




RESEARCH ARTICLE

# The Political Economy of Punishment: Slavery and Violence in Nineteenth-Century Brazil and the United States

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## Abstract

This article analyzes slave resistance, capital crimes, and state violence in the Mississippi Valley and the Paraíba Valley – two of the most dynamic plantation economies of the nineteenth century. The research focused on the intersection between slavery and criminal law in Brazil and the United States. The analysis of capital crimes committed by enslaved people in Natchez and Vassouras revealed changing patterns of resistance and judicial punishment through the decades. This investigation demonstrated that local experiences of violence on plantations and in courtrooms were connected to the dynamics of national politics and the world economy. Moreover, this comparative study illuminated differences between these racialized slave societies and their political systems and revealed the essence of distinct regimes of racial violence in the Americas.

## Introduction

In early January 1852, Bill was under the whip of his owner, Matthew Lassley, when he struck back with lethal effect. In the courthouse of Natchez, Mississippi, he and his counsel justified the killing for maltreatment on the plantation, presenting a medical certificate for fractured bones and wounds. The testimonies of his fellow enslaved supported his claims. The prosecutor even considered the hypothesis of a conspiracy among Lassley's enslaved men against his life. Yet, he failed to prove it. The evidence against Bill convinced the jurors to acquit him of murder. He was instead convicted of manslaughter – a non-premeditated crime. Based on technical errors, his counsel succeeded in petitioning for a new trial. In December, the defendant re-entered the courthouse. Once again, he pleaded self-defense, the jurors acquitted him of murder, and he was convicted of manslaughter. These two crimes had different penalties for free defendants, but not if they were committed by enslaved men. Both offenses were punishable by death. Still, a second jury voted for a symbolic minor conviction. A motion for a third trial postponed Bill's fate, but before he headed to court again, he died in jail, the victim of a yellow fever epidemic. It was the early 1850s when

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an enslaved man had killed his master in the Mississippi Valley, two white juries had refused to convict him of murder, and he did not find his end at the gallows.<sup>1</sup>

More than two decades later, in October 1879, José Bastos Oliveira was chastising Manoel on a coffee plantation in the Paraíba Valley when Gil attacked him, followed by his fellow enslaved, Justiniano, Marciano, and Joaquim. Leaving the overseer's corpse behind, they marched toward the city of Vassouras – according to them, to be free. Carrying hoes and sticks, they met their owner on a horse along the way. They refused to take off their hats and challenged their master. He had hired the overseer to beat them; instead, the overseer was beaten. They continued on their way until they arrived at the police station, where they put down their weapons and surrendered. The prosecutor accused only Manoel and Gil of murder, assured that the others had hit the overseer's body after he died. During the trial, both confessed to the crime. They planned to kill the overseer previously if his unfair punishments continued. Witnesses registered that the crime was part of their strategy to be convicted and leave slavery behind. Their counsel convinced the jurors that the victim was no longer the overseer of the plantation, thus it was not a capital crime. The judge sentenced them to suffer 400 lashes each and to carry irons on their necks for two years. It was the late 1870s when those enslaved men had killed an overseer, a jury of freeholders had convicted them for a minor crime, and, after their whipping, they had returned to their plantation.<sup>2</sup>

Violence was constitutive of every slave society. However, patterns of punishment and resistance differed across time and space. Separated by decades and thousands of miles, both crimes reveal similarities and differences between slavery and criminal justice in nineteenth-century Brazil and the United States. In the Mississippi Valley's cotton fields and the Paraíba Valley coffee plantations, enslaved people worked under the lashes of masters and overseers, fighting for degrees of autonomy. The plantation's unwritten rules were constantly under negotiation, and their violation could result in violent reactions. Bill, Manoel, and Gil had had enough. The murder of masters and overseers was the ultimate crime in slave societies, along with insurrections. The freemen community eventually responded with extralegal violence; more frequently, the enslaved criminal faced trials and suffered harsh legal penalties.

Bill, Manoel, and Gil made their own history, albeit under extreme circumstances. It is the historian's privilege to reframe stories as part of a broader narrative, revealing their historical significance. An early generation of historians has emphasized the structural constraints of slavery, while, in recent decades, scholars have focused on the agency of enslaved people. These episodes seem to reinforce the latter perspective. Still, without disregarding the individual experiences of these men under captivity, their resistance can only be fully comprehended within the material constraints that conditioned their actions. Second, a social history of legal systems must avoid abstractions of formal procedures and the law by analyzing their dynamic in social life. In this sense, plantations and courthouses were political arenas wherein enslaved people, overseers, masters, and judicial authorities disputed notions of justice. Finally,

<sup>1</sup>*State v. Bill* [1852], Adam County Courts Record, Historic Natchez Foundation.

<sup>2</sup>Criminal Record for Murder, Manoel and Gil, 1879, Arquivo do Tribunal de Justiça do Rio de Janeiro / Instituto do Patrimônio Histórico e Artístico Nacional [hereafter, IPHAN], Vassouras, Rio de Janeiro.

the relationship between crime and punishment must be denaturalized since violence results from both individual actions and a complex network of economic, political, and cultural variables.<sup>3</sup>

This research therefore analyzed capital crimes committed by enslaved people and judicial punishment in the Mississippi Valley and the Paraíba Valley – two of the most dynamic slave economies in the Americas during the nineteenth century. This article is organized into three parts. The first part narrates the expansion of slavery and the remaking of slave and criminal law under the constitutions of Brazil and the United States. The second and third parts analyze capital crimes in two paradigmatic cities of those plantation societies: Natchez and Vassouras (Figures 1 and 2). Finally, the concluding section presents the results of this comparative study by revealing patterns of slave resistance and state violence in these slave societies during three periods: the expansion of agricultural frontiers in the early nineteenth century; the formation of mature slave societies in the mid-nineteenth century; and the crisis of slavery in the late nineteenth century.

