

Gradual Abolition and the Dynamics of Slave Emancipation in Cuba, 1868-86

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THE abolition of slavery in Cuba is usually examined as a series of discrete legal and political events, viewed either as the expression of increasing contradictions within the Cuban economic system or as the result of domestic and international pressures exerted on the Spanish government.¹ The sequence of events begins with a declaration of emancipation by Cuban insurgents rebelling against Spain in 1868, followed by the passage of the Moret Law by the Spanish Cortes in 1870, then by the establishment of the *patronato*, or apprenticeship, in 1880, and finally by the termination of the *patronato* in 1886. This article will focus instead on the developing interaction of individuals and classes during this process of change, in an effort to determine the social dynamics that underlay these legal and political events.

The gradualness of abolition in Cuba provides an unparalleled opportunity to analyze the disintegration of chattel bondage in a plantation society. The legal structure of slavery in Cuba was dismantled piece by piece. Young children and the elderly were legally freed and the use of the whip banned in 1870; meager wages were introduced, but corporal punishment maintained, in 1880; stocks and chains were prohibited in 1883. Social and economic relationships changed as legal ones altered, in turn producing further change, all within a context of warfare, pacification,

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1. Among the historians who have analyzed aspects of the abolition of slavery in Cuba are Raúl Cepero Bonilla, in *Azúcar y abolición* (Havana, 1948); Arthur Corwin, in *Spain and the Abolition of Slavery in Cuba, 1817-1886* (Austin, 1967); Ramiro Guerra y Sánchez, in *Guerra de los diez años, 1868-1878*, 2 vols. (Havana, 1950-52); Franklin Knight, in *Slave Society in Cuba during the Nineteenth Century* (Madison, 1970); and Manuel Moreno Fraginals, in *El ingenio: Complejo económico social cubano del azúcar*, 3 vols. (Havana, 1978).

and economic adaptation. This process, I will argue, involved a complex hybrid of resistance and accommodation by both slaves and masters, whose actions then helped to shape the further course of emancipation.

In October 1868, in the Eastern Department of Cuba, a group led by small-scale planters, frustrated at Spain's multiple failings as a metropolitan power and provoked by economic hardship and new taxes, rose in rebellion. Some freed their own slaves and incorporated them into the rebel army, and the insurgents' platform called for the eventual indemnified emancipation of all slaves. The rebel leaders planned for this abolition to come *after* the triumph of the revolution, however, and in the meanwhile decreed the death penalty for anyone caught inciting slaves to revolt. Later, under pressure from within their ranks, and aware of the need for international support, they declared immediate emancipation. The effects of this emancipation were limited, though, by the enactment in July 1869 of a restrictive *Reglamento de Libertos* that required forced labor of former slaves. Only at the end of 1870, when these regulations were revoked, did the rebels take up a position of genuine abolitionism.

The Cuban scholar Raúl Cepero Bonilla, in an essay published more than thirty years ago, argued that the class position and the political aims of the leaders of the 1868 rebellion caused them to move toward abolition with great hesitation.² Cepero Bonilla's analysis of the ideology of the rebel leaders is perceptive, but to understand the impact of the rebellion on slaves, one must also turn to sources that reflect conditions in areas under insurrectionist control or near the fighting. Some such records—transcripts of court cases, correspondence of prefects, complaints from masters and *libertos* (as former slaves were called by the rebels)—were captured by the Spaniards and preserved. These documents make clear that insurgent administrators obliged some *libertos* to remain with their former masters, ordered others from place to place as forced labor, compelled *libertas* to work as their personal domestic servants, and made invidious distinctions within the army among whites, creole *libertos*, and Africans. Both wartime exigency and the class and cultural differences between officers and *libertos* led officers to view freed slaves as useful but dangerous and to impose controls drastically limiting their freedom.³

2. Cepero Bonilla, *Azúcar y abolición*, chaps. 11–17.

3. A group of insurgents' documents, titled the *Colección Fernández Duro*, is to be found in the Library of the Real Academia de Historia, Madrid (hereinafter RAH, FD). The evidence that *libertos* were treated as labor gangs rather than as free individuals is abundant. See, for example, the orders given by M. Quesada in June and July of 1869, in RAH, FD, leg. 4, docs. 432, 635, 713, and 720. On the use of *libertas* as domestics, see J. Agustín Bora to C. Prefecto del Partido Porcayo, Nov. 25, 1869, RAH, FD, leg. 2, carpeta 11, doc. 484. An example of the racial distinctions made appears in an order distributing the men of a particular unit: "De los hombres que él tiene destine U. los blancos á las armas y los libertos con raras escepciones a la agricultura . . ." Order from M. Quesada, July 12, 1869, RAH, FD, leg. 4, doc. 616.

Other aspects of insurgent policy, however, had opposite effects. As a military measure, many *libertos* were drafted into the fighting force. This had unintended consequences for the maintenance of slavery. The *liberto*, now a soldier, became potentially disruptive, a symbol of freedom and a walking challenge to the institution of slavery. In one revealing case, a planter tried to keep a *liberto* soldier named Florentino away from his former home. A physical confrontation resulted, and the record of the ensuing court case reflects both the master's desire to prevent Florentino from returning to visit his *compañeros* who were still servants, and the dramatic effect of the *liberto's* appearance in the cookhouse of his old plantation. The master had been willing to free the troublesome slave and contribute him to the rebel cause as a soldier, but he had no intention of allowing Florentino to come back to the plantation to display his rights as a free man. In a letter to the rebel authorities, the planter complained bitterly that the remaining servants on his estate had little affection for him and had come to view Florentino as their protector.⁴

While the insurgent leaders used emancipation to provide themselves with recruits, they assumed that former slave women would remain at work, generally in agriculture. Once freedmen went into the army, however, some freedwomen refused to remain on estates, preferring to accompany their friends, husbands, sons, or brothers into the *monte*. One official wrote with exasperation in March 1869 that a group of women alleged "that the emancipation decree has declared them free and in virtue of their independence they resist returning to that estate" The logic of the women's position was clear, as was the frustration of the administrator. He advised the estate's owner to appeal to the military court to recover the recalcitrant *libertas*.⁵

The use of abolitionism by the rebels as a rallying cry, even when in practice abolition was heavily compromised, had its own effects. It encouraged slaves outside the rebellion, and *libertos* within it, to become more assertive. Some *libertos* chose to view the revolutionary prefects as their potential defenders and, when mistreated, fled their masters to demand justice. The prefect might be unsympathetic, but raising the issue could be disruptive all the same. It brought masters before a court to answer for their behavior toward *libertos*, something no former slaveowner could view with equanimity.⁶

Outside the area of insurrectionist control, the rebellion posed a threat to planters with estates near the front lines. Slaves who fled plantations could now go not only to the hills, but to the rebels; pursuing runaway

4. For the testimony in the case of Florentino, see RAH, FD, leg. 1, doc. 5.

5. *Libertos*, Mar. 12, 1869, RAH, FD, leg. 2, carpeta 11, doc. 376.

6. For an example of a *liberta* appealing to a prefect, see the dispute between Rosa and Francisco Socarrás, RAH, FD, leg. 3, doc. 1, Sumarios.

slaves might lead to engaging rebel forces. The presence of the revolutionary alternative made the maintenance of plantation discipline a delicate matter—even though, in extreme cases, it brought new forms of control, as the Spanish military became directly involved in keeping the peace on estates in contested zones.

Thus, the impact of the insurrection on slavery went beyond the initial intentions of its leaders. Rebel policy itself evolved under pressure toward a less qualified abolitionism, particularly as the participation of free persons of color and *libertos* in the army increased.⁷ At the same time, *libertos* learned to make use of even partial and opportunistic concessions by the rebel leaders.

Though the majority of Cuba's slaves were in the West, not directly touched by the war, pacification of the island nevertheless required the colonial government to come to terms with the issue of abolition. However ambivalent the initial insurgent commitment to abolition, that commitment put Spain on the defensive, both within Cuba and internationally. Spain could hardly afford to appear the retrograde defender of slavery in the eyes of the United States, a potential ally of the insurgents, or in the eyes of potential Black recruits to the insurrection. Yet neither could the government afford to take steps that might damage sugar production or betray loyal planters who were still terrified by the notion of an abrupt abolition.

