

**The Abolition of Slavery and International Relations
on the Southern Border of the Brazilian Empire,
1840–1865**

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Ever since the war against the Argentine dictator Rosas . . . , the state of Uruguay has become our most sensitive and dangerous foreign policy problem.

Joaquim Nabuco, *O estadista do Império*

Day had hardly broken on August 4, 1864, when José Antonio Saraiva, a Brazilian special envoy in Montevideo, delivered an ultimatum to the Uruguayan government: President Atanasio Aguirre would have six days to heed the requests of Brazilians living in his country, who were demanding compensation for the damage that had been caused to their properties over more than a decade. If he failed to comply, Brazilian troops would attack Uruguay. The response came quickly: the document was returned to Brazil's representative, having been deemed so entirely "inadmissible" that it was unworthy to even "remain in the nation's archives."¹

In less than three months' time, Brazil would invade northern Uruguay. This Brazilian attack would be crucial in deposing Aguirre, the head of the Blanco government. Venancio Flores, a Colorado, took his place, putting an end of the civil war that had wracked the country for over a year. Nobody might have been aware of it just then, but this would be the beginning of the largest armed conflict in the history of South America. The Paraguayan War, the Guerra Grande, or the War of the Triple Alliance dragged on for nearly six years, leaving hundreds of thousands of civilian and combatant casualties.²

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¹ Acuerdo de 4 de agosto de 1861, Uruguay, *Documentos diplomáticos*, p. 60, note 1.

² From here on out, the conflict will be referred to as the Paraguayan War. In December 1864, Paraguay, which had struck an alliance with the Blancos in Uruguay, objected to what it saw as a Brazilian declaration of war and invaded the provinces of Mato

From the start, the Paraguayan War would be the object of intense controversy among politicians, historians, and scholars in general. The first books on the conflict, many containing copies of important diplomatic documents, were published as early as the 1870s. In 1894, José Antonio Saraiva – a Liberal Party member who had pursued a long political career in the Brazilian Empire after the end of his mission in Uruguay – would defend himself publicly against accusations leveled by a Uruguayan colleague, Jose Vasquez Sagastume, that it had been he, Saraiva, who had failed to arrive at a successful deal and thus caused the war. The Brazilian was aided in his defense by fellow party member Joaquim Nabuco, who declared in his masterful book *Um estadista do Império* (1898) that it was thanks to Saraiva that Brazil had been able to secure alliances with Argentina and the Colorados in Uruguay, forming the Triple Alliance, which was to play “the role of a selfless representative of civilization and liberty in South America.”³

This is an odd statement, coming from one of Brazil’s most renowned abolitionists: when the war began, although slavery still remained to a limited extent in Paraguay (it was abolished in 1869), Brazil was the only truly slaveholding country in the region. Over the course of the twentieth and early twenty-first centuries, many interpretations would emerge regarding the causes for the conflict and the motivations of the countries involved (Brazil, Uruguay, Argentina, Paraguay, and, to the eyes of some, England). While not all mention slavery, they hardly corroborate this alleged Brazilian interest in promoting civilization and liberty.

This chapter does not seek to provide a detailed examination of the historiography of the Paraguayan War. Since the 1990s, historians have cast the war as part of the “process of the construction and consolidation of the national states in the Platine region,” and that will be the jumping-off point for this analysis. Poorly defined borders, disputed navigational rights along the rivers in the region, the cultivation of yerba mate near the border, Paraguayan access to the Río de la Plata estuary, and cattle smuggling on the Brazil–Uruguay border are seen as the major causes for the start of the conflict, exacerbated by long-harbored expansionist aims and scuffles over local political hegemony.⁴

Grosso in Brazil and Corrientes in Argentina, looking to make it to Montevideo. Brazil and Argentina, longtime allies of the Colorados, joined forces to hold back the Paraguayans. For more on the historical context of the war, see F. Doratioto, *Maldita guerra*.

³ Resposta do conselheiro José Antonio Saraiva ao dr. Vasquez Sagastume, cited in J. Nabuco, *Um estadista*, pp. 507–508.

⁴ F. Doratioto, *Maldita guerra*, p. 18. The historiography of the Paraguayan War is a separate matter altogether. For more, see – in addition to F. Doratioto and R. Salles,

Nevertheless, the reasons that led Brazil to occupy the north of Uruguay in October 1864 have, strangely enough, not been closely examined. Most interpretations tend to attribute the Saraiva mission's failure to avoid the conflict to the impossibility of satisfying the demands of both sides. In broad terms, those demands had to do with attacks on property and the security of Brazilians living in Uruguay, and Brazilians' disrespect for Uruguayan sovereignty and legislation, which was the source of constant friction in the area. But what were Brazilians and Uruguayans complaining about, specifically? And why were those complaints so important that they led Brazilians to invade Uruguayan territory?

In line with a different interpretive strain, I will argue that, for a full understanding of the driving forces behind the complaints lodged by both countries – and, hence, behind the start of the war – we must consider the tensions around the abolition of slavery in Uruguay and the definitive ban of the Atlantic slave trade to Brazil, which took place in the 1840s and 1850, respectively. These tensions were at play in the disputes over the consolidation of local nation-states and are central to an understanding of the historical process that fed into the Paraguayan War.⁵

The abolition of slavery in Uruguay was proclaimed in 1842 and 1846 by the Colorados and the Blancos, respectively, amidst the civil war that was waged from 1839 to 1851. It created a free-soil territory, land on which there were officially no slaves, immediately adjacent to the largest slave territory in South America: the Brazilian Empire.⁶ From that time onward, the borders that had once been disputed by the Spanish and Portuguese Empires took on a new meaning, at least in the letter of the law (and the letter of the law carried great weight). Whoever crossed the border from Brazil into Uruguay would no longer be a slave, nor could they be reenslaved if they returned to Brazilian soil, under the terms of that country's 1831 ban on the slave trade.

I hope to make clear that this factor served to heighten the many tensions between Brazilians and Uruguayans in the border region from the late 1840s onward. By the early 1860s they would reach a point of no return, leading to the Brazilian invasion of the north of Uruguay. In making this argument, I will use documents and methods from both

Guerra do Paraguai – V. Izecksohn, *Slavery and War*; H. Kraay and T. Whigham, *I Die with My Country*.

⁵ Exceptions are the interpretations of F. Doratioto and R. Salles, *Guerra do Paraguai*; M. Maestri, *A intervenção do Brasil*.

⁶ S. Peabody and K. Grinberg, "Free Soil."

traditional political history and social history. Beyond the undeniable importance of the acts of the so-called great men, we must reflect on the meanings of the actions of ordinary men and women living in the border region. It is in this sense that I hope to make a contribution to the renewal of the field of the history of international relations. In dialogue with two approaches, working on the border between social history and political history, it strikes me as fundamental that we forge a social history of international relations.⁷

This approach makes it possible to understand the importance of the busy flow of individuals across the border, the flight of enslaved people, violent recruitment for Uruguayan and Brazilian armies and militias, attacks on communities of free and freed Blacks, and above all the vulnerability of Afro-descendant borderland residents, subject as they were to the daily threat of kidnapping and enslavement. It is true that this was not a new development in the 1840s, when slavery was abolished in Uruguay. But the combination of abolition and the fast-approaching end of the Atlantic slave trade to Brazil – where the institution of slavery itself remained unquestioned – created a completely different regional dynamic, catapulting local conflicts and tensions onto the international stage.

SLAVERY ON THE BORDERS OF THE RÍO DE LA PLATA REGION

The political borders of the Platine region were the result of a long process of colonization and disputes between Portugal and Spain over the region of the so-called Continent of Rio Grande and the Plata river basin, dating back to the founding of the Colônia do Santíssimo Sacramento in 1680. The eighteenth century would see Portugal and Spain lodging warring claims, beginning with the Treaty of Madrid in 1750. Diplomatic efforts at the time were ultimately insufficient to avoid the wars that, interspersed with brief periods of calm, were waged through the late 1860s.

Here, as everywhere else in the Americas, colonization brought slavery. In the Platine region in the second half of the eighteenth century, the rising demand for furs and jerky, to be sold on the Andean and Brazilian markets, led to a steady increase in the number of enslaved workers on local ranches. At the same time, slaves were already around 30 percent of the population in the Brazilian captaincy of Rio Grande do Sul. By the last decades of the century, the integration of the Rio Grande do Sul and

⁷ See R. Sparks, *Where the Negroes*; B. Mamigonian, *Africanos livres*.

Platine economies into Rio de Janeiro's orbit led to more and more enslaved Africans being forcibly brought to the region.⁸

It remains peculiar that the Platine region began to see a greater influx of enslaved Africans precisely in the late eighteenth and early nineteenth centuries, just as the international slave trade was starting to be seriously questioned, due to both British action and burgeoning independence movements in the Spanish colonies.

This phenomenon was even more peculiar in the region that would later become Uruguay, as it was situated in an area that had historically been claimed by both the Portuguese and the Spanish. After all, even after the founding of the city of Montevideo by the Spanish in 1726, the Banda Oriental (so called because it lay on the eastern bank of the Río de la Plata) remained Portuguese until 1777, when the Treaty of San Ildefonso granted Spain the southern half of modern-day Uruguay. By the terms of the treaty, Portugal held onto the north and the lands that would become the provinces of Rio Grande do Sul, Santa Catarina, and Paraná.