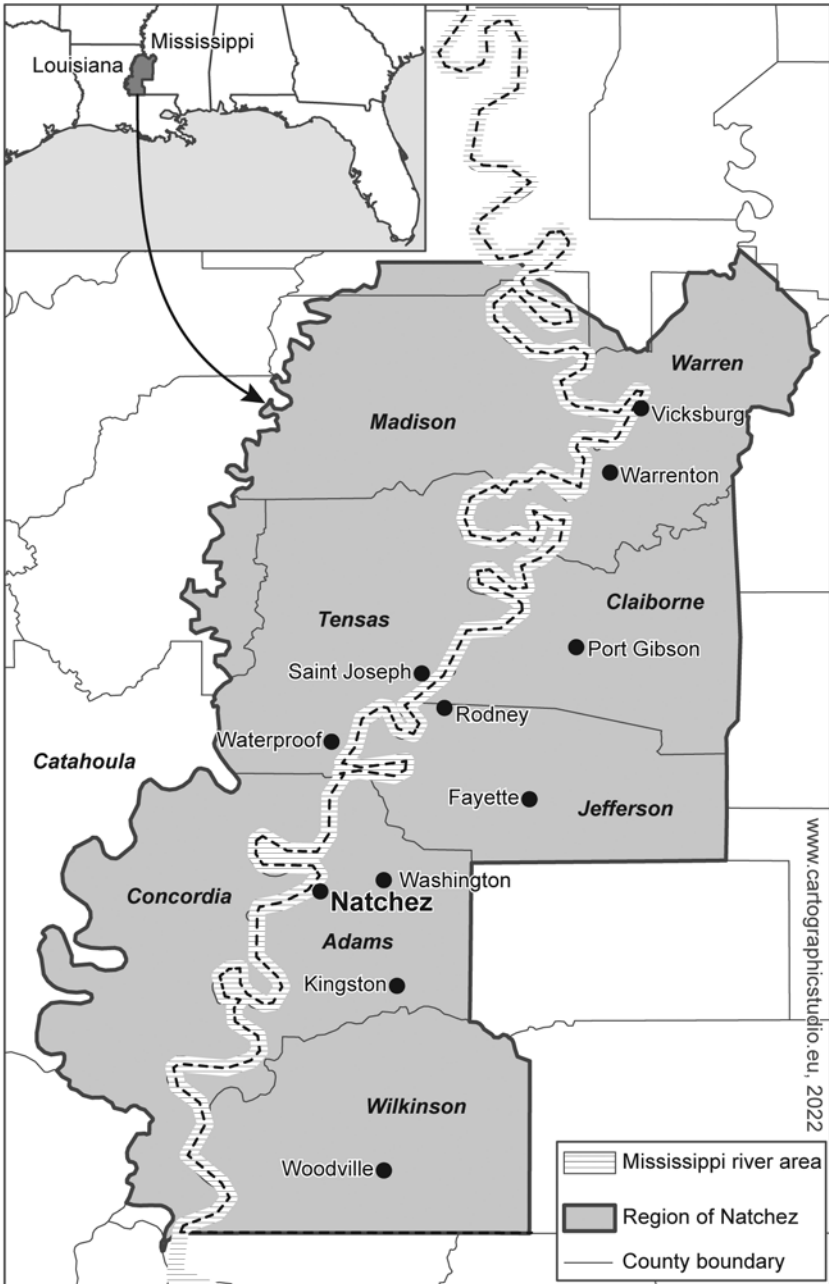
### Slavery and Criminal Law in the Age of Revolutions

When enslaved men and women of Saint Domingue rose up in arms in the late eighteenth century, the United States was the only independent country in the Americas, and Brazil was still a Portuguese colony. From the Caribbean, contradictory forces announced the end of colonial slavery, creating the conditions for the expansion of new slave regimes connected to the world market after the Industrial Revolution. Napoleon's defeat in the Atlantic reoriented the French empire toward Europe, which led to the Louisiana Purchase, the Continental Blockade against Britain, and the invasion of the Iberian Peninsula, forcing the Portuguese royal family to flee to Brazil. Seeking supplies, the colonial government built roads connecting Rio de Janeiro, the new capital, to Minas Gerais, opening lands through the Paraíba do Sul River, where sugar and coffee plantations were established. In the southern Mississippi Valley, now fully controlled by the United States, sugar production spread in areas near New Orleans while cotton fields took over the landscape of Natchez.<sup>4</sup>

The spectrum of insurrection still haunted the continent in the first decades of the nineteenth century, as rebels demonstrated in the mature slave societies of Bahia,

<sup>3</sup>On the political economy of slavery in nineteenth-century Brazil and United States, see Rafael Marquese and Dale Tomich, "O Vale do Paraíba Escravista e a Formação do Mercado Mundial do Café no Século XIX", in Keila Grinberg and Ricardo Salles (orgs), *O Brasil Imperial, Volume II - 1831-1870* (Rio de Janeiro, 2009), pp. 339-383; Ricardo Salles, *E o Vale era Escravo, Vassouras, Século XIX, Senhores e Escravos no Coração do Império* (Rio de Janeiro, 2008); Tâmis Parron, "A política da escravidão na era da liberdade. Estados Unidos, Brasil e Cuba, 1787-1846" (Ph.D., Universidade de São Paulo, 2015); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, 2013); Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (Boulder, CO, 2014); Adam Rothman, *Slave Country: American Expansion and the Origins of the Sul Profundo* (Cambridge, MA, 2005); Sven Beckert and Seth Rockman (eds), *Slavery's Capitalism: A New History of American Economic Development* (Philadelphia, PA, 2016).

<sup>4</sup>See Dale Tomich, *Through the Prism of Slavery: Labor, Capital, and World Economy* (Lanham, MD, 2004), pp. 56-71; Johnson, *River of Dark Dreams*, pp. 18-45; Marquese and Tomich, "O Vale do Paraíba Escravista".



**Figure 1.** The region of Natchez, between the states of Louisiana and Mississippi, in the Mississippi Valley, nineteenth century.

