The African women of the *Dos Hermanos* slave ship in Cuba: slaves first, mothers second*

Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes

Academia de la Historia de Cuba, Havana, Cuba

**ABSTRACT**

In 1817, the Spanish King decreed the emancipation of over two hundred Africans who had been sold as slaves in Cuba in 1795. This declaration brought an end to a long-running legal case in which Spanish and British traders had disputed property rights in the human cargo which had been transported from African shores in the *Dos Hermanos* frigate. Following the royal proclamation, Havana’s Real Consulado de Agricultura y Comercio undertook the lengthy task of locating the survivors of the voyage. The process of locating the women survivors revealed the harsh experiences of mothering under slavery: the women had been reduced to mere reproducers, their families dispersed through sale. The process also revealed, however, the great efforts of the now freed women to rescue their children from slavery, and to claim what they perceived to be their rightful custody of them. The article explores the conflicting arguments presented about these issues by various parties: the officials who processed the women’s claims; the owners of the women’s children, who stood to lose ownership of them; and the women themselves, who struggled to demonstrate their capacity, as mothers, to take custody of the children.

Among the assorted crowd of people that congregated daily at Havana’s Plaza de Armas square, it was not unusual to find African men and women. The square was home to several courts, notary’s offices, and the offices of the Captain General, to which such people typically might apply for legal redress in colonial Cuba. However, during the second half of 1818, a sharp observer might have noticed a particular group of black women, sitting on benches or standing in the shade under columned doorways, some of them accompanied by their small children. They were surely discussing, for any who cared to hear, the twist of fate that had brought them before the members of Cuba’s Real Consulado de Agricultura y Comercio and its judicial arm, the Tribunal de Comercio.¹ In August the previous year, they, along with their companions from the ship, had been freed by royal decree. For some of them, the decision not only affected their own legal status but also offered the possibility for their children to seek their long-desired
freedom. However, in order to have freedom upheld and their status as mothers recognised, they would need to employ all the skills and experience they had gained over more than twenty years since they had been forcibly brought to the Cuban capital.

The royal order, signed by Fernando VII in 1817, ended a long-running legal case at the Tribunal de Comercio that had commenced in 1795 after an English frigate, the Brothers, was captured in Caribbean waters by corsairs in the service of the French Republic. The ship’s human cargo was sold for 25,000 pesos to three Spanish traders who, in turn, sold them in Havana. Predictably, the representative of the owner of the ship (which from then on became known as the Dos Hermanos or Two Brothers) sought the immediate return of the sold Africans. He argued that the corsairs could not legally own and sell slaves since the French National Assembly had abolished slavery in 1794.2

However, this argument was interpreted differently by Spain’s Council of the Indies. In their view, since the Africans had been captured by persons whose government did not recognise slavery, they acquired the automatic right to freedom. Inalienable in Spanish law, freedom could not be lost once it had been gained, despite the time that had passed since their capture. Thus, the Dos Hermanos captives were declared free, and the Consulado was tasked with to carry out the king’s order. To this end, it was necessary to ‘discover the whereabouts of the surviving blacks, and free them immediately.’3

The court case brought by D. Ignacio Pica, the captain and owner of the Dos Hermanos, and the administrative case processed by the Consulado, generated over 30 files, along with numerous other discussions of ‘Pica’s blacks’—as officials called the case—within the minutes of the Junta de Gobierno of the Real Consulado. An immensely rich collection of different documents resulted, including lists of original buyers of the Africans in 1795, deeds of subsequent sales, baptism certificates of the adults and of their children born subsequently in Cuba, jurists’ opinions about the royal order, and testimony of the owners and of the Africans who sought their freedom, among many others.

Using this document collection, this article explores the actions of a group of women who, along with their children, stood to benefit from the Royal Order. In order to do so, however, they would need, first, to demonstrate that they had belonged to the group transported on the Dos Hermanos, and, second, locate and identify their children, who were no longer with them by this point. Particular emphasis will be placed on the discussions about the capacity of these African mothers to have custody of their children, which unfolded as the different parties—officials, slaveholders, and African freedwomen—sought to uphold their own interests. We will situate our discussion within other works that explore enslaved women’s exclusion from notions about maternity, on the basis of their alleged legal or moral incapacity to care for their children.4 The women of the Dos Hermanos contested the views of their former owners and the officials who processed the case, whose main goal was to uphold social control and their own class interests.

The visibility of these women in the historical record mirrors that of enslaved women in almost all New World slave societies, who came to play a prominent role in legal negotiations over slavery.5 Nonetheless, the Dos Hermanos case is unusual, for two reasons. First, when the women were declared free, some of them had already manumitted either themselves or their children, while others had made a down-payment toward freedom and had become coartadas.6 One of them had even managed to appear before a judge to make a legal claim against her mistress. Evidently, since their arrival on the island, they had become familiar with the local legal and customary practices governing
master-slave relations. The king’s decision provided a rare legal opening for them to implement this knowledge. It would only be much later, with the emancipation laws of 1870 and 1880, that more general opportunities would open up for the enslaved to employ such knowledge to claim a new position in the social hierarchy. Second, the Dos Hermanos ship community was one of only a few that were ever freed as a group by the Spanish Crown. In 1800, 94 Africans captured five years previously from the schooner Nuestra Señora del Carmen off the coast of the Cuban town of Trinidad had been granted freedom.⁷ A few months afterwards, the ‘royal slaves’ employed in the copper mines of Santiago del Prado, in eastern Cuba, were freed collectively.⁸ However, all of them would face multiple obstacles in making freedom a reality. This would only happen by pressuring those whose job it was, in theory, to carry out the decrees. Such experiences have much in common with slaves’ relationship with the law elsewhere, from Brazil to the United States, which involved the use of legal redress to turn theoretical legal entitlements into concrete rights in practice.⁹

**Slavery and freedom at the heart of the Cuban plantation system**

On Wednesday 3 December 1817, the attendant members of the Junta de Gobierno of the Real Consulado listened as the secretary read aloud the Royal Order, signed in Madrid on 20 August of that year, which declared the freedom of the 207 Africans sold in Havana in 1795.¹⁰ The sudden decision, which came in the midst of negotiations with the British over the Anglo-Spanish anti-slave trade treaty of that year, was due less to the work of the Consulado’s representative in Madrid—who was supposed to be pursuing the case—than to the interest of some members of the Council of Indies in reviewing the ‘copious materials’ of the case which had accumulated over the years.¹¹ For those who were not cowed by the pro-slave trade lobby, the Dos Hermanos case allowed them to show the conceited Creoles and the arrogant Havana-based Spanish traders that power emanated from Madrid, not Havana, and that—at least sometimes—they must obey the King.¹²

Thus, when the Tribunal de Comercio questioned the right to freedom of the Africans who had been captured by the French in 1795, the response from Madrid was to recommend their freedom. The aforementioned Nuestra Señora del Carmen case provided a precedent. The decision also helped demonstrate good will toward the British abolitionists, showcasing Spanish generosity toward this group of Africans who had been enslaved in Cuba. The Africans had been shipped by British traders in the first place, so the case helped remind the British, now energetically bent on eliminating the slave trade, of the prominent role they themselves had played in it not long before.

