

THE EXTINCTION OF SLAVERY IN BRAZIL, FROM A PRACTICAL POINT OF VIEW.

THIS important social question has for many years occupied the attention of all practical and non-sensational philanthropists in the growing empire of Brazil, and it is with great pleasure that we present, in a concise form, the results of the experience of Senhor A. M. Perdigao Malheiro, a gentleman well known in that country as an ardent and patriotic statist and philosopher. The following letter from Captain R. F. Burton characteristically and admirably introduces the subject, and renders any further remark unnecessary.

Writing from Rio de Janeiro, June 1st, 1867, Captain Burton says:

“The language of the writer is that of a man who has deeply studied the subject. His moderation and practical wisdom, qualities not often united in the Latin race, contrast strongly with the violence and the ignorance displayed by some Anglo-Saxons. The fact is, that the Brazilian, like the ‘Southerner,’ knows the negro, and justly esteems him as a slave. The Englishman, so wise within his own island, and so strangely unwise out of it, knows nothing of Africans except by traditions that deceive him; can know nothing, because he still listens with fond fraternal love to the false witness of missionary humbugs; and will know nothing, because his truly national complacency and self-esteem, not unoften degenerating into bull-headed arrogance, persuade him that he knows everything.

“M. Malheiro, curious to say, has not dwelt upon the most important point of his subject, namely, the natural extinction of slavery in Brazil. The negro death-rate greatly exceeds the birth-rate; the importation is definitively at an end, and the studies of the last two years enable me to assert that, taking for a basis the present ratio of decrease, the servile element will have completely disappeared from the southern and central provinces of the empire, whilst it will have been reduced to a minimum in the northern and most tropical before A.D. 1887. Upon one subject M. Malheiro and I join issue. The Brazilian citizen is, as a rule, humane to excess. The demoralising punishment of the lash and the gibbet shock the national sensibilities. The question is, ‘Can society, in the present state of the empire, be adequately defended without flogging and putting to death?’

“I believe that it *can not*.

“Acknowledging no right in society to take the life of a fellow-creature except absolutely for self-defence, I find in Brazil that man’s life and property are not safe without execution. The reformatories are not sufficiently numerous, the gaols are not to be trusted, and

the frightful murders here committed by the headstrong and half-reasoning negro are, I believe, on the increase, and the murderers should be placed beyond the power of repeating their enormities.

“At the same time I blush, as an Englishman, to see the backs of our free-born soldiers and sailors torn by the lash, and the hanging of women in Great Britain is one of those scandals with which she still edifies the world. I am, however, lapsing into an essay. *Ergo*, adieu. —Yours, etc., R. F. BURTON.”

M. Malheiro addresses himself thus to the editor of the *Jornal do Commercio*, at Rio de Janeiro, the 13th April, 1867, and the communication is published in the number of the 17th April of the same year, and we are indebted to Mr. Richard Austin, of Rio, for both the foregoing letter and for the following translation, which we have, however, slightly compressed:—

“As a service to the public, and a special favour to me, I will request you to give publicity in your estimable paper to the following article, which is simply an abstract of a plan which I have elaborated and drawn up on the important question now occupying the attention of the country and its government, as officially declared in the reply of the 22nd of August of 1866, to the French Abolition Society, and in the *Diario Official*, No. 98, of the present month. I hope not to be accused either of trifling, exaggeration, or rashness.

“These ideas are the result of a conscientious study of the question, which I shall hereafter take an opportunity of enlarging upon in Part III of my *Essay on Slavery in Brazil*, now in hand.

“The question of slavery amongst us is one of the greatest importance and the most intense gravity, for it not only affects private interests deserving of every consideration, but also most directly the well-being of the public. Labour, above all field-labour, is almost exclusively confined to the slave from Pará and the Amazon up to Rio Grande do Sul, and from Cape St. Agostinho to Cuiaba; even in the provinces, where slaves are becoming scarce, as in the towns and villages, slave labour still exists.

“The slave population numbers at least one million four hundred thousand individuals, and according to others one million seven hundred thousand (*Padre Pompêos' Geography*, 1864), or even two million, or two million five hundred thousand in advance. The chief source of the public wealth, the most important element of support to our commerce, the culture of the earth, is in most cases effected by the slave. Without agricultural productions our commerce cannot even be maintained. Manufacturing industry, the mainstay of other countries, in ours is as yet in its infancy.

“So that to attack slavery, to transform slave labour into free, is not only completely to change the aspect of our society in its populous centres, but also, and principally in the country, it is to touch our chief source of production, and consequently of public and private wealth. On the other hand, it is to sever relations between master and slave, between obedience and command; it is to destroy the existing organ-

isation of those social circles, the basis of our great social status, however imperfect that organisation may be ; while it is to be feared that its transformation cannot take place without a shock to the social status which will recoil upon the state. Precipitate measures may produce not only incalculable disorganisation, but also dislocation of public order, and such a reform involves a crisis which we ought to have the power to encounter ; it is a peaceful revolution in favour of the real, moral, and material well-being of our land. As emancipation must and will take place (morally, and in idea the public mind has already accomplished it), it is only a question of method and opportunity, which, though apparently easy, really offers many difficulties.

