



Keila Grinberg. *A Black Jurist in a Slave Society: Antonio Pereira Rebouças and the Trials of Brazilian Citizenship.* Translated by Kristin M. McGuire. Latin America in Translation/en Traducción/em Tradução Series. Chapel Hill: University of North Carolina Press, 2019. 226 pp. \$90.00, cloth, ISBN 978-1-4696-5276-4.

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Seventeen years after its original publication in Portuguese, *A Black Jurist in a Slave Society* makes historian Keila Grinberg's significant contribution to the legal, political, and social history of the Brazilian Empire available to readers in English for the first time. The work has preserved its edge in a polished translation that, at turns, endows the prose with renewed agility. The new title foregrounds the ambitious and learned character of Antonio Pereira Rebouças (1798-1880), a leading litigator in freedom suits in imperial Brazil. It also evokes the tribulations that marked his life's arc and eventually condemned him to relative obscurity in relation to his more famous engineer sons. On the offside, the degree to which Rebouças incarnated a "Black jurist" remains open to question. As a second-generation *pardo*, or mixed-race man, Rebouças espoused opinions and self-assessments placing himself above the enslaved, freedmen, and other free-born pardos, as Grinberg emphasizes. His adversaries evidently saw him as a Black man, but it is not altogether clear that he saw himself as such. Grinberg mentions that later generations of intellectuals like Joaquim Nabuco racialized him in retrospect. One would have to add that so did Gilberto Freyre, who dubiously cited him as an example of the equal treatment meted to mixed-race men in Brazil, an inaccurate

assessment belied by the structural barriers Rebouças encountered in his day.

The somewhat contradictory title aside, Grinberg outlines a nuanced portrait of a controversial figure that corrects prior interpretations of Rebouças, and by extension of other mixed-race professionals in the Americas, as simply procuring "whitening." Suggesting instead that Rebouças strove for "higher social status by distinguishing himself from the majority of pardos, who had fewer merits," Grinberg explores a highly ambitious character who toed the line of law and order and championed property over freedom (p. 34). Denied political opportunities due to his race and his calls for greater representation of free Blacks and pardos, Rebouças nonetheless succeeded as a highly skilled, sought-after lawyer. But his success did not lead him to abolitionist solidarity. Instead, it emboldened him to advocate for equal treatment before the law regardless of race, though on the basis of property rights and qualifications.

Clearly, this is not a hagiography. Readers will quickly grasp that Rebouças was no Frederick Douglass or Robert Morris. For one thing, he was never enslaved and never attained a comparable level of recognition, contrary to his wishes and expectations. His advocacy for the rights of free colored persons stopped short of disavowing the

racialized system of slavery. Yet his story teems with significance by the hand of Grinberg's telling. An autodidact born of a free *parda* and a Portuguese tailor in Bahia, Rebouças lived through the transition from the old regime to an independent Brazil. Throughout his life, he ardently defended that empire, condemning such struggles as the Malé slave revolt of 1835 and the Sabinada rebellion of 1837 led partially by militias of color in Salvador. Despite supporting the end of the slave trade, he called for the repeal of the 1831 law banning it, arguing that the Brazilian government had since lost an important source of revenue. And later, as a lawyer in the Court of Appeals in Rio, he represented the enslaved in equal measure as their masters. Grinberg notes how Rebouças's legislative positions were out of lockstep with an increasingly conservative political establishment in the face of which he became not so much a paladin of freedom as a gatekeeper for the integral rule of property, a position he upheld throughout his career. Despite his seeming indifference to the scourge of slavery, centered as he was in questions of equality only among free individuals, later liberals came to respect Rebouças due to his stubborn adherence to the "old liberalism," construing him in retrospect as an early advocate of freedom.

Without ignoring Rebouças's flaws, Grinberg unpacks the ways he endeavored to craft a broader definition of citizenship based on property, which he referred to as the "holy foundation" of the Brazilian constitution (p. 43). As an acquired rather than inherited criterion, property endowed those who earned it through their work and merit to enjoy the fruits of citizenship, a perspective that stood in stark opposition to narrower, racially exclusive constructions dominant since the days of the Constitutional Assembly of 1823. Despite his shortcomings, Rebouças stood out as one of very few statesmen interested in regulating paths to citizenship and protecting the acquired freedoms of the previously enslaved. Grinberg contends that the lack of such protections and the absence of statutory clarity around issues relative to manu-

mission in fact constituted two of the principal stumbling blocks for formal efforts to draft a civil code—efforts, it bears mention, from which Rebouças was excluded. Doubtless, his exclusion proved detrimental to the larger project of crafting a code that in principle intended to do justice to all Brazilians but in practice did not generate any greater clarity about the status and rights of those crossing the threshold of freedom, which may have contributed to the failure of such a code to come to fruition before the empire's demise.