During the years since the ship’s capture, Cuba had been rapidly transformed into a successful plantation colony, and had experienced radical social and economic changes as a result. In 1795, 5,832 slaves were imported to the island; in 1817, 30,322 arrived. In 1795, Cuba exported 14,659 tonnes of sugar; by 1817, this figure had leapt to 45,896 tonnes.¹³ The relationship between the figures was clear: slaves, and particularly male slaves, made sugar. Cuban sugar and coffee had taken their place on the world commercial circuit after the ruin of Saint Domingue.¹⁴ An abrupt demographic transformation occurred among the slave population—especially in the west of the island, which was the main plantation zone—which became dominated by young African men. The Cuban planter elite, based in institutions like the Real Consulado, enjoyed an excellent
position from which to lobby Madrid, whether for measures in their favour or against those that were to their detriment.

The 1817 Anglo-Spanish treaty for the suppression of the slave trade was one such measure. The threat it posed to the labour supply occupied the entire attention of the members of the Consulado, who sent a long list of bitter complaints to Spain and asked that the treaty’s application be postponed, prolonging the trade and allowing them to ‘bring from Africa the black slave women that are so essential to our requirements.’ In fact, it was the Crown that had first recommended, as early as 1804, that the planters import women: ‘in the ingenios and haciendas where there are only black men, black women should also be placed (...) until all those who so desire are married.’ Yet few planters followed the recommendation. In 1805, a Havana trading house which received a shipment of 80 African women complained that it was impossible to sell them ‘without a considerable price reduction,’ and requested permission to re-export them elsewhere. Abolitionist pressure did alter this picture somewhat: from 1815 to 1820, the percentage of women introduced rose above 30% of the total number of Africans imported. In the final year of this period, the percentage of women reached an unprecedented record of 49.1%. However, overall, planters ‘remained wedded to the idea of immediate productivity and never troubled themselves about stimulating growth within the island’s slave population.’ The argument about the urgency of introducing women was partly as a pretext for maintaining the traffic: in over 40 further years of illegal trading—when the rate of trading was higher than ever before—the traders never prioritised this ‘need’ to import women. This does not negate that some planters did make efforts to balance the sex ratios of their workforces and achieve natural reproduction. In theory, as referenced by Antonio del Valle Hernández, the Consulado’s secretary, enslaved women’s only real purpose was to provide the plantations with labourers through reproduction. However, the belief that this biological reality should be sanctioned by Catholic marriage did not mean that such women were given any real consideration as mothers. Indeed, the practice of mothering was, in the hegemonic view of the time, incompatible with slavery. The notional value attached to women’s reproductive potential proved no obstacle to incorporating them wholesale, along with men, into the harsh work of cutting, milling, and carrying cane. Thus, in practice, the reproductive ideal was displaced by the urgent requirements of sugar production.

It was in this context that the Consulado undertook its task of finding and manumitting the Dos Hermanos Africans. The first job was to locate and interview those who had purchased them. This required discretion, since ‘in countries like this one, the news of the liberty conceded by His Majesty to over two hundred black Africans, introduced to the island such a long time previously, could cause a great sensation among the slaves.’ It was established that, between May and July 1795, a total of 80 individuals had acquired 194 slaves (127 men and 67 women). Only 19 of the buyers were known of, and the rest needed to be alerted via the city newspapers.

Between August and December 1818, information was offered by 18 slaveholders and through initiatives taken by five women (four freed and one enslaved) and two men (both enslaved), who claimed their freedom and that of their children, or compensation for the money they had spent on self-purchase. The owners provided information about 21 Africans. Seven men and two women were reported deceased; one man and one woman had been sold without further information about their buyers; and four men and six women
were located residing within the city. The enslaved themselves, along with some freed people, played an important part in identifying ‘the real blacks of Pica,’ as the news circulated and became the subject of many daily conversations.26

Of the initial declarations made by Miguel Puche, arará, and the carabalí oru Africans, José Dolores Tariche, María de Regla Ángeles and María de Jesús Rivero (or Omone, in her own land), a version emerged of the 1795 events that was sufficiently decisive to prove which other people had shared their Atlantic journey.27 The Africans of the Dos Hermanos were not just any group of people who might have colluded beforehand in order to give similar official statements. Rather, they were conscious of belonging to a community, forged through shared suffering on their voyage and through subsequent experiences of racialised slavery, which was very different from the slavery they might have experienced in their homelands.28 Refusing the limitations of the formulaic questions they were asked, they introduced intimate details on specific points, providing their own interpretations of their story and reaffirmed the authenticity of what had happened to them.

Miguel Puche, manumitted in September 1818, proudly presented himself as ‘the most ladino of the blacks on the voyage, for which reason he was given the role of driver [capataz], which gave him added knowledge about the other aforementioned Blacks.’29 The fact that the others all trusted in his astuteness and abilities is suggested by the fact that he was the first to respond, affirming ‘that the black woman María Francisca was his countrywoman and accompanied him on the voyage.’ The same was true of María de Jesús Rivero, he said, explaining that they had made the same ‘voyage from Guinea to this city in the same ship, where they shared the same plate at mealtimes.’30 He displayed his solidarity with the group, demonstrating that the legal case had not only led slaves to testify but those who, like he and María de Jesus Rivero, had already bought their freedom, one hard-won peso at a time.

Reunited through the case, the Dos Hermanos survivors demonstrated the close networks of reciprocity forged through the experience of travelling on the same ship. They had a common objective: freedom. Exchanging the stories of their different experiences, some in rural areas and others in the city, helped them to broaden their knowledge about Cuban laws and customs. The knowledge that had already helped some of them negotiate their destinies—such as pressuring to be sold, or justifying why they should be allowed to live separately from their owners—was strengthened by the presence, among them, of freed and coartado people. Thus, by the time they appeared before the men of the Consulado, they were no longer bozales (newly arrived Africans) who would be expected to receive passively the ‘grace’ conceded to them. Although, in the time that had passed since their arrival, slavery had devastated some of their lives, it had also provided a long period of intense cultural adaptation.

**From a free mother, slaves cannot be born: the children of the Dos Hermanos**

The majority of the Africans traced through the case were women. This is significant, since women were only 34% of those sold in 1795. It suggests that many of them had ended up working in Havana’s service economy, or in the small settlements on its outskirts. It also suggests their survival chances may have been somewhat higher than those of their male companions, enslaved in sugar and coffee plantations.31
The presence of large numbers of women introduced a new element within the process of executing the royal order: the principle of *partus sequitur ventrem*, which the members of the Junta Consular decided to apply in order to manumit the women’s children. This principle formed part of the *Siete Partidas*, the well-known Castilian legal code of Alfonso X, which, in turn, derived from Roman slave law. In practice, it functioned to offer impunity to slaveholders who had sexual relations with their slaves, ensuring that these would ‘not undermine property-holding in slaves, because the resulting children followed the mother’s status and remained enslaved—unless, of course, the slaveholder exercised his patriarchal rights and chose to free the child or the mother.’ Yet, in this case, *partus sequitur ventrem* functioned differently: instead of undermining freedom, it protected it.34

Why would the Consulado declare the children free when ‘this was not expressly stated in the Royal Order’? This question was posed by Don José María Rodríguez, owner of a young *criollo* (Cuban-born boy) whose occupation was in tobacco-making. The response appears simple. While the owners appealed to the letter of the royal order to support their argument that the African women’s children were slaves, the members of the Consulado appealed to its spirit. Thus, ‘if justice were really to be done, these blacks … should never have been slaves,’ because the 1817 declaration restored to them the liberty that was theirs by right since 1795.35 And, as everyone knew, slaves could not be born from a free womb.

