one provided for the release in 6 years of the urban captives, in 10 years for those smuggled after 1830 (date of the Anglo-Brazilian convention against the slave trade) and in 20 years for the others, in addition to establishing the right of the captives, in the meantime, to be freed, to form a legacy and to receive inheritance. The other two regulated, respectively, leasing of services and establishment of foreign colonies. In 1872, Leão would sign a contract with the imperial government for the transportation of European immigrants.

This information was used to support the six arguments he used in favor of the free classes<sup>42</sup> (LEÃO, 1870, p. 9-10).

Newspaper advertisements of the time, on the other hand, constitute important sources to think about the education of blacks and the enslaved population in the 19th century, as pointed out by Lopes (2017, 2020) and Silva (2018). These authors located advertisements from various newspapers that indicated the existence of enslaved people who could read, write, and count. Some advertisements signal the existence of enslaved people who had trades, such as carpenter, tailor, and shoemaker. Other ads point to the existence of those who could translate French, as well as musicians.

In the printed materials of the late 1870s, it is possible to find the sale of slaves with their children (ingénues). An example can be read in the *Jornal do Commercio*, of 1877, in which it was announced:

For 1:500\$, a black woman of 18 years, who irons perfectly, washes, sews, cooks with an oven and stove and makes sweets, with an ingenue of six months, and plenty of milk from the first birth: three little black girls of 14, 16 and 17 years, can iron clothes perfectly and of all service, at 1:300\$, 1:400\$ and 1:500\$. Informed at Rua de S. Pedro (S. Peter St) n. 246 (JORNAL DO COMMERCIO, January 1, 1877, ed. 1, p.1).

Six years after the Free Womb Law was promulgated, however, some landlord practices remained unchanged, such as the sale of female slaves and their children, freed by force of law. It is observed that the fact of having milk in abundance added value to the "product" to be sold, as they could serve as wet nurses for the owners' children or even be rented to fulfill this function.

In a reading of Dr. Alambary Luz's presentation speech in the *Revista Instrução Pública* (Public Instruction Magazine), Schueler points out that

In a society that was becoming progressively more complex, from the point of view of both ethnic-racial differentiations and the social conditions of its individuals, where the confusion between free, freedmen, and slaves was growing, especially in the largest urban centers, the editor-in-chief of the pedagogical journal perceived that the transformations that had occurred influenced the political direction of governments and, above all, claimed for new arrangements and new strategies for social ordering and control [. ...] it was clear that the development of education was directly related to the transformations resulting from the growing social complexity and the intensification of political, economic and social struggles in the 1870s - among them, the intensification of the debates about slavery and about the Law of September 28, 1871 (known as the free-birth law) and the consequent reformulation of the concepts and practices around labor (SCHUELER, 2005, p. 15).

It can be seen that there was a relationship between the social status of the individual, whether free, freed or slave, the political struggles and the education of this part of the population. The enslaved were legally excluded from the official education policies, although it is possible to see anti-disciplinary gestures, establishing *other possible* ones inside the formal interdiction.

In the 1880s, for example, some private individuals, especially those linked to the abolitionist movement, invested in the creation of schools for freedmen. At the same time, the printed press urged abolitionist associations to found schools as an important expedient to force and organize another tradition. As a result, abolitionists, clubs and associations created the night schools and free schools of popular instruction, such as the Club of Freedmen of Niterói, schools of first letters with abolitionist teachers, the Free Night School of Flowers Street and the Night School of Cancellia (ALONSO, 2015).

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<sup>42</sup> For him, the six advantages would be as follows: 1. the improvement of the education of the children, 2. the economy that would result from not supporting and curing sick servants, who cannot work, and burying the dead, nor supporting their children for years, 3. not losing capital with the death of the slave, 4. not having in his company men always suspected of rancorous enemies, 5. the abolition of the whips 6. having more intelligent workers interested in the improvement of work.

The *Gazeta da Tarde* newspaper of 1883 published an article about the visit made by José do Patrocínio<sup>43</sup> to the Free Night School, maintained by the Clube dos Libertos de Niterói, created by João Fernandes Clapp<sup>44</sup>.

Figure 5 - *Gazeta da Tarde* (Evening Gazette). Abolitionist Schools.

**ESCOLAS ABOLICIONISTAS**  
 Visitamos sabbado ultimo, a escola nocturna gratuita mantida pelo Club dos Libertos, de Nitheroy.  
 Fomos recebidos pelo seu director o nosso amigo João Clapp e pelos alumnos.  
 Percorreremos o estabelecimento todo e nos admiramos do asseio extraordinario e boa ordem que nelle se observam.  
 Os alumnos deram-nos brilhantes provas do seu adiantamento, o que mostra o quanto têm sido bem dirigidas aquellas intelligências pelos dignos professores, os Srs. Pinho, Rosa e Clapp.

Source: *Gazeta da Tarde* (Evening Gazette). April 17, 1883, ed. 86, p. 1.