The Moret Law, passed by the Spanish Cortes in 1870, attempted to meet these conflicting needs. It was a “preparatory bill for the gradual abolition of slavery” that freed children born since 1868 and all slaves over the age of sixty, while promising that an indemnified emancipation of the rest would be introduced once Cuban delegates were seated in the Cortes—something to be expected only with the end of the war. The bill outlawed the use of the whip and provided that any slave proven the victim of “excessive cruelty” was to be freed. Juntas Protectoras de Libertos, one half of whose members were to be slaveholders, were established to oversee enforcement.⁸

7. Contemporary observers, both sympathetic and unsympathetic, were agreed on the large proportion of persons of color in the rebel army. See, for example, James J. O'Kelly, *The Mambi-Land or Adventures of a Herald Correspondent in Cuba* (Philadelphia, 1874), p. 221. He estimated that only one-third of the fighting men were white. Rebel documents bear out these estimates. See Thomas Jordan to Eduardo Agramonte, Dec. 16, 1869, RAH, FD, leg. 1: “In my inspection of the troops here as well as in the Oriente, I have been surprised to find much more than half of them negroes (including many Africans) and Chinese . . .” (original in English).

8. For analyses of the politics of passage of the Moret Law, see Knight, *Slave Society*, chap. 6, and Corwin, *Spain and the Abolition of Slavery*, chaps. 12–13. The text of the Moret Law can be found in Fernando Ortiz, *Los negros esclavos* (Havana, 1916), Appendix.

Colonial authorities portrayed the Moret Law as wise and judicious, the logical outcome of the Spanish revolution of 1868, and a measure to which even slaveowners would consent.⁹ In practice, however, slaveholders criticized it and sought to block its enforcement. As a result, the law turned out to be both less and more than it seemed, and its history reflects the complex dialectics involved in reforming or ameliorating slavery.

It was less than it seemed in that the freedom it granted was limited, compromised, and, in many cases, quite illusory. Children were freed, but they owed unpaid labor to their masters until they reached the age of eighteen, which meant that even when parents won freedom, they could not automatically take their children with them. The aged were declared free, but since ages were much in dispute, there was the possibility of widespread fraud. Unregistered slaves were legally free, but owners' petitions for the inclusion of names in the registers continued for years, stalling actual manumission. Thus, although the number classified as slaves fell sharply in the 1870s, the law did not change as many lives as the numbers suggest¹⁰ (see Appendix I).

The Moret Law was also a bit more than it seemed, however, because its provisions led to institutional changes that tended to disrupt the social order of slavery. When the law was being discussed in 1870, one powerful planter, Francisco Ibáñez, recommended that the law avoid the "intervention of Agents of Authority" to carry it out, for such intervention could cause abuses and could "discredit" (*desprestigiar*) masters on their estates.¹¹ The very existence of the Juntas Protectoras nonetheless created the possibility that slaves could take the initiative of bringing complaints against their masters before outside judges.

Given their membership, the Juntas were unlikely in practice to serve as champions of slaves. In the aftermath of the passage of the Moret Law

9. For the debate on the Moret Law, see Spain, Cortes, 1869–71, *Diario de Sesiones de las Cortes Constituyentes* (Madrid, 1870), sessions of May 28, 1870, through June 21, 1870.

10. Reliable statistics on the slave population and the number freed during the ten years of the Moret Law are difficult to obtain. The two censuses of the era suggest that the slave population fell from around 368,550 in 1861–62 to 199,094 in 1877, some of which, of course, is accounted for by deaths. Between the enactment of the Moret Law in 1870 and the end of 1877, official figures showed 61,766 children declared free by virtue of having been born after 1868, 21,032 slaves freed for being over age 60, and 9,611 freed because they were not registered. For the results of the census taken in 1861–62, see Cuba, Centro de Estadística, *Noticias estadísticas de la isla de Cuba en 1862* (Havana, 1864), and for 1877, see Fe Iglesias García, "El censo cubano de 1877 y sus diferentes versiones," *Santiago* (Santiago de Cuba), 34 (June 1979), 167–214. For official reports on the numbers freed, see Estado demostrativo de los esclavos . . . , Mar. 15, 1878, in Archivo Histórico Nacional, Madrid (hereinafter AHN), Sección de Ultramar, leg. 4882.

11. Acta de la Junta de hacendados, propietarios y comerciantes para tratar de la cuestión social, June 17, 1870, AHN, Ultramar, leg. 4881, tomo 1.

and the outbreak of insurrection in the eastern end of the island, however, some slaves were emboldened to press for concessions. In this, they sometimes used the older institutions of the *sindicatura* (“office of the *síndico*,” the appointed “defender of slaves”) and of *coartación* (“gradual self-purchase”). Several kinds of evidence suggest a trend toward greater self-assertion. First, the records of the *sindicaturas* indicate an increased volume of activity in the 1870s, including requests for the lowering of the appraised price for self-purchase and permission to change masters.¹² Second, some of the texts of appeals for freedom to the Juntas have survived, conveying a sense of the nature of the demands and the persistence of the slaves who made them. Finally, there is a general tone of embattled frustration in many slaveowners’ petitions during this period. They appealed to the government to be more restrictive in interpreting the rights of *coartados* and the role of the *síndico*, and they tried in various ways to delay enforcement. These protests were a response both to uncertainty about the legal future of slavery and to increased initiatives by slaves.¹³

The Moret Law by itself did not free significant numbers of slaves of working age, but by multiplying regulations and establishing the Juntas, it did create an additional lever—a small, fragile, and awkward one—that some slaves could use to help bring about their own emancipation. Because of the reluctance of the government to enforce the law and the opposition of masters to changes in their relations with slaves, appeals for freedom were difficult to file and even more difficult to win. The government, for example, acquiesced in the planters’ desire not to have the order of the plantation disturbed, and instructed local officials to enter estates and speak to slaves only under special circumstances and not for routine inquiries. Successful appeals tended to come from the relatively privileged—for example, urban domestic slaves, personal servants who had been in Europe with their masters, or *coartados*, slaves partially free by virtue of having made a down payment on their purchase price.¹⁴

A representative case suggests the ambiguities of the situation. An urban slave named Luisa appealed for her freedom on the grounds that she was not properly registered. The Junta agreed, but her master intervened to

12. Expediente promovido . . . para conocer las operaciones practicadas en todas las sindicaturas de la Isla durante el quinquenio de 1873 a 1877, Archivo Nacional de Cuba, Havana (hereinafter ANC), Miscelánea de Expedientes (hereinafter ME), leg. 3814, exp. A.

13. Some appeals reached Madrid and are in AHN, Ultramar, particularly leg. 4759. Records of local cases are scattered through ANC, ME. For governmental rulings on the *síndicos* and on *coartación*, see Bienvenido Cano and Federico de Zalba, *El libro de los Síndicos de Ayuntamiento y de las Juntas Protectoras de Libertos* (Havana, 1875), pp. 65, 67. See also AHN, Ultramar, leg. 4882, tomo 3, exp. 75, for masters’ protests.

14. For the ruling on estates, see Cano and Zalba, *El libro de los Síndicos*, p. 244. For examples of appeals, see AHN, Ultramar, leg. 4759.

stall the case, and meanwhile sent her to the countryside, presumably to punish her and to block her access to outsiders. Her brother, the literate slave of another master, appealed to Madrid on her behalf, and won the case. The incident illustrates the way in which the Moret Law raised expectations and encouraged slave initiatives, which in turn could be blocked by masters. Only with access to someone literate, urban, and daring was Luisa able to counter her master's tactics.¹⁵

Other factors besides the Moret Law were at work in the 1870s to alter the importance of slavery. Planters had long recognized that the Cuban slave population did not fully reproduce itself, and would inevitably decline once the slave trade was ended, as it was in the 1860s. Chinese contract laborers, who worked alongside slaves and were treated much like them, had provided one alternative source of plantation labor.¹⁶ The importation of indentured Chinese workers declined, however, and was finally abolished in the 1870s. As their eight-year contracts ran out, some Chinese in Cuba were organized into work gangs. Chinese contractors provided *cuadrillas*, whose members worked in the fields or the mill for fixed terms, maintained themselves, received their pay, and then left the plantation.¹⁷ This was a particularly flexible form of labor for planters, and one that no longer quite so closely resembled slavery.

Growing numbers of white workers also labored on estates, particularly as the Ten Years' War (1868–78) drew to a close, and demobilized Spanish soldiers remained in Cuba. Account books reflect the increasing heterogeneity of the labor force, listing slaves owned by the estate, slaves rented on an annual or monthly basis, white and Black wage laborers, *cuadrillas* of Chinese, and a few *colonos*, or tenants. Forms of payment were correspondingly diverse. Some laborers were paid daily and others weekly; gangs were paid by the day and by the task; even slaves might receive a *jornal* if they worked on Sunday.¹⁸

15. El pardo Faustino, esclavo de Dn. Pedro Prado, solicita la libertad de su hermana Luisa, esclava de D. Elías Núñez, AHN, Ultramar, leg. 4759, exp. 74.