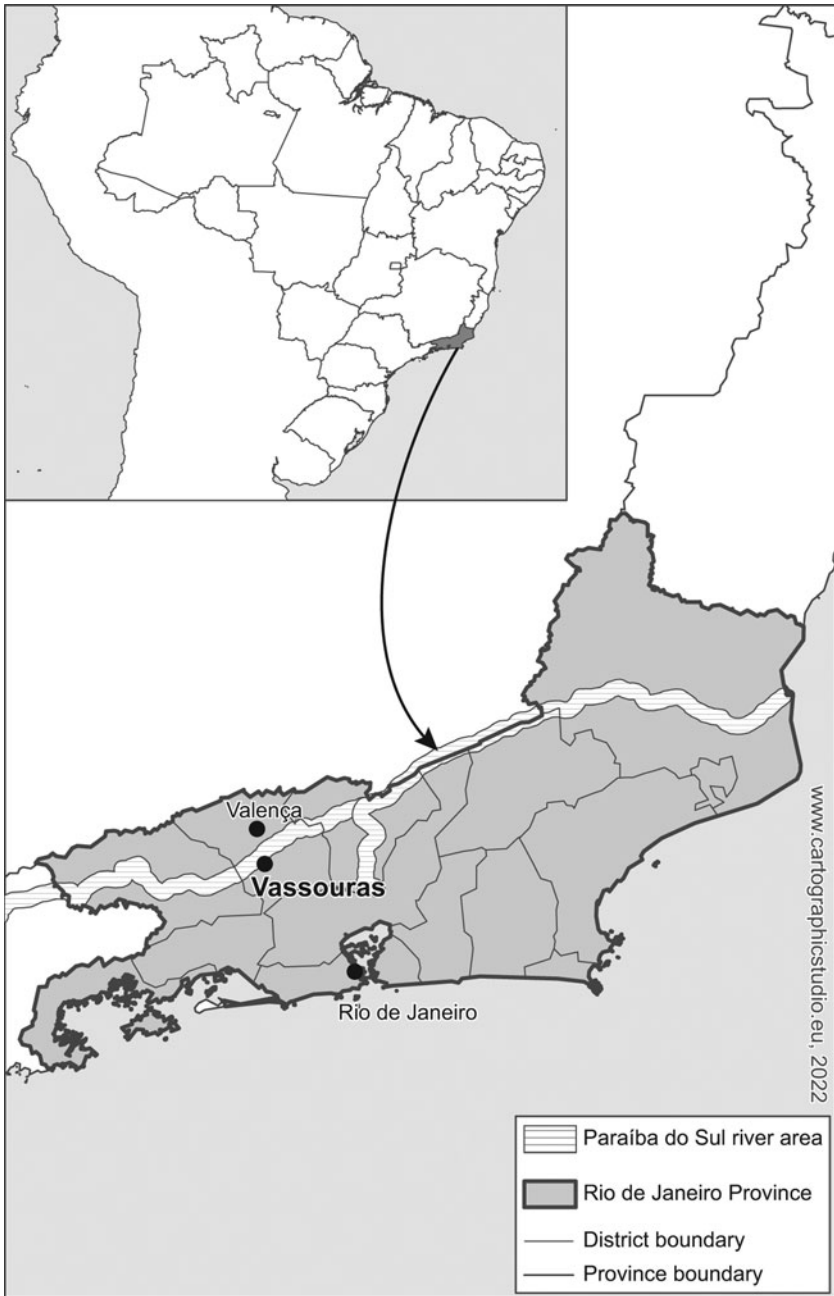


Figure 2. The region of Vassouras and the Paraíba Valley in the Province of Rio de Janeiro, nineteenth century.

Minas Gerais, South Carolina, and Virginia, and in the new slave zones of the Mississippi Valley and the Paraíba Valley. However, slave resistance in Brazil and the United States did not have the same disruptive effect as it did in Haiti. Instead, the struggles of the enslaved reinforced planters' alliances and informed the building of repressive state apparatuses. Strategic constitutional silences not only legitimized enslaved people as private property, but also the expansion of slavery itself, assuring legal certainty for the continuity of the slave trade. The prohibition of the Atlantic commerce of Africans – in 1808 in the United States and 1850 in Brazil – did not include the national trade. Moreover, the infraconstitutional legislation reinforced state institutions in favor of slaveholders and as a system of control over the enslaved population, especially in criminal law.<sup>5</sup>

In the United States, each state assembly created local legislation. The slave codes prevailed, establishing specific norms, crimes, and punishments for the enslaved. This dual system was a colonial tradition in Virginia, South Carolina, and Louisiana. Capital crimes were similar in all slave states, including insurrection, murder, or assault of masters and their families, murder of white people, arson, and rape of white women. Most violations were solved by “plantation law”, under the domestic sovereignty of masters, while the justices of the peace were responsible for judging crimes, ruling a jury of freeholders. Mississippi was exceptional for including references to the enslaved in the general state code, and for making capital crimes committed by enslaved defendants a jury's responsibility.<sup>6</sup>

The Brazilian Congress, on the other hand, approved one criminal code and one criminal procedure code for the entire territory in the early 1830s, including few references and specificities for enslaved people. Only insurrection and murder were capital crimes, and both enslaved and free defendants were tried by jury. After a series of slave rebellions, the parliament approved a special law in 1835 that imposed special courts for crimes committed against masters, overseers, and their families. Legal procedures were accelerated and simplified: there would be no right to appeal, and the execution of the death penalty would be immediate – except by the emperor's prerogative of grace.<sup>7</sup>

<sup>5</sup>For studies on slave resistance, see João José Reis, *Rebelião Escrava no Brasil. A História do Levante dos Malês em 1835* (São Paulo, 1986); Eugene Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, LA, 1979). On slavery and the constitutions, see Parron, “A Política da Escravidão”; David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York, 2009); James Oakes, “‘The Compromising Expedient’: Justifying a Proslavery Constitution”, *Cardozo Law Review*, 17:6 (1996), pp. 2023–2056.

<sup>6</sup>On the slave law in British colonies and the United States, see Edward Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, MA, 2018); Thomas Morris, *Southern Slavery and the Law, 1619–1860* (Chapel Hill, NC, 1996); Mark Tushnet, *The American Law of Slavery, 1810–1860* (Princeton, NJ, 1981); Philip Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705–1865* (Baton Rouge, LA, 1988); Daniel Flanigan, “The Criminal Law of Slavery and Freedom, 1800–1868” (Ph.D., Rice University, 1987). For a comparative perspective of slave law in the Americas, see Ariela Gross and Alejandro de la Fuente, *Becoming Free, Becoming Black: Race, Freedom, and Law in Cuba, Virginia, and Louisiana* (Cambridge, 2020).

