

Slavery and Liberalism in the Empire of Brazil (1822-1889): Historical and Legal Aspects of an Incoherent Relation

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Abstract

This article aims to contribute to studies that analyse the concepts of liberalism and its theoretical limits. Our background is the construction of the Empire of Brazil (1822 - 1889), specifically through the Constitution of 1824 in which the defence of individual freedom, civil and property rights were central points of its formulation. This liberal-biased Constitution coexisted with the restriction of the freedom of some, the enslaved, imposed by others, the slave owners. This maintenance of slavery coexisting with the ideals of liberalism could create the impression of a falsification of liberal ideas. The core of this paper is to analyse how the bases of slavery inherited from the colonial period were able to fit into a new liberal political structure. The research indicates that the end of slavery without any reparations to the former slaves generated social implications as discrimination based on race and persistent inequalities still relevant for modern day Brazil and that the apparent incoherence was not in the association of slavery and liberalism, but in the supposed dichotomy created between these two concepts.

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1. Introduction

The main economic activity during the Brazilian colonial period was the international trade, primarily based on the exportation of natural resources, all produced by the exploitation of slave labour. The trafficking of black people from the African continent to enslavement in Portuguese Brazil was one of the pillars of the colony's social structure. The enslaved worked in most of the daily activities, in the plantations and in the urban and domestic services. The domination relationship between masters and slaves was based on compulsory labour and the legal framework of private property. The enslaved were considered a tool that should fulfil the master's designs, being exchanged for new ones when their job capacity and, therefore, their value, deteriorated.

The maintenance of this system was based on several justifications to legitimize the enslavement of black people. The Catholic religious discourse had been used ostensibly as an excuse of introducing the Christian faith and overcome the so considered heretical or pagan African religions, and even in order to justify and endorse slavery of black by white people by the use of Bible passages (Bosi, 1992, p. 256). This mentality was not only intended to support the exploitation of slave labour. It created an abyss that separated masters from slaves. As José D'Assunção Barros demonstrated (Barros, 2008, p. 9), slavery

during the colonial period built the idea of a new identity, considered as a “black race”, in a reinterpretation that transformed the skin colour in an inequality in order to oppress and dominate.

The independence process urges the need to build a new national identity for the former Portuguese colony. The ideal of political liberalism gain importance in the constituent assembly debates but compete with the problem of a significant portion of the Brazilian society being captive. This heritage of colonization prevented what Sieyes (2001) understood as free association, the result of individual wills, as the nation is the gathering of individuals. It is impossible to conceive a legitimate association that does not have as its object common security, common freedom, in short, the public good (Sieyes, 2001, p. 69). Civil equality between men becomes the central element that makes possible the basis for the nation and justifies for the presence of the State and the public interest. Freedom, therefore, is understood by Locke (2006, p. 41) as a natural right which consists in not submitting to any obligation except that of the natural law.

The African slavery trafficking in the Atlantic Ocean was officially abolished in Brazil in 1850 by the Eusebio de Queiroz Law. Only in 1888, with the Golden Law, signed by Princess Isabel, daughter of the Emperor Dom Pedro II, the slavery was officially abolished in Brazil. The republic was established a year after, in November 15th of 1889.

In the republic, the former slaves were left without any reparations. Slavery lasted for more than 300 years and millions of Africans were forcedly brought to work in the country. The Empire tried to modernize the country by progressively incorporating liberal ideas that flourished in the 19th century Europe but failed. The social inequalities that still marks contemporary Brazilian society have a racial component and are strictly related to this historical period.

The coexistence between slavery and political liberalism in the consolidation of the Empire of Brazil and the country’s desire to figure among modern nations would seem incompatible. The Brazilian Imperial Constitution of 1824 and the subsequent laws maintaining this relationship aroused discussions about a falsification of liberal ideals in the imperial period or even a separation between two types of liberalism. That is the background debate of this paper.