The first quarter of the nineteenth century was shaped by struggles between Portugal and Spain over control of the region. In 1801, Portugal agreed to exchange Colônia do Sacramento for the Sete Povos das Missões (or the Misiones Orientales). After the British invasions of Buenos Aires and Montevideo in 1806 and 1807 and the 1808 arrival of the Portuguese Court in Brazil, the Portuguese government decided to take back the left bank of the Río de la Plata just as independence movements in the region were arising – the result being the independence of the United Provinces of the Río de la Plata, led by Buenos Aires. In 1815 Montevideo was part of the territory controlled by the Argentine general Artigas, but in 1816 it passed over to Portugal again and was dubbed the Cisplatine Province. From then on, the area would be at the heart of struggles against Argentina's presence. In 1825, in what would be called the Cisplatine War, Uruguay began the process of breaking away from Brazil – by, among other things, passing a law that put an end to the slave trade and decreeing that slaves' wombs were free. That movement would come to fruition in 1828.⁹

⁸ From 1788 to 1824, 10,278 slaves entered the province of Rio Grande do Sul; in the Río de la Plata region, between 1777 and 1812, according to research by Alex Borucki, 712 slave-trading voyages were made along the Brazil–Africa–Montevideo route, introducing at least 70,000 more Africans into the region. A. Borucki, "The Slave Trade."

⁹ B. Fausto and F. Devoto, *Brasil e Argentina*; G. Palacios and F. Moraga, *La independencia*, vol. I.

There is evidence that, at least as early as the mid-eighteenth century, slaves were crossing the borders between the Portuguese and Spanish Empires in both directions. By that time, the *Reales Cédulas* (Royal Decrees) of 1773 and 1789 had extended the right of asylum in Spanish lands, traditionally limited to the free population (especially Christians and Indigenous peoples), to slaves, granting freedom to those who fled to Spanish soil.¹⁰

In 1801, the Spanish cartographer and naturalist Félix de Azara referenced these runaway slaves, complaining that the Spanish – who, according to him, treated slaves better than the Portuguese did – should never return them to their owners, “for their flight was a rightful means to achieve liberty, founded in natural law, against which no human convention could stand.” Writing a short while later, in 1821, the French traveler Augustin Saint-Hilaire would also reference the slaves fleeing Brazil for the Río de la Plata; he affirmed that “the protection that Artigas granted the slaves who had run away from the captaincy [of Rio Grande do Sul] was the ostensible motive for the outbreak of the war” between the Spanish and Portuguese over the Banda Occidental (Argentina), which had begun in 1811.¹¹

The movement of slaves along Brazil’s southern border was clearly a source of concern for Portuguese authorities. In 1813, a year after the ban on trading slaves to the United Provinces of the Río de la Plata, the Portuguese government could be found complaining about the decree that granted freedom to “any and all slaves of foreign countries who enter this territory, by virtue of the simple fact of having set foot on it,” as we read in the “request from the Portuguese government that slaves having fled from Brazil to the United Provinces of the Río de la Plata be turned over.” In it, the Portuguese also expressed their unease about the large numbers of slaves running away from the captaincy of S. Pedro do Rio Grande do Sul

¹⁰ E. Isola, *La esclavitud*.

¹¹ F. Azara, *Memoria sobre el estado*. See also K. Grinberg, “Illegal Enslavement,” pp. 31–52; A. Sainte Hilaire, *Viagem ao Rio Grande*, p. 65. Saint-Hilaire referred to the ongoing conflicts between Spanish and Portuguese over control of the Banda Oriental, which had erupted in 1811. Carrying on the independence movement begun in the previous year in Buenos Aires, General José Artigas besieged the city of Montevideo, where the Spanish viceroy had sought shelter. To avoid political strife so near their territory – and fearing that Artigas might move north – the Portuguese, on the pretext of freeing the viceroy, organized a “pacifying army” and invaded the Banda Oriental, starting the so-called Cisplatine Wars, which would only truly come to an end with the independence of the Oriental Republic of Uruguay in 1828. See A. Frega, “Caminos de libertad”; G. Aladrén, “Experiências de liberdade.”

toward the territories of the United Provinces; Portugal threatened to go back on the armistice of May 26, 1812, in which it had committed to retreating from the left bank of the Río de la Plata.¹²

The matter had already been the subject of correspondence between Portugal and Lord Strangford, the British ambassador to the Portuguese Court. Strangford had written to the government of the United Provinces of the Río de la Plata, requesting that the runaway slaves be returned immediately and the “disastrous effects” of the decree be undone.¹³ In the face of these threats from both governments, Buenos Aires responded by revoking the decree, but not before emphasizing that the declaration of liberty for all slaves brought from foreign territories was an internal order and thus could not “be the cause of any complaint or offense on the part of any foreign government.”¹⁴ In February of the following year, the government of Buenos Aires would return to the subject, emphasizing that the decree referred not to slaves who might happen to flee Brazil (such individuals should be returned to their masters) but to those who had been “introduced, by means of trade or sale, in violation of the provisions prohibiting the slave trade.”¹⁵

In the twenty years that followed this discussion, the Atlantic slave trade would be banned in Brazil, as well as in Argentina and Uruguay, but enslaved Africans would continue to be brought illegally into the region. Negotiations between England and the recently created Brazilian Empire (1822) over the end of the slave trade were opened when England set about recognizing Brazil’s independence. In 1826, the convention between Brazil and England on the slave trade – shaped by Robert Gordon, the British ambassador to Brazil, and the Marquis of Inhambupe, minister of foreign affairs, and signed by D. Pedro I – stipulated that it be abolished within three years. The anti-slave trafficking agreement between the two countries was already in effect when a Brazilian law was approved on November 7, 1831; in addition

¹² “Nota do governo português ao das Províncias Unidas do Rio da Prata,” November 30, 1813, in Brasil, *Relatório do Ministério das Relações Exteriores*, Anexo E, no. 14, p. 40.

¹³ “Nota do ministro britânico nesta Corte ao Supremo Governo das Províncias Unidas do Rio da Prata,” November 27, 1813, in Brasil, *Relatório do Ministério das Relações Exteriores*, Anexo E, no. 15, p. 41.

¹⁴ “Nota daquele governo [de Buenos Aires] ao ministro de S. M. Britânica nesta Corte,” December 28, 1813, in Brasil, *Relatório do Ministério das Relações Exteriores* Anexo E, no 16, p. 42.

¹⁵ “Nota do governo das Províncias Unidas do Rio da Prata ao de S. M. Fidelíssima,” February 1, 1814, in Brasil, *Relatório do Ministério das Relações Exteriores*, Anexo E, no. 17, p. 43.

to banning the introduction of further slaves into the country, it freed all Africans brought illegally into Brazil, although it stopped short of considering slave-smuggling to be piracy, as the English had wanted. Even so, the law held traders, ship commanders and other crew members, intermediaries, and purchasers of enslaved Africans all criminally responsible. In keeping with the terms of the convention of 1826, seized slave ships would be subject to the Anglo-Brazilian Mixed Commission Court.

Though it would go down in history as the law “for the English to see” – a Brazilian expression meaning “just for show” – today there is sufficient evidence to demonstrate that, as of 1826, it was commonly believed that the slave trade would be brought to an end in the near future. Hence the rush to enslave Africans and sell them in Brazil, the spike in the price of slaves, and the increase in the number of slave ships landing at ports up and down the coast between 1826 and 1830.¹⁶ The number of Africans brought in as slaves did in fact diminish drastically after the passage of the law, but the trade itself was never interrupted; by the mid-1830s, while it had become contraband, trafficking was again on the rise.

In Uruguay, the slave trade to the Río de la Plata region had been under attack since 1812, when the United Provinces of the Río de la Plata banned it.¹⁷ Nevertheless, Africans continued to be introduced into the territory throughout the Luso-Brazilian occupation of the region, from 1817 to 1828. During the Cisplatine War, the provisional Uruguayan government banned slaves from being imported into the territory in 1825, albeit unsuccessfully; the measure had no effect in Montevideo or Colônia do Sacramento, which were still occupied by the Portuguese and Brazilians. Uruguay’s 1830 constitution would ban the slave trade and establish the principle of the liberty of slaves’ wombs, following the trend set by other Latin American republics, and from then on, 1812 and 1830 would be considered watersheds in Uruguay’s abolition process – even though, in practice, the illegal trade continued at full bore.¹⁸

In the 1830s, on the eve of the Farroupilha Revolution (1835–1845; the separatist movement that would struggle for ten years to establish Rio Grande do Sul as a republic independent of the Brazilian Empire) and the

¹⁶ L. Bethell, *The Abolition*; K. Grinberg and B. Mamigonian, eds., “Para inglês ver?”; B. Mamigonian, *Africanos livres*.

¹⁷ A. Borucki, “The Slave Trade.”