<sup>7</sup>On the Portuguese slave law tradition, see Sílvia Hunold Lara, “Legislação sobre Escravos Africanos na América Portuguesa”, in José Andrés-Gallego (org.), *Tres Grandes Cuestiones de la Historia de Iberoamérica* (Madrid, 2005). On the slave criminal law in the Brazilian empire, see Jurandir Malerba, *Os Brancos da Lei. Liberalismo, Escravidão e Mentalidade Patriarcal no Império do Brasil* (Maringá, 1994); Vivian Costa,

Despite the different legal traditions and institutional framings, both countries built criminal justice systems that legitimized slavery and subjected enslaved people to corporal punishment and regimes of exception under the rule of law. The monopoly of violence principle was adapted in these slave societies since slaveholders and legal authorities shared the right to punish and control enslaved people. Thus, public security in both Brazil and the United States depended on an *oligopoly of violence*. The overlapping sovereignties of slaveholders and the state reinforced an alliance that sustained slavery in the first half of the nineteenth century. However, this alliance became fractured during the later political crisis, as the Mississippi Valley and Paraíba Valley courthouses and the trials of Bill, Manoel, and Gil reveal.<sup>8</sup>

### Capital Crimes and Punishment in Natchez, Mississippi

Natchez was founded by the French in 1716 and governed by Spain and then the British in the second half of the eighteenth century. Following the independence of the United States, the city became the capital of the Mississippi Territory when the cotton frontier expansion reframed its landscape. The Louisiana Purchase nationalized the port of New Orleans and navigation through the Mississippi River, intensifying the cotton economy and the internal slave trade. Stimulated by high cotton prices in the 1830s, planters expanded fields and intensified their workers' productivity. Recently arrived from the Upper South trade, many enslaved workers registered the higher labor intensity in the Deep South. Slavery became a major political topic in that same decade after the rising of Garrisonian abolitionism and Nat Turner's rebellion. The convergence of contradictory forces made the cotton frontier a terrain of struggle.<sup>9</sup>

In February 1833, Thomas Coats was working as an overseer on William Lintol's plantation when he decided to chastise Nat for not answering his calls. The enslaved man tried to bargain for fair punishment, keeping his clothes on. Coats insisted he stripped and laid down. Nat refused and attacked the overseer with a knife, injuring his hand, before fleeing to the woods. Almost one year later, he shot his fellow

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"Codificação e Formação do Estado-Nacional Brasileiro. O Código Criminal de 1830 e a Positivização das Leis no Pós-Independência" (Master's thesis, Universidade de São Paulo, 2013); Maria Helena Machado, *Crime e Escravidão. Trabalho, Luta e Resistência nas Lavouras Paulistas, 1830–1888* (São Paulo, 2014); João Luiz Ribeiro, *No Meio das Galinhas as Baratas não têm Razão. A Lei de 10 de Junho de 1835, os Escravos e a Pena de Morte no Império do Brasil (1822–1889)* (Rio de Janeiro, 2005); Ricardo Pirola, *Escravos e Rebeldes nos Tribunais do Império. Uma História Social da Lei de 10 de Junho de 1835* (Rio de Janeiro, 2015).

<sup>8</sup>On the intersection between private and public prerogatives of violence, see Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA, 1982). On the concept of "regime of exception" in slave societies, see Achille Mbembe, *Necropolitics* (Durham, NC, 2019), pp. 66–92. An analysis of slavery and criminal law in the nineteenth century must include Cuba and the specificities of this colonial regime. Enslaved defendants who committed capital crimes on the island were subjected to colonial laws and eventually tried by military courts. This was a more explicit regime of exception since these legal institutions were not under the Spanish constitutional regime. Despite these differences, criminal justice systems in Cuba, Brazil, and the American South were founded on regimes of exception.

<sup>9</sup>See Anthony Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill, NC, 2007); Charles Sydnor, *Slavery in Mississippi* (Columbia, SC, 2013); Johnson, *River of Dark Dreams*.

enslaved Issac and was captured before fulfilling his goal of killing the slave driver and the overseer. In court, the jury condemned the defendant for assault with the intention to kill a white person, a capital crime punishable by death in Mississippi. Nat's story is one among others that reveal the social tensions in Natchez during the 1830s cotton boom.

The struggle between the enslaved population, overseers, and masters reshaped the Mississippi Valley. If the plantation represented domestic sovereignty, enslaved men turned cabins and woods into spaces of relative autonomy. On the other hand, the city of Natchez was the state's domain. Capital crime exceeded the jurisdiction of the plantation, and restoration of the slave order took place at courthouses, prisons, and gallows. In August 1838, Eliza left the public jail after one year of responding in court for the attempt to murder her mistress. Followed by a crowd and a military force, she walked toward the Bluff near Fort Rosalie. After pronouncing some inaudible words, the executioner hanged her. Among the viewers were enslaved people brought by their masters to witness the spectacle, who, according to a local newspaper, "appeared suitably affected". She was fourteen years old.<sup>10</sup>

The justice system followed constitutional and legal procedures, not always fulfilling the expectations or reducing the anxieties of the white population. In the summer of 1835, rumors of a large slave conspiracy in Madison County spread panic in the Mississippi Valley, including Natchez. A vigilance committee performed an extralegal investigation and condemned a few poor whites and dozens of enslaved men to death. Two years later, Eliza Horn accused Peter of assault, but he left jail after his master presented a habeas corpus in his favor, promising to bring him to trial. He never presented himself again. One year later, the case was dismissed under the formal register that "to the satisfaction of the court", the defendant "hath departed this life". Apparently, the attack on a white woman, possibly rape, demanded a parallel system of justice with the discreet consent of the court.<sup>11</sup>

Information on criminality before 1835 is scarce in Natchez. Still, there were at least six capital crimes committed by enslaved defendants between 1832 and 1838, three against overseers and two against masters. However, between 1838 and 1849, there was only one case. Mr. Ward was overseeing the wood chopping on George Tarleton's plantation in 1846 when David killed him with an ax. Despite his lawyer's attempt to challenge his coerced confession, he was condemned for murder. Unlike the 1830s hangings, his execution occurred discreetly in the jail yard. The decrease in slave criminality and trials for capital crimes demands explanations, as does the shift in the death penalty procedures.<sup>12</sup>

<sup>10</sup>*State v. Nat* [1834], *State v. Eliza* [1837], Adam County Courts Record, Historic Natchez Foundation. On the intersection between gender and slavery, see Deborah White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York, 1985); Stephanie Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill, NC, 2004).

<sup>11</sup>*State v. Peter* [1837], Adam County Courts Record, Historic Natchez Foundation. On the 1835 panic, see Joshua Rothman, *Flush Times and Fever Dreams: A Story of Capitalism and Slavery in the Age of Jackson* (Athens, GA, 2012); Johnson, *River of Dark Dreams*, pp. 46–62. Also see Kaye, *Joining Places*, pp. 169–170.