“I. OPPORTUNITY.—Were it not for the extremely critical circumstances in which the war with Paraguay has placed Brazil, continuing as it does to drain her lives and finances, the matter might at once be brought before the Legislative Chambers, and the Government ought to undertake the passing of necessary measures, in the same manner as was done in 1850 in reference to the African slave trade. As long as the war lasts, however, the matter should not be taken in hand by the Legislature, from a consideration of the consequences which might arise to the prejudice of peace and public order.

“ Besides, the Government should have at its disposal an armed force capable of maintaining peace and order, and of protecting the inhabitants under certain eventualities, which, for the present, is out of the question. To attempt half measures would be worse still, inasmuch as experience has taught us that in matters of this nature it is better either to let them alone or boldly and promptly to attack them with proper remedies.

“ In the meantime measures might be taken to facilitate immigration,* also in matters relating to mixed and Catholic marriages, the concession of lands, extension of intercommunication, and other correlative questions.

“ I do not mean, however, that the solution of the problem should be indefinitely postponed. This is no longer possible. Indeed we should be forced into granting it on the one hand by the opinion of civilised nations and the ideas of the age, and on the other by the country itself ; in fact, it may be forced upon us without liberty of action and choice. The Legislature and the Government ought to address themselves to it as soon as the war is over ; peace will restore the country to its normal condition ; and although the financial condition will be unfavourable and the public debt enormously increased, a smiling future is to be hoped for. The productive powers of a rich, young, and vigorous country such as ours should not be despaired of.

“ II. METHOD.—This very delicate and complex question has been long in agitation. In the Legislative Assembly various projects were offered as long ago as 1831, and again in 1866, regarding the national slaves, and those being private property.

“ Immediate emancipation is absolutely impossible at the present

* This is now being done—skilled labourers and small capitalists receiving aid in various ways from the Brazilian Government in the purchase of lands, etc.—Ed. A. R.

junction, nor is it even proximate, because the great number of slaves existing among us prohibits it. It would involve a hasty transition of the million, or nearly two millions, of slaves, from slavery into freedom, to the obvious injury of all parties of the State, as well as the slaves themselves; public safety would be in very great peril, as recent events have shown in European colonies; while the occurrences which have taken place in the American Union should be a lesson to us to guard against similar errors. Moreover, the public exchequer could not defray such a sum; the total, estimating the slaves at one million five hundred thousand only, and at 800 mil reis (on an average) each, would amount to 1,200,000,000 mil reis, or £12,000,000 sterling. Leaving it to time and natural causes, as some advise, the slave having a tendency to disappear by death, enfranchisement, and disproportion of births, would be equivalent to inaction or the retention of the evil without providing any remedy.

“These extremes have a pernicious tendency. A combination of direct and indirect means, therefore, is what should be attempted to bring about the utter extinction of slavery in Brazil. To do this, in the first place it is necessary to ascertain from history and the present law the causes of slavery, so as to assail it from its origin. From the slave trade there is no longer anything to fear. It is extinct. (*Report of Ministry of Justice for 1866.*)

“Birth still remains a legitimate title, since it is so constituted by law, and in my opinion is the only legal title in existence. But according to statute 4, cap. 63, by many held to be still in force, and as it has been decided in the courts of the empire, the revocation of freedom for ingratitude on the part of the freed man is likewise a legal title; yet many, and I among these, regard the statute as abrogated, although not actually revoked.

“The cardinal principle, the corner-stone of reform, would be a proclamation of liberty from birth—in other words, emancipation from the womb, as maintained by me in a discourse, since printed, pronounced at the grand Session of the Institute of Brazilian Advocates, September 7, 1863.

“And there should be an implicit declaration also to the effect that statute 4, cap. 63, is abrogated; requisite, in order to avoid a continuance of the divergencies of opinion, the main cause of the uncertainty of the law, and very prejudicial to reformation. Nor is this all. What guarantee is there for the thus free-born offspring of slave mothers? What guarantee regarding existing slaves? What complementary measures ought to be adopted?

“In so far the children are concerned the rule should be, I am disposed to urge, that which guides the legislature of several other states, and especially the American Union, viz. that they be allowed to remain with their mothers, to be reared and educated under the protection of the owners of the latter; the owners, by way of compensation, having a right to their services gratuitously until, say, they become of age, when, according to our laws, they become eligible for all the duties of civil life and merits for emancipation.