¹⁸ The slave trade would only be banned again in 1839, and that ban was subsequently ratified in an Anglo-Uruguayan treaty in 1842. Even so, the port of Montevideo would be keenly observed by the English through at least the 1850s. A. Borucki, “The ‘African’”; A. Borucki et al., *Esclavitud y trabajo*, p. 27; G. Andrews, *Blackness in the White Nation*.

Guerra Grande (1839–1851; the Uruguayan civil war between the Blanco and Colorado parties), the population on the Brazil–Uruguay border was made up of many Brazilians and a large number of enslaved individuals who crossed the border on a daily basis, normally to work, often at the behest of their masters.¹⁹ The so-called Banda Norte region of Uruguay, broadly integrated into the agrarian economy of Rio Grande do Sul, was also an area of sizable territories and low demographic density. Although there were Brazilians among the landowners ranging down as far as Montevideo, the majority lived in northern and northeastern Uruguay, often on farms that straddled the border. In many of these places, such as Tacuarembó, slaves were as much as a third of the local population – the same proportion as in Rio Grande do Sul.²⁰

This concentration of Brazilians caused countless diplomatic problems for both countries. The Uruguayan government complained of Brazilian interference in local politics; Brazilians who traded in dried meat pressured the government of Rio Grande, objecting to the presence of farmers who might take cattle over to the Uruguayan side. These complaints led to both an increase in the flow of people across the border and a tightening of the not-always-successful restrictions on cross-border cattle transfer, which also affected the movement of enslaved workers from Rio Grande do Sul to Uruguay.²¹ If political instability on both sides of the border was already a significant factor in heightening local tensions, subsequent proclamations of the abolition of slavery in Uruguay would transform the region into one massive powder keg.

THE GUERRA GRANDE AND THE ABOLITION OF SLAVERY IN URUGUAY

The civil war over political control of Uruguay between the Blancos, led by Manuel Oribe, and the Colorados, who followed José Fructuoso Rivera, exacerbated the sense of social disorganization around the border.

¹⁹ For more on the Farroupilha Revolution, see S. Pesavento, “Uma certa revolução”; C. Guazzelli, “O horizonte.” On the Guerra Grande, see L. R. M. Casas, *Orientales* vol. 1.

²⁰ Brazilians made up 69.4 percent of the population of Tacuarembó in 1830 and 59.7 percent in 1840. By 1860, 50 percent of local cattle belonged to Brazilians. In the early 1850s, according to a census carried out by the Imperial government, there were 1,181 Brazilian landowners on the Empire’s border with Uruguay, with holdings of some 9 million hectares populated with more than a million heads of cattle. The other border districts with a Brazilian presence were Cerro Largo, Minas, and Rocha. E. Palermo, “Los afro-fronterizos,” pp. 190–191; A. Borucki et al., *Esclavitud y trabajo*, pp. 162–163, 218.

²¹ S. Petiz, *Buscando a liberdade*, p. 41.

There were military incursions in both directions, cattle rustling, and slaves being appropriated right and left to fight on one side or another. In mid-1842, with Rivera retreating and Oribe advancing toward Montevideo, the Colorado government, which had allied with Brazil, soon became desperate for men to shore up its defense. At one point, the Uruguayan government ordered that there be a lottery of slaves to be selected for military service; the masters of selected slaves would be given 300 pesos for each, and the enslaved individuals would immediately be granted manumission, conditioned to the obligation of serving in the army for four years. Perhaps finding this measure insufficient, perhaps due to internal pressures, the Colorado government would ultimately abolish slavery altogether in December 1842.

Masters and slaves, Brazilians among them, were notified straightaway of the new abolition law, which called up all able-bodied men for military service. Since the measure mainly affected Brazilian slaveowners with properties in the Banda Oriental, it provoked a stream of complaints from that quarter; these masters acted to remove their slaves from the country altogether, helped by farmworkers from the province of Rio Grande do Sul and by the Brazilian government, which hid slaves on the Brazilian navy's ships.

Rivera wasn't the only authority to resort to recruiting slaves. As soon as he had consolidated his presence in eastern Uruguay and set up a government in Cerrito, Oribe also began forcibly enlisting slaves to flesh out his army. The 1846 abolition law does not explicitly mention recruitment, but it was designed to that end. A few days after the proclamation, authorities in Cerrito scrambled to incorporate the newly minted freedmen into the Blanco troops before masters could return their slaves to Brazilian soil. The owners were promised compensation "in due time," but in 1847 complaints from Brazilians demanding the return of their slaves began to pile up. Most of these owners never received satisfactory answers from the Cerrito government, which went so far as to refuse to hand over the runaway slaves serving in its army.

In spite of the humanitarian rhetoric of the two abolition proclamations – from the Colorados in 1842 and the Blancos in 1846 – it is impossible to understand them outside the context of war. In both cases, abolition was the only means by which governments at war were able to add more men to their armies' ranks; Uruguayan and Brazilian slaveholders alike stood against the recruitment of slaves, even with promises of compensation. To the eyes of the Brazilian government and Brazilian slaveowners, recruitment provided a clear incentive for slaves to flee from

Rio Grande do Sul. And as if that weren't enough, rumor had it that the Uruguayan government planned to encourage the British ambassador to send ships to seize the Brazilian vessels that were concealing slaves. Rumor or not, the fear that it cast into the heart of Brazil's chargé d'affaires in Montevideo was undeniable. In December 1842, just after abolition, wary of "insults" from the English, who were increasingly engaged in repressing the Atlantic slave trade, and with an eye to saving slaves belonging to subjects of the Empire, the corvette *Sete de Abril* transported more than 200 slaves to the Brazilian province of Santa Catarina.²²

The same would happen in 1846. Once again, the Brazilian government insisted that the Uruguayan decree encouraged slaves to run away. This was, in fact, the case. The Uruguayan government's proclamation – that "the negro has been transformed from a thing to a man by those with the power to change his condition; and he may not return to a state of slavery unless a great injustice is perpetrated" – was understood perfectly by slaves on the border, who, having become aware of what arriving in Uruguay would mean, began running away much more often.²³

Complaints about runaway slaves from authorities in Rio Grande do Sul picked up in 1848, when the president of the province requested that officers of the police in communities near the border calculate the number of runaways so as to formally request their return by the Uruguayans. The provincial president's request included several lists of missing slaves, drawn up using masters' responses to the police inquiry. In 1850, according to official estimates, around 900 slaves were reported as having fled to Uruguay. Despite vehement complaints, no returns were made. Amidst the chaos of the Guerra Grande, some of the fugitives apparently joined Black communities in northern Uruguay, while others volunteered to serve with the Uruguayan police or military so as to guard against a forcible return.²⁴

The Blancos' abolition decree was especially troubling to Brazilian slaveowners on the border. Since their properties were situated in the

²² A. Borucki et al., *Esclavidud y trabajo*, p. 221.

²³ A. Borucki et al., *Esclavidud y trabajo*, p. 44.

²⁴ Arquivo Histórico do Rio Grande do Sul, Correspondência dos Governantes, maço 21, Relatório da Repartição dos Negócios Estrangeiros apresentado à Assembleia Geral Legislativa (1850). The original lists are held at the Arquivo Histórico do Itamaraty (Rio de Janeiro), Missões Diplomáticas Brasileiras, 310/1/1 (1848). These lists, as well as the precise number of fugitives, have been the subject of careful analysis in the historiography of slavery in Rio Grande do Sul. See S. Petiz, *Buscando a liberdade*, pp. 53–54; J. Caratti, *O solo da liberdade*, pp. 100–103; D. Carvalho, "Em solos fronteiriços," pp. 111–128; and M. Flores, *Crimes de fronteira*.

territories of the Cerrito government, many were unable to keep their slaves from fleeing or being confiscated by the Blanco troops. This state of affairs lasted until at least the end of the civil war and helped to worsen diplomatic relations between Cerrito and the Brazilian Empire, which became increasingly hostile at every fresh report of seized land, cattle, or slaves.²⁵

Blanco enmity swelled as Brazilians began interfering in the civil war in favor of the Colorados. Brazilian action was crucial to the eventual Colorado victory in 1851 – and it was likewise decisive in consolidating Brazil's hegemony in the region, as expressed in the five treaties it imposed on Uruguay: the "Treaty of the Perpetual Alliance," which established Brazil's right to intervene in internal Uruguayan conflicts; the "Treaty of Commerce and Navigation," by which Brazil was allowed to navigate along the Uruguay River and its tributaries, and which waived customs fees to Brazil when exporting dried meat and live cattle; the "Treaty of Aid," in which Uruguay recognized its debt to Brazil; and the "Treaty of Bounds," by which Uruguay gave up its territorial claims north of the Quaraí River and gave Brazil the exclusive right of navigation on the Mirim Lagoon and the Jaguarão River, which are natural borders between the two countries. On top of these agreements, there was the treaty by which Uruguay agreed to extradite criminals and runaway slaves.