<sup>12</sup>*State v. David* [1846], Adam County Courts Record, Historic Natchez Foundation. Criminal Court Minutes, Books from 1835 to 1860, Adam County Courts Record, Historic Natchez Foundation. On the intersection between slavery, race, and sexual violence, see Diana Sommerville, "The Rape Myth in the



After the financial crisis of 1837, an economic depression extended through the 1840s. Planters slowed the expansion of cotton fields, and labor tasks stabilized. The decrease in the slave trade and the passing of time allowed enslaved men and women to establish families, creating community bonds. Natchez became a mature slave society based on an unwritten code negotiated through conflicts and bargains in previous decades. Criminality decreased partially because tensions were solved within the boundaries of plantations, subject to the negotiated unwritten rules that constituted a *moral economy of slavery*.<sup>13</sup>

Simultaneously, the formation of the Second Party System took the form of a *politics of slavery*, by silencing abolitionists and avoiding conflicts between northerners and southerners. The expansion of antislavery and abolitionist institutions encouraged politicians and jurists in the South to elaborate proslavery ideologies and promote legal reforms to legitimize slavery under liberal principles and prove the modernity of southern civilization. Supreme Courts extended guarantees to enslaved defendants, quashing coerced confessions and convicting overseers and masters for unusual punishments and killings. These cases were exceptional but politically symbolic. Social sensibilities toward state violence also led authorities to avoid public spectacles of punishment, preferring prison sentences and death penalty executions within jail walls.<sup>14</sup>

However, when Bill entered the courthouse in 1852 having murdered his owner, Natchez and the United States were not the same. The increasing price of cotton, the expansion of the internal slave trade, and national political tensions in the 1850s affected the precarious balance of this mature slave society. After decades of agriculture, lands were not as fertile anymore, and the higher pressure in productivity destabilized the relationship between the enslaved, overseers, and masters. The killing of Matthew Lassley was the third capital crime in two years, but Bill benefited from the legal guarantees extended by courts in the previous decade. His lawyer convinced the jurors not to convict him of murder and succeeded in petitioning for new trials. The *moral economy of slavery* informed Bill's justification, reframed in a self-defense legal rhetoric. His death in jail was not an acquittal, but neither did it represent an immediate and violent restoration of the slave order. The absence of a public hanging had different meanings to the enslaved community and the white population, reinforcing anxieties.<sup>15</sup>

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Old South Reconsidered", *Journal of Southern History*, 61:3 (1995), pp. 481–518; *idem*, *Rape and Race in the Nineteenth-Century South* (Chapel Hill, NC, 2004).

<sup>13</sup>On the 1837 crisis, see Johnson, *River of Dark Dreams*, pp. 280–302; Baptist, *The Half Has Never Been Told*, pp. 75–144. On the making of enslaved families and communities and the political stability in mature plantation societies, see John Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1972); Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974); Herbert Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York, 1976), pp. 3–44; Kaye, *Joining Places*, pp. 21–50. On abolitionism in the United States, see Manisha Sinha, *The Slave's Cause: A History of Abolition* (New Haven, CT, 2016). On slave resistance in court, see Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, NJ, 2000); Kimberly Welch, *Black Litigants in the Antebellum American South* (Chapel Hill, NC, 2018).

<sup>14</sup>On the politics of slavery, see Parron, "A Política da Escravidão"; William Cooper, *The South and the Politics of Slavery, 1828–1856* (Baton Rouge, LA, 1992).

<sup>15</sup>*State v. Bill* [1852], Adam County Courts Record, Historic Natchez Foundation. On the concept of moral economy, see Edward Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century", *Past & Present*, 50:1 (1971), pp. 76–136. On the intersection between the internal slave trade

In November 1854, Frank and General met at the Natchez jailhouse. One had killed his master, the other, his overseer. The jury condemned both for murder, and the judge sentenced them to public hanging. On 22 December, they marched a mile south of Natchez, followed by a crowd of roughly 3,000, who witnessed their bodies being simultaneously dropped on the gallows. This was the first public execution of the death penalty in more than a decade. In the years that followed, political tensions reached a new level after the rise of Free Soil ideology and the Republican Party, especially during the elections of 1856 and the subsequent insurrection scares. A year later, Natchez's white population was scandalized by the murder of two overseers in the same neighborhood where Bill had killed his master. Henderson, Anderson, and Reuben murdered Duncan Skinner and simulated an accident, deceiving the investigator. When the body of a second overseer was found in a neighboring plantation, a private investigation led by planters and overseers discovered that Tom, John, and Reuben were responsible and that the previous crime had inspired them. In December 1857, six enslaved defendants entered the courthouse, and the jurors accepted as evidence the confessions obtained under torture by the extralegal committee, condemning five of them to be hanged. Weeks later, they marched toward their respective plantations, where white crowds and their fellow enslaved witnessed their hangings close to where the overseers were murdered. The spectacle of the death penalty was back, taking place in the slaveholders' domestic domain.<sup>16</sup>

During the 1860 election, insurrection scares became epidemic in the Mississippi Valley. It was after the beginning of the Civil War that anxieties climaxed, when talk of enslaved people gaining freedom led to white hysteria in Natchez. A vigilance committee imprisoned and tortured hundreds of enslaved and free black men and women for an alleged conspiracy in 1861, extending their investigations over every rumor or misbehavior until the arrival of Union troops. Between fifty and 209 black people lost their lives under the white terror.<sup>17</sup>

Analyzed through multiple lenses and scales, Bill's trajectory becomes part of a broader narrative. He was tried for one of the first capital crimes of the 1850s, as economic pressure and political tensions increased. The legal procedures and his rights were respected in court. However, the political and symbolic significance of slave resistance increased after the rise of abolitionism. Enslaved men from Bill's neighborhood murdered their overseers, trying to hide their crimes and pleading maltreatment – perhaps remembering Bill's fate. The eight capital crimes committed in that decade are far from representing a slave insurrection but they were symptoms of underlying tensions. Criminal justice became harsher, and the spectacle of the public gallows

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and slave resistance, see Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South* (Madison, WI, 1996).

<sup>16</sup>*State v. Frank* [1854], *State v. General* [1854], *State v. Henderson, Anderson, Reuben* [1857], *State v. Tom, John, Reuben* [1857], Adam County Courts Record, Historic Natchez Foundation. Also see the interpretation of Michael Wayne, *Death of an Overseer* (Oxford, 2001).