2. Contextualizing the Empire of Brazil

Brazil was officially "discovered" in the year 1500 by the Portuguese expedition of Pedro Alvares Cabral and named as Vera Cruz’s Island. In the previous century, the Kingdom of Portugal had a centralized political and administrative structure, a necessary condition for territorial and economic expansion. However, the geographical location of the European country presented itself as an obstacle for expansion. By land, it was limited by the kingdoms that would become Spain. The only way for expansion was by the sea, using the expertise of navigation to constitute the Portuguese Seaborne Empire.

Efficient administrative structures were required to maintain control over geographically distant dominated territories by the metropolis. The structure firstly adopted in the State of Brazil was the Captaincies (capitanias hereditárias), administrative territorial divisions and hereditary lordships, to better manage the new possessions, spending the least amount of resources possible.

In 1530, due to the obstacles encountered with this model, the Portuguese Realm made active and direct control of the overseas possession through a forced "pact". The metropolis now had a monopoly on the exploitation of land resources and the commercialization of manufactured products. This relationship was known in Brazilian historiography as a "colonial pact" or colonial exclusivism and is similar to what Doyle (1986, p.19) classifies as an empire: "Empires are the relationships of political control imposed by some political societies over the effective sovereignty of other political societies."

During this period, sugar became the colony's main export product, being produced and refined in the northeast of the territory. The sugar production was made by slave labour which was already applied by the Portuguese administration in other parts of the Portuguese Empire. This was the first time African slave labour took place in Brazil. A striking feature of the Portuguese imperialist domination was the migration of a huge contingent of people. To consolidate the administrative bases and constitute a local elite, many Portuguese were emigrated. To constitute the productive base, thousands of Africans were traversed against their will to be enslaved on the other side of the Atlantic (Howe, 2002 p. 22).

These are the bases that structured what became known as "colony" and "colonization" in Portuguese possessions. The main point was the exploitation of natural resources. Secondly, even due to the need for territorial defence, was the establishment of settlements in the land. It seems, therefore, a conceptual difference with the term "colony" in the British exploration model until the 19th century, as Howe (2002) explains:

"a 'colony' was a place to which people migrated, and in which they farmed: the word 'plantation' also carried the same meaning and was used interchangeably. Thus, not all overseas possessions were called colonies: only ones where there was substantial British settlement (which also tended, of course, to mean places where the previous inhabitants were slaughtered or expelled). New England and New South Wales were colonies, Bengal or Bathurst were not." (Howe, 2002 p. 27)

Since the discovery of gold in the 17th century in Minas Gerais, in the south-eastern part of the country, the attention of the colonial administration has shifted to this region, to guarantee taxation on mining activities and prevent frauds. For that purpose, the capital of Portuguese America moves from Salvador to Rio de Janeiro in 1763, both to get closer to the main economic locality and to regulate the arrival of gold to the port and its exportation to Europe.

In 1808, to escape the siege of Napoleon's army to Portugal, Dom João, at the time prince regent, son of Queen Maria I of Portugal, together with the royal family and the court, left Lisbon and transformed the capital of the colony in the capital of Portuguese Empire. In 1815, the United Kingdom of Portugal, Brazil and Algarves was formally established, already having Dom João VI as sovereign, which allowed the rupture of colonial exclusivism and the opening of the Brazilian ports to friendly nations.

Finally, in 1822, Dom Pedro I, son of Dom João VI, declared independence from the united kingdom and proclaimed himself Emperor of Brazil. The institution of a monarchical government after independence followed a different path to what happened to Spanish colonies in America. However, the objective of the new regime was very clear: to preserve the bases inherited from the colonial period with the maintenance of a social and economic elite that prospered with the elevation of the colony position to a united kingdom.

In this way, the Empire of Brazil represented a continuity with the colonial period, but with fundamental ruptures that will consolidate the mechanisms of a constitutional monarchy in

America. The new regime maintains central control at Rio de Janeiro, preserving slave labour as the productive base, consolidating a political structure with alternating power between two parties, and positioning itself as a regional power based on political influence, wars, and interferences in other nations of Southern America. In addition, the new country had continental dimensions and huge ethnic diversity due to the native populations and the large number of people brought from several nations in Africa.