While the treaties as a whole were broadly rejected by the Uruguayan public – not least because they went into effect without being approved by the legislature – the provision on the return of slaves came in for particularly harsh criticism. The agreement stipulated that enslaved persons who crossed the Brazil–Uruguay border without their masters' consent could be reclaimed by either their masters or the Brazilian government and returned to Brazilian soil.²⁶ It would even motivate an open complaint from Andrés Lamas, Uruguay's plenipotentiary consul in Brazil, to his friend Paulino José Soares de Souza, the future Viscount of Uruguai. In practice, the treaty amounted to Brazil's flouting Uruguayan abolition laws – which had, precisely in opposition to Brazil, been incorporated into the foundation of Uruguayan nationality.²⁷

²⁵ For a general panorama of international politics in the Platine region during this period, as well as diplomatic relations between Argentina, Brazil, Paraguay, and the Blanco and Colorado governments in Uruguay, see G. Ferreira, *O Rio da Prata*.

²⁶ K. Grinberg, "Slavery, manumission and the law," pp. 401–411.

²⁷ For more on the relationship between abolition and Uruguayan nationality in the 1840s, see R. Caé, *Escravidão e liberdade*.

Uruguay was not the only power with which Brazil would attempt to strike treaties for the return of runaway slaves. Similar agreements were signed with Peru in 1851 and Argentina in 1857 (likewise not approved by the legislature), and there were additional negotiations with Bolivia, Venezuela, and even Ecuador in the late 1850s and early 1860s. Striving to defend its hegemony in the region, the Brazilian Empire wholeheartedly accepted an “active presence” in diplomatic relations in South America.²⁸ In all these treaties, the governments of South American republics were called upon to recognize the principle by which slaves belonging to Brazilian subjects who had crossed the border against their masters’ wishes had to be returned. Both parties committed to not employing deserters from other countries, precisely to keep slaves or recruited freedmen from running away.²⁹ Unlike existing slave-extradition treaties between the colonial empires, these were struck between Brazil – a slaveholding nation – and countries that had already abolished slavery. This clearly demarcated a swath of slaveholding territory, standing against the free soil created by its republican neighbors.

The concept of free soil was evidently not a nineteenth-century invention; it has a much longer and more complex history. As Max Weber observed, medieval cities in continental Europe developed customs under which serfs could win their freedom by virtue of the principle *stadthluft macht frei* (city air makes free).³⁰ Since 1569, slavery had been seen as inconsistent with British law; in the Cartwright case, a serf imported from Russia was judged to be free by the authorities because “England was too pure an aire for slaves to breath in.”³¹ Cartwright became an important precedent and would be used as an argument in cases concerning slaves brought to England from its colonies in the Caribbean during the eighteenth century. At the end of the century, the discussion over the status of a runaway slave from Jamaica named James Somerset provided a definitive answer to the matter by establishing that, in the absence of

²⁸ See G. Ferreira, *O Rio da Prata*; N. Caldeira, “Cativos asilado,” pp. 115–141; L. Santos, *O Império*.

²⁹ “Tratado entre o Senhor D. Pedro II, Imperador do Brasil, e a Republica Oriental do Uruguay para a entrega reciproca de criminosos, e desertores, e para a devolução de escravos, assignado no Rio de Janeiro em 12 de Outubro de 1851, e ratificado por parte do Brasil em 13 do mesmo mez, e pela da referida Republica em 4 de Novembro do dito anno,” articles VI and VII, in *Sistema Consular Integrado – Atos Internacionais – Ministério das Relações Exteriores, Brasil, Brasil*, Rio de Janeiro, Imprensa Nacional, 1851. See http://dai-mre.serpro.gov.br/atos-internacionais/bilaterais/1851/b_26/, consulted October 9, 2013.

³⁰ M. Weber, *The City*. ³¹ L. Higginbotham Jr., *In the Matter of Color*, p. 321.

positive laws regarding slavery, all people who set foot on English soil should be considered free.³² In seventeenth- and eighteenth-century France, the courts also followed the understanding that “all persons are free in this kingdom; and as soon as a slave has arrived at the borders of this place, being baptized, he is freed.”³³ When the Parisian courts found themselves charged with determining the fate of slaves brought by their masters from the French Caribbean, they ultimately freed hundreds of enslaved people as they arrived in the capital.

In the United States, meanwhile, 1857 would see free soil rejected in the Supreme Court decision on the Dred Scott case.³⁴ Instead of accepting that free states in the Union had created free-soil regions – thus denaturalizing the concept of slavery – the United States chose to institutionalize the concept of race as an essential element of American citizenship. Once tied to race, slavery was cast not as a condition that might be modified but as a characteristic that individuals could not hope to shed. South American interpretations of this principle tended to be quite different. Having recognized the premise that a territory may create rights, the South American republics instituted criteria for citizenship by which citizens were defined by their place of birth, not by attributes such as color or ancestry.

In the specific case of Uruguay, the abolition of slavery and the subsequent definition of its national territory as one of free soil, even in the context of the ongoing civil war, ultimately became defining elements of its national sovereignty, in opposition to what was seen as Brazil’s expansionist, slaveholding presence.

BRAZILIAN LANDOWNERS’ INTERESTS IN URUGUAY AND THE BAN ON THE SLAVE TRADE TO BRAZIL

The signing of the treaties between Brazil and Uruguay on October 12, 1851, inaugurated a new phase in terms of how slavery was understood by

³² P. Finkelman, *An Imperfect Union*; D. Fehrenbacher, *Slavery, Law, Politics*; J. Oakes, *Slavery and Freedom*.

³³ S. Peabody, *There Are No Slaves*, p. 36.

³⁴ In this case, the slave Dred Scott asserted his freedom, while living in the slave state of Missouri, by virtue of the fact that he had followed his master to the free states of Illinois and Wisconsin. Though the Missouri court decided in Scott’s favor, the Supreme Court concluded that he, as a Black man, was not a citizen of the United States and could neither bring a suit nor stand before an American court. The historiography on the Dred Scott case is massive; a good summary of the case can be found at D. Fehrenbacher, *The Dred Scott Case*.

the two countries. The extradition treaty focused specifically on slaves who had come to Uruguay without their masters' permission. Later that year, even as it continued to recognize Brazilian subjects' claim over runaway slaves and ban the entry of enslaved individuals from Brazil, the Colorado government refused to authorize searches for slaves in its territory, unless they fit the terms of the treaty, as stipulated in this December 6 circular:

- 1st. It is absolutely prohibited to introduce, under any pretext at any place in the Republic, any individual lacking a letter of manumission, until the Legislative Body has met and adopted the resolution it finds most fitting on this score.
- 2nd. Runaway slaves who entered the territory of the Republic after November 4 [of the past year] will no longer be returned.
- 3rd. Complaints will be seen to when made by the President of the Province of Rio Grande do Sul, for slaves belonging to Brazilian subjects settled in said Province; by the master of the slave; or by the duly authorized representative of said
- 4th. Complaints must be accompanied by titles or documents that, in keeping with the laws of Brazil, prove the ownership so claimed.

A year later, the Uruguayan government was stating that individuals considered fugitive slaves in Brazil who had entered Uruguay before the October 1851 treaty had been ratified should not be considered fugitives. Even if they were, they would not be returned. The same document indicated that masters could no longer invade Uruguayan territory to capture their alleged slaves, whether in person or by sending anyone on their behalf.³⁵ These insistent reminders of the rules of the treaty are a clear demonstration of how frequent these invasions were – and they would continue throughout the 1850s and into the early 1860s. Not only did Brazilian masters keep on flouting the law, but they were also often aided by the open complicity of the Brazilian authorities, who were given to interpreting the treaty in ways that suited their interests and who could be heard to argue that, if they were to bend to Uruguay's laws, they would be left without any manpower.

Complaints from both sides would lead to an agreement signed by the two governments a few years later. It held that Brazilians could take their former slaves as hired workers into Uruguay, as long as they had letters of manumission (the so-called freedman's certificate). José Maria da Silva

³⁵ Brasil, *Relatório do ano de 1851*.

Paranhos, the Brazilian ambassador in Montevideo, would praise his own work years later and argue that the work contracts used on Uruguayan soil were a brilliant maneuver, for they

sought to ensure that Brazilians might find a legal means to use their slaves to address the dearth of laborers that was felt then and is felt still in the Republic: thus rendering unnecessary the clandestine use of slaves, avoiding the violation of the laws of the Republic, making it possible to attend to the work on the farms in question, and promoting the liberty of many individuals who would have otherwise remained in captivity.³⁶

Paranhos' allegedly brilliant solution was ultimately rather inefficient. Questions sent from Brazilian authorities on the border to their superiors are evidence that the legal status of workers in the area was still a matter of confusion – and that attempts to interpret the law in favor of Brazilian masters persisted.

This was the case with the parish inspector in Sant'Anna do Livramento, a small Brazilian town on the border with Uruguay, who sent a letter to Manuel Vieira Tosta, the president of the province of S. Pedro do Rio Grande do Sul and the future Baron of Muritiba. The inspector wanted to know whether slaves who crossed the border “by any chance circumstance” were to be considered free – if, say, they had been chasing down some animal that had strayed into Uruguayan territory. The question also applied to slaves who lived on farms that straddled the border, as well as those who, once hired in Uruguay, were subsequently transferred to the province of Rio Grande do Sul.