<sup>17</sup>On the alleged conspiracy and the extralegal investigation in Natchez, see Winthrop Jordan, *Tumult and Silence at Second Creek: An Inquiry into a Civil War Slave Conspiracy* (Baton Rouge, LA, 1993); Justin Behrend, "Rebellious Talk and Conspiratorial Plots: The Making of a Slave Insurrection in Civil War Natchez", *Journal of Southern History*, 77:1 (2011), pp. 17–52.



Figure 3. Enslaved workers on a coffee plantation in the Paraíba Valley, photograph by Marc Ferrez, c.1880s. Public domain.

returned. During the Civil War, the anxieties of the white population emerged, and formal justice was left behind.

### Capital Crimes and Punishment in Vassouras, Rio de Janeiro

The city of Vassouras was founded in 1833, becoming one of the most important coffee districts in the Paraíba Valley. The natural Atlantic Forest was preserved in the region until the arrival of the Portuguese royal family in 1808, when the first sugar and coffee plantations were established (Figure 3). The expansion of the agricultural frontier was connected with the Atlantic slave trade that sealed the fate of thousands of African men and women. Ethnic diversity created tensions within the enslaved population, but the majority of Central West Africans also facilitated alliances and collective actions. The high prices of coffee in the 1830s stimulated planters to expand their fields and force their workers to produce more. The economic dynamism eventually backfired against masters and overseers in episodes of slave resistance. Moreover, the political crisis during that decade, the British anti-slave trade policy, and slave insurrections pushed slaveholders against the wall. Under pressure, they formed alliances, lobbying for legal reforms that centralized the judiciary and reinforced the severity of criminal justice against enslaved people.<sup>18</sup>

<sup>18</sup>On the formation of the Paraíba Valley, see Stanley Stein, *Vassouras: A Brazilian Coffee County, 1850–1900* (New York, 1976); Salles, *E o Vale era Escravo*. On the Atlantic slave trade in Brazil, see Jaime Rodrigues, *O Infame Comércio. Propostas e Experiências no Final do Tráfico de Africanos para o Brasil (1800–1850)* (Campinas, 2000); Manolo Florentino, *Em Costas Negras. Uma História do Tráfico Atlântico de Escravos entre a África e o Rio de Janeiro, séculos XVIII e XIX* (São Paulo, 1997); Beatriz Mamigonian, *Africanos Livres. A Abolição do Tráfico de Escravos no Brasil* (São Paulo, 2017). On the African ethnicities in Southeast Brazil, see Robert Slenes, “Malungu, Ngoma Vem! África Coberta e

In 1836, Matheus Rebollo and João Congo left the local jail surrounded by a military guard. Led by the judge, his clerk, and a priest, they marched through the streets of Vassouras, listening to their sentence at every corner. Finally, the executioner hanged both men in front of a crowd of free and enslaved people. They were the second and third Africans to lose their lives on the gallows in two years. Two of them had attacked their masters, and João Congo was condemned for killing his enslaved wife. This was an unusual punishment for a crime committed by one enslaved person against another, revealing the harshness of the judiciary at the time. Two years later, Manoel Congo led the biggest slave insurrection in the Paraíba Valley's history, escaping along with hundreds of enslaved men and women to the woods, seeking to build a maroon community. Defeated by a militia of slaveholders and a regiment of the National Guard, they were taken to the city, where the jury condemned seven men to public whipping. Only Manoel Congo was sent to the gallows.<sup>19</sup> Individual and collective resistance continued in the following decade. Bento Luiz Martins was hired as the overseer on the plantation of Barão de Massambará, one of the most important slaveholders of Vassouras. In two months, he intensified both labor productivity and punishments. After shortening the lunchtime, he humiliated those who disobeyed him, feeding his horse with their food. When he began whipping one of them, Januario and Antonio attacked him, stripped his clothes, and tied him down. Reversing the ritual, more than fifty enslaved people took turns whipping the overseer and left his body behind, believing he was dead. Under the orders of Massambará, all of them were punished, and only Antonio and Ciro were taken to court. Januario died before the trial, probably whipped to death on the plantation. The jury condemned Antonio to hang. However, the non-unanimous voting forced the commutation of the penalty to galleys for life. Ciro suffered 800 lashes and carried irons on his neck for three years.<sup>20</sup>

Between 1835 and 1850, capital crimes demonstrated local tensions, while the death penalty frequency revealed slaveholders' and authorities' anxieties in dealing with a great majority of enslaved African young men in Vassouras. More than a dozen enslaved people were accused of committing seven capital crimes and tried by jury; most of them were hanged. However, slave criminality decreased in the following decades for different reasons. The prohibition of the slave trade in 1850 changed the demography of the Paraíba Valley with the creolization of the enslaved population and the making of families and communities. The high prices of enslaved workers discouraged planters from expanding their fields, reducing pressure on labor productivity. The formation of a mature slave society after decades of conflicts and

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Descoberta do Brasil", *Revista USP*, 12 (1992), pp. 48–67; *idem*, *Na Senzala, uma Flor. Esperanças e Recordações na Formação da Família Escrava, Brasil Sudeste, Século XIX* (Rio de Janeiro, 1999).

<sup>19</sup>Criminal Record for Murder, João Congo, 1836; Criminal Record for Attempted Murder, Matheus Rebollo, 1836, both in Arquivo do Tribunal de Justiça do Rio de Janeiro / IPHAN, Vassouras, Rio de Janeiro. Also see Keila Grinberg, Magno Fonseca Borges, and Ricardo Salles, "Rebeliões Escravas Antes da Extinção do Tráfico", in Keila Grinberg and Ricardo Salles (orgs), *O Brasil Imperial* (Rio de Janeiro, 2009), I, pp. 235–267. On the Manoel Congo Rebellion, see Flávio dos Santos Gomes, *Histórias de Quilombolas. Mocambos e Comunidades Escravas no Rio de Janeiro, Século XIX* (Rio de Janeiro, 1995), pp. 144–247.