However, although the Consulado’s defence of *partus sequitur ventrem* led in this specific case to the freedom of a few slaves to the detriment of their owners, in a broader sense this principle was one of the juridical pillars that supported slavery. ‘Slave’ wombs were the only means of ‘making’ slaves in the Americas. This was different from Africa, for example, where slaves could be ‘made’ through war, debt, or judicial sentences. During the case, *partus sequitur ventrem* also proved its use in other ways: it rendered largely invisible the children’s fathers, some of whom had consensual or legitimated unions with these women. This reaffirmed ‘the patriarchal power of slaveholders over enslaved men,’ casting doubt on the actions or validity of the fathers and on their links to their children.36 Although some fathers actively sought the manumission of their children, this ability could be denied to them, or even usurped in humiliating ways.37

The owners were asked a simple question: ‘whether the black woman in question, before or after you became her owner, had, or gave birth to, children.’ Six of the women’s eight buyers answered yes. Two women had one child, two had three, one had four, and another had had seven. The 19 children were now aged between four and twenty. Notably, several declarants took the trouble to find out what had happened to women they no longer owned. For example, the grandson of one of the buyers gave a brief account of the trajectory of Ana Josefa Díaz, *carabalí*. She had been manumitted, but still lived in Havana. She had three children, ‘José María, *pardo*, around 18 years old, currently owned by the priest Liberato García, resident of El Calvario; two girls called Manuela, free, 16 years old, and María de Regla, 14, who is a slave but he does not know who is her owner.’38

Of the declarations, only Juana de Dios, *viví*, had managed to stay with her daughter.40 All the others had experienced separation from their children through sale, or had had to leave children behind after they themselves were manumitted. Thus, the 1817 freedom concession represented the starting-point for family reunions. This was a complex process, since the women had to demonstrate, through documentation and witness
statements, the existence and whereabouts of their enslaved children, and denounce the owners who refused to carry out the King’s wishes.

Reconstructing the trajectories of these women’s children places us in direct contact with the tragic realities of daily life for the enslaved. Clearly, it was a great challenge to create and maintain a family under such conditions. Nonetheless, their mothers thought—as others had before them—that this ‘utopia’ was possible. They imagined, perhaps, an eventual end to the conditions that prevented them from participating in their children’s upbringing and care. For example, according to the free *parda* Rita Gomez, who was the first owner of María Josefa Villanueva, *carabalí*,

after around two years María Josefa give birth … to a black baby girl who was named María Catalina, who, many years ago, the declarant sold to Don Manuel Madrazo for just over 200 pesos in payment for a debt … [Maria Josefa] then ceased to be her slave and she believes she has had many different owners and is currently owned by some ladies named Morejones, who live outside the city walls.41

The same records reveal that, on the same day that her first owner made these declarations, María Josefa appeared at the Consulado herself, bearing her daughter’s baptism certificate, dated Tuesday, 5 December 1797 in the Havana church of Espíritu Santo. María Josefa, it transpired, had been manumitted in 1802, after suing taking her then mistress, a freed African woman who acquired her after she left Rita Gómez’s possession, to a Havana court over her manumission price, thus apparently becoming the first among the *Dos Hermanos* group to gain freedom. Unlike other documents in the file, María Josefa had acquired her daughter’s baptism certificate in April 1806. This indicates that she had intended, unsuccessfully, to seek her daughter’s freedom, since such documents constituted admissible evidence in court cases.

This, in turn, implies that mother and daughter had sustained some kind of contact. It is difficult to determine its nature or frequency, but another clue emerges from the case. When, in March 1800, Rita Gómez had sold María Josefa to free black man Antonio Abad Borrajo, she had stated that she was ‘haughty and insolent’ (although she did not lower the asking price as a result).42 These same defects were also recorded for her daughter, María Catalina, upon her last sale in May 1818.43 They revealed behaviour that was a long way from the submissiveness expected from slaves. Had the young woman, now 18, learned such behaviour through contact with her rebellious, enterprising mother? It is certainly possible that an ongoing exchange, helping them survive the oppressive atmosphere of the Cuban capital.

The stories of the women of the *Dos Hermanos* women are very similar in many ways. Like many slave families of large cities like Havana, their defining feature was dispersal. Although the authorities recommended that mothers not be separated from small children, there was nothing to stop owners from doing so, through sale or gifts. Such acts revealed a total contempt for the slaves’ humanity, and also the economic realities of slavery, since such sales might alleviate the owners’ own financial hardships.44 This explains the family diaspora, defined here as the separation and dispersal of kin, whether or blood or of affinity. By the time of the king’s order, most of the criollo children of the *Dos Hermanos* had become part of this diaspora, which extended from city neighbourhoods like Horcón to sugar and coffee plantations of the broader Havana region and to small towns like Jaruco and Guanabo situated several leagues away from the city.
Stability for slave families in the cities was difficult to achieve, for several reasons. Most households owned a small number of slaves, so slave couples typically did not share the same owner. Belonging to a poorer owner added further complications: such owners pushed their slaves harder to bring in the required day wage \([\text{\textit{jornal}}]\), gave them less medical care, were less likely to pay for a midwife in childbirth, and were less likely to take on the costs of raising their enslaved women’s young children.\(^{45}\) In these circumstances, women watched helplessly as their young children were sold to solve financial difficulties, or as they themselves were sold, as occurred with María Josefa Villanueva. This happened most often without the children, since children accompanying their mothers were not seen as a good investment. During the same months that the \(\text{Dos Hermanos}\) case was being heard, Havana newspapers published many advertisements offering the sale, either together or separately, of enslaved mothers and young children.\(^{46}\)

Thus, the internal and inter-regional market was supplied daily with hundreds of enslaved men and women, who were the children, parents, siblings, or grandparents of other slaves and free people.\(^{17}\) The \(\text{Dos Hermanos}\) women were unusual in their eventual ability to reunify their families. Even in their case, they encountered significant resistance. Owners were even more reluctant to relinquish ownership of the children, who were Cuban-born and of prime working age, than of the women themselves.\(^{48}\) María Catalina, for example, was sold for 500 pesos in her last 1818 sale, much more than the 225 that her mother had cost in 1795.\(^{49}\) Meanwhile, the owner of ‘a little black criolla girl, 12 years old, named María de Regla’—the daughter of Urequa, carabali, who in Cuba was called Monserrate Acosta—had bought the girl in the town of Guanabacoa only three months previously, and considered the King’s decree to be little short of robbery.\(^{50}\) However, owners’ protests could not ultimately prevent the manumission process. Even worse, for them, was the Junta’s steady refusal of their demands for compensation for the expense of raising the children.\(^{51}\)

**Mothers, finally**

In such a tense process, unsurprisingly some of the African women thought that their ability to exercise motherhood was under threat. For example, María Josefa Sánchez, carabalí oru, had freed herself as well as her youngest son while he was still in her womb. She did this because her former master, Don Salvador Bozotil, who lived in a small rural settlement, attempted to keep her other seven children in his power, despite the king’s order. Obliged to take them to the capital to make his declarations, he arrived on 12 December with all seven children, aged between 11 and four. He declared that they had been born in his own house, he loves them and treats them not as slaves but affectionately, as if they were his children, educating them and teaching them the moral qualities that will allow them to be useful in society one day.