Tosta's interpretation was that, given the town's proximity to the border, slaves who crossed the line while carrying out domestic tasks should not be considered freed. Those who tried to take advantage of crossing to claim their freedom would be considered not freedmen but fugitives. In general, the provincial president concluded, slaves might only be freed when forced by their owners to work on the other side of the border, not in cases when they happened to be there momentarily against their master's wishes – these being exceptional circumstances, falling outside the principle that the soil frees the slave that touches it. Tosta also wrote that slaves living on properties that straddled the border were likewise not to be freed: “as in this case, the continuity of territorial property signifies the continuity of a domestic jurisdiction.” Only slaves

³⁶ Archivo General de la Nación (Uruguay), Ministerio de Relaciones Exteriores, Legación del Uruguay en el Brasil, caja 102, carpeta 124, “Nota do governo Imperial Brasileiro a Legação da República Oriental do Uruguai no Brasil,” April 27, 1857.

serving as hired laborers or on errands authorized by their masters on the other side of the border, and who subsequently returned to Brazil, would be considered free.³⁷

In line with the interests of landowners on the border, the provincial president's interpretation as to the legal status of those crossing the line between slave soil and free soil was quite simple: when in doubt, keep the individual a slave; slavery holds out. The problem was that, as everyone in the south was well aware, in Rio de Janeiro, the capital of the Brazilian Empire, things were interpreted differently.

This comes through in another letter, this time to the Council of State, sent by Eusébio de Queiroz, then the chief justice of the Court of Appeals of Rio de Janeiro. The judge wanted to know "if a slave living in a foreign country may enter the Empire and be not only maintained in slavery, but also delivered to his master by the authorities of his country." The query was in response to the case of a slave who had committed a crime and whose master lived in Uruguay. The Council of State's opinion, in a decision which was considered remarkable at the time, drew the following conclusions:

- 1st. That the law of November 7, 1831, did not only seek to do away with the trade in new negroes, but also to diminish the number of slaves in Brazil, and hence those freed by law as well;
- 2nd. That its disposition would inevitably apply to the case of a slave who had, with the consentment of his master, entered a foreign country and subsequently reentered the Empire.³⁸

The decision was met with vehement criticism from slaveowners in the province of Rio Grande do Sul. As they saw it, in failing to consider the characteristics of the border region, the Imperial authorities were setting a highly dangerous precedent for expropriation. Far away, in Rio de Janeiro, the members of the Council of State had judged that it was important to confirm the principle accepted in international law by which slaves setting foot on free soil gained the right to freedom. Despite the protests of slaveowners and the provincial president, the 1856 decision not only stood but was reaffirmed in 1858, after a new query was posed by the president of the province of Rio Grande do Sul to the Council of State.

This time, the case had to do with enslaved persons being taken by their masters to Uruguayan territory, in particular those slaves who were being

³⁷ Brasil, *Relatório do ano de 1856 apresentado à Assembleia Geral Legislativa*.

³⁸ Aviso 188 de 20 May 1856, cited in M. Soares, *Campanha jurídica*, p. 7.

used as guarantees against debt in Brazil. To the fury of slaveowners on the border, the opinion, signed by the minister of foreign affairs and approved by the emperor, read as follows:

The slave is ignorant of the transactions of which he is an object; he does not examine them, nor can he; he obeys his master. If the latter should bring him to Uruguay, whatever his obligations may be there, the existence of mortgages notwithstanding, this simple fact confers on the slave his manumission, being a free man in this Republic [Uruguay] and a freedman in Brazil. Both governments are obliged to maintain the right conceded to him; neither may call for his return, nor concede it. This interpretation is so precise that the Imperial government [in a previous case] determined as follows: the slaves who, having traveled as hired workers or on work authorized by their masters in the aforementioned territory and then returned to the province of Rio Grande do Sul must be considered free, inasmuch as the general principle exposed above indicates that the fact of remaining or having remained, with the consent of one's master, in a country where slavery has been abolished, immediately grants the slave the condition of a freedman.³⁹

How to understand the stance taken by the authorities of the Brazilian Empire? To judge from these decisions, the Empire not only did not endorse the decisions taken by the president of the province of Rio Grande do Sul but also went so far as to condemn the actions of local proprietors – who, for their part, saw themselves as the defenders of Brazil's southern border. For a better understanding of this apparent paradox, we will have to return to the Brazilian political context in the 1840s and 1850s.

Since the mid-1840s, Brazilian diplomatic rhetoric on the conflicts in the Río de la Plata region had centered on a defense of Uruguay's independence and sovereignty. Once the Cisplatine Province had been lost, it became imperative to ensure that Uruguay would not join the United Provinces of the Río de la Plata. After all, in the eyes of those responsible for shaping Brazilian foreign policy in the region, Brazil had played a crucial role in asserting the independence of both Uruguay and Paraguay in the face of alleged Argentine expansionism.⁴⁰

The problem was that a large part of Uruguay's sovereignty was founded on the principle of freedom, as manifest in its abolition of slavery

³⁹ Arquivo Histórico Itamaraty (Rio de Janeiro), Parecer do Conselho de Estado 20 March 1858, Brasil – Uruguai. Extradicação de Escravos, 5/58 (1858). In Brasil, Secretaria de Estado dos Negócios do Império e Estrangeiros, *O Conselho de Estado e a política externa do Império*, pp. 31–35.

⁴⁰ G. Ferreira, *O Rio da Prata*, p. 226.

in the 1840s – or, rather, founded on the deliberate contrast between Brazil, the slaveholding empire, and Uruguay, the republic of freedom. A failure to recognize this would mean agreeing with the accusation (commonly heard around Montevideo) that the 1851 treaties had turned Uruguay back into Brazil's Cisplatine Province. In this context, it hardly seemed wise for Brazil, with its aims of diplomatic dominance in the Platine region, to officially intervene in the internal matters of another nation. Andrés Lamas, Uruguay's plenipotentiary consul in Rio de Janeiro, was well aware that the Brazilian authorities could hardly keep on criticizing Argentine expansionism if they were also being accused of expanding the bounds of slavery beyond their geographical borders – especially because, when it came to Brazilian diplomatic relations in the early 1850s, there was no topic more sensitive than the slave trade.

Although Brazil had been pressured by England to effectively stamp out the slave trade ever since it had illegally resurfaced in the 1830s, it was only in 1845, with the Slave Suppression Act (or the Aberdeen Act), by which the English granted themselves the right to board any ship suspected of transporting enslaved Africans on the Atlantic, that the transatlantic slave trade came under more aggressive control. In 1849, England transferred a part of its fleet to Brazil. As a result, January 1850 saw the highest number of seizures of slave ships in Brazil since the policy's inception. Over the months to come, British warships attacked suspicious vessels along the northern coast of Rio de Janeiro and near Paranaguá, off São Paulo's southern coast. In early July, reports arrived in Rio of clashes between the British, who had torched two ships, and the Brazilians, who, fearing a search and seizure, opened fire and then sunk their own vessels. It was said that the British navy wouldn't flinch at attacking the capital itself. Although a variety of interests contributed to the Brazilian government's eventual decision to ban the trade in enslaved Africans, it is undeniable that the unrest provoked by British action in the region played a key role in obtaining Brazil's September 1850 commitment to abolishing the trade.

This was why the government at Rio de Janeiro needed to demonstrate respect for and make a point of obeying international agreements – not only so that Brazil could take on the long-coveted mantle of regional conflict mediator, but also in order to defend the country's national sovereignty against England, which was rightfully skeptical of the Brazilian government's commitment to putting an end to the Atlantic slave trade. The correspondence between the British and the Brazilians after the passage of the law of September 4, 1850, shows that the English were afraid that, just as in 1831, this act would become a dead letter. And

they weren't wrong: at least through 1855, there were still constant attempts to unload Africans in bays and coves along the Brazilian coast.⁴¹

As the Brazilian authorities were only too well aware, this tense situation only revealed the Empire's international vulnerability. It was impossible, in the context of the international abolition of the Atlantic slave trade and a wave of emancipation proclamations, for a country to aspire to regional hegemony while it continued to meet the demands of its slaveowners (including requests to return fugitive slaves from neighboring nations).

In this light, the Brazilian government seemed to be at a crossroads: on the one hand, there was the need to ensure respect for international treaties and laws, especially in relation to the slave trade, which Brazil was continually accused of disrespecting; on the other hand, it was impossible to forget that the nation's borders in a strategic region were being controlled and protected by precisely the people who were calling for the expansion of slavery beyond those borders.

As if that weren't enough, all this took place in the shadow of the Farroupilha Revolution, in which a significant portion of the population of Rio Grande do Sul had risen up against the Empire and declared the Rio-Grandense Republic in 1836. While the movement was defeated in 1845, dissatisfaction remained among those who were now forcibly reincorporated back into the Brazilian Empire. Since many believed that the Empire wouldn't defend their interests, they felt entitled to take matters into their own hands. In incursions known as *californias*, even major landowners would invade Uruguayan territory in search of lost cattle and slaves.⁴²

Uruguay had been a destination for fugitive slaves since its dual emancipation proclamations; in the 1850s it would also be raided by bush captains in search of people to enslave and sell in Rio Grande do Sul. The situation couldn't have been more favorable: the end of the Atlantic slave trade to Brazil in 1850 had driven up slave prices, which had been rising since the 1820s. There was no sign that demand for slaves had dwindled; far from it.⁴³ A new slaving frontier – this is what Black

⁴¹ L. Bethell, *The Abolition*; M. Carvalho, Chapter 2 in this volume.