“Thus all things would be conciliated; the humanity and charity,

so characteristic of the Brazilian, would be vindicated ; order would not be disturbed, nor social customs ; the freeing of the slave-woman's offspring, to be reared and educated by the former, being of frequent occurrence, even without reservation as to their services ; the minors would thus gradually be fitting themselves, particularly in country districts, for free labour, thereby warranting the expectation that slave labour would, by this method, be gradually transformed into free, with great private and public advantage.

“ There is a complicated preliminary question to be solved as regards the slaves at present existing as such, in spite of its seeming simplicity. Is it desirable that a definite period be forthwith fixed for their ceasing to be slaves ? or should the question be reserved for ulterior deliberation ? When shall that period commence ? whether with indemnity or without ?

“ Since the end to be attained is the complete extinction of slavery, it would seem more desirable to appoint a final period, similar to the determination of other nations, and with a view, moreover, to the prevention of abuses, which might reasonably be apprehended, that some individuals would be retained in a state of slavery who were legally free ; and because, if the evil of slavery ought still to be endured for a season, upon well-weighed grounds of public and economic order, as well as out of regard for private property, this same public good (the first always to be thought of, even to the prejudice of private interests), would advocate that this toleration should not be of indefinite duration ; slavery and freedom are matters repugnant and contradictory to one another.

“ But, under such circumstances, when should this event or period commence ? Consistency would be maintained by making it correspond with that fixed upon for the gratuitous services of the offspring of slaves born free according to law. This period, however, should be a solemn one, memorable for some religious event of great importance, the better to awaken consciences, and in a marked manner to signalise emancipation. Thus Christmas-day, the anniversary of all that is peculiarly solemn to the Christian mind, a day of rejoicing and festivity, would seem a suitable one ; just as Christ introduced religious and moral reform, liberty, civilisation, and advancement, so also the anniversary of his birth should bring liberty to those who may be born on such a day ; and upon that same day, when they shall have completed their twenty-first year, those might be freed who existed as slaves.

“ The Jews had their Sabbath year, and the Jubilee, in which slaves became free. For the Christian it should be the Christian year. The Benedictine Order selected the 3rd of March, 1866 (the Invention of the Holy Cross) to proclaim free the offspring of the slave-woman of the order who might happen to be born from that day forward.

“ It is my opinion, however, and one which I formally declared in the discourse of 1863, to which I have had occasion to refer, that it is more desirable to reserve this question ; the present condition of the empire makes this advisable, more particularly for the sake of order and the well-being of society. The postponement of this decision does

not present the same drawbacks that a premature measure would, save where it was purely illusory.

“But, in the event of a definite period being fixed upon, ought owners to be compensated for the value of slaves which they may legally hold at the time? This difficulty has already been suggested to us by his Excellency the Viscount de Jequetinhonha, in the *Jornal de Commercio*, July 3, and August 14, 1865. A negative, which otherwise is compatible with the absolute right entirely ignoring this property—the slave—would have the great advantage of not burdening the public exchequer with an outlay which cannot be readily estimated, and consequently of not taxing the finances of the State by the augmentation of this item, when its debt to-day, owing chiefly to the war, is much greater. But inasmuch as the slave is by law real property, it should be respected as such; it is so ordained by positive right itself, human law, the only power by virtue of which slavery exists. Compensation is therefore an act of justice not only to the owner, but as affecting third parties, particularly where slaves may be hypothecated or given in pledge; or at least it is beyond doubt a matter of equity, since it is a property held and subject to negotiation under the protection of the law.

“Having disposed of these capital questions, further measures should be taken to facilitate emancipation by indirect means as well as to better the condition of the slaves, and in like manner to regulate the new relations naturally emanating from those new arrangements. Thus:

“The object being to facilitate manumission, it were desirable—1st. To secure to the slave his profits—that is, what he gains legitimately for himself by his industry for the benefit of his owner or a third party, or fortuitously, and being allowed to ransom himself by this means. 2nd. By allowing the slave, when he has to be separated or sold through force of circumstances, to ransom himself or be ransomed by another by valuation. 3rd. By proclaiming free all slaves left by issue, the effects of defuncts and absentees, and unclaimed slaves, wherever there is not a purchaser, which happens, as a rule, from their being, in such cases, old, infirm, unable to work (as facts prove), and therefore worthy objects of such a boon, the owners or heirs not having any right to make claims for compensation. 4th. Such as are abandoned by their masters as infirm and unable to work should also be proclaimed free; the owners, however, when known, being obliged to support them, or pay for their support, provided they can afford it. 5th. Freedom to be granted gratuitously to the slave who renders valuable services to his owner, or any member of his family, such as saving life, rearing his offspring, and the like. 6th. Freedom to be granted by means of compensation to the owner for meritorious services rendered to third parties, and, above all, to the State and to religion. 7th. Freedom to be secured to the slave who, with the direct consent, or even tacit acquiescence of his owner, contracts marriage with a free person, or who establishes and conducts himself as free in any branch of industry, profession, or even public service. 8th. In like manner to the slave who may be seriously injured by his master, or his wife or children, including the offence defined in

Article 219 of the Criminal Code. 9th. That a married freedman, or any one in his behalf, may ransom a married slave and her offspring; it is the protection of the family status.