16. On the Chinese in Cuba, see Duvon C. Corbitt, *A Study of the Chinese in Cuba, 1847–1947* (Wilmore, Ky., 1971); Juan Pérez de la Riva, *Para la historia de las gentes sin historia* (Barcelona, 1976); Juan Jiménez Pastrana, *Los chinos en las luchas por la liberación cubana (1847–1930)* (Havana, 1963); Denise Helly, *Idéologie et ethnicité. Les Chinois Macao à Cuba: 1847–1886* (Montreal, 1979); and this author's review essay on Helly in *Revista/Review Interamericana* (San Juan), 9 (Summer 1979), 324–327.

17. On the labor gangs, see Corbitt, *A Study*, p. 91. Official figures suggest that in 1872 there were approximately 34,000 Chinese contract laborers still serving their eight-year terms, 8,000 runaways, and 14,000 free. See Estado resumen del padrón general de asiáticos . . . , in AHN, Ultramar, leg. 87. By 1877 the figures were 25,000 under contract and 22,000 free. See Iglesias García, "El censo cubano."

18. For a profile of the labor force on a specific plantation, see the Libro Diario del Ingenio Delicias, 1872–82, in ANC, Miscelánea de Libros (hereinafter ML), núm. 10802.

The use of these additional forms of labor did not, however, eliminate planters' dependence on slavery. The returns of the 1877 agricultural census suggest that at least 72 percent of the workers in the *dotaciones* of sugar plantations were still slaves owned by the planters for whom they worked. Free workers, rented slaves, and Chinese made up the remaining 28 percent.¹⁹ Furthermore, slave prices stayed high, indicating that slavery was not in a state of internal collapse.²⁰ The war and the Moret Law were nonetheless making the direction of change clear, and adaptations on the plantation undermined planters' claims that sugar could survive only if slavery remained utterly unaltered.

In 1878 and 1879, pressures increased for another step toward resolving the issue of slavery. Irregular concessions had been made on several fronts. The pact that ended the Ten Years' War granted freedom to *libertos* among the insurgents—a tactical necessity if these fighters were to be persuaded to lay down their arms. The Spaniards had already been forced to give freedom to slaves who had served the loyalist cause, and to some *libertos* who had surrendered earlier. Then, unexpectedly, the remaining slaves of Santiago de Cuba Province directly challenged their masters, refusing to work unless abolition were granted. Although the details of the confrontation are not clear, there was apparently widespread passive resistance from slaves demanding their freedom “como los convenidos,” like those freed by the peace treaty. In September 1879, the governor-general wrote to Madrid that slaves were deserting in large numbers and that it had become necessary to guard them with troops.²¹

The events in the eastern end of the island, something between *marronage* (“flight of slaves”) and a strike, were given added urgency by postwar unrest. Blacks in the hills, in conjunction with those on the plantations, were able to obtain from a frightened slaveowning class concessions

19. The returns of the agricultural census of 1877, which record 90,516 slaves, 20,726 “libres y alquilados,” and 14,597 Chinese working on sugar plantations, are not complete, and there are some ambiguities in the categories that compose the *dotaciones*. The totals for “libres y alquilados” seem to include some young and elderly slaves legally free under the Moret Law, as well as rented slaves and wage workers. The proportion of active sugar workers who were slaves was thus probably higher than the 72 percent recorded in the category “esclavos.” For the aggregate statistics, see *Revista de Agricultura* (Havana), 3 (Mar. 31, 1879), 75.

20. Detailed work on slave prices in the 1870s remains to be done. For estimates, see Hubert H. S. Aimes, *A History of Slavery in Cuba, 1511–1868* (New York, 1907), p. 268, and O’Kelly, *The Mambi-Land*, p. 64. For an analysis of prices in the preceding decades, see Manuel Moreno Fragnals, Herbert S. Klein, and Stanley L. Engerman, “The Level and Structure of Slave Prices on Cuban Plantations in the Middle of the Nineteenth Century: Some Comparative Perspectives,” unpublished.

21. Telegram from the Governor-General to the Minister of Ultramar, Sept. 11, 1879, AHN, Ultramar, leg. 4882, tomo 3, exp. 76.

that the government was not yet prepared to grant. Eastern planters apparently feared that they would never again be able to control their work force, even with the aid of the military, and so struck a bargain with their slaves. They conceded that slavery would continue only four more years, and that during those years the slaves would receive a wage. Although the agreement did not have the force of law, its seriousness was indicated by the advice of the senator from Santiago de Cuba to the Spanish government in 1879. Though he himself favored more gradual abolition, he warned that if the existing agreement were ignored, it would be extremely difficult to impose any solution on that province.²²

At the other end of the island the government-ordered posting of slave registers, long delayed, was having its effect. Those whose names did not appear on the lists were legally free, and in some areas this included large numbers of individuals held as slaves. From local authorities in Pinar del Río came complaints of passive resistance among slaves, and fears that soon those not freed would rise up to demand their liberty. In Sagua la Grande, Santa Clara Province, the posting of the lists produced "great excitement" among proprietors. For a decade, masters had been debating the completeness of slave registers with the government, but now the posting of the lists brought the dispute into the open and made direct challenges from slaves much more likely.²³

All of these developments helped to force the general issue. Economically, they made it difficult for planters to obtain credit; politically, they undermined the government's control. Desertions, passive resistance, cane burning, and the omnipresent threat of a new insurrection made the cost of keeping slavery seem ever higher. This did not make planters into abolitionists, for many feared that the cost of abolition would be higher still, but it made them eager for some "resolución de la cuestión social."

A logical next step was to eliminate slavery in name while maintaining key elements of its substance. The vehicle for this was the institution of the *patronato*, established by a law passed in the Spanish Cortes in 1880. It represented an intermediate stage between slavery and freedom during which former slaves would owe labor to their former masters, but would receive a token wage in return. Under the law, one quarter of the remaining *patrocinados* were to obtain their full freedom each year, in descending order of age, beginning in 1885, with the *patronato* finally to end in 1888.

The *patronato* was based on a belief in gradualism, in the necessity of

22. See the opinion of José Bueno y Blanco in *Documentos de la Comisión . . . 1879*, AHN, Ultramar, leg. 4883, tomo 5.

23. See the petitions and reports in AHN, Ultramar, leg. 4882, tomo 3, exp. 75.

making haste slowly. Planters raised specters of Haiti, of Radical Reconstruction in the United States, and of a lapse into barbarism, to argue that only a gradual transition could avoid such evil consequences of abolition. The *patronato* also involved a denial of conflicting interests, a claim that the needs of former slaves and of former masters could be mediated and compromised to the benefit of both; hence the use of imagery of tutelage and guardianship.

The 1880 law nonetheless left in place the fundamental relations of slavery. Though the owner was now to be called *patrono* and the slave *patrocinado*, the master still had the right to the labor of the former slave, and could transfer that right through sale. He could mete out corporal punishment, and runaways were to be returned to him. The obligations of masters toward *patrocinados*, however, were somewhat greater than those owed to slaves. In addition to maintenance, *patronos* were to provide education to the young, and to pay each *patrocinado* a small stipend. The law also allowed for freedom through “mutual accord” of the *patrono* and *patrocinado*, and through “indemnification of services,” or self-purchase.²⁴

Although reciprocal responsibilities were spelled out, the relationship was by no means a contractual one. It was not a matter of choice whether one became a *patrocinado*, and *patrocinados* had few of the rights of free workers. They could not refuse to labor, seek another employer at will, or leave an estate without permission. They could be ejected from the master’s property if he unilaterally renounced his rights over them. As in the case of free workers, however, their pay could be docked for the time they were ill or being punished.