⁴² In 1850, Francisco Pedro Buarque de Abreu, the Baron of Jacuí, organized the largest armed incursion to recover cattle and goods in Uruguay, having recruited and bankrolled a small army of some 300 men. Uruguay, *Reclamaciones*, p. XIII. See also M. Torres, *O visconde*, pp. 79–85; R. Lima, *A nefanda pirataria*; E. Palermo, “Secuestros y tráfico.”

⁴³ M. Florentino, “Sobre minas”; R. Salles, *E o vale*.

communities in northern Uruguay became for slaveholders and slave catchers in the border region.⁴⁴

THE NEW SLAVING FRONTIER

In late 1853, Juan Rosa, his wife Juana Rosa, and their daughter Segundina Marta, who was about four years old, went to the Uruguayan consul in the city of Rio Grande to ask for help and report that they had been kidnapped by Laurindo José da Costa. Laurindo and his accomplices had shown up at Juan Rosa's house, saying that they had orders from the Uruguayan government to "gather up all the men of color and those who were married, with wives and children," which is why they let themselves be tied up and led away. As they traveled, Laurindo continued to kidnap people and murder those who resisted. When they arrived in Pelotas, Juan Rosa, Juana Rosa, and Segundina Marta were sold to a Frenchman, but they were able to flee and make it to the Uruguayan consulate.⁴⁵

A year later, an African woman named Rufina and her four children would suffer a similar fate. They were kidnapped by the same group in Tacuarembó, Uruguay, taken to Brazil, and sold there. Rufina was able to get the attention of the Brazilian police and report the crime, which would be covered and debated by journalists in Porto Alegre and Uruguayan and English consuls. During the process, Paulo José Soares de Souza, then Brazil's minister of foreign relations, received word from his English counterpart, Lord Palmerston, requesting that action be taken against this "new form of trafficking" that was being practiced on Brazil's borders. Rufina was not only let go but also reunited with her family and returned to Uruguay.⁴⁶

Since 1852, people had sought out the Brazilian police, Uruguayan consuls, and even English consular representatives with the same complaint: they had been kidnapped in Uruguay to be sold as slaves in Brazil. According to available documentation, most were women and children. This followed the pattern of illegal enslavement as practiced in other regions over the same period.

⁴⁴ The concept of the slaving frontier is used here in the sense formulated by Joseph Miller and widely used in Africanist historiography. See J. Miller, *Way of Death*.

⁴⁵ Arquivo Público do Estado do Rio Grande do Sul (APERS) I Vara Cível e Crime, maço 57, processo 2914, 1854.

⁴⁶ APERS, I Vara Cível e Crime, maço 88, processo 3368, maço 88, 1855. I analyzed this case in K. Grinberg, "The Two Enslavements," pp. 259–290.

Authorities in Rio Grande do Sul were well aware of this new form of trafficking. Between 1849 and 1853 alone, the provincial justice system would see seven cases of this kind, all reported by Uruguayan consuls.⁴⁷ The crimes of the members of Laurindo José da Costa's gang were public knowledge, as we see in an article published in 1854 in the newspaper *O Rio-Grandense* – which, for its part, had copied the report from the *Correio do Sul*. This was the second time that the papers had referenced a crime committed by the group.⁴⁸ Andrés Lamas had written to Brazilian minister Limpo de Abreu about the case of Rufina and her children, saying that he hoped that the Brazilian authorities would do their part, in keeping with “international laws and conventions, the law of the Empire, and the particular laws against piracy and the abominable trafficking and importing of slaves.”⁴⁹

At the same time as Lamas' complaints were heard in Brazil, the Atlantic slave trade was continuing, illegally, in the province. In April 1852, hundreds of Africans were hastily unloaded on the coast near Tramandaí after the ship on which they had been carried ran aground.⁵⁰ Some two years later, Henry Vereker, the English consul in Porto Alegre, would alert the provincial president, João Lins Vieira Cansansão de Sinimbu, that a new load of Africans might have been dropped off along the coast of Rio Grande do Sul. While the latter insisted that it was simply a rumor, the consul seemed unconvinced; Sinimbu then wrote to the minister of foreign affairs, assuring him that nothing of the sort had happened and reiterating that he would stop at nothing “to spare the government the displeasure of seeing this province [Rio Grande do Sul] host to a crime so contrary to Law and Civilization, and which the government itself has striven to punish.”⁵¹

A look at the correspondence between the multiple English consuls in Brazil and the Brazilian authorities in the early 1850s reveals that the issue of slavery was far from settled. As far as the English were concerned, the sale of Africans brought to Brazil after 1831 (reports of which accounted

⁴⁷ For more on the cases, see the APERS catalog: *Documentos da escravidão: processos crime – o escravo como vítima ou réu*.

⁴⁸ *O Rio Grandense*, June 15, 1854. Rafael Peter de Lima also references this article. R. Lima, *A Nefanda Pirataria de Carne Humana*, pp. 145–146.

⁴⁹ Archivo General de la Nación (Uruguay), Fondo Legación, caja 106, no. 70, July 8, 1854.

⁵⁰ Provincial officials moved to seize these newly arrived Africans, but most were appropriated by residents living along the coast, and many were taken “over the mountain.” See P. Moreira, “Boçais e malungos,” pp. 215–235; V. Oliveira, *De Manoel Congo*.

⁵¹ Arquivo Histórico do Rio Grande do Sul (AHRs), Ofícios Reservados A2-10, número 3, ofício de 27 de agosto de 1854.

for much of the 1854 correspondence between Howard de Walden, the British consul in Rio de Janeiro, and Limpo de Abreu, the Brazilian minister of foreign affairs), along with the attempted landings of Africans on the Brazilian coast and the kidnappings of Black people along the southern border, all meant one thing: the continuation of the illicit trade in people.⁵² It was no coincidence that, later that year, Vereker would write in his annual report to Lord Clarendon, the British minister of foreign affairs:

It should be recognized that the laws of Brazil, in their present state, are completely inadequate to prevent what can be called the illegal domestic slave trade, by which I mean the sale into slavery of Black people who are not slaves according to Brazilian law. To show that this trafficking exists, it would seem necessary only to refer to the fact that, comparatively, few of the Black people brought from Africa since the enactment of Brazilian laws stating that these people should be considered free have actually had their freedom recognized; it is also well known that slaves are often stolen from their owners to be sold; it seems clear that if Brazilian laws were effective in preventing the internal slave trade, the overwhelming majority of Blacks who have been imported into Brazil since 1831 would have obtained their manumission, and the sale of slaves by people who were not their owners . . . could not take place, let alone the kidnapping of free people to be sold as slaves.⁵³

Diplomatic correspondence and complaints were often reproduced in the Brazilian foreign minister's reports, evidence of the government's care to recognize the existence of these cases and, especially, make their efforts to curb offenses known. In 1859, for example, the minister of foreign relations would allude to Uruguay's complaints of the "theft of people of color in order to be sold" in Rio Grande do Sul. In one of the cases in question, a house was allegedly raided by two Brazilians who carried off a three-year-old child; in another, it was said that "two minors of color were stolen in the region of Aceguá and then sold as slaves in Rio Grande" and that relatives were now demanding "their rescue and return." The minister wrote: "This report was verified in part, and one of the minors, who had been sold under the name Domingos and declared that he was called João Serapio, was judicially deposited in the town of Piratini."⁵⁴ In 1860, the report from the minister of foreign relations recounted:

The political head of the department of Salto has informed the government that D. Marcellino Ferreira, a Brazilian subject, has stolen the Black woman Carlota

⁵² National Archives (London), Foreign Office 84, codices 942, 943, and 944, 1852–1854.

⁵³ National Archives (London), Foreign Office 84, codex 944, ofício de 30 de junho de 1854, fls. 136 and following.