Image Translation:

**ABOLITIONIST SCHOOLS**

Last Saturday we visited the free night school maintained by the Freedmen's Club of Nitheroy.

We were welcomed by its director, our friend João Clapp, and by the students.

We walked through the whole establishment and admired the extraordinary cleanliness and good order that is observed there.

The students gave us brilliant proofs of their progress, which shows how well those intelligences have been directed by the worthy teachers, Mr. Pinho, Mr. Rosa and Mr. Clapp.

The note published in the *Gazeta da Tarde*<sup>45</sup> advertises the Free Night School and the Freedmen's Club of Nitheroy. The latter institution was created by members of the abolitionist movement and had significant participation in the process of abolition of slaves.

The physical space and hygiene of the school were highlighted by the writer. These were aspects highlighted with great importance, because it was a time when the priority was to reform and build a country under the sign of civilization, which implied the adoption of a set of preventive measures,

<sup>43</sup> José Carlos do Patrocínio (1854-1905) - He was born in Campos. He was an important journalist during the Empire. He dedicated himself to private teaching. He graduated as a pharmacist from the Faculdade de Medicina in 1874. He was part of the editorial staff of the *Gazeta de Notícias* (*News Gazette*) and in 1881 bought the *Gazeta da Tarde*, after its owner's death. He fought for the Liberation of the enslaved and was one of the founders of the Abolitionist Confederation founded on May 12, 1883. Co. Blake, 1970.

<sup>44</sup> João Fernandes Clapp (1840-1902) - He was born in the Province of São Pedro do Rio Grande do Sul. He participated intensely in the abolitionist movement. Co. ALONSO, 2015. Deputy Alessandro Molon (PSB-RJ) presented Bill No. 10.391/2018, which proposes the inscription in the "Book of Heroes and Heroines of the Fatherland the name of João Fernandes Clapp". The deputy justifies his suggestion based on three works he took as reference: ALONSO, 2015; CERQUEIRA, 2006 and CARVALHO, 1998. On January 31, 2019, the project was filed under Article 105 of the Internal Rules of the Chamber of Deputies.

<sup>45</sup> Regarding the role of the *Gazeta da Tarde* in the abolitionist movement. CO. Pinto, 2015.

one of them being to keep the subjects, the city and environments clean and sanitized. Disorder, in turn, whether physical or moral, should be medically and scientifically combated (GONDRA, 2004).

The "intellectual advancement" of students was praised as another positive feature of the school, an element that determined the good quality of an institution designed to serve the poor and freedmen. In the sequence, the writer invites/convokes the population to contribute to the abolitionist causes:

Unite the abolitionist associations, found schools, and the regeneration of the homeland will be the faster the greater was the education of the people.  
The preference of the pupils in these schools is a great proof that the slave, restored to society, did not leave the abyss of captivity to throw himself into another - ignorance.  
They also want the light.  
The memory of the visit we made will be eternal, and those who go to that school will find our names in the visitors' book, an honor we had when we engraved them on its pages (GAZETA DA TARDE, April 17, 1883, ed. 86, p. 1).

The writer makes a direct appeal to the collectives gathered in favor of abolition to found schools, in the register that the regeneration of the homeland had a direct and positive correlation with the education of the people. It was not enough just to leave the abyss of captivity. It was also necessary to overcome the abyss of ignorance. It is an argument that strongly articulates the two pairs, as a necessary condition to abolish the double bondage: that of slavery and that of ignorance. Initiatives, however, prior to the appeal of 1883 had already been put into practice in several provinces of the Empire, pointing to movements that attest to the participation of blacks, enslaved and freedmen in the literate culture, according to a survey organized by Alonso (2011).

Table 1: Abolitionist Associations in Brazil - 1860 to 1871.

Associação	Província
Sociedade Emancipadora Amazonense	Amazonas
Sociedade Humanitária Abolicionista	Bahia
Sociedade Libertadora Sete de Setembro	Bahia
Sociedade Abolicionista Comercial	Bahia
Sociedade Libertadora de Baturité	Ceará
Sociedade Manumissora Sobralense	Ceará
Sociedade Manumissora 28 de Julho	Maranhão
Sociedade Emancipadora	Pernambuco
Sociedade Humanitária e Libertadora Nazarense	Pernambuco
Sociedade Emancipadora do Piauí	Piauí
Emancipadora Campista	Rio de Janeiro
Sociedade da Libertação	Rio de Janeiro
Sociedade Promotora de Emancipação de Escravos na Província do Rio Grande do Sul	Rio Grande do Sul
Sociedade Abolicionista Fraternização	São Paulo
Sociedade Esperança	São Paulo
Sociedade Emancipadora Fraternização Primeira	São Paulo
Sociedade Redentora da Criança Escrava	São Paulo
Emancipadora	São Paulo

Source: Alonso, 2011, p. 176.