Howe (2002) conceptualizes empire as

"a large, composite, multi-ethnic or multinational political unit, usually created by conquest, and divided between a dominant centre and subordinate, sometimes far distant, peripheries. Imperialism is used to mean the actions and attitudes which create or uphold such big political units – but also less obvious and direct kinds of control or domination by one people or country over others." (Howe, 2002, p. 30)

It seems clear that the author's definition is more correlated to the European overseas empires, however, it helps to explain, conceptualize, and contextualize the self-proclaimed Empire of Brazil.

3. The Brazilian Liberalism

The sense of contradiction between a liberal inspired new society and a slavery structure becomes stronger when we analyse that the European liberalism of the beginning of the 19th century slowly starts to incorporate premises of free initiative, private property and the right to trade, precepts of political liberalism, whereas, the political elites of the first years of Brazilian independence, intended to preserve the social structures inherited from the colony. Slavery and, consequently, human trafficking, were not a problem for the rural exporting elite, but their main economic asset.

"[...] these same patriots had guaranteed, for themselves and for their class, the freedom to produce, to trade and to represent themselves on the political scene. That is the functional character of their liberalism. [...] Free trade, the first and main flag of the patriotic colonists, did not necessarily mean, and was not, effectively, the same of free labour. Economic liberalism does not produce *sponte sua* its social and political freedom." (Bosi, 1992, p. 198)

Liberalism in the new established country is seemed in two branches, which are sometimes repelled, sometimes intertwined. The economic liberalism that promotes free market and private property, guided by the *laissez-faire*, condemned legal restrictions that would affect its profits, enabled interpretations that would lead to the ultimate consequences of the will of autonomy of the owner citizen. This ideal had been used to justify human trafficking and, consequently, slavery. Bosi (1992, p.206) stated that a merchant on the Atlantic coast of Africa, evoking his rights as a free British citizen, free-born, said that the Magna Carta gave him the inalienable power to trade whatever he wanted, all his properties, furniture and real estate.

This “right” of free trade and property had been widely used by the Brazilian slavery advocates, which understood that the freedom of the capital demanded the total subjection of labour (Bosi, 1992, p. 209). The differences between economic and political liberalism

are guided by the different concepts of freedom. In John Locke's words, individual freedom would constitute a natural human right, free from any legislative authority, according to the natural law (Locke, 2006, p. 41). This notion puts in a superior position the individual's right to freedom in comparison to the freedom of trade and the private property. This question had been defended by José Bonifácio, one of the most important mentors of Brazilian independence and Secretary of State in his representation to the Constituent Assembly of 1823 in which he defended the end of the slave trade and the gradual liberation of slaves, as a condition for the formation of the Brazilian nation: "if the law should defend property, much more must defend the personal freedom of men, which cannot be owned by anyone, without attacking the rights of the Holy Providence, which made men free, and not slaves" (Silva, 1823, p. 38).

However, Bonifácio's representation has not been debated in the Constituent Assembly of 1823 because the Assembly was dissolved by the emperor D. Pedro I of Brazil which in 1824 presented the Constitution of the Empire of Brazil. Despite the monarch's movement of dissolving the Assembly and presenting his own text, a move that is characteristic of the Absolutism and the *ancient regime*, the new constitution brought serious inclinations to the economic liberalism, satisfying the interests of the exporting agrarian elites.

For example, the Article 179 outlined the inviolability of the civil and political rights of Brazilian citizens based upon liberty, individual security, and propriety. In the other hand, some inequalities that segregated parts of society were also found in the Constitution. The condition of "being set free" (*liberto*) to be considered a Brazilian citizen, excluded people in situations of slavery from the basic civil rights. In opposition to the ideals of political liberalism, the captive is:

"deprived of liberty, is subject to compulsory labour through extra-economic constraints, and particularly is subject to being classified as 'property' by another, who now has the power to define the fate of the slave in a totality of aspects. [...] In theory, the slave is individual property, and everything he produces belongs to the one who formally owns him. The absence of freedom extends here to the right to minimally dispose of one's own work." (Barros, 2008, p. 5)

The framework brought by the Constitution of 1824 built a nation in which the sum of the interests of rural economic elites represented the public and national interests. Its defenders saw no problem in the binomial liberalism and slavery because it kept intact the universal principle of private property and international free trade, which served both their own interests and European interests.