⁵⁴ *Relatório do ano de 1859 apresentado à Assembleia Geral Legislativa*, p. 92.

and four minor children of color born in the Republic, the youngest of which only five months of age, from a residence in the countryside belonging to him, and taken them to Brazil with the objective of selling them as slaves. . . . Having returned shortly thereafter to the Republic, where he was apprehended by the authorities, he declared that he had indeed taken those people to Brazilian territory with the intention of selling them as slaves and promised to return them within a few days' time Rather than fulfilling this promise . . . Marcellino Ferreira managed to escape on August 29 from the prison where he was held, and evaded the police along his way to the border.⁵⁵

Year after year, as slaveowners and bush captains operated increasingly frequently on the border, the tone of English and Uruguayan complaints became increasingly harsh. As José Vasquez Sagastume, representing the department of Tacuarembó, would write: "[Uruguayan] citizenship is being snuffed out north of the Río Negro: against all that is written in the Constitution of the Republic and established by the liberality of our laws, slavery is a fact in certain areas. . . . In this, such an important place of the Republic, one may say that there is no more Uruguay: the habits, customs, language, way of life, all is Brazilian: one might say, a continuation of Rio Grande do Sul."⁵⁶ Andrés Lamas echoed this sentiment: "At the moment at which, for any reason whatsoever, it so happens that the owner of a person of color conveys that person across the border – and, once across, lets fall the brazen, false disguise with which the laws of the Republic have been flouted – the forsaken victim returns to his public condition as a slave."⁵⁷

Just as with the fugitive slaves, the Brazilian Empire responded to these accusations by doubling down on repression of any attempt to get around the ban on the slave trade. In his 1861 report, the Brazilian foreign minister emphasized that "the Imperial government has called the attention of the president of the province of São Pedro do Rio Grande do Sul to the theft of minors of color in Uruguay, to be sold in Rio Grande as slaves."⁵⁸ What's more, he assured, in every case of illegal slaving, "the Brazilian authorities have pursued [accusations] and taken several of the guilty parties to the courts of this country."⁵⁹

This was a half-truth. While officials across a number of municipalities in Rio Grande do Sul had indeed prosecuted certain individuals accused of the crime of "reducing free people to slavery," a look at the sixty-eight

⁵⁵ *Relatório do ano de 1860 apresentado à Assembleia Geral Legislativa.*

⁵⁶ R. Lima, *A nefanda pirataria*, p. 74. ⁵⁷ R. Lima, *A nefanda pirataria*, p. 51.

⁵⁸ *Relatório do ano de 1861 apresentado à Assembleia Geral Legislativa*, p. 54.

⁵⁹ *Relatório do ano de 1861 apresentado à Assembleia Geral Legislativa*, p. 50.

cases in the Rio Grande do Sul state archives reveals that almost none of the defendants were convicted. By claiming that they were trying to recover runaway slaves, or that they were unaware that the person they had kidnapped was free or a freedman, all but a scant few were absolved by local juries.⁶⁰ Moreover, even though in a few cases the British consul Howard was apparently convinced of Brazil's efforts to rein in trafficking and kidnapping, in 1855 he wrote to Clarendon – then the minister of foreign affairs – that it seemed quite unlikely that Brazil's rhetoric had convinced the Uruguayans of the efficacy of their endeavors.⁶¹ In a complaint to the Viscount of Mangarape in 1857 – a long list of reports of incidents over the past three years – the Uruguayan minister didn't flinch at saying that the Brazilian kidnappers were ensconced in their impunity, sure that the authorities would cover up their crimes; for this very reason, he was requesting that the Brazilian government act swiftly to repress this “organized piracy, carried out on a remarkably large scale.”⁶²

TENSIONS RISE

The years that followed were to bring a gradual rise in the volume of complaints on both sides, now including attacks on the life and property of Brazilians in Uruguay. By the time José Antonio Saraiva arrived in Montevideo in May 1864, the complaints and accusations being tossed back and forth had become positively deafening. In April of the previous year, in opposition to Bernardo Prudencio Berro's Blanco government, the Colorado general Venancio Flores and allies had landed at Rincón de las Gallinas, a Uruguayan hamlet on the border with Argentina, sparking a new civil war. Although the government in Rio had recommended that Brazilian owners respect their nation's neutral stance, the owners immediately supported Flores and began providing horses, provisions, and money to the rebelling troops. Feeling abandoned by their own government, Brazilian landowners on the border saw the Colorado leader as a chance to free themselves of the Blancos, put an end to the “murders, attacks, and thefts” in the region, and – last but not least – do away with the restrictions on the ways in which they were allowed to use their workers on Uruguayan soil.

⁶⁰ A more thorough discussion of these numbers can be found in K. Grinberg and B. Mamigonian, Chapter 1 of this volume.

⁶¹ National Archives (London), Foreign Office 84, codice 969, ofício de 30 de junho de 1855.

⁶² Ofício de 09 de outubro de 1857, in Uruguay, *Reclamaciones*, anexo 11.

Indeed, since 1861 the number of Brazilian complaints had been on the rise, as registered in the reports from the minister of foreign affairs.⁶³ The situation had become so drastic that, in November 1863, General Antonio de Souza Neto, a leader in the region since the Farroupilha Revolution, went to Rio de Janeiro to warn the government that it was “not prudent to leave Rio Grande to its own devices,” with locals taking it into their own hands to aid their kin. The threat was clear. “The Imperial government must not ignore,” Neto went on, “the consequences of an independent stance on the part of the Rio-Grandenses; the rallying cry of some hothead will be enough for thousands of men to take up arms and seek to impress upon the [Uruguayans] the respect due to a powerful neighbor; this will be done, if not in the name of the government, certainly in the name of Brazil.”⁶⁴

Neto’s speech was soon to echo in the Chamber of Deputies: in the April 5, 1864, session, a number of deputies took the general’s complaints to heart and argued that the “Imperial government should take the necessary means to bar the slaughter of Brazilian citizens” in Uruguay.⁶⁵ The debate in Rio also resonated in the south: while in Montevideo word had it that D. Pedro II wanted to reannex the former Cisplatine Province, in Rio Grande do Sul landowners believed that the Empire would not ensure its subjects’ “security as to a safe and peaceful existence.”

It was out of fear of fresh political turmoil in Rio Grande do Sul that the Imperial government decided to send Saraiva to Montevideo on a special mission to negotiate the Brazilian government’s demands with the Blancos. The mission, described in Brazil as “entirely peaceful,” was accompanied by the distribution of troops along the frontier and the arrival of five warships, anchored in the Río de la Plata basin to “support the negotiations.”⁶⁶

In his instructions, Brazil’s minister of foreign affairs, João Pedro Dias Vieira, had explained to Saraiva that he ought not to abandon the official neutrality that had so long characterized Brazilian action in the Platine region. He would be charged with defending the life, honor, and property of Brazilians in Uruguay who had suffered the “atrocious, barbaric crimes so incessantly practiced there from 1851 to the present, to say nothing of more distant times.”⁶⁷

⁶³ L. Schneider, *A guerra*. The reports may be found at Brazil, *Ministerial Reports (1821–1960): Relações Exteriores*.

⁶⁴ L. Schneider, *A guerra*, p. 33. ⁶⁵ L. Schneider, *A guerra*, p. 32.

⁶⁶ L. Schneider, *A guerra*, p. 34.

⁶⁷ Arquivo Histórico do Itamaraty (Rio de Janeiro), Carta de 20 de abril de 1864, *Missão Saraiva*, fls 835–837.

And so Saraiva did, knowing that the Uruguayans in Montevideo would have no sympathy for the Brazilians on the border. Even contemporary accounts openly favorable to Brazilian intervention underscored that lawyers and journalists in the capital were interested in seeing a “democratic levelling,” so as to make “these landowners, in their aristocratic isolation, aware that in a republic there can be nothing but the absolute equality of rights.”⁶⁸ Accordingly, upon his arrival in Uruguay, instead of delivering the latest ultimatum, Saraiva went first to the minister of foreign relations and asked that the Uruguayan government respect the nature of a situation which “the Imperial government cannot foresee, nor may it be able to avoid the aftermath, if the Republic does not move frankly and decisively to remove the causes in question.”⁶⁹ This was a veiled threat. The letter was accompanied by details of sixty-three formal complaints lodged by the Empire against the Uruguayan government over the previous twelve years. They included attacks on properties, murders, cattle theft, and attempts to force Brazilians into military service.

Juan José Herrera, the Uruguayan minister of foreign relations, reacted sarcastically: with a population of approximately 40,000 Brazilians living in northern Uruguay, what were sixty-three complaints over twelve years? If Brazilians were suffering so terribly in Uruguay, why hadn’t they gone back to the Brazilian Empire? Even though he judged them to be equally “inopportune recriminations,” he argued that the forty-eight Uruguayan complaints were more relevant, since they had come out of a population of hundreds, not thousands.

As Herrera saw it, the complaints on both sides couldn’t justify Brazilians’ support for the Colorado invasion led by Venancio Flores, since his supporters didn’t live in Uruguay but in Brazil. The reason for the Brazilian “border pirates” support for Flores had a name: the *californias*, the raids which continued to happen in the north of the country. It was the chance to loot Uruguayan territory that motivated this “barbaric caudillismo,” the “heedless lord and master of these territories, the center of a permanent threat to civilization,” which evidently had not spared the properties of Brazilians in the region.⁷⁰ By defending Neto and his accomplices, Herrera charged, the Brazilian Empire was choosing to abandon its

⁶⁸ L. Schneider, *A guerra*, p. 25.

⁶⁹ “Carta de José Antonio Saraiva ao Ministro das Relações Exteriores do Uruguai, Montevideu, 18 de maio de 1864,” in Uruguay, *Documentos diplomáticos*, p. 17.