The law in some ways resembled a liberalized slave code. In one crucial respect, however, it was different: it held that certain infractions of the rules by masters would be punishable by the termination of the *patronato* and the freeing of the *patrocinado*. New Juntas de Patronato were to oversee enforcement of these rules. The irony is that the specification of slaveowner obligations, even though the obligations might differ little from general practice under slavery, converted these practices into entitlements on the part of the slave and established a form of redress if these rights were violated. An example may serve to illustrate the point. Masters were in the habit of feeding and clothing their slaves, and it was in their interest to do so. The law introduced nothing new when it obliged them to maintain their *patrocinados*. It did introduce something new, however, when it held that a *patrocinado* could bring the charge of failure to provide food and clothing before a Junta and, if the charge were proven, obtain his or her

24. The text of the law and its Reglamento can be found in *Código penal vigente en las islas de Cuba y Puerto Rico* (Madrid, 1886), pp. 233–266.

freedom. The effects emerged in an unusually dramatic way on a plantation in Güines where local authorities ordered 185 *patrocinados* freed on the grounds that they had not been adequately fed and clothed. The master refused; the *patrocinados* mutinied; and the army was called in to suppress them. The case was an extreme instance—the plantation was bankrupt, and the overseer unable to guarantee order. Nevertheless, the *patrocinados* were ordered freed rather than simply transferred to another owner, and this order was the result of their own complaints and of enforcement of provisions of the 1880 law.²⁵

The government did not set out to undermine the power of masters. On the contrary, it was thoroughly solicitous of their interests. But once rights were set out explicitly, and the state claimed responsibility for enforcement, and, moreover, a sanction was created that was so attractive to potential complainants (freedom for the *patrocinado*), social relations were inevitably altered.

To understand what actually went on between *patrocinados* and *patronos*, one must recognize that the *patronato*, as an attempt to eliminate the tensions and contradictions of gradual abolition, was an ambiguous institution. To the extent that the law tried to resolve these contradictions, it either denied legal freedom, thus undermining the distinction between slave and *patrocinado*, or granted new rights, thus giving *patrocinados* increased potential leverage over the course of emancipation. The contradictory nature of the institution meant that neither *patronos* nor *patrocinados* saw it as functioning fully in their interests, even while both attempted to use it to defend or advance their positions.

Though ambiguous, the institution was far from symmetrical or impartial. In practice, active enforcement of the protective provisions of the law was limited. Although the government in Madrid had an interest in making a theoretical distinction between the *patronato* and slavery, it showed little willingness to risk the loss of production or of planter support. Individuals within the government were directly and indirectly entangled with sugar interests, and the Spanish treasury was dependent on colonial revenues. Furthermore, while the Ministerio de Ultramar emphasized in its communications that the laws should be obeyed and that disputes should be handled with dispatch and fairness, actual enforcement was generally left to the officials in Cuba. Those officials were trying to keep the island pacified, and had no desire to encourage initiatives by *patrocinados* or to

25. Don Nicolás de Cárdenas y Ortega to the Governor-General, Oct. 1880, AHN, Ultramar, leg. 4884, tomo 7, exp. 101, and Don Nicolás de Cárdenas suplica . . . , AHN, Ultramar, leg. 4528, 1º, exp. 167. See also Rafael M. de Labra, *Mi campaña en las Cortes españolas de 1881 a 1883* (Madrid, 1885), p. 301.

see mass grants of freedom on the grounds of noncompliance by masters. The Juntas were generally composed of people with closer ties to masters than to slaves, and their procedures did not ensure investigation or rigorous enforcement of *patrocinados*' rights. At best, they were slow; at worst, they were one-sided and corrupt.²⁶

Despite the consensus among government officials, planters, and Juntas on the need for stability, the *patronato* proved not to be stable. In 1877 there were about 200,000 slaves in Cuba. By 1883, the number of *patrocinados* was just 100,000; two years later, it had fallen to 53,000; in 1886, it was just 25,000.²⁷ Clearly, things moved more rapidly than had been anticipated in the 1880 plan. The *patronato*, initially heralded as a perfect compromise, soon began to decay and was in the end rejected as providing neither the advantages of slave labor nor those of free. In order to understand why this occurred, one must explore the institution from the very different viewpoints of *patronos* and *patrocinados*. What is most significant is their interaction, but for the purposes of exposition, they can initially be examined separately.

By 1880 most masters had abandoned hope of maintaining the institution called slavery, but as a group they wished to see no interruption in the supply of labor on their own terms. Continuity of labor had a special meaning for former slaveholders: it presupposed continuity of "order, subordination, and discipline." As they saw it, the key to the maintenance of these was what they referred to as *fuerza moral*, moral force. *Fuerza moral* had many dimensions, but perhaps most fundamentally it was thought to depend on masters' ability to employ corporal punishment. Planters put pressure on the government to allow the use of stocks and chains and not to inform *patrocinados* of the outlawing of the use of the whip. *Patronos* were openly afraid of the consequences of treating former slaves like ordinary free workers. Order could not be maintained, they predicted, if *patrocinados* were convinced that their rights were many, and that their duties did not go beyond a certain number of hours of work. Masters implicitly recognized the role of extraeconomic compulsion when the economic stimulus was so slight—the stipend paid the *patrocinado* was only a fraction of the wage received by a free worker. Also implicit was a fear that the threat of forced labor on public works and incarceration within

26. On the importance of Cuban revenues to Spain, see Jordi Maluquer de Motes Bernet, "El mercado colonial antillano en el siglo xix," in Jordi Nadal and Gabriel Tortella, ed., *Agricultura, comercio colonial y crecimiento económico en la España contemporánea* (Barcelona, 1974), pp. 322–357. For further discussion of the enforcement of the 1880 law and the operation of the Juntas, see Scott, "Slave Emancipation," chap. 6.

27. The best analysis of the 1877 population statistics is found in Iglesias García, "El censo cubano." For figures on the number of *patrocinados*, see Appendix I.

the plantation would not much deter men and women subjected to forced labor and incarceration all their lives. Stocks and chains, by contrast, were punishments the former slaves “respected,” planters claimed. Petitioners to the government also invoked the special situation of the “solitude of the countryside” where “thousands of men of color” were governed by “a few of the white race.” The implication was that something rather more like terror than justice was the moral basis they had in mind. Planters won the first round, and the use of stocks and chains was permitted until 1883.²⁸

The maintenance of “moral force” also required that masters and their administrators be the sole authorities on their plantations. This, however, conflicted directly with the legal requirement that the Juntas carry out inspection visits to the plantations. Masters were sensitive about these visits for two reasons. First, any *patrocinado* not paid on time had a legal right to freedom, and, judging by petitions and plantation accounts, many *patronos* either did not pay on time or made illegal discounts from the *patrocinados*’ stipends. Second, and more generally, masters sensed that it was dangerous to introduce a third party into their relations with their *patrocinados*. They referred to the “demoralization” that might result from estate visits, and clearly feared loss of the monopoly of authority. For an investigator to enter an estate and speak directly to the *patrocinados* undermined the social relationships on which slavery had been based. Planters succeeded in having visits temporarily suspended by persuading the governor that they would disrupt the harvest. Once visits were reinstated, masters had to count on the passivity and corruptibility of the Juntas to prevent intrusions, and on the *patrocinados*’ fear of retaliation to prevent complaints.²⁹

Masters clung to authority not simply because of psychological needs or social fears, but also because they wished to maintain specific rhythms of labor that they suspected could not be sustained without force. When it appeared that the regulations of the 1880 law might restrict the hours that *patrocinados* could be made to work, planters claimed both that they were already observing the highest standards and that any regulations compelling them to meet those standards would be damaging. Similarly, planters had earlier protested that it was unnecessary to inform *patrocinados* on their registration cards of the banning of the whip, since the whip was no longer used.³⁰

28. For petitions from planters, proprietors, and merchants, see AHN, Ultramar, leg. 4884, tomo 8, exps. 134, 135, and AHN, Ultramar, leg. 4883, tomo 5, exp. 65.

29. For debate on plantation visits, see AHN, Ultramar, leg. 4884, tomo 8, exps. 134, 152, 170, 179, and AHN, Ultramar, leg. 4926, exp. 144.

30. For observations on the hours of work, see AHN, Ultramar, leg. 4883, tomo 5, exp. 65. On the use of the whip, see AHN, Ultramar, leg. 4883, tomo 5, exp. 69.

When one examines the rhythm of work during a sugar harvest, even as reflected in the terse account of a plantation day book, it is not difficult to understand why masters were jealous of their freedom to set hours and of their forms of extraeconomic compulsion. When the harvest was on, work proceeded at all hours of the day and night, the principle of Sunday rest was ignored, and *patrocinados* labored for days on end.³¹ The 1880 law gave masters the right to demand labor from their former slaves; masters wanted the regulations to interpret this as entitling them to demand however much labor they might need from each individual *patrocinado*. A free laborer might negotiate his hours; *patronos* wanted to make sure that no *patrocinado* could refuse to work long hours. They won their point, and the Reglamento permitted masters to require “the necessary hours of work, according to custom,” during the harvest.³²

Although paying wages in return for labor is generally seen as the antithesis of slavery, Cuban former slaveholders seem not to have viewed the basic idea of payment with much alarm, despite their grumbling about the difficulties of getting cash to the plantations. A nominal wage did not alter the old relations of slavery radically, and was acceptable to most masters so long as it remained nominal. *Patronos*' main concern often was not whether the *patrocinados* would receive a stipend, but who would decide when they were to receive it. One way to minimize the impact of the introduction of the stipend was to treat it much as other rewards had been treated under slavery, using disbursement to reinforce the desired work rhythm. Although legally due on the eighth of each month, pay was sometimes delayed until after the harvest—a policy probably designed with labor control as well as cash flow in mind.³³ As time went on, more stringent rules and increasing challenges from *patrocinados*, who could gain freedom if they could prove delay, discouraged the practice.