Although this contradiction was not only a Brazilian peculiarity, as Bosi points in Franklin Knight's reading about the liberalism implanted by Cuban elites. In those places, the European ideology goes through a process of "remodelling and adaptation" that filtered what was convenient to the local political elites (Knight, 1970, p. 221). Profit as a subjective priority guides the experiences, both old-fashioned and modern, of capitalism (Schwarz, 1977, p. 14), and materializes the legitimacy of the use of slave labour to generate it. The *laissez-faire* was taken up by Smithian economists in the southern United States to prove its profitable effectiveness.

"European economists, when trying to build systems of general application for all countries, basically continued to assume that their circumstances are natural and universal. We know that nations' wealth grows from widely different sources. For example, experience shows that

slavery in the South has produced not only a high degree of wealth, but also a greater sharing of happiness for the slave than occurs in many places where the relationship between employer and employee is based on wages." (Bosi, 1992, pp. 208-209)

Along the liberal discussions, many condemned the use of enslaved labour because of its low profitability compared to free labour. Authors such as Turgot, Steuart and Smith focused on the rationality of the operational costs of slavery to discourage this practice in Europe, as described by Jean-Baptiste Say:

"Their arguments are reduced to the following: a man who does not work and does not consume on his own, works the least and consumes the most he can; he has no interest in dedicating to his work the intelligence and care capable of ensuring his success; the excessive work with which he is burdened shortens his life, forcing his master to costly substitutions. Finally, it is the free servant who manages his own maintenance, while the master is responsible for the maintenance of his slave; since it is impossible that the master manage to maintain the slave with as much economy as the free servant, the slave's service must cost more". (Say, 1986)

Although Adam Smith's orientations about free work being more ethical and allowing the employer to exempt the costs of maintaining his employee, the author flexes his argument when speaks about slavery in the colonies. Smith's considerations revolve around administrative methods aimed at boosting revenues and reducing ill-treatment, so he states that "[...] just as the profit and success of the cultivation carried out by the cattle depends a lot on the good management of that same cattle, also the profit and success of the culture carried out by the slaves will also depend on the good management of these slaves" (Smith, 1776, p. 138). Likewise, a proper "[...] treatment not only makes the slave more faithful, but also makes him more intelligent and, therefore, more useful" (Smith, 1776, p. 139). The gap left by Adam Smith regarding the incompatibility of slavery and liberalism was used by some of his criticizers, as saw earlier, as well as the fact of considering only the economic cost-benefit relation in the workforce choice. For Say, philanthropist authors "[...] believed that the best way to remove men from this infamous practice was to demonstrate that it is contrary to your own interests".

However, Adam Smith reinforces the profitability of slave labour in European colonies until the beginning of the 19th century. The author links the gradual reduction of slave-work profit to a duality between falling prices in the international market, due to the growth of competition, and the impossibility of maintaining compulsory work due to "[...] proximity to liberated black nations or even black citizens" (Bosi, 1992, p. 216).

4. Slavery and the New National State

If slavery was not a problem in the colonies, even justified by economic liberalism and its premises, in Europe, freedom between men and legal equality were necessary for the consolidation of the idea of nation. The nation is defined by Sieyes as the free association that includes individual wills in order to guarantee common security and freedom, where the limits to particular interests defined by society prescribe mechanisms that protect collective interests (Sieyes, 2001, p. 69). Thus, freedom is no longer a privilege possessed

by few, that can be used to subjugate others. Sieyes understands that “[...] from the moment a citizen acquires privileges contrary to the law, he is no longer part of the common order. Their new interest is opposed to the general interest”.

The hegemonic project in the Brazilian post-independence period contrasts with the European liberalism assumption and bases national construction on an intertwining of traditions inherited from the colonial period with the premises of the international exportation market. This adaptation, at first, could mean that ideas would be out of place, however, as Roberto Schwarz explains, this is not the thesis, but the starting point for the problem.