To his paternalist argument, he added a more practical one: the minors could not be adequately cared for by their mother, ‘a black freedwoman earning a pittance which will not be enough to sustain so many children.’\(^{52}\) He promised to ‘keep the pupils under his tuteelage, given their mother’s incapacity to educate and maintain them, until they are old enough to look after themselves.’ He even implied that he ought to be indemnified for
the expenses of raising them. The secretary recorded María Josefa’s reactions to Bozotil’s attempt to retain control over her family:

...finally, she is a mother, and her natural and positive rights prevent her from being separated from those in her care, as she is perfectly capable of maintaining them. This will prevent them from suffering the harshness of slavery in which they have been kept. Nothing is better for children than the care of their parents.

Thus, in claiming a right that had been previously denied to her, the woman who ‘finally, was a mother’ transcended her role as reproducer of labourers and sought control of her progeny. The record does not indicate that she ever refuted the manifestations of affection that her owner had made towards the children. We cannot be sure, since her spoken words were transcribed by others, but it is perfectly possible that she accepted that this affection might exist. Many owners who took children from a young age expressed similar sentiments. It is also credible because María Josefa’s was the only slave family on the small farm of the labourer Don Salvador. Possibly, he had bought her as a companion for his faithful male slave, Lorenzo. However, Bozotil also had eleven children of his own, for whom, as a father, he was surely concerned to provide first and foremost, giving them childhood companions who would later be slaves with a good market value.

Wishing to save her children from the ‘harshness of slavery,’ María Josefa argued that she was able to ‘raise’ them—to feed and clothe them and look after their health, as any free woman would be expected to do. She assumed that freedom gave her the capacity to raise socially useful individuals. She stressed her autonomy: she had already moved to Havana, found somewhere to live, and given birth to the baby whom she had manumitted while in her womb. Her view was shared by Dr Manuel Coimbra, a Consulado lawyer, who recommended that the Consulado reject Bozotil’s proposal and refuse to return the children to the power of those who had held them in slavery. Instead, the mother should take charge of the children, at least until a definitive agreement was reached about their freedom.

On the other hand, Andrés de Jáuregi, president of the Real Consulado, took a position remarkably similar to Bozotil’s. Since September 1818, Jáuregi had fretted about the number of youths who would leave owners’ supervision without their parents being ready to take charge of them. He cited the need to ‘prevent these blacks, who will so suddenly become free persons, … from abusing their freedom.’ He proposed that the judicial authorities be informed about them—especially the minors, who he considered most at risk—and that the courts should name tutors or trades-masters for them. However, Dr Coimbra reminded them all in November that:

...the laws, of the kingdom and of nature, grant free parents custody of their children. They cannot be denied that right, particularly when the Royal Order specifies that these freed people should not be subjected to tutelage ... it is my opinion that the children should be given to their parents, and the judicial authorities should be informed, as the Junta suggests, so that they are aware of the children’s activities, and can prevent vagrancy and its associated vices, without taking them from the parents unless they learn that they are not educating or employing them correctly. For those with no parents, the Junta should proceed as it originally suggested.

Although Coimbra referred to ‘fathers’ or ‘parents’ [padres] as custodians, he should have spoken more specifically about the mothers, since they were the ones who led the
children’s freedom claims. This was partly because *partus sequitur ventrem* required legal documentation from mothers, not fathers, even though several of the unions had been legally recognised. This was the case, for example, for María Josefa Sánchez and Lorenzo García, both *carabalí*; María de Regla Ángeles, *carabalí*, and Juan Nepomuceno, *congo*; Ana Josefa Díaz and Andrés Calvo, both *congo*; and María Monserrate Acosta and Ciriaco del Rey, both *carabalí*.\(^{59}\) By the normative moral codes of the time, enslaved women were considered unvirtuous, so was standard to question their partners’ biological paternity. It was common knowledge that baptism records could be altered, attributing to the slave husband children whose father was really another man, usually the owner.\(^{60}\)

In fact, the oldest children of Ana Josefa and Monserrate were apparently the product of unions with white men. Ciriaco himself admitted that ‘José Ramón, *pardo*, was his wife’s child, born before their marriage, while Severina Juana, Blas María and Juan José are his legitimate children.’ Differentiations of colour and legitimacy thus appeared between the siblings. Both the African man and his hearers—scribe, secretary, and Consulado members—knew the implications, within patriarchal Cuban society, of Ciriaco’s assumption of paternity, both in written baptism documents and in terms of broader public recognition of responsibility. Paternity recognition requests by freed men for their ‘natural’ children were fairly common, showing that Ciriaco’s behaviour was far from exceptional. They underline the importance of relationships between fathers and their children, and complicate, in important ways, notions of ‘matrifocality’ that have often been assumed for Afro-Cuban families.\(^{61}\)

However, male participation in claims for children’s freedom in the *Dos Hermanos* case is limited to that of Ciriaco del Rey. This is attributable less to the dissolution of family ties through death or abandonment, or to disinterest on the part of fathers toward their children’s future, than to the fact that it was proof of maternity that was required for legal purposes.

With respect to Ana Josefa Díaz’s son, the time lag between his birth and that of his younger sisters needed to be clarified in order to establish his identity.\(^{62}\) Doubts arose because, in the baptismal document, José de la Concepción was recorded as a ‘negrito’ (black boy), while the person who was appeared before the functionaries looked, to them, like a ‘mulatito’ (mixed-race boy). The grandson of Ana Josefa’s first owner explained:

> I believe that, since *mulatos* are not recognisable as such until they are three or four months old, and this boy was baptised when he was eight days old, it was assumed he was black because his mother was black.

He also confirmed that his grandfather had purchased Ana Josefa from the *Dos Hermanos*.\(^{63}\) Without the word of this ‘respectable’ white man, the boy’s manumission would have taken longer to process while his mother sought other witnesses, such as his godmother or former slave companions, who could testify that he was her son.

A contradiction emerges in the case at this point. The Consulado members had decided that the children were free, and had reluctantly conceded custody rights to their freed mothers following María Josefa Sánchez’s claim and the lawyer’s verdict. Yet they lacked real confidence in the women’s capacity to care for their children. In fact, a few days after María Francisca Rodriguez, *conga*, a single mother, and her son José Rufino,
aged 20, whose occupations were coach-driver and tobacco worker, received their freedom papers, the Consulado asked their local police commissioner to ensure that Rufino, *who is in his mother’s care*, occupies himself well in his two professions or in any other that suits him, so that, in behaving as a free man should, his liberty will remain compatible with the rights of society.\(^6^4\)

Clearly, Consulado members thought the women’s mothering role involved little more than simply controlling and disciplining their children, particularly through work. Doubt was cast on their moral capacity for this, and on their ability to conduct themselves in the world of free people in general, because they had left slavery ‘suddenly.’ According to this logic, slavery did not equip women with maternal qualities, even though many were employed in wet-nursing or childcare. Much less did it confer on them any authority to educate individuals who would be socially useful.