To avoid alterations in the established regimen, masters struggled to maintain a monopoly not only of authority and of control over wages and hours, but also of information. One characteristic of a smoothly functioning slave society, ideally, was that major disputes were handled over the heads of the slaves, without involving them in the process. The initiation of abolition and the installation of the Juntas broke this pattern. Abolition, however gradual, suggested the illegitimacy of slavery and the possibility of more rapid emancipation. The Juntas, even if biased, provided *patro-*

31. See, for example, Libro Diario del Ingenio Nueva Teresa, fols. 107–131, ANC, ML, núm. 10831.

32. *Código penal*, p. 247.

33. See Libro Diario del Ingenio Nueva Teresa, fols. 128–129, for a case from 1881 where the April pay was withheld until the end of the harvest on May 30, at which time extra rations and a day of rest were also given.

cinados with an avenue for pursuing this possibility. The maintenance of the master's autonomy could thus come to depend on the denial of information to the *patrocinados*.

Masters attempted to exclude information by isolating the plantation physically, discouraging or preventing *patrocinados* from setting foot off it. One mechanism for this was the plantation store, which became not only a tool of direct economic control, but also a way to limit access to information by reducing contact between *patrocinados* and outsiders. This effort was partially thwarted by town shopkeepers, who mounted a campaign in the 1880s against the tax-exempt plantation stores. Local merchants knew that one benefit of a shift to wage labor ought to be a stimulus to the surrounding economy, and that this stimulus would be reduced if masters simply turned their slave dispensaries into stores. Shopkeepers charged that this was not only illegal, since the stores were not licensed or taxed, but also immoral, since employees and *patrocinados* were coerced into buying there. In their petitions and depositions, both shopkeepers and planters essentially agreed that the function of the plantation stores was control; they simply disagreed as to whether the formal abolition of slavery implied that such control should be relinquished.³⁴

For masters, a central problem of the *patronato* was that slavery and apprenticeship were based on coercion and a monopoly of authority, yet the law of 1880 and its subsequent interpretations diluted that coercion and fragmented that authority. Some leading planters responded to these contradictions with rearguard actions, tirelessly lobbying to undo even the modest changes introduced in the *patronato*. Others simply tried to make as few concessions as the law allowed, keeping their former slaves in a closed plantation world.

Some masters, however, were willing to accelerate the shift toward wage labor and abandon the idea of an intermediate status. This attitude could take several forms. The most conventional was manumission, or "renunciation" of the *patronato*, at times carried out as a benevolent act reflecting the generosity of the master, while relieving him of the responsibility of maintenance. More important were agreements of "mutual accord" between *patrono* and *patrocinado*, in which terms of freedom were established independently of the Juntas. Such agreements might be prompted by the *patrocinado*'s efforts to make life difficult for the master or harass him before the Junta; they might incorporate whatever concessions on future wages the master could gain in exchange for the offer of legal freedom. Freedom through mutual accord was most common in the

34. See Sobre pago de contribución de las tiendas de los ingenios, AHN, Ultramar, leg. 4818, exp. 84.

sugar provinces of Matanzas and Santa Clara where some planters were apparently prepared to relinquish their legal rights over some of their former slaves—although not without exacting concessions (see Appendix II).

Mutual accord agreements were also a way for the master to provide a stimulus for the *patrocinado* to work steadily. One master, for example, agreed to free a woman slave from the time she made a large down payment on her purchase price, and to pay wages to her until she made up the rest of the price.³⁵ This was in one sense a shift to a kind of free labor, but it derived some of its motivation from the desire of the woman to escape a particular legal status. By placing her in debt, it also reduced her mobility and decreased the likelihood that she would choose leisure or subsistence cultivation over wage labor.

An employer who needed workers during the period of transition had several options. He could rent or purchase *patrocinados*, for some *patronos* preferred to amortize their investment in slaves directly rather than be compensated through the use of their labor. He could compete for wage laborers. Or he could try to obtain the labor of *patrocinados* without purchase of the *patronato* by aiding them in an appeal for freedom, in return for access to their labor. Such alternatives afforded ways of overcoming some of the rigidity and immobility built into the system of the *patronato*.³⁶

These different patterns of response by masters and employers indicate a fundamental uncertainty about the nature of labor. Was labor now fully a commodity, to be bid for or lured into employment; or was work still a legal obligation owed by one class of individuals to another? Put another way: was the labor or the laborer the commodity? The *patronato* retained strict obligations between former slaves and former masters, transferable by sale. As the maintenance of that system of obligations became more difficult, however, the incentive to hire and fire rather than to buy and sell increased, and the shift to wage labor accelerated.

The establishment of the *patronato* can be seen as a kind of pivot point in the process of transition from slave to wage labor.³⁷ This is not because “abolition” in 1880, in and of itself, changed the lives of those whose legal status it altered from slave to *patrocinado*, but rather because it helped to set in motion forces that would accelerate the ending of slavery. Some of these forces were direct, such as the freeing by groups to begin in 1885.

35. See the case of Trinidad Carreras in *Demanda de Dn. José Carreras y Guijeras, ANC, Consejo de Administración* (hereinafter CA), leg. 95, exp. 8613.

36. For an 1883 ruling on employers who harbored the *patrocinados* of other masters, see *AHN, Ultramar*, leg. 4814, exp. 270.

37. The term “pivot point” is Sidney Mintz’s, used in a different context but with similar intent. Personal communication, 1979.

The more important ones were indirect, and operated primarily by undermining the accustomed relations between masters and slaves—courts of appeal, limitations on punishment, estate visits. These provisions could be fought and evaded, and *patrocinados* could be threatened and cowed, but the terms of the relationship had been altered.

The various responses of masters to the externally imposed law of 1880 helped shape and limit the changes that actually occurred. But theirs were not the only initiatives, for *patrocinados*, too, acted to influence the content and pace of emancipation.

Former slaves did not simply remain in their appointed intermediate status of *patrocinado* from 1880 to 1885, when freeings by age were to begin. During the first year of the *patronato*, more than 6,000 *patrocinados* obtained their full legal freedom; during the second, more than 10,000; during the third, more than 17,000; during the fourth, more than 26,000 (see Appendix III). Emancipation seemed to proceed at an alarming and accelerating pace; in the words of a distressed observer, “every day they know their rights better and turn up at the Juntas to exercise them.”³⁸

The *patronato* had been established to ensure continuity, and through the preservation of corporal punishment and the binding of labor it maintained two essential features of slavery. Moreover, by bowing to planter pressure to postpone inspection visits to the plantations, the government initially made compliance with its protective provisions unlikely. If one simply asks whether the 1880 law actually protected *patrocinados* against abuse, the answer is clear: it did not. As the Moret Law had not freed those whom it declared free, the 1880 law did not protect those whom it declared protected.

Nevertheless, the law unintentionally provided a set of weapons with which former slaves willing and able to press their claims could attack their masters. As a practical matter, *patrocinados* were highly vulnerable to retaliation, and those in isolated areas had little access to the Juntas. Despite these obstacles, the legal recognition of grievances and the admission of testimony in a special court created possibilities for some *patrocinados* to pursue change. The cases brought before these boards thus take on new meaning as historical evidence: not proof that the law was just or benevolent, but insight into the strategies, tactics, and values of those former slaves who lodged complaints with the Juntas.³⁹

38. J. Ardenin to the Governor-General, Nov. 12, 1882, AHN, Ultramar, leg. 4815.

39. Some *patrocinado* appeals reached Madrid and can be found in AHN, Ultramar. Many more cases were submitted to the Consejo de Administración in Havana, appealed either by the master or the *patrocinado*, and are found in the Consejo files in the ANC. Although the cases that reached Madrid and Havana may not have been entirely representative, the evidence of plantation day books and account books generally supports the impression of increasing initiatives. The figures on the numbers of *patrocinados* freed under different articles of the law provide further corroboration (see Appendix II).