While the relationship between master and slave was guided by the appropriation of the slave freedom by the master, the relationship between the free man's and the employer was defined through dependence in the access to the goods and services of social life, mediated through the logic of favour and exercised by the logic of class of those who owned means against those who were dispossessed. Those were the two poles of a mechanism for the domination of the local economic elites, which constituted the structure of Brazilian colonial society and were perpetuated with independence. However, gradually, the incorporation of one by the other enabled the maintenance of the status quo and a more pleasant modernity appearance.

"Thus, with a thousand forms and names, the patronage crossed and affected the national existence as a whole, except for the basic productive relationship, which is ensured by force. Patronage and favour are our almost universal mediation and being considered more sympathetic than the slavery, the other characteristic that we inherit by colony, it is understandable that the writers had based their interpretation of Brazil on it, involuntarily disguising the violence, which has always dominated in the sphere of production." (Schwarz, 1977, p. 16)

Far from a simplistic definition, slavery ideals remained quite strong among agrarian elites. Such situation worried José Bonifácio about the direction that the Imperial Constitution would take, “[...] how can there be a liberal and long-lasting Constitution in a country continually inhabited by an immense multitude of brutal and enemy slaves?" (Silva, 1823, p. 32). Despite Bonifácio's apparent defeat, the Brazilian Constitution of 1824 and subsequent laws would gradually implement the foundations of his thinking. The maintenance of economic liberalism respecting individual freedom, as a natural right of man, gradually start the liberation of the slaves, ending up the slave trade, transforming their status, from captives to customers.

"This is not only our duty, but our greatest wish, because only then can they hope to one day become our equal in rights, and begin to enjoy the freedom and nobility of the soul, they will serve us with fidelity and love; enemies will become friends and customers." (Silva, 1823, p. 40)

Patronage (clientelism) was based on a structure of exchanging favours and benefits that included everything from small relationships between landowners and rural workers to appointments to public offices. This dependence led free men to become aggregates of local oligarch leaders - who had access to public, religious, and private services under their web of influence - in exchange for electoral loyalty and, in some cases, for fighting rival leaders.

"From the family, household members, and other dependents, a farmer formed his entourage, or clientele. Customers depended on their boss, and in return they offered him loyalty. For this, it was not important whether

the specific case belonged to the political or the economic sphere: a patron could either offer a job or protect his dependents from any claims of authority alleged by others." (Graham, 1997, p. 39)

We can link this process with what Pierre Bourdieu defines as symbolic power, an invisible power which can only be exercised with the complicity of those who do not want to know that they are subject to this power or even exercise it (Bourdieu, 1999, pp. 7-8). Therefore, it is a type of manifestation of power that can only be mobilized and carried out with the involvement of subjects or with the participants in the production of this power in a relational way, whatever the side in which the people involved manifest themselves, in symmetry or asymmetry of the relationship.

The power of local leaders had been enhanced in the regency period (1821-1823) because the National Guard was considered the organization responsible for maintaining the local order. The local leaders directly influenced the officer's elections. The Additional Act of 1834, at first, increased the autonomy of the City Councils through an interpretation that granted them the premise to select a list of candidates who would be designated as municipal judges. Bureaucratic and judicial institutions, as well as others, functioned in the logic of patronage, despite proclaiming the forms and theories of the bourgeois state (Schwarz, 1977, p. 18).

"For a local chief who worked systematically to compose an entourage, being appointed as a delegate or commander of the National Guard had an obvious attraction, allowing him to immediately propose the names of his sponsors and make them take office." (Graham, 1997, p. 274)

The universalism of liberal ideals was far from the clientelist relations of oligarchic Brazil, however, the institutions and economic elites adopted them "[...] with pride, in an ornamental way, as proof of modernity and distinction" (Schwarz, 1977, p. 26). The coexistence between both, as a result of complicity, is provided by the same logic of the favour practice, where "[...] neither part is interested in denouncing the other, although having all the elements necessary to do so" (Ibidem, p. 20).