⁷⁰ “Carta de José Antonio Saraiva ao Ministro das Relações Exteriores do Uruguai, Montevideu, 18 de maio de 1864,” in Uruguay, *Documentos diplomáticos*, p. 17.

own subjects in Uruguay. At the end of his long letter to Saraiva, Herrera also included a detailed list of the forty-eight Uruguayan complaints against the Empire of Brazil – none of which, he claimed, had been attended to, and some of which had been left entirely unanswered. Of the total, thirty-three concerned the kidnapping of Black people, mostly women and children, to be sold as slaves in Brazil. Between 1853 and 1863, dozens of families were carried off by Brazilian gangs, most of them known to local authorities. Several complaints specifically mentioned Laurindo José da Costa. The Uruguayans described the incidents in detail, naming the cities where the victims had been taken and, in some cases, the buyers' names.⁷¹

Offended by Herrera's reply, Saraiva wrote a confidential report some days later to the government in Rio de Janeiro, saying that the Uruguayan government had surprised him with "harsh recriminations and inexact characterizations of events, with a dearth of benevolence and tact in the way in which it presented its alleged complaints against the Empire." And he concluded: "It is urgent that we organize and distribute our forces along the border."⁷²

We know how the story ended. After a period of negotiations in Buenos Aires in which he sealed the alliance with Argentina and the Colorados, overseen by Edward Thornton, the British government's representative in the Río de la Plata region, Saraiva returned to Montevideo. On August 4, 1864, he gave Herrera the ultimatum that he had been carrying since April, giving Uruguay six days to meet Brazil's demands. At Aguirre's refusal, Saraiva judged his mission complete and left the country. Just over two months later, Brazilian troops would invade northern Uruguay. As Joaquim Nabuco would write a few years later: "from the war with Uruguay came the war with Paraguay, and from the latter came the Triple Alliance."⁷³

CONCLUSION: "ONE CANNOT DISCOVER THAT WHICH
IS NOT A SECRET"

I believe I have made the central argument of this chapter clear: namely, it is impossible to fully understand the Brazilian invasion of Uruguay in 1864

⁷¹ Of the forty-eight complaints, thirty-three had to do with slavery and ten with other matters, such as military service, murders, and cattle theft. The other five are vaguer complaints about property invasions, including Brazilians', which may have also resulted in illegal enslavement. Uruguay, *Reclamaciones*.

⁷² Uruguay, *Documentos diplomáticos*, pp. 25–26. ⁷³ J. Nabuco, *Um estadista*, p. 508.

and the war that followed without considering the tensions and diplomatic incidents that followed the abolition of slavery in Uruguay. This is not to say, of course, that a conflict of this magnitude can be boiled down to a single cause, nor is it to ignore the friction around taxes on cattle ownership, border demarcation, and the larger dispute for political hegemony in the Río de la Plata region. In broad terms, the arguments I have developed here confirm the thesis that the Paraguayan War was motivated by the construction and consolidation of nation-states in the Platine region.

This silence from authorities and in the historiography on the topic is intriguing. José Antonio Saraiva, Brazil's special envoy, was so offended by the list of Uruguayan complaints that he refused to discuss them and failed to even mention them in his correspondence with Rio de Janeiro. The content of the complaints was never repeated directly by Brazilian politicians, not even by those who, like this clerk under Minister of Foreign Affairs João Batista Calógeras, were harshly critical of the conclusion of the Saraiva mission:

Our policy was wholly wrong-headed from the start. We began by sending a special mission, driven by the threat of a revolution of the Rio-Grandenses who supported Flores As for the complaints that we demanded be satisfied, we had ignored them for twelve years, while [Uruguay] had so many other things against us, in what amounted to sheer provocation.⁷⁴

I can hazard a few reasons for the silence around slavery. The first has to do with the formulation of the official narrative about the outbreak of the war, which was written in the immediate wake of events. For the rest of his political career, Saraiva would have to fend off those who called his mission a failure and claimed that he had been unable to avoid the start of the conflict. To this end, two notions would have to be established: first, that it was only thanks to his diplomatic intervention that negotiations with Argentina went successfully, leading to the formation of the Triple Alliance; and second, that the war had actually begun with Paraguay's invasion of Mato Grosso, not Brazil's invasion of Uruguay. By dissociating these conflicts as if they were truly separate, not only Saraiva but the whole of the Brazilian government sought to shrug off responsibility for sparking the catastrophe that was the Paraguayan War.

Only in light of these narrative constructions can we understand Nabuco's affirmation that Brazil played "the role of a selfless representative

⁷⁴ Antonio Gontijo de Carvalho, *Um ministério visto por dentro*, cited in F. Doratioto, *Maldita guerra*, p. 65.

of civilization and liberty in South America.” What’s more: to his eyes, Saraiva “was truly the bearer of the new message of peace and goodwill between Brazilians and Argentines. As fate would have it, war . . . was the necessary consequence of Paraguay’s despotic saber-rattling and would have exploded sooner or later, whenever López’s delirium was to manifest itself. . . . The origins of the Paraguayan War are, happily enough, beyond doubt.”⁷⁵

The political motivations driving Nabuco to frame this version of history are understandable. He was a liberal monarchist and a personal friend of Saraiva’s who had helped to build a positive image of the Empire’s recent past shortly after the establishment of the Republic (1889), a panorama that included a vision of abolition as the fruit of the abolitionist movement and the Brazilian royal family. It is harder to understand the myopia of Brazilian historiography; many analyses of the period seem uninterested in venturing beyond that nineteenth-century narrative to explore the causes of the conflict between Uruguayans and Brazilians and the rising tensions on the border.

Until recently, historians may have been overly reliant on authors like Luiz Schneider, adviser to the Prussian kaiser and a correspondent for the *Nova Gazeta Prussiana*, as well as the author of *A Guerra da Tríplice Aliança contra o governo da República do Paraguai (1864–1870)*, which was published in 1875 with notes by José Maria da Silva Paranhos Junior, the Baron of Rio Branco. Schneider suggested that no period of prolonged war, such as that which “sprang from the complications involving [Uruguay,] demands such painstaking examination of diplomatic correspondence as this beginning, which was, shall we say, the preamble or pretext for the great struggle which was to follow.”⁷⁶ There is no mistaking the documentary importance of Brazilian diplomatic correspondence. But if we focus on it exclusively, without examining the letters exchanged between politicians and consular officials from Uruguay, Brazil, and even England, we will only have a partial version of events. To deepen our understanding of events, we must do precisely the opposite: move beyond national narratives.

In the case of Brazil, one of the consequences of the commonly held national narrative is the framing of two fronts of action for the country’s foreign policy in the nineteenth century – relations with England and relations with the Río de la Plata region – as completely separate realms. In this telling, the slave trade was the chief issue in the first area; once it

⁷⁵ J. Nabuco, *Um estadista*, pp. 507–508. ⁷⁶ L. Schneider, *A guerra*, p. 72.

had been overcome, Brazil was able to turn to the second front. Now, as we have seen, nothing could be farther from the truth. Not only did the slave trade remain a sore spot for Brazil and England throughout the 1850s and into the 1860s, but it was also a key element shaping international relations between Brazil and its neighbors in the Río de la Plata region – if not all of South America. The debates over the ban on the trade in Africans and the abolition of slavery do indeed connect these two areas, to the point that one is only comprehensible in light of the other.

However, in order to understand the centrality of slavery in all aspects of Brazilian international relations in the nineteenth century, we must take our investigation beyond the diplomatic correspondence. After all, that which is revealed by diplomatic missives and reports is also that which is hidden. In 1864, diplomatic relations with England having been severed precisely because of over a decade of Brazilian attempts to resist the ban on the international trade in enslaved Africans, Uruguayan reports of the kidnapping of Black people and illegal slaving were not to be mentioned. And, indeed, nobody was mentioning them – not even the Brazilians with some interest in the international public debate, nor the group behind Venancio Flores, the Colorado who rose to power in 1865 with Brazilian aid and helped to construct the official version of the Uruguayan narrative. Indeed, the Uruguayan complaints seem to have gone down with Berro's Blanco government.

But the complicit silence of ministers, ambassadors, and other major figures in international political history cannot withstand the reading of documents produced in the thick of everyday events. As many other Uruguayan and Brazilian historians, many of them hailing from the border region, have shown in recent years, combing through local correspondence between governors, provincial presidents, and consular officials, lists of runaways, baptismal records, newspapers, estate inventories, and criminal proceedings, it is evident that slavery-related issues were so present and so recurrent that they were no secret for anyone living then. After all, “one cannot discover that which is not a secret.”⁷⁷ By turning our gaze to the everyday lives of women and men on the border between Brazil and Uruguay, we may be only discovering now something that was entirely evident to them.

⁷⁷ These words are at the heart of Alberto Mussa's *A hipótese humana*, a mystery novel set in 1854 Rio de Janeiro. While I am using the quote out of context, I do so in the sense that slavery was precisely the secret that was so well known by all those who lived through those years that there was no need to discover it.

From this angle, it is undeniable that the actions of those who fled, resisted kidnappings in the border region, and made themselves heard at police stations and in the courts had a tremendous impact. In that context, their voices would be heard at a great distance, all the more powerful because they articulated the experiences of so many others who were unable to escape enslavement, disappeared without leaving a trace, and would never see their life stories preserved in the archives.