Patrocinados quickly began to use the new legal processes. In Santa Clara Province, for example, the first notice of the establishment of the provincial Junta de Patronato came in May of 1880. By the end of the month, a variety of claims had been made. Two men sought to legitimate their de facto freedom, one having been in the insurrection, the other having fled the estate where he worked on the day of his master's death three years before. A *patrocinado* came to claim rights over some livestock and to demand ten years' worth of Sunday pay for time he had been hired out to another master. One woman demanded that her free children's labor be compensated; another complained of ill treatment.⁴⁰ *Patrocinados* were probably the most powerless individuals in Cuban society, but some of them clearly perceived the moment of formal "abolition" as one in which to assert rights and to seek redress of long-standing grievances, and thus took risks they might not otherwise have taken.

It was not the young or the creole only who took initiatives. In fact, the simplest, most straightforward basis for appeal was advanced age. An African-born field laborer, a native of Guinea, working in Santa Clara Province, showed a sense of his own rights when he "absented himself" from his masters and went to the Junta, asking for liberty on the grounds of old age and requesting compensation for twenty-six of his pigs slaughtered for consumption on the estate.⁴¹

The likelihood of success in these cases, however, was limited by the long-standing structures of a slave society. A *patrocinado* who sought freedom by claiming to be older than sixty might have no means of proof other than records made available by the masters, who were fully aware of the sexagenarian law. Similarly, in cases of nonregistration, the traditional arguments of masters in defense of their rights in legally acquired property cast a long shadow into the 1880s, even after slave property had legally been abolished. Only in 1883—seventeen years after the law for the suppression of the slave trade had declared unregistered slaves free—was the definitive list of more than 11,000 unregistered slaves drawn up.⁴² In cases where cruelty was charged, the *patrocinado* had to rely on the testimony of former slaves against that of former slaveholders, before a white court. Judgments of degree of injury were unavoidably subjective, and expectations and standards of conduct formed under slavery were not

40. *Boletín Oficial de la Provincia de Santa Clara* (Santa Clara), May 28, 29, and 21, 1880.

41. See the case of Nicolás Lucumí, aged 62, in Don Juan Riús eleva recurso de alzada . . . , AHN, Ultramar, leg. 4831, exp. 57. In this case a corrupt Junta official insisted on payment for the freedom, and the former *patrocinado* ended up in debt to an employer who agreed to advance the money to the Junta on his behalf.

42. Anejo a la carta oficial de fecha 5 de diciembre de 1883, AHN, Ultramar, leg. 4815, exp. 289.

likely to be radically altered by a law that continued to permit corporal punishment.

Appeals on grounds of age, nonregistration, and cruelty had already existed for a decade, though they were pursued with considerably more vigor after 1880. The grounds for claiming full freedom that were actually introduced by the 1880 law fell into three broad categories: failure of the master to fulfill his obligations (including maintenance, the payment of stipends, and the education of freed children), indemnification of services by the *patrocinado*, and “mutual accord.”

Payment of stipends was a new obligation for masters, and one that they were on occasion unable or unwilling to meet punctually, thus opening up a way for some *patrocinados* to obtain freedom through the charge of nonpayment. Abolitionists claimed, however, that masters often produced false testimony or fraudulent receipts to counter *patrocinado* charges. *Patrocinados* in some cases seem to have developed their own strategies in response. The *patrocinado* Antonio Brocal, for example, was convinced that he deserved freedom on several grounds, and refused to accept stipends from his master. It may be that he was illiterate and preferred to refuse stipends while his case was still pending rather than to authorize signatures to receipts he could not read. It may also be that he refused the stipends in order to deny the general legitimacy of his master’s claim over him.⁴³

In 1881, twenty-nine *patrocinados* of the Ingenio Unión presented themselves to a local Junta to claim freedom on the grounds that they had not been paid in two months. The master testified that the required payment had been given in credit at the plantation store, at the *patrocinados*’ request. The *patrocinados* denied this, successfully arguing that although they had taken goods on credit at the store, they had paid for them with “the produce of the pigs” and should by law have received cash stipends. The testimony in the case highlights several aspects of the period of transition. One is the growing importance of the plantation store as a source of credit for both *patronos* and *patrocinados*; a second is the existence of independent sources of income for *patrocinados*; a third is the precision of the 1880 rules on stipends.⁴⁴ Both during and after slavery, workers could be forced to accept credit in lieu of wages, and pay could be withheld or delayed. For a brief period, though, such abuses of *patrocinados* were illegal, and the penalty was the loss of legal rights over the victim.

43. For abolitionist charges, see *Exposición . . . de la Sociedad Abolicionista Española, 30 de mayo, 1883*, in AHN, Ultramar, leg. 4814. For the case of Antonio Brocal, see *Demanda del moreno Antonio Brocal*, ANC, CA, leg. 69, exp. 7020.

44. *Demanda de D. Esteban Suárez*, ANC, CA, leg. 71, exp. 7066.

The tactical maneuvers of *patrocinados* show that they had a network of information of their own, despite masters' efforts to keep them in ignorance. The network included free Blacks, abolitionists, and perhaps local shopkeepers and vendors. A newspaper article published in 1882 in Sancti Spiritus reflected white awareness of this network. It announced new rules on the prompt payment of stipends, the violation of which would incur loss of the *patronato*. It added: "Ya lo saben los patrocinados," suggesting that *patrocinados* themselves knew of the change in the rules that might benefit them.⁴⁵

To pursue any case with the Juntas, *patrocinados* needed allies. Relatives were the most obvious candidates. Each time a *patrocinado* was successful in gaining freedom, he or she could, in turn, help other family members. Sisters appealed for the freedom of brothers; parents, grandparents, and godparents for that of children; older children for that of parents. In an effort to stop the momentum of emancipation, masters tried, often successfully, to block the freeing of children by demanding reimbursement for their maintenance. Parents persisted, however, arguing that the children were already free by the Moret Law, or that they had not been educated as called for in the 1880 law, or that masters had not paid for their maintenance in the first place. In such cases, freedom must often have been experienced as a familial, rather than an individual phenomenon, with freed parents or spouses sometimes remaining on the estate where they had been slaves until all members of the family were free. When masters were recalcitrant, the process could take years, testing and perhaps strengthening the bonds among family members while increasing the hostility between the family and its former owners.⁴⁶

A *patrocinado* who had no free relatives could turn to other free persons of color, people with whom he or she might have links through the *cabildos de nación* or ties of compadrazgo.⁴⁷ Abolitionists, though not numerous, were also potential allies. The government tried to limit their activities, but they opened offices in Havana that provided legal aid to *patrocinados*, a service that apparently was much used.⁴⁸ Not surprisingly,

45. *La Propaganda* (Sancti Spiritus), Jan. 15, 1882.

46. There are numerous examples of family members representing one another. See, for example, the sister who appealed for the freedom of her brothers in *Demanda de la morena Juana Domínguez*, ANC, CA, leg. 82, exp. 7793, and the free mother who appealed for the freedom of her sons who were *patrocinados* in *Demanda de la morena Francisca García*, ANC, CA, leg. 71, exp. 7062.

47. For a case of a free Black representing a *patrocinado*, see Francisco de P. Rico, *moreno libre, suplica la libertad de Juan por malos tratamientos*, AHN, Ultramar, leg. 4809, exp. 57. I have found no direct evidence of involvement of *cabildos de nación* in Junta appeals, but given their social and economic functions it seems probable that their resources were used.

48. *La Discusión* (Havana), June 19, 1882.

freedom through conviction of masters for failure to fulfill their obligations was more common in Havana Province than elsewhere (see Appendix II).

Patrocinados in the countryside were usually far from the reach of abolitionists, but even in the rural sugar-producing province of Matanzas more than 2,000 *patrocinados* achieved freedom through legal conviction of their masters. In their efforts to obtain freedom, *patrocinados* sometimes took the risky course of relying on a potential employer for help, someone eager enough for labor to support a *patrocinado*'s case before the Junta. This could be a shrewd maneuver by the *patrocinado* to take advantage of a local labor shortage in order to become a wage laborer; it could also be a shrewd maneuver by an employer to put a former slave in his debt. Such a breakdown in white solidarity alarmed *patronos*, but as more *patrocinados* achieved freedom, and, thus, more labor entered the realm of market relations rather than of nonvoluntary legal obligations, the incentive for deals of this kind increased.⁴⁹

A major source of legal freedom for *patrocinados* was "mutual accord," which covered any arrangement made without the intervention of the Junta. More than 35,000 *patrocinados* achieved their freedom in this way between 1881 and 1886. Although there is no way to know the content of unrecorded agreements, many probably involved some sort of payment by the *patrocinado*, and thus were equivalent to self-purchase for an informally agreed upon price rather than official indemnification.⁵⁰ While mutual accord agreements could yield the much-sought legal freedom, there was one drawback. Once a *patrocinado* was granted full freedom, all disputes with his or her former master were removed from the jurisdiction of the Juntas. Thereafter, the only way to file a complaint or to sue for back wages was through the regular courts, an expensive and laborious procedure.⁵¹

The provision for freedom from the *patronato* through formal "indemnification of services" was not unlike the old institution of *coartación*, under which Cuban slaves had long had the right to buy their freedom, though high market prices had made it very difficult for them to do so. A key innovation of the 1880 law was that the price of freedom was fixed by regulation at between 30 and 50 pesos for each remaining year of the first five years, plus half that much for each of the last three, and thus would diminish each year. Furthermore, the establishment of the Juntas made the procedure more accessible to those in the countryside.