"Despite the existence of the antagonism, it disappears, and the apparent incompatibility disappears together, hand in hand. This new composition is essential. [...] Liberalism would be secondary and favour the main element. Thus, with method, independence is attributed to dependence, utility to whim, universality to exceptions, merit to kinship, equality to privilege." (Schwarz, 1977, pp. 18-19)

This relation orientates the nation's position in the face of the demands of international market, by accommodating functional ideals of liberalism through a kind of "local filter", which seeks to safeguard the interests of the local hegemonic classes. Thus, for Schwarz, the favour policy (patronage) was not what falsified liberalism, it was what enabled the practical application of this ideology, "[...] what in Europe would be deeply criticized, among us [...], things like utilitarianism, selfishness, formalism etc. are like new clothes, but unnecessarily tight (Schwarz, 1977, p. 26)."

European liberalism, by defending free labour and legal equality, corresponded to appearances, and covered up the exploitation present in the system, functioning as an ideology. However, in situations where exploitation was open, liberalism assumes, in Schwarz's conception, the role of a second-degree ideology. Ideologies and symbolic expressions are formed in social and cultural practices that persist in time and space - where,

through the rhetoric of persuasion, they convince that particular interests would be taken as general needs (Bosi, p. 194).

In this way, Schwarz resumes Marx's reading in relation to Wakefield's work, where he would not have "[...] discovered something new about the colonies, but would have discovered in the colonies the truth about the capitalist conditions of the metropolis" (Marx, 1982, p. 256): *Sans phrase* slavery in the New World revealing what free labour really would be, a form of disguised slavery that prevailed in the metropolis (Ricupero, 2013, p. 529).

5. The Projects for Slavery Abolition – the Republican Liberalism

In the final years of the Empire, the agenda for the liberation of captives was still a secondary element in the reforms proposed by the Manifestos of the Liberal Centre of 1869 and 1870. Despite this, for Joaquim Nabuco, it represented an advance that raised the theme to social debates and projected the idea of wage labour as a medium-term project (Bosi, 1992, p. 228). Direct elections and free labour are the points that led Nabuco to see another liberalism in opposition to the slave and clientelism. The 1869 Manifesto is definitive in defining two unique paths for the nation:

"The reform, or the revolution. The reform to conjure up the revolution. The revolution, as a necessary consequence of the nature of things, as the absence of the representative system, the exclusivity and oligarchy of one party. There is no need to hesitate in choosing: Reform! And the country will be saved." (Bosi, 1992, p.230)

However, the liberal flags which convinced Nabuco and other abolitionists were tied to the interests of capital. The last point of the reform proposed in the 1869 Manifesto signalled the emancipation of slaves with the restriction that it would be "[...] consisting of the freedom of all the children of slaves who were born since the date of the law, and the gradual freedom of the existing slaves, in the way it will be declared in due time" (Bosi, 1992, p. 231). Those gradual restrictions in what was considered a property retrieved the discussions about the refund to masters and gradual emancipation, such points that separated the group from those who aimed for the emancipation of slaves as quick as possible from the group those who defended a transition from slave to free labour in a gradual manner and without major damage to the economy. "The abolitionists wanted to free the black; coffee farmers needed to replace the black" (Bosi, 1992, p. 241).

The Republican Party of São Paulo which condensed the main interests of coffee farmers in the centre-south of the country, at first, in the Manifesto of January 18, 1872, declared itself as federalist - in terms of the speed of implementation of the substitution of slave labour for free labour in each province - and defended the compensation for the slave masters by claiming the right to property. Whereas, in 1885, the party changed its conception and started to defend abolitionism through state intervention in the replacement of the work force, as demonstrated in the words of Deputy Prudente de Moraes.

"[...] the main issue is not the freedom of the slaves. The *Paulistas* do not resist, do not insist on this, what they do seriously question, and rightly so, is the substitution and permanence of work and that the government seriously takes care of employing the means that facilitate the substitution of slave labour, facilitating the acquisition of free arms that guarantee the

permanence of work, [...] the *Paulistas* will be satisfied and will not insist on giving up their slaves, even without compensation, because for them the true compensation is in the facility to obtain free workers, is in the substitution of work." (Bosi, 1992, p. 244)