Although the book consists of eight chapters divided into three sections ("Civil Rights," "Civil Rights and Liberalism," and "Civil Rights and Civil Law"), in practice the narrative splits into two. The first half functions as a carefully delineated critical biography that delves into watershed events and political debates up to the mid-nineteenth century. Grinberg tells how Antonio was born the youngest of nine children in 1798, two days before the outbreak of the Tailors Revolt, a republican-inspired uprising that included significant participation of pardos and freedmen. Only in the 1820s did revolutionary currents absorb the young Rebouças. A year after setting up his practice, in 1822 he partook in the independence struggle as a member of Bahia's provincial Governing Board. Following independence, he served as secretary to the provincial president of Sergipe but was forced to abandon the post after anonymous racist allegations falsely accused this "grandson of Queen Njinga" of inciting slave and political revolts (p. 31). Rebouças's election to the Chamber of Deputies, where he served for most of the 1830s, solidified his standing as a moderate liberal who swam against prevailing currents. Whether opposing the exclusion of freedmen from the National Guard, an elite defense corps reserved for electors who met property or wealth qualifications, or advancing a bill to regulate and protect the *pecúlios*, or savings, of the enslaved wishing to manumit themselves, Rebouças met objections at every turn. The last nail in the coffin of Rebouças's properly political career came with an 1843 speech that criti-

cized the lack of adequate representation not only of liberals but also of pardos in the Brazilian government. Reactionaries blanched. In the words of minister José Joaquim Rodrigues Torres, Rebouças had become the “torch of the most terrible anarchy” (p. 85).

With Rebouças’s electoral loss and exit from politics in 1848 comes the second and even more compelling part of the book, which details the debates and marred attempts to draft a civil code during the late imperial period. In some ways, Rebouças here serves as an incidental, if important, reference point. Despite his political losses, Rebouças became one of a select group of lawyers who litigated a significant portion of nineteenth-century freedom suits in the Court of Appeals in Rio. Familiar readers will recognize prominent politicians, juriconsults, and men of letters in the professional cross-section compiled by Grinberg. Their steady career progress versus Rebouças’s stagnation demonstrates how race could hinder professional advancement. Of course, Rebouças’s ideas also contributed to his sidelining, as Grinberg shows in sounding the friendly debate he sustained with the author of an important civil law compendium in 1859. During these discussions an aging Rebouças took up an increasingly marginal role, so the book departs considerably from its title character to offer a more detailed view of other jurists as they grappled with the apparent contradictions between the need for a civil code to systematize Brazilian law and the roadblock represented by the status of slavery.

Grinberg takes critical distance from the common view that slavery itself constituted an obstacle to integrative efforts in civil law, as the case of Louisiana duly demonstrates. Instead, she raises a tantalizing and crucial argument that nonetheless receives short shrift due to its placement at the very end of the book, namely, that the spectrum of manumission possibilities and the diffuse definitions of citizenship they generated were the real obstacles. In pointing both to manumis-

sion and to Rebouças’s troubled trajectory as sites of unresolved “disputes around the definition of the concept of citizenship” that doomed a civil code, the book could have addressed some discrepancies more finely (p. 144). Rebouças, after all, was born free, which made his interaction with the topic of manumission incidental to other of his concerns. Moreover, as Grinberg notes, the campaign for a civil code begun in earnest in 1854 only concluded more than a half-century later in 1917. That this was also more than a quarter century after the Brazilian Empire’s fall in 1889 warrants further exploration of what other legal quandaries, beyond manumission, further delayed such an important tenet of civil law jurisdictions as codification.

Methodologically, this new translation will gift legal and political historians of the nineteenth century, especially those specializing in the United States, a much-needed counterpoint to understand law and its impasses in the second largest polity and slave society in the Americas. For specialists who look forward to more excellent monographs like Grinberg’s being translated, this book is a celebration for several reasons. First, as one among the most original works in Brazil on this topic, it is an invaluable contribution to close the gap in knowledge about the Brazilian nineteenth century among US-based scholars. Second, the book offers a keen and compelling sociopolitical map of the time. Grinberg contextualizes Rebouças’s trajectory by referencing his siblings; fellow countrymen from Bahia, like Francisco Gonçalves Martins, who shared humbled beginnings but, as a white man, reaped far greater political benefits; and other prominent pardos, such as Francisco Gê Acayaba Montezuma, who at times antagonized Rebouças and wrested opportunities from him. Of course, questions remain. How would Grinberg assess Rebouças in relation to his brothers, some of whom, as she details, attained much success in medicine and music? Where did he stand in relation to Montezuma’s achievements? By putting these and other questions on the table, the book effectively accomplishes what a great monograph

should: to persuade its new readers to continue extending its many tendrils. This English translation offers an accessible introduction to newcomers to the study of Brazil nuanced enough for those interested in the details of the legal and political formation of race and racism in the Americas. Crucially, the book arrives at a time of reckoning with racist legacies both in the United States and Brazil. In doing so, it may nourish ongoing reflections on institutional violence and structural inequality while shedding light on enduring political struggles.

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