49. Specific complaints by *patronos* appear in AHN, Ultramar, leg. 4831, exp. 57.

50. Testimony concerning the agreements sometimes appeared in other contexts. See, for example, the case of the *patrocinada* Petra Echarte who paid some 200 pesos to obtain exemption from the *patronato* by mutual accord; AHN, Ultramar, leg. 4831, exp. 57.

51. For a case of a former slave being referred to the regular courts to recover an overpayment, see Demanda de Dn. José Carreras y Guijeras, ANC, CA, leg. 95, exp. 8613.

Patrocinados had several potential sources of funds with which to attempt to accumulate the indemnity. One was the stipend of 1 to 3 pesos monthly. This alone would have been an impossibly slow way of accumulating the purchase price during the first years. More significant sources of income were the *conuco*, or provision ground, and the right to raise animals. Plantation account books reflect the importance of these provision grounds, recording the purchase of corn, *viandas* (“root crops and starchy vegetables”), and pigs from *patrocinados*.⁵²

According to the 1880 law, *patrocinados* could deposit money for their freedom directly with the Juntas, and this separation of authority sometimes made it possible for them to circumvent the will of their *patronos*. For example, a woman named Trinidad agreed with her master just before the law took effect to buy her own freedom for 408 pesos. When she subsequently attempted to obtain her daughter’s freedom, and the estate administrator refused, Trinidad simply deposited the money with the local Junta and departed the estate along with her daughter and her lover, the *asiático* Eleuterio.⁵³

Individual cases testify to the importance of self-purchase, but it is difficult to determine how many *patrocinados* were actually able to buy their freedom. The official total for the island of about 13,000 obtaining their freedom this way between May 1881 and May 1886 should be considered an underestimate, for it does not include those arrangements made without the approval of the Juntas, which would probably have appeared in the government records as “mutual accord” or “renunciation,” if they appeared at all (see Appendix II). A clearer idea of the significance of self-purchase emerges from estate records.

On the Ingenio Nueva Teresa, for example, which had approximately 175 *patrocinados* in 1882, the *libro mayor* records 79 purchases of freedom over the next four years. From January 1883 to August 1884, the plantation was paying an average of 334 pesos a month in stipends to its *patrocinados*. During the same period, the plantation received an average of 225 pesos a month in indemnities from *patrocinados* purchasing their freedom or that of members of their families. In other words, deposits from *patrocinados* covered about 67 percent of the amount paid on Nueva Teresa in stipends during those years.⁵⁴ Though essential freed workers had to be

52. See the purchases recorded in Libro Mayor del Ingenio Nueva Teresa, ANC, ML, núm. 11245. See also Libro que contiene documentos del estado general de la finca Mapos . . . , Archivo Provincial de Sancti Spiritus, Fondo Valle-Iznaga, leg. 24 (cited hereinafter as Mapos, APSS, Valle-Iznaga, leg. 24).

53. Demanda de Dn. José Carreras y Guijeras, ANC, CA, leg. 95, exp. 8613. See also AHN, Ultramar, leg. 4831, exp. 57.

54. Libro Mayor del Ingenio Nueva Teresa, ANC, ML, núm. 11245, and Libro Diario del Ingenio Nueva Teresa, ANC, ML, núm. 10831. One can estimate the number of *patro-*

replaced or paid wages, indemnification of services by the aged and the infirm meant additional return on an investment that otherwise had little left to yield. In general, indemnities represented both an aid in meeting the cash demands following upon the 1880 law and a substantial reallocation of money from former slaves to former masters, particularly relative to the small incomes of *patrocinados*. Self-purchase was a quite literal expression of the fact that slaves were paying for abolition, reinforcing the general character of gradual emancipation as “philanthropy at bargain prices.”⁵⁵

Self-purchase seems to have had a symbolic as well as a practical meaning for *patrocinados*. Practically, it gave mobility and the right to work on one’s own account. Symbolically, it may have yielded a sense of accomplishment and heightened worth. It is difficult otherwise to explain cases like that of Magin Congo, from the Ingenio Mapos in Sancti Spiritus, who paid 30 pesos for his freedom in January 1884, just three months before reaching the age of sixty, when he would have been legally free in any case; or that of the *patrocinado* Fernando of Ingenio Nueva Teresa, who at age fifty-nine turned over 66 pesos for his.⁵⁶ Just before beginning a new life in which cash would be increasingly important, these men were relinquishing a part of their savings to their former masters.

Sidney Mintz, analyzing the formation of Caribbean peasantries, has suggested that “slaves saw liquid capital not only as a means to secure freedom, but also as a means to attach their paternity—and hence, their identity as persons—to something even the masters would have to respect.”⁵⁷ This observation that money is a power, even in the hands of the weak, may help to explain why some *patrocinados* shortly to be freed by law struggled to put together the substantial sums of money necessary to buy their freedom.

The act involved several kinds of self-assertion. First, it was the giving of money in exchange for freedom, breaking with the system under which manumission would have been granted in return for deferential behavior. Second, self-purchase was not passive. In the same way that *convenidos*, those freed because they had fought in the insurrection, distinguished

cinados from the total of stipends recorded in the Libro Mayor, which suggests a *patrocinado* population of around 175 in the fall of 1882. Ten of the purchases of freedom were of children, some of whom, as *libertos*, may not have been included in the *patrocinado* totals.

55. See Robert William Fogel and Stanley L. Engerman, “Philanthropy at Bargain Prices: Notes on the Economics of Gradual Emancipation,” *The Journal of Legal Studies* (Chicago), 3 (June 1974), 377–401.

56. Entry of Jan. 21–27, 1884, in Mapos, APSS, Valle-Iznaga, leg. 24. Entry of July 8, 1884, in Libro Mayor del Ingenio Nueva Teresa, ANC, ML, núm. 11245.

57. Sidney Mintz, *Caribbean Transformations* (Chicago, 1974), p. 155.

themselves from *libertos*, those freed by abolition, *patrocinados* could, through “indemnification of services,” claim for themselves responsibility for their own freedom. Self-purchase was an intermediate kind of act, not as radical as fighting, but more assertive than waiting out the eight-year apprenticeship envisioned by the law. Nor should it be forgotten that *patrocinados* had no assurance that the end of the *patronato* would actually ever come.

Self-purchase could have the effect of subsidizing plantation wage bills, but once challenges and self-purchase gained momentum, estates were at risk of serious disruption. The Ingenio Mapos provides an example. There, the *dotación* in 1880 was 361, including 277 *patrocinados*, 49 elderly, 21 minors, 6 runaways, and 8 *braceros*. The number of working *patrocinados* initially fell very little, most of the decline resulting from deaths. On the night of February 12, 1882, came the first major challenge: thirty-five *patrocinados* fled the estate and presented themselves to the local Junta. They returned shortly, the results of their action not appearing in the estate book until a year later, when suddenly the number of *patrocinados* dropped from 265 to 201. Some had been freed by the Junta through indemnification of services, others because of their age. The success of their initiatives was followed by a steady stream of self-purchases after the harvest of 1883. By August 1884, there were only 135 *patrocinados* left, and the harvest of 1884 had to be carried out with a much-reduced estate work force. The plantation adapted as best it could by employing released soldiers, gangs of Chinese laborers, and wage workers, including former *patrocinados*.⁵⁸

The actual operation of the *patronato* made it increasingly difficult to sustain the belief that an intermediate status between slave and free guaranteed the continuity of labor of former slaves. If anything, the momentum of full emancipation might have suggested that the continued coercion of the *patronato* gave former slaves a reason to challenge their masters and leave the estates. When, however, the Spanish government raised the possibility in 1884 of abolishing the *patronato*, the Consejo de Administración in Havana was divided. The majority insisted that the *patronato* had to be maintained, and even regretted the “imprudent concessions” that had followed the Ten Years’ War and the “notorious damage” thus done to “legitimate property.” To give up the *patronato* would be to “shatter the last, scant remains of the productive forces of the country.” A minority argued, however, that as long as the intermediate condition between freedom and slavery existed, the disadvantages of both would persist, without the advantages of either. They claimed that *patrocinados* could no longer

58. Mapos, APSS, Valle-Iznaga, leg. 24.

be motivated to work through fear of punishment, like slaves, or through fear of being fired, like free workers.⁵⁹

By 1885, resistance to the idea of final abolition was diminishing. World sugar prices had fallen sharply, and some Cuban *ingenios* were going out of business. The English consul reported that there was “neither Capital, credit, nor confidence anywhere.”⁶⁰ The majority of *patrocinados* had by now already obtained their freedom one way or another, and it was doubtful whether special control over the labor of the remaining 50,000 or so was worth the continued improvisation and uncertainty.