The subsidy soon came in the years 1887-1888, when about 150,000 immigrants arrived in Brazil to work in the plantations (Bosi, 1992, p. 244). Still in 1888, the Golden Law was proclaimed and formally extinguished slavery in Brazil. The problem of wage labour was solved, however, there was no concern about insert the former slaves in this new working relationship, both at the end of the Empire and in the Republic. The former militants of the "new liberalism", Joaquim Nabuco and Rebouças, frustrated with what followed, maintained their loyalty to the monarchy and summarized republican liberalism as a "plutocratic regime" (Bosi, 1992, p. 244):

"What kind people are we involved with! Today I am convinced that there was not a share of love for the slaves, of altruism and self-denial in three quarters of those who called themselves abolitionists. It was more speculation! The proof is that they made this Republic and after that they only advocate the cause of the speculators, the thieves of finance, infinitely worsening the condition of the poor people. It is true that blacks are dying and because of alcoholism they are degrading even more than when they were slaves, because they are free today, that means, responsible, and before they were pure machines, whose fate God had put in other hands (if God ever consented to slavery); but where would the propagandists of the new crusade be? This time none would even be believed. [...] We were involved with financiers, not puritans, with bankruptcy bankers, loan sharks mercenaries, etc.; we had everything but sincerity and love for the oppressed. The transformation from abolitionism to stock market republicanism is as shameful at least as that of slavery."

6. After the Abolition of Slavery - Legal and Social Implications

Despite the abolition of slavery in 1888, the former slaves were not fully incorporated in the new social structure. Despite the legal framework having abolished compulsory labor, racism was ingrained in State institutions. This structural racism was one of the reasons that led the imperial and republican governments to establish policies to attract European immigrants. European immigration was considered a way to "whiten" the nation and make possible the paths for technological and moral progress. The black race was associated with material backwardness, indolence, and the vices of society.

During the period of emancipation, most ex-slaves, unable to compete with relatively more skilled, relatively more literate European workers, were soon relegated to the lowest positions – unskilled labour and domestic service, tenant farming and sharecropping – in the urban and rural workforce (Hasenbalg and Huntington, 1982, p. 130).

On the one hand, it is a fact that since the end of slavery in Brazil, the national legal system has not established any distinctions between the rights of white people and black people. Brazil did not have laws of racial segregation or apartheid, like the United States or South

Africa. On the other hand, it is not true that in the post-slavery period there is total equality of opportunity between blacks and whites in contemporary Brazil.

Without the structures of colonialism, it was necessary to constitute a new form of domination, a narrative that, through physical anthropology and other sciences, intended to prove supposed differences between the “races”, and the superiority of whites over the others. Thus, the oppressions that in other parts of the world were explicit and openly based on the racial element, in Brazil are veiled.

This mechanism consolidates the “myth” of racial democracy by which the exploitation and horrors of slavery would have been magically resolved. From then on, the new social dynamic would be guided by the liberal ideas of meritocracy and harmonious coexistence between the races. However, that was not the case. Racism, oppression, and inequalities resulting from slavery would continue to be present in Brazilian society.

This relationship became evident in an episode that took place 22 years after the end of slavery, which is known as The Revolt of the Lash¹. In the imperial period, slaves, ex-slaves, and prisoners were recruited to serve in the Navy. The highest-ranking sailors were white, and the lowest-ranking sailors were black, who could never become officers. Thus, the labor relations present in Brazilian society were reproduced in the Navy, with mistreatment, very low wages and physical punishment being common as a form of disciplinary punishment.

In 1910, in Rio de Janeiro, outraged by the punishment of 250 lashes given to the black sailor Marcelino Rodrigues Menezes, the Brazilian sailors insurrected, taking control of the ships and aiming the cannons towards the country's capital. Led by João Cândido Felisberto, “The Black Admiral”, they demanded the government to put an end to what they called “slavery” practiced by the Navy.

The consequences of slavery remained present in the Brazilian society throughout the twentieth century, until today. According to data from the United Nations Development Program, in 2010 the average income of the white population was more than double that of the black population (UNDP, IPEA, FJP 2017, p.15). The National Prison Information Survey shows that 64% of the prison population in Brazil, the third largest in the world, is black (INFOPEN 2017, p.32). In female prisons, 68% of inmates are black women (INFOPEN Women 2014, p.24).