The Consulado members belonged to the white elite, and they acted as generators and transmitters of patriarchal discourse. If, only a few months previously, they had sought to ‘bring from Africa the black women slaves of whom we are so in need,’ valuing them merely for their reproductive capacity, it was not surprising that they should now seek to marginalise black women from involvement in rearing their own children. Of course, this conception of maternity also extended to white women, although it worked somewhat differently in their case.\(^6^5\) Regardless of colour, ‘destitute’ parents were considered incapable of educating their children and producing individuals who would be useful to the colonial state. For this reason, in 1819, the Captain General ordered the local police commissioners to collect all the ‘children of ten years or more, of any colour, who have no occupation or appropriate work’ and hand them to a trades master, assuming a priori that their parents were not performing this task.\(^6^6\)

For owners themselves, it had previously been their responsibility to ‘educate’ their women slaves’ children. At minimum, they had a duty to provide medical assistance, clothing, and food, but if they were sufficiently forward-thinking they would also have them learn a trade which would raise their market price and their day-wage earnings. Provided they did these things, they were considered to have complied with their ‘parental’ role. Certainly, no-one would have dared to criticise them, as they did the African women, if the children born and raised in their households committed crimes, drank, or gambled.

Women’s quest for their children’s manumission was one significant way in which they might practise motherhood. The means to achieve this might be different, but the end was the same. Some women struggled to secure their unborn children’s freedom; others laboriously kept track of those who were sold to rural areas; others undertook long journeys to make complaints about injustices, achieved loans, or made other risky commitments. For example, as a strategy for negotiating their children’s freedom, many women offered to act as wet-nurses to white children, even though, in doing so, they had to neglect the task of breastfeedding their own children.\(^6^7\) Even when children attained the first, crucial step of gaining legal manumission, living in freedom was not easy. They entered a world in which neither goodwill nor maternal love could help them. Only a small minority would escape poverty, or learn to read and write, or avoid the discrimination and police punishments linked to the colour of their skin.
The women of the Dos Hermanos knew about the views that others held of them. They knew that, as well as being judged for their socio-racial condition, they were also judged because they had attained freedom in an unusual way. They would be subject to much more supervision and scrutiny than their neighbours, although their only crime was to have become free. Such distrust of them even led the women to stop going to the Consulado to learn of their cases’ progress, since they feared that doing so might actually worsen their situation. María Josefa Sánchez, for example, waited more than a year before returning to collect her children’s seven letters of liberty, perhaps believing that time was the best weapon for her to defeat those who wished to limit her mothering role.

These good intentions might also clash with the harsh realities engendered by slavery. In many families, the shift to cohabitation between parents and children who might until recently have been little more than strangers to each other generated conflicts. Young people disobeyed parents or, in some cases, were even sexually exploited, perhaps as a means to boost the precarious household finances of freed people who typically lived in poverty. Others had worse fortune still. José de la Concepción, the pardo son of Ana Josefa Díaz, died from a stab wound after a brawl in the neighbourhood of Jesús María, a poor area outside the city walls. Nonetheless, we should not conclude, like the secretary of the Tribunal, that this tragic fate was the result of his having left the household of his former owner, the priest. Court records show that interpersonal violence occurred between free and slave, and black and white, alike. The young man’s death did not result from any failure of his mother, who, due to slavery, had in any case been prevented from having any significant role in his upbringing. When she was finally able to have more input, it was too late. Time and personal circumstances finished the work that slavery had started.

Conclusions

The stories of the women of the Dos Hermanos have much to tell us. They reveal a clear disagreement between the Consulado and the women themselves over their capacity to raise their families. At the time, maternity was defined primarily as the prerogative of white, free women, and this was limited to domestic care rather than providing for the household as a family head. This racially prejudiced vision assumed that children would not bond with their mothers ‘naturally’ while the mothers were slaves. Hence, family conflicts after freedom were interpreted not simply as the result of the separations they had experienced while enslaved, but as proof of their incapacity to live in freedom. This necessitated the involvement of authority figures from outside the family itself, whether former owners, trades masters, or, in the final instance, agents of law and order. Aligning closely with the interests of the colonial state, Consulado members sought strict vigilance over the Afro-descendant free population in the name of public security, political stability and the success of the plantation project. The women’s children were a useful labour resource, but were also seen as susceptible to subversive ideas. Thus, attempts to subject them to new forms of labour control became matters for the police.

Meanwhile, for the Dos Hermanos mothers, the king’s decision offered them the possibility of reuniting their families. The only resource they had to this end was their freedom, since they would now form part of the majority poor population in Havana’s most deprived neighbourhoods. After they gained their own freedom, their first act was to
reassert their role as mothers, acting on behalf of children to whom they had previously been able to offer very little. Drawing on their legal skills, tenacity, and the solidarity among them, they traced children scattered far and wide in slavery. Many of them had maintained contact, against the odds, in the intervening time. In a society ruled by slavery, their consciousness of belonging to the Dos Hermanos community, and of their resulting entitlement to liberty, was surely the most precious inheritance they could pass to their children.

Notes

1. The Real Consulado de Agricultura y Comercio was a consultative body, composed of planters and merchants, established by royal decree on 4 April 1794. Linked to the Consulado were the Tribunal del Consulado, which adjudicated in commercial cases, and the Junta de Gobierno del Consulado, which proposed measures for agricultural and commercial development to the colonial government. Catálogo del Real Consulado y Junta de Fomento (1943) Publicaciones del Archivo Nacional, (Havana: Imprenta El Siglo XX) p. XVIII.

2. For an exhaustive study of the case, see María de los Ángeles Meriño Fuentes and Aisnara Perera Díaz (2014) Del tráfico a la libertad: el caso de los africanos de la fragata Dos Hermanos en Cuba 1795–1837 (Santiago de Cuba: Editorial Oriente).

3. Archivo Nacional de Cuba (henceforth ANC). Tribunal de Comercio, leg. 357, no. 4. Sexta pieza. 1818.

4. On Cuban discourses of maternity see Lucía Provencio Garrigos, “Las madres cubanas no son madres sino a medias. Discurso teóricos y disciplina de la maternidad (1790–1868)”, in: Francisco Chacón Jiménez and Ana Vera Estrada (Eds.) (2009). Dimensiones del diálogo americano contemporáneo sobre la familia en la época colonial, (Murcia: Ediciones de la Universidad de Murcia) pp. 231–267. On the exclusion of enslaved women from this programmatic ideal, see Sarah L. Franklin (2012) Women and Slavery in Nineteenth-Century Colonial Cuba (Rochester: NY, University of Rochester Press), pp. 33–7, and chapter 5.