<sup>20</sup>Criminal Record for Murder, Antonio and Ciro, 1844, Arquivo do Tribunal de Justiça do Rio de Janeiro / IPHAN, Vassouras, Rio de Janeiro. Also see Dos Santos Gomes, *Histórias de Quilombolas*, pp. 235–237.

negotiations created an unwritten code between the enslaved, overseers, and masters – a *moral economy of slavery*. At the same time, the political consensus that allowed the expansion of slave smuggling in the previous decade was reframed as a *politics of slavery* that silenced opposition voices for two decades. In the 1860s, jurists and politicians worked to legitimize state institutions based on liberal principles, defending gradual emancipation and penal reform. The emperor used his prerogatives to reduce the death penalty frequency as a strategy to legitimize Brazil among modern nations, despite the continuity of slavery. Under such conditions, trials for capital crimes and the execution of the death penalty decreased in Vassouras in the 1850s and 1860s.<sup>21</sup>

The only capital crime committed between 1857 and 1869 was the murder of Manuel Duarte Simões, a newly hired overseer who increased labor productivity and built a punishment pole in the coffee fields. He was ambushed and killed by gunshot, and seven enslaved men were taken to court. Accusing the overseer of violence, they managed to postpone a verdict until a prisoner revealed a conversation between the defendants who had agreed to keep silent, believing they would be released and chastised at the plantation. The jury acquitted most of them, condemning only Lucio and Sebastião, who were sentenced to perpetual galleys. The case reveals that the defendants not only succeeded initially in misleading the authorities, but also had a certain knowledge of the legal system. In a few years, other enslaved men would be even more audacious.<sup>22</sup>

The Civil War in the United States isolated Brazil as one of the last slave countries in the Americas, and the Paraguay War exposed its social contradictions internationally. The political consensus over slavery was broken, resulting in the Womb Law of 1871 – which established legal principles for gradual emancipation and expanded the rights of enslaved people. The increasing price of coffee stimulated planters to impose higher productivity on their workers. These enslaved people were born in Brazil, belonged to local enslaved communities, or were brought in by the interprovincial trade. This forced migration contributed to politicizing enslaved communities in the Paraíba Valley and expanding their resistance strategies, especially by encouraging them to claim their rights in court. Attacks on overseers recently hired became the major symptom of tensions on plantations in the 1870s. The last execution in the region happened in 1856, and according to the common sense among enslaved

<sup>21</sup>On the intersection between enslaved families and political stability in mature plantation societies in Brazil, see Manolo Florentino and José Roberto Góes, *A Paz das Senzalas. Famílias Escravas e Tráfico Atlântico, Rio de Janeiro, 1790–1850* (Rio de Janeiro, 1997); João José Reis and Eduardo Silva, *Negociação e Conflito. A Resistência Negra no Brasil Escravista* (São Paulo, 1989); Salles, *E o Vale era Escravo*, pp. 177–271. On the uses of Edward Thompson's concept of moral economy in the Brazilian historiography of slavery, see Sílvia Hunold Lara, *Campos da Violência. Escravos e Senhores na Capitania do Rio de Janeiro, 1750–1808* (Rio de Janeiro, 1988); Sidney Chalhoub, *Visões da Liberdade. Uma História das Últimas Décadas da Escravidão na Corte* (São Paulo, 1990); Hebe Mattos, *Das cores do silêncio. Os significados da liberdade no sudeste escravista* (Rio de Janeiro, 1995).

<sup>22</sup>Criminal Record for Murder, Lucio, Sebastião, Francisco and Elias, 1866, Arquivo do Tribunal de Justiça do Rio de Janeiro / IPHAN, Vassouras, Rio de Janeiro. Also see Bryan McCann, "The Whip and the Watch: Overseers in the Paraíba Valley, Brazil", *Slavery & Abolition*, 18:2 (1997), pp. 30–47; Camila Agostini, "Africanos no Cativo e a Construção de Identidades no Além-Mar. Vale do Paraíba, Século XIX" (Master's thesis, Universidade Estadual de Campinas, 2002), p. 44; Rafael Marquese, "African Diaspora, Slavery, and the Paraíba Valley Coffee Plantation Landscape", *Review (Fernand Braudel Center)*, 31:2 (2008), pp. 195–216, 206–210.

people, the emperor no longer applied the death penalty. Facing what they considered violations of the *moral economy of slavery*, ten enslaved men committed crimes against overseers between 1870 and 1878. At least four of them had presented themselves voluntarily to the police, preferring criminal conviction to slavery – according to the local judge. Most of them had been condemned to the galleys, a penalty criticized when applied to the enslaved. This new generation of enslaved rebels explored the contradictions of criminal law and penal reform in order to resist captivity. When Manoel and Gil surrendered themselves in 1879, Vassouras' courthouse became the political center of a social and moral crisis.<sup>23</sup>

The prosecutor indicted only Manoel and Gil, refusing to include the others as defendants. He was assured that they had only attacked the overseer's corpse to be released from slavery. Manoel and Gil confessed to the crime, and witnesses confirmed that they had invited others to do the same in order to "be freed" by justice. Their counsel attempted to disqualify the victim as an overseer, avoiding condemnation under the Law of 1835. Paradoxically, the defendants had different goals from their lawyer since he represented their owner. By convincing the jurors, he ensured that they would not be sentenced to perpetual galleys. After suffering 400 lashes each, Manoel and Gil returned to their plantations with irons on their necks. Their fate is unknown. However, returning to their neighborhood was not part of their plans, and it might have cost them their lives.<sup>24</sup>

In the 1880s, the radicalization of the abolitionist movement and of slave resistance intensified the delegitimization of slavery. In Vassouras, jurors expressed the loss of credibility in the criminal justice by acquitting or imposing minor punishments on enslaved defendants accused of capital crimes. In other cities of the Paraíba Valley, such as Paraíba do Sul and Valença, mobs broke into jails and lynched enslaved prisoners. In at least one case, the victim was kidnapped from jail and killed at the place where the original crime had happened. The spatial ritual was reversed. If enslaved people who committed crimes in their masters' domains sought refuge from state institutions in the cities, the mobs reinforced slaveholders' order by breaking into jails and performing spectacles of violence in the plantation world.<sup>25</sup>

The previous and following contexts reframe the significance of the crime and the trial of Manoel and Gil. Their murder was the last of a series of killings of overseers in

<sup>23</sup>On the interprovincial slave trade and the politicization of enslaved communities, see Robert Slenes, "The Demography and Economics of Brazilian Slavery: 1850–1888" (Ph.D., Stanford University, 1976); Chalhoub, *Visões da Liberdade*. On slave resistance in court, see Hebe Mattos, *Das Cores do Silêncio*; Keila Grinberg, *Liberata, a Lei da Ambiguidade. Ações de liberdade da Corte de Apelação do Rio de Janeiro no Século XIX* (Rio de Janeiro, 1994).