According to United Nations Office on Drugs and Crime (2017), in Brazil, seven out of ten people murdered are black. In the 15-29 age group, five lives are lost to violence every two hours. From 2005 to 2015, while the homicide rate per 100,000 inhabitants dropped by 12% for non-blacks, blacks increased by 18.2%. Regarding police violence, Ignacio Cano claims that in the city of Rio de Janeiro civilian victims of police interventions are significantly darker than the general population. Blacks are more than 3 times more likely to be wounded or killed by police than would be expected by their share in the population (Cano, 2010, p. 37).

In the socio-economic aspect, Venturini and Feres Junior (2016) shows us the face of this racial inequality in the Brazilian Judiciary. Brown and black were 14.2% and 1.4% of all country judges, respectively. These numbers fall rather short of the proportion of these same groups in Brazil’s population, 43.13% for browns and 7.61% for blacks. In the Higher Courts whites take up 89.9% of all posts, while blacks take 1.3% and browns 7.6%. As

¹ In Portuguese, “Revolta da Chibata”. For further details, the authors recommend: Lopes (2000)

Carlos Hasenbalg and Suellen Huntington (1982, p. 138) points out, about social mobility in Brazil:

"Non-whites consistently obtain less education than whites of the same social background; even with educational achievement controlled, non-whites tend to cluster at lower occupational levels than whites; and, also with education controlled, non-whites consistently earn markedly less than whites. Thus, the returns to education, in both occupation and income, show sharp differentials favouring Brazilian whites."

The social inequalities that still marks modern day Brazil can be considered as consequences of three centuries of slavery. There is notably a racial component in this relation. As Cooper (2005, p. 232) says:

"It is correct and important to point out the dangers of writing the history of emancipation in a way that ignores how the marking of slavery (and, later, of colonialism) as evil also marked other forms of labor exploitation and social discrimination as acceptable, or which misses the way in which some abolitionists made the difficulties of ex-slaves to make their way in the "free" labor market appear to result from their failures, their lacks."

7. Conclusions

The first liberals in Brazil had to fight many battles. Firstly, it was necessary to cooperate and to coexist with a monarchical regime, represented by the absolutist dynasties of the Braganzas and Habsburgs, which tended to centralize the political power, while new republics were establish throughout South America. Secondly, liberals had to fight the local landlord's oligarchy which tended to maintain the status quo inherited from colonial times, preserving the agrarian-based economy produced by the exploitation of slave labour.

Nevertheless, the seeds of the liberal ideas that took place after the American and French Revolutions begin to flourish in the early years of Brazil. With the Independence from Portugal, the Brazilian Constitution of 1824 incorporated liberal concepts as individual freedom, civil and property rights, leading to the contradictions and incoherence of coexisting with slavery as the country's fundamental economic asset.

In this sense, as the article argued that, in relation to the institutional legal-historical process of slavery in Brazil, that the incompatibility of slavery and liberalism melts into air in the face of the laissez-faire's fierce defence. Despite forced work being an anomaly to liberal ideas, it filled the functional bias of this ideology: the profit. The idea of falsifying the system under the logic of patronage does not apply because it does not make the nation's position unfeasible in the international market. On the contrary, slave labour and patronage brings to the spotlight a relation of exploitation that in Europe needed to be disguised.

The adaptations and remodelling that liberalism experienced in the Empire of Brazil were ways of accommodating it to the interests of local economic elites, preserving profitability. Political liberalism, by condemning slavery and safeguarding the freedom, enhances the productive rationality, as considering the slave a property that can be sold, but not fired. The free worker, at this point, gives his boss more freedom, in addition to immobilizing less capital (Schwarz, 1977, p.14). Thus, free labour allows another type of dependency,

generated by the exploitation of free labour through the unequal relationship between the possessors and the dispossessed.

Finally, the abolition of slavery in Brazil did not result in the incorporation of the former slaves in the new social structure designed. The end of legal framework that legitimated slavery led to new forms of social and racial discriminations in the republic. The paper sought to demonstrate that the social inequalities that still marks contemporary Brazilian society have a racial component that is related to more than three hundred years of economic exploitation of black forced labour.

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