5. There is a significant bibliography on women’s judicial activities. For Brazil, see for example Keila Grinberg. (1994, 2008) Liberata: a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX, Centro Edelstein de Pesquisas Sociais. For Ecuador, see María Eugenia Chávez (2001) Honor y libertad. Discursos y Recursos en la Estrategia de Libertad de una Mujer Esclava (Guayaquil a fines del período colonial), Departamento de Historia e Instituto Iberoamericano de la Universidad de Gotemburgo. For Cuba and Brazil, see Camillia Cowling (2013) Conceiving Freedom. Women of Colour, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro (Chapel Hill: The University of North Carolina Press).

6. Coartado slaves: those who made a down-payment towards their freedom price, which theoretically helped guarantee certain other conditions, such as the ability to have some input into how and when they might in future be sold. On Cuban coartación in slave law and in changing master-slave relations, see Alejandro de la Fuente (2007) Slaves and the Creation of Legal Rights in Cuba: Coartación and Papel, Hispanic American Historical Review, n. 87, pp. 659–692.

7. On the schooner Nuestra Señora del Carmen, which provided a precedent for the Dos Hermanos case, see Meriño Fuentes and Perera Díaz, Del tráfico a la libertad: el caso de los africanos de la fragata Dos Hermanos en Cuba, pp.118–152.

8. On slave claims from El Cobre, see Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes (2015) Estrategias de Libertad. Un acercamiento a las acciones legales de los esclavos en Cuba (1762–1872) (Havana: Editorial de Ciencias Sociales) vol. II, pp. 121–130. For a detailed study of this important slave community in Cuba, see María Elena Díaz (2000) The Virgin, the King, and the Royal Slaves of El Cobre. Negotiating Freedom in Colonial Cuba, 1670–1780 (Stanford, California: Stanford University Press).
9. Among several recent works that discuss slavery and the law in the United States, see Ariela Gross (2000) Double Character: Slavery and Mastery in the Antebellum Courtroom (Princeton, New Jersey: Princeton University Press). For a now classic work on slavery and the law in Brazil see Sidney Chalhoub (1990) Visões da Liberdade: uma história das últimas décadas da escravidão na Corte (São Paulo: Companhia das Letras).

10. ANC, Tribunal de Comercio, leg. 357, no. 4. Sexta pieza. 1818. ff. 181–183. Note that the figure of 207 represents the estimated figure on which the ship’s owners originally based their claim. In fact, in 1795, only 197 Africans were actually sold.

11. On the treaty see David Murray (1980) Odious Commerce. Britain, Spain and the Abolition of the Cuban Slave Trade (New York: Cambridge University Press), pp. 50–71.

12. Pablo Tornero (1996) Crecimiento económico y transformaciones sociales. Esclavos, hacendados y comerciantes en la Cuba colonial 1760–1840 (Madrid: Centro de Publicaciones Ministerio de Trabajo y Seguridad Social), p. 87.

13. For the foregoing figures, see Manuel Moreno Fraginals (1978) El Ingenio. Complejo económico social cubano del azúcar (Havana: Editorial de Ciencias Sociales) T. II, p. 108.

14. For a classic interpretation of nineteenth-century Cuban society and economy see Franklin W. Knight. (1970) Slave Society in Cuba During the Nineteenth Century (Madison: University of Wisconsin Press). For a more recent synthesis, see Ada Ferrer (2014) Freedom’s Mirror: Cuba and Haiti in the Age of Revolution (Cambridge University Press). On the slave trade to Cuba, see Klein, Herbert S. (1975) The Cuban Slave Trade in a Period of Transition, 1790–1840, Revue française d’histoire d’Outre-mer, LXVII, 226–227, pp. 67–88.

15. “Representación del Consulado de la Habana de 21 de octubre de 1818,” in Torres Cuevas and Eusebio Reyes (1986) Esclavitud y Sociedad (Havana: Editorial de Ciencias Sociales), pp. 131–8. On women in the trade to Cuba, see Beatriz Joda Esteve (2014) El comercio de esclavos a Cuba (1790–1840): Una proporción femenina, Anuario Colombiano de Historia Social y de la Cultura, 41.2, pp. 107–130.

16. ANC, Reales Cédulas y Ordenes, Leg. 40, No. 56: “Real Orden reservada prorrogando el libre-comercio de esclavos, ordenando respectar la cédula de 1789 para su tratamiento e importar esclavas para facilitar la procreación,” Aranjuez, 22 de abril de 1804.

17. Tornero, Crecimiento económico y transformaciones sociales, pp. 58–9.

18. Joda Esteve, “El comercio de esclavos a Cuba,” Figure 1, “Evolución porcentaje femenino (1790–1820),” p. 114.

19. Tornero, Crecimiento económico y transformaciones sociales, p. 61.

20. There is a long-running debate about the reliability of the figures reported by British functionaries based in Havana during the long period of illegal slave trading. See Murray, Odious Commerce, pp. 243–246. More recent estimates, based on David Eltis, David Richardson, Stephen D. Behrendt and Herbert S. Klein (Eds) (1999) The Atlantic Slave Trade 1527–1867: A Database (Cambridge: Cambridge University Press) suggest that arrivals between 1821 and 1865 totalled 181,72, compared with Murray’s estimate of 397,394. With Spain’s acceptance in 1845 of a penal law to combat the slave trade, the British believed that the trade would really diminish. The British consul in Havana criticised the Cuban planters for not having made “provision for such an event, by the purchase of a proportionate number of females, nor yet by any care of the children born to the few females they possess: consequently there are, comparatively speaking, few of the negro race growing up to take the place of those that die.” Correspondence with British Commissioner at Sierra Leone, Havana, Rio de Janeiro, Surinam, Cape of Good Hope, Jamaica, Loanda, and Boa Vista relating to the Slave Trade, January 1, to December 31, 1846, Class A, William Clowes and Sons, London, 1847. No. 55. “Los Comisionados de su Majestad al Conde de Aberdeen,” Havana, 1 January, 1846, p. 113.

21. For a case study which demonstrates the population growth that occurred on one Havana sugar plantation, see Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes (2006) Matrimonio y familia en el ingenio: una utopía posible. (1825–1886), Caribbean Studies, University of Puerto Rico, Vol. 34, No. 1. pp. 201–237.
22. Archivo General de Indias (Seville). Indiferente General, 1702, communication dated Havana, 10 February 1815.

23. For Aisha Finch, the Cuban planter elite changed its perception in this regard during the years when it became more difficult to acquire slaves via the illegal market, aiming to encourage marriages and create the conditions for "domestic life" in which slave women could act as wives. These interesting reflections are based on the travel accounts of North American and European travellers. As such, they are unable to assess the real impact on daily plantation life of such attitudinal shifts. As Finch recognises, planter opinions were based on the "fantasy" that reproductive order and "normality" could somehow be imposed on the plantations. Aisha K. Finch. (2010) Scandalous Scarcities: Black Slave Women, Plantation Domesticity, and Travel Writing in Nineteenth-Century Cuba, Journal of Historical Sociology, Vol. 23 No. 1, pp. 101–143.