Image Translation:

Left Column:

Association

Amazon Emancipation Society

Abolitionist Humane Society

Libertadora Society September 7

Abolitionist Commercial Society

Baturité Liberating Society

Sobralian Manumissioner Society

July 28th Manumissioner Society

Emancipator Society

Nazarian Humane and Liberating Society  
 Emancipator Society of Piauí  
 Emancipator Society of Campista  
 Liberation Society  
 Society for the Promotion of the Emancipation of Slaves in the Province of Rio Grande do Sul  
 Abolitionist Fraternization Society  
 Hope Society  
 Emancipation Society Fraternization First  
 Redemptive Society of the Slave Child  
 Emancipator Society  
 Right Column:  
 Province

The abolitionist movement assumed a complex and heterogeneous configuration in Brazil, although they built a common agenda; the end of the serf element and the necessary formation of the freed population. According to Alonso (2011), the movement did not end with the achievement, partial, represented by the law of September 28, 1871. According to her, other collectives were created in the post-freedom period, with quite diverse tactics and profiles, resorting, for example, to flowers, votes and bullets, as well demonstrated in her study.

## FINAL CONSIDERATIONS

In this study, we observed that the actions of the public power in the process of freeing the enslaved were marked by moments of great instability. The complex disputes over the direction of the Brazilian Empire acted as a major obstacle in the process of approving the reform of the so-called Free Womb Law, Law No. 2040, signed on September 28, 1871. Considered a milestone in the process of abolishing slavery in Brazil, this measure is part of the set of actions that sought to minimize the effects of captivity in the Empire, such as the Euzébio de Queiroz Law (1850) and the Sexagenarians Law (1885).

The Free Womb Law declared free the children of enslaved women born in Brazil, as of the date of the law's approval. In addition, it determined that the children should remain in the possession of their mothers' masters, obliging them to raise them until they were eight years old. After this period, they could either hand the child over to the government, with the right to compensation, or use the services of the freeborn until the age of 21. In practice, it meant the gradual abolition of slavery, considering that it would be necessary to wait for the next generation, born in the country, for everyone to effectively attain freedom. The gradualism did not lessen the criticism of the abolitionists, who demanded the immediate and complete extinction of the servile element.

Politicians disputed among themselves, amidst the "order and disorder" of the plenary and society, the destiny of many lives. Merchants and farmers pressured the statesmen to legislate in such a way that they would not be harmed. For them, the reform should not be passed. In this way, they would maintain their commercial and financial control over the lives of the enslaved population. In this case, the defeat of the slaveholders was by a margin of 20 votes, 65 in favor and 45 against, which implied the opening of a new chapter in the history of slavery and the project of the end of captivity, even if from a gradualist perspective, as many reformists advocated.

In the 19th century, although in a residual way, reading and writing were present in the lives of a small part of the enslaved population, blacks, freedmen and ingénues. The abolitionist movement, as well as that of teachers and even of farmers, contributed for a fraction of the poor, black and enslaved population to have access to the literate world. It is important to realize that the fact that the public authorities prohibited the enrolment of enslaved people in official schools did not function as a complete obstruction, insofar as the condition of property and all the violence that this condition imposed on the enslaved did not prove to be sufficiently rigid to prevent access to and diffusion of literate culture for a part of this population. Chains, fetters, whips, stoning, pitchforks, pillorying, among other techniques of subjection, also coexisted with unexpected expedients, more or less visible insubordination that, in the end, favored the diffusion of elements of the written culture and of experiences of freedom, even if in a very unequal society, founded and nurtured by the institution of slavery.

From the evidence of our present, the sun of freedom has not yet been seen by many. For many others, with many restrictions. As Belchior registered, many still "have bled too much" and "cried for dogs". However, while acknowledging the deaths of "last year", he cultivates the hope of not dying anymore: "Last year I died, but this year I won't die"<sup>46</sup>. Hope, however, that comes up against the numbers of exclusion, imprisonment, and murder of black men and women, heirs of so much violence, routinely reported in Brazil and in other countries, not to mention what is not in the newspapers or even in alternative media<sup>47</sup>. Thus, by giving visibility to the strategies and experiences of part of the black population in the sphere of literate culture, we seek to call attention to undo generalizations and pernicious erasures and, at the same time, observe the actuality of an uncomfortable agenda that, in the end, denounces the limits of democracy and the equal dissemination of rays of light.

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<sup>46</sup> CO. A Lucky Guy. Available at: <https://www.youtube.com/watch?v=oy5w9mWrzBg>. Accessed on: 01 Jan. 2021.

<sup>47</sup> A good summary of the history and current situation of black and mixed-race populations can be checked in the documentary "AmarElo - É Tudo Pra Ontem" (AmarElo - It's All For Yesterday) by the Netflix network, released in 2020. For more details, see <https://www.b9.com.br/136050/amarelo-emicida-netflix-critica-review/>. Accessed on: 01 Jan. 2021.

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