"These measures would combine to improve the condition of the slave, while they indirectly promoted emancipation. But it would be desirable to adopt further steps for the same object, such as—1st. To prohibit the separation of husband and wife and offspring under age, thereby recognising family rights, enabling them to transfer their families when they become free into the society of the free. 2nd. To prohibit the sale of slaves by private or public auction, it being a degrading custom, and offensive to public morality. 3rd. To prevent slaves being ill-treated by their owners, whether morally or physically, and to endeavour to promote humanity towards them. 4th. To reform the penal law and criminal process, abolishing flogging, irons, and capital punishment. 5th. To grant them access to preparatory schools; it is desirable they should receive a certain amount of education, religious and secular. 6th. To permit slaves to hold property, with a view to their not only being able to emancipate themselves, but to create a taste for labour. 7th. To do away with mortgages and embargoes upon slave property, excepting in agricultural establishments. 8th. To encourage marriage, the origin and basis of the social state.

"As to slaves belonging to the nation, and to convents and fraternities, they ought to be emancipated forthwith, but disposed of suitably, measures being taken to guard against injurious consequences. It is unbecoming the national dignity to own slaves. Every inhabitant of a free country ought himself to be free.

"It is yet more unbecoming and unchristian that religious orders should hold human beings in slavery, and even live by the sweat and labour of the slave! It is contrary to every precept of the Divine Redeemer, and contrary also to the solemn protestations of the profession. This emancipation ought to be effected without compensation. The State has an absolute control over the whole property of the fraternities. These might be settled on the lands to which they pertain, or on others to be assigned them, thus forming colonies, or else distributed among the already existing colonies, especially the military; they might be also adapted to other modes of employment in conformity with their capabilities and taste.

"Further precautionary measures would be necessary, such as—1st. A summary process in the civil courts for questions respecting slaves and freed. 2nd. Exemption from costs as regards themselves, as they already are from stamp duty, '*dezima*,' and other similar taxes. 3rd. The protection and co-operation of the public authorities in securing their rights to them, and in watching zealously over those rights. 4th. In all such matters to dispense to slaves and free the utmost amount of equity and justice. 5th. Reformation of the laws relating to location of service, adjusting these to their new wants. 6th. Police measures—above all, correctional police—to take summary notice of matters not strictly pertaining to criminal law. 7th. Amplification of the 179th Article of the Criminal Code, and special

judgment for the case, with a view to avoiding the evil and punishing it effectively. 8th. To declare the free eligible for public service, the usual and ordinary conditions being fulfilled, with the sole exception of the restrictions laid down according to the constitution of the empire.

“To these might be added the apportionment forthwith for purposes of redemption by the State, all taxes originating from slavery itself, such as the annual tax of the ‘*matricula*,’ the ‘*mica-siza*,’ the ‘*dezima*,’ those derived from heritage and legacy, and from the process of qualifying heirs when treating of slaves, the tax on registration of dowries in slaves and others, by that means organising an emancipation fund, to be applied according to the judicious decision of Government.

“Such are, in my opinion, the principal precautionary steps. These measures of legislation would be suitably developed in the regulations and instructions, which would render the whole scheme of emancipation complete, and would establish the best practical method of attaining these great objects.

“Recapitulated, this plan would comprise the following recommendations:—1st. The immediate abolition of the propagation of slavery; the increase of the class of freedmen, even though they emerge from the servile class. 2nd. Organising the family status in that class, wherein slavery had entirely destroyed it. 3rd. Creating in them a fondness for labour for themselves, and restoring to them the right of property and other rights. 4th. The moral and religious education of these beings. 5th. Protecting the slave and the freed, the owners and society. 6th. The averting of a sudden and unexpected scheme of emancipation. 7th. The reclaiming of the slaves themselves and the freed, for their own good and that of society, and the gradual transformation of slave labour into free. 8th. No disorganisation of the existing system of labour, especially agricultural labour, and thus the averting of an economic catastrophe, which otherwise might happen. 9th. The not burdening the exchequer with compensation for a forced and sudden emancipation, yet without impeding emancipation, but only rendering it more gradual. 10th. Thus ensuring for the country a future full of promise and worthy of the age, exalting it in its own estimation in the opinion of the world at large, and in that of posterity.”

At a time when the whole question is forcing itself upon the attention of statesmen in all parts of the world where the institution has existed, this scheme of gradual emancipation merits the utmost consideration of all who desire the well-being of man.