<sup>24</sup>Criminal Record for Murder, Manoel and Gil, 1879, Arquivo do Tribunal de Justiça do Rio de Janeiro / IPHAN, Vassouras, Rio de Janeiro.

<sup>25</sup>On lynching during the crisis of slavery in Brazil, see Ricardo Pirola, "A Lei de Lynch no Ocaso da Escravidão. Linchamentos, Justiça e Polícia (1878–1888)", in Regina Xavier and Helen Osório (eds), *Do Tráfico ao Pós-Abolição. Trabalho Compulsório e Livre e a Luta por Direitos no Brasil* (São Leopoldo, 2018), pp. 454–481; Marcelo Ferraro, "A Economia Política da Violência na Era da Segunda Escravidão: Brasil e Estados Unidos, 1776–1888" (Ph.D., Universidade de São Paulo, 2021), pp. 337–388. On abolitionism in Brazil, see Angela Alonso, *Flores, Votos e Balas. O Movimento Abolicionista Brasileiro (1868–88)* (São Paulo, 2015); Jeffrey Needell, *The Sacred Cause: The Abolitionist Movement, Afro-Brazilian Mobilization, and Imperial Politics in Rio de Janeiro* (Stanford, CA, 2020).

the 1870s. Almost all their predecessors were condemned to the galleys. This seems to have been their goal, but they were frustrated by their own lawyer and the jury. Their sentence was the first of another series of verdicts. It was the first time that enslaved defendants accused of a capital crime were not accused of violating the special Law of 1835 and were condemned to penalties milder than death or the galleys. In the subsequent trials, jurors corrupted the law to impose penalties that the local community considered fair. In the final decades of slavery, the political significance of slave resistance increased after the rise of the abolitionist movement, and the extralegal reaction of slaveholders and overseers became epidemic. Vassouras plantations and courthouses were political arenas where Manoel, Gil, and other enslaved men disputed their own notions of justice. At the same time, broken jails and lynching spectacles were violent performances of slaveholders' justice, whose world was falling apart.

## Conclusion

Violence was indeed constitutive of slavery, and these findings reinforce the premise that patterns of punishment and resistance cannot be understood exclusively as the consequence of individual actions but must be viewed within broader structural conditions. The analysis of capital crimes and judicial punishment through different spatial scales (local, national, Atlantic) and over the nineteenth century contextualizes the historical significance of both enslaved peoples' resistance and state violence. Second, the comparative study of Natchez and Vassouras illuminates the differences between these racialized slave societies and their legal and political systems. The centralized monarchy established a national policy of penal reform and abolished the death penalty *de facto* in the Brazilian empire, while state assemblies and courts in the American South preserved it. Simultaneously, democracy encouraged the common white man not only to vote, but also to perform parallel forms of justice during insurrectionary panics in the United States. Meanwhile, oligarchical powers prevailed in rural Brazil, and extralegal violence was rarely a mob action. Therefore, these slave societies were under distinct political systems and regimes of racial violence.<sup>26</sup>

Despite these differences, their similarities and connections reveal an integrated history in which slavery and punishment constituted the historical experience of nation-states, liberal institutions, and the capitalist world economy in the long nineteenth century. This research identified three phases of slavery and violence in the Mississippi and Paraíba Valleys as local expressions of national and Atlantic histories. In the early nineteenth century, the expansion of the commodity frontier formed new slave societies in these regions, which matured by the 1840s and entered a declining period during the political crisis of slavery – between 1850 and 1865 in the United States and 1871 and 1888 in Brazil.

Data from Natchez and Vassouras demonstrates that in recently established plantation societies, violence expanded beyond the domestic boundaries of plantations due to the pressure on labor productivity and the lack of social bonds between enslaved people, overseers, and masters. Moreover, political divergence among free people opened possibilities for slave resistance. In response, the judiciary and the death

<sup>26</sup>For a longer version of this conclusion, see Ferraro, *A Economia Política da Violência*.

penalty became instruments of the slaveholders' hegemony in the early decades of the nineteenth century. Between the 1840s and 1850s, the decline of commodity prices and the slave trade coincided with the making of mature slave societies. Enslaved communities negotiated rights with overseers and masters, consolidating *moral economies of slavery*. At the same time, the *politics of slavery* successfully maintained a silent consensus among political parties inside state institutions in both countries, blocking antislavery agendas. During this age of political and social stability, the reform of criminal justice systems and the expansion of enslaved people's rights contributed to legitimizing these slave societies. Under such conditions, conflicts were solved on plantations, and public trials and capital punishment were rarefied.

In the second half of the nineteenth century, global economic changes stimulated cotton and coffee economies and reinforced national and local political contradictions. In the 1850s, Natchez saw more capital crimes than in previous decades. There was greater pressure on labor productivity, and the political tensions might have influenced some enslaved men to react against their overseers and owners. Nonetheless, the changing pattern of state punishment and the emergence of extralegal violence were more relevant. The secession crisis and the rise of radical abolitionism increased the political significance of slave resistance, especially through the eyes of the white community. The pressure on courts and authorities brought back the public spectacle of the death penalty. When white fears became a collective hysteria during the Civil War, whites became suspicious of the formal justice system, substituting it with inquisitorial torture and hangings – a rehearsal of the post-abolition theater of violence. The end of the Civil War in the United States isolated Brazil internationally, breaking the politics of slavery among the elites. At the same time, abolitionists and enslaved people began a systemic resistance from the bottom up. Crimes against overseers in Vassouras during the 1870s were a consequence of local tensions in the coffee fields. Simultaneously, the political divergence over slavery and the death penalty opened possibilities for a few enslaved men to seek courts as an alternative to slavery. Slaveholders and the free community lost faith in state institutions and reacted with fraudulent trials and lynchings in the 1880s.

Hence, during the crisis of slavery in the United States and Brazil, the *oligopoly of violence* became symbolically dysfunctional. Even though the criminal justice system tried all enslaved rebels, condemning most of them to harsh punishment, the resistance of the enslaved and their legal strategies destabilized the moral and institutional consensus over slavery. In turn, slaveholders' terror meant to reinforce their power locally, but the epidemic of extralegal violence became a strong argument for abolitionists, delegitimizing slavery nationally.

Abolition in Brazil and the United States did not end structural and institutional racism. Slavery was a fundamental piece in the making of criminal justice in both countries. Its legacy reshaped racial inequality and violence in later centuries through segregation, police brutality, and mass incarceration – our own peculiar institutions yet to be abolished.

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