24. On the La Ninfa sugar plantation in the jurisdicción of Güines, owned by the well-known creole economist and thinker Francisco de Arango y Parreño, women both cut and gathered cane. See Biblioteca Nacional José Martí, Colección Manuscritos Pérez, N. 242, “Correspondencia con el administrador José Arango y otros empleados del ingenio La Ninfa, sobre asuntos del ingenio,” 1810–1830. Across the island, and throughout the nineteenth century, sugar plantation inventories reveal that slave women’s allotted work did not align with gendered expectations of suitable work for free women. On women’s work in the Anglophone Caribbean, see Barbara Bush (1990) Slave Women in Caribbean Society, 1650–1838 (Bloomington: Indiana University Press).

25. These were the words of the Prior (president) of the Real Consulado in the session of 15 July 1818. ANC: Junta de Fomento: Leg. 150. No. 7410, “ Expediente sobre el cumplimiento de la Real Cédula de 20 de agosto de este año que declara libres los 207 negros que apresados por un corsario francés fueron rescatados por D. Ignacio Pica y otros.”

26. Henry Theo Kilbee, the first judge of the Anglo-Spanish Mixed Commission, established in Havana from 1820, mentioned the case in his Memorandum Relating to Slaves in the Island of Cuba (Havana, 9 October 1824). See Correspondence with British Commissioner at Sierra Leone, Havana, Rio de Janeiro, and Surinam relating to the Slave Trade, 1824–25, Class A, R. G. Clarke, London, 1825, pp. 122–124.

27. Arará: Fon and Mahi Africans, from the Bight of Benin. See Hipolyte Brice Sogbossi (1998) La tradición ewé-fon en Cuba (Havana Fundación Fernando Ortiz and Universidad de Alcalá). Oru: a sub-group of the Igbo people. See Nneka Nora Osakwe (2011) Semantic Implications of ‘Ohu’ and ‘Amadi’: The Aftermath of Slavery in Nkanu and Ezeagu”, in: Carolyn A. Brown and Paul E. Lovejoy (Eds.), Repercussions of the Atlantic Slave Trade: The Interior of the Bight of Biafra and the African Diaspora (Trenton, NJ: Africa World Press), p. 253, Fig. 15.2. British ethnographers Darryll Forde y G. I. Jones (1967) refer to a group calling itself Oru in The Ibo and Ibibio Speaking Peoples of South-Eastern Nigeria (London: The International African Institute, Stone and Cox Ltd.), p. 51.

28. Paul E. Lovejoy, Transformaciones trasatlánticas: orígenes e identidades de los africanos en América, Del Caribe, Santiago de Cuba, No. 41, 2003, pp. 55–70.

29. ANC: Tribunal de Comercio. Leg. 357. No. 4. Sexta pieza. 1818. Folio 280 vto.

30. ANC: Tribunal de Comercio. Leg. 357. No. 4. Sexta pieza. 1818. Folio 280 vto.

31. Generally, discussions of slave deaths on plantations do not differentiate between men and women. We might assume that the mortality rate was higher among men, since they made up the largest percentage of plantation workforces. However, women not only experienced long work days and labour accidents, like the men, but also ran the risks of pregnancy and childbirth.

32. Cuarta Partida, Título XXI, laws I and II, in Manuel Lucena (2005) Leyes para esclavos. El ordenamiento jurídico sobre la condición, tratamiento, defensa y represión de los esclavo sen las colonias de la América española (Madrid: Fundación MAPFRE TAVERA and Fundación Ignacio Larramendi), p. 536.

33. Cowling, Conceiving Freedom, p. 54.
34. This principle meant that slave families prioritised women’s manumission as part of broader emancipation strategies. See Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes (2009) Para librarse de lazos, antes buena familia que buenos brazos: Apuntes sobre la manumisión en Cuba 1800–1881 (Santiago de Cuba: Editorial Oriente). Cowling explores the connection between partus sequitur ventrem and the “free womb” legislation that underpinned gradual emancipation in Cuba and Brazil in Conceiving Freedom, chapter 2.

35. ANC, Tribunal de Comercio, leg. 397, no. 15, “Incidente a los autos obrados sobre la libertad de negros de la expedición rescatada por D. Ignacio Pica y socios promovido por D. José María Rodriguez para que se le pague la importancia de los de su propiedad ya manumitidos,” 1818.

36. Cowling, Conceiving Freedom, p. 54. Such powers, as various studies have shown, began to be exercised on slave ships and continued on the plantations. Michael A. Gomez (1998) Exchanging our country marks, The Transformation of African Identities in the Colonial and Antebellum South (Chapel Hill: University of North Carolina Press), pp. 166–167.

37. Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes (2009) La cesión de patronato: una estrategia familiar en la emancipación de los esclavos en Cuba (1870–1880) (San Antonio de los Baños: Editorial Unicornio).

38. Carabali: generic term for Africans from the markets of Old and New Calabar in the Bight of Biafra, where “several ethnic groups coexisted: Igbo, Ibibio, Igala, Efik, Ijo, Ogoni. The area has been defined by its relatively low cultural and economic diversity. Among these ethnicities, the Igbo, Ibibio, and Ijo were the largest of the different groups, which, in turn, can be subdivided into smaller cultural communities.” Gomez, Exchanging our Country Marks, p. 124. On this group of peoples in the slave trade, see Brown and Lovejoy, eds., Repercussions of the Atlantic Slave Trade.

39. ANC. Tribunal de Comercio. leg. 357, no. 4. Sexta pieza. 1818. Pardo: of mixed African/European descent.

40. Vivi: the Ibibio people of today’s Nigeria. See Aisnara Perera Díaz y María de los Ángeles Meriño Fuentes (2013) El cabildo carabalí vivi de Santiago de Cuba: familia, cultura y sociedad (1797–1909) (Santiago de Cuba: Editorial Oriente), pp. 72–90. On the Ibibios in Africa, see P. Amaury Talbot (1967) Life in Southern Nigeria. The Magic, Beliefs and Customs of the Ibibio Tribe (London: Frank Cass & Co. Ltd).

41. ANC, Tribunal de Comercio. leg. 357, no. 4. Sexta pieza. 1818.

42. ANC, Protocolo de Marina, 1800, “Escritura de venta de 26 de marzo de 1800, Mariano Villanueva y Rita Gómez, marido y mujer a favor del moreno libre Antonio Abad Borrajo.”

43. ANC, Tribunal de Comercio, leg. 327, no. 21, “Doña María de la Merced Morejón contra sus causantes,” 1818.

44. We found many examples of this in a study of the slave market in the jurisdicción of Bejucal, 1800–1886: Perera Díaz and Meriño Fuentes, La cesión de patronato. pp. 44–45.

45. ANC. Escribanía de Antonio Daumy, leg. 635, no. 2, “Diligencias que promueve el Síndico-Procurador General en representación de María del Socorro esclava de D. Ignacio Vicente de Ayala,” 1828.

46. For examples, see Diario de La Habana, 12 October 1818.

47. For Cuba, despite some limited work on the topic, and despite the visibility that family separations acquired during slavery’s last years, as thousands were displaced from the eastern region of the island to the centre and west, there is no study of the effect of the slave market on slave families along the lines of Walter Johnson (1999) Soul by Soul: Life Inside the Antebellum Slave Market (Harvard University Press).

48. Laird Bergad, Fe Iglesias García and María del Carmen Barcia (1995) The Cuban Slave Market. 1700–1880 (Cambridge University Press), Chapter 4.

49. ANC, Tribunal de Comercio, leg. 324, no. 21, “Da María de la Merced Morejón contra sus causantes,” 1818. f. 3 vto.

50. ANC, Tribunal de Comercio, leg. 357, no. 4, Sexta pieza, 1818, f. 287.

51. ANC, Tribunal de Comercio. leg. 397, No. 15, “Incidente a los autos obrados sobre la libertad de negros de la expedición rescatada por D. Ignacio Pica y socios promovido por D. José
María Rodríguez para que se le pague la importancia de los de su propiedad,” 1818; Tribunal de Comercio, leg. 104, no. 16, “María Josefa carabali oru reclama el precio de su libertad y también la manumisión de 7 hijos que tiene bajo servidumbre de Don Salvador Bosoti (alias el Maltés) residente en el partido del Gabriel”; Junta de Fomento, Leg. 150, no. 7410, “Expediente sobre cumplimiento de la R. Cédula de 20 de agosto de este año que declara libres 207 negros que apresados por un corsario francés fueron rescatados por Dn Ignacio Pica y otros,” 1817.

52. ANC, Tribunal de Comercio, leg. 104, no. 16, “María Josefa carabali oru reclama el precio de su libertad y también la manumisión de 7 hijos que tiene bajo servidumbre de Don Salvador Bosoti (alias el Maltés) residente en el partido del Gabriel.” Our definition of paternalism derives from Gerda Lerner (1986) The Creation of Patriarchy (New York: Oxford University Press), pp. 217–218, 239.

53. Ibid.

54. Ibid., f. 5. Vto. As Cowling has shown, this argument was widely used within abolitionist rhetoric, which, during gradual emancipation in Cuba and Brazil, often emphasised family and maternity. It was also used by women who made claims for freedom under the free womb laws of each country. Cowling, Conceiving Freedom, chapters 3 and 4.

55. Demonstrations of affection were used as evidence of paternity in many judicial cases. For example, ANC. Audiencia de Santiago de Cuba, leg. 789, no. 18 095, “Autos promovidos por el Caballero Síndico Procurador General reclamando de D. Clemente Braud la libertad de su esclava nombrada Feliciana,” 1837–1839.

56. We traced the children of Salvador Bozotil García and Rosa Llanes Lugo, born between 1802 and 1815, through the baptismal records of the parish of San Pedro de Quivicán.

57. Acta de la Junta de Gobierno del 23 de septiembre 1818, ANC, Junta de Fomento, leg. 150, no. 7410, “Expediente sobre el cumplimiento de la Rl. Cédula de 20 de agosto de este año que declara libres los 207 negros que apresados por un corsario francés fueron rescatados por D Ignacio Pica y otros.”

58. ANC. Tribunal de Comercio, leg. 357, no. 4. Sexta pieza. 1818. f. 309 vto. 11 de noviembre de 1818.

59. Congo: generic term for slaves exported from the region between Cape López and Cape Negro in West Central Africa. See Linda Heywood (Ed.) 2002) Central Africans and Cultural Transformations in the American Diaspora (Cambridge University Press).

60. For an example, see ANC, Escribanía de Antonio Daumy, leg. 580, no. 11, “María del Carmen Moya, negra, sobre que D. Juan de Dios Armas, su dueño, le otorgue carta de libertad,” 1804.

61. Aisnara Perera Díaz and María de los Ángeles Merino Fuentes (2006) Esclavitud, familia y parroquia en Cuba. Otra mirada desde la microhistoria (Santiago de Cuba: Editorial de Oriente), pp. 157–188. Karen Y. Morrison (2007) Creating an alternative kinship: slavery, freedom and nineteenth-century Afro-Cuban hijos naturales,” Journal of Social History, 41:1, pp. 55–80.

62. The Dos Hermanos case reveals much about how the identity of free or slave individuals was established at this time. See Merino Fuentes and Perera Díaz, Del tráfico a la libertad, chapter 7. On techniques for establishing identity later in the century, see Maria Helena Machado (2010) Corpo, gênero e identidade no limiar da Abolição: a história de Benedicta Maria Albina da Ilha ou Ovidia, escrava (Sudeste, 1880)”, Afro-Ásia, 42, pp. 157–193.

63. ANC. Tribunal de Comercio, leg. 357, no. 4. Sexta pieza. 1818.

64. Ibid.

65. Franklin, Women and Slavery, Chapter 5.

66. Bando de Buen Gobierno del Esc. Señor Juan Manuel Cagigal, gobernador y capitán general de la isla de Cuba, publicado el 18 de octubre de 1819, (Havana: Oficina de Arazosa y Soler, impresores del Gobierno y Capitanía General), pp. 5–6.

67. For example, ANC, Escribanía de José R. y Francisco Cabello Oseguera, leg. 457, no. 7, “Incidente al intestado del Lic. D. Pedro de Jesús Acosta promovido por el Caballero Síndico Procurador General a nombre de la negra Agueda Josefa que quedó entre los bienes de aquel, reclamando su libertad,” 1837–41.
68. ANC, *Tribunal de Comercio*, leg. 357, no. 4, Sexta pieza. 1818, “Informe del secretario Blas Ignacio de Zárate de 19 de febrero de 1820.”
69. Ibid.
70. See Juan Bosco Amores Carredano y Sigfrido Álvarez Cienfuegos (2003) Violencia y conflictividad social: Una aproximación al estudio de la violencia en la Cuba colonial (1785–1810), Ibero-Americana Pragensia Supplementum, 11, pp. 45–64.
71. Provencio Garrigos, “Las madres cubanas,” p. 358.

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No potential conflict of interest was reported by the authors.

**Notes on contributors**

*Dr. Maria de los Ángeles Meriño Fuentes*, a member of the Academia de la Historia de Cuba, has co-authored, with Aisnara Perera Díaz, over a dozen books on the social, legal and demographic history of slavery and the slave trade in Cuba, which have received numerous prizes. Their recent books include *Estrategias de libertad. Un acercamiento a las acciones legales de los esclavos en Cuba* (1762–1872) (Havana: Editorial de Ciencias Sociales, 2015) and *Del tráfico a la libertad: el caso de los africanos de la fragata Dos Hermanos en Cuba* (1795–1837) (Santiago de Cuba: Editorial Oriente, 2014). Her work has appeared in journals and edited collections in eight countries.

*Dr. Aisnara Perera Díaz*, a member of the Academia de la Historia de Cuba, has co-authored, with María de los Ángeles Meriño Fuentes, over a dozen books on the social, legal and demographic history of slavery and the slave trade in Cuba, which have received numerous prizes. Their recent books include *Contrabando de bozales de Cuba: perseguir el tráfico y mantener la esclavitud* (1845–1866) (Editorial Montecallado, 2015) and *Libertad sin abolición: la dimensión política de los conflictos entre africanos y traficantes en los tribunales cubanos. La Habana. 1795–1844* (Editorial Vigía, 2015). Her work has appeared in journals and edited collections in eight countries.