In July 1886, the Spanish parliament voted to authorize the government to abolish the *patronato* after consultation with Cuban planters. In August the Havana Junta Provincial de Agricultura, Industria y Comercio agreed to an end to the *patronato* in order to “normalize the condition of workers and make possible the regularization of wages.”⁶¹ The members apparently had in mind the creation of a larger supply of wage laborers through emancipation and the attraction of white workers into sugar. At least one contemporary observer had already foreseen a fall in wages as a result of free competition between *patrocinados* and wage workers following emancipation.⁶² The Sociedad Económica de Amigos del País concurred with the Junta and called for abolition.⁶³ Even the planters’ association agreed to the ending of the *patronato* if there were also a law on labor and immigration.⁶⁴ The planters wanted large-scale, possibly subsidized, immigration to increase the labor supply, as well as the institution of some controls on labor. Total abolition was declared by Spain on October 7, 1886. Only some 25,000 *patrocinados* were still in bondage in Cuba at the time.

It is clear from the history of the *patronato* that although masters were nominally prepared to embark on gradual emancipation in order to shake off the opprobrium of slavery and shift to free labor, many of them initially attempted to retain much of the social order of slavery. As the period went on, however, there was a breakdown of solidarity among masters. Some

59. Informe del Consejo de Administración, Aug. 8, 1884, AHN, Ultramar, leg. 4926, exp. 144, núm. 300.

60. A. de Crowe to Earle Granville, Jan. 3, 1885, Public Record Office, London, Foreign Office 84/1719.

61. On the parliamentary debates of 1886, and the consultation with Cuban planters, see Elías José Entralgo, *La liberación étnica cubana* (Havana, 1953), pp. 101–112. For the opinion of the Junta, see Informe de la Junta Provincial de Agricultura, Industria y Comercio de La Habana, Aug. 7, 1886, AHN, Ultramar, leg. 280, exp. 610.

62. José Quintín Suzarte, *Estudios sobre la cuestión económica de la isla de Cuba* (Havana, 1881), p. 66.

63. AHN, Ultramar, leg. 280, exp. 610.

64. Telegram from the Governor-General to the Minister of Ultramar, Aug. 12, 1886, AHN, Ultramar, leg. 4926, exp. 144, núm. 323.

employers backed *patrocinado* claims against *patronos* to gain labor; masters often reached agreements of mutual accord with their *patrocinados* rather than attempt to continue to enforce their legal rights or fulfill their legal obligations; estates in some cases accepted self-purchase as a way to liquidate an investment that was rapidly diminishing in value.

Such concessions, however, were not simply the results of a general economic crisis in sugar or of long-term contradictions within Cuban slavery—they were also a response to particular initiatives taken by *patrocinados*. Moreover, these *patrocinado* initiatives present a challenge to conventional modes of conceptualizing slave behavior. Examination of the variety and complexity of responses to a status intermediate between slavery and freedom shows that any strict dichotomy between accommodation and resistance must be rejected as artificial.⁶⁵

On the one hand, under the *patronato*, challenges to the master, resistance of a sort, became safer and more likely to yield results. The slave who resisted being whipped in the 1860s risked further punishment and stood little chance of permanently affecting his situation, while the *patrocinado* who took a charge of cruelty to the Juntas in the 1880s had some chance of winning his freedom, and this possibility could help to counterbalance the still very real threat of retaliation. Access to third parties, such as free persons of color, abolitionists, and the Juntas, enabled some *patrocinados* to test the limits of resistance to their masters more safely. Indeed, the very nature of resistance was altered as the *patronato* made legitimate certain activities that could contribute to the radical goal of defeating the master's authority. The thirty-five *patrocinados* who marched off the Mapos Plantation one night, and then returned to await the outcome of their complaints to the Junta, are a case in point. To appeal to a Junta for freedom was to acknowledge a legal order, but also to undermine a social order.

On the other hand, activities of a traditionally accommodating sort took on a new edge. Working dutifully to collect one's stipend, and growing crops for sale to the plantation, were perfectly appropriate behavior in the eyes of masters. Now, however, the rewards for accommodation were potentially greater. Accommodation under slavery could yield privileges and favors, though it was more likely merely to stave off suffering. Under the *patronato*, accommodation that led to the saving of a few years' stipends and the sale of several pigs might mean legal freedom. Those who put

65. Other scholars have criticized the excessive dichotomization of slave behavior. See in particular Sidney Mintz and Richard Price, *An Anthropological Approach to the Afro-American Past: A Caribbean Perspective* (Philadelphia, 1976), and Thomas Flory, "Fugitive Slaves and Free Society: The Case of Brazil," *The Journal of Negro History* (Washington, D.C.), 64 (Spring 1979), 116–130.

down their money at the Juntas were acknowledging that the master had legal control, but challenging his right to keep it. The initiatives of *patrocinados* thus emerge as a hybrid activity,⁶ and fit neither the category of accommodation nor that of resistance.

This interpretation of the process of transition challenges Arthur Corwin's implication that slaves were essentially passive during abolition, and casts doubt on Franklin Knight's claim that *patrocinados* were "unenthusiastic" about accelerating their own emancipation through such means as self-purchase.⁶⁶ Equally important, the evidence calls into question the assumption that gradual emancipation guaranteed complete continuity of authority. It certainly was *intended* to, but it failed to do so. Slaveowners and lawmakers found themselves obliged to adapt to the challenges presented by insurgents, by slaves, and by *patrocinados*. They did not have a wholly free hand in designing the transition to free labor. In a context of international hostility toward slavery, repeated challenges to Spanish rule, and increasing awareness by the victims of slavery that the system would not long survive, gradualist legislation could not fully contain the pressures for more rapid change.

66. Corwin, *Spain and the Abolition of Slavery*, chaps. 14–16; Knight, *Slave Society*, p. 177.

APPENDIX I: Slave and *Patrocinado* Population: 1862–1886.

Province	1861–62	1877	1883	1885	1886
Pinar del Río	46,027	29,129	13,885	8,110	3,937
Havana	86,241	41,716	18,427	10,419	5,693
Matanzas	98,496	70,849	38,620	19,997	9,264
Santa Clara	72,116	42,049	23,260	12,987	5,648
Puerto Príncipe	14,807	2,290	246	153	101
Santiago de Cuba	50,863	13,061	5,128	1,715	738
Total	368,550	199,094	99,566	53,381	25,381

Sources: 1861–62: Cuba. Centro de Estadística, *Noticias estadísticas de la isla de Cuba en 1862* (Havana, 1864). 1877: Fe Iglesias García, "El censo cubano de 1877 y sus diferentes versiones," *Santiago* (Santiago de Cuba), 34, (June 1979), 167–214. 1883: AHN, Ultramar, leg. 4814, exp. 289. 1885: AHN, Ultramar, leg. 4926, exp. 144. 1886: AHN, Ultramar, leg. 4926, exp. 144.

APPENDIX II: *Patrocinados* Legally Achieving Full Freedom, May 1881–May 1886, by Province.

Province	Mutual accord	Renunciation by master	Indemnification by <i>patrocinado</i>	Failure of master to fulfill Article 4*	Other causes	By Article 8 (1885 & 1886 only)**	Total
Pinar del Río	3,013 (20%)	2,739 (18%)	2,141 (14%)	1,022 (7%)	1,831 (12%)	4,190 (28%)	14,936 (100%)
Havana	3,620 (16%)	6,785 (30%)	2,113 (9%)	3,398 (15%)	2,952 (13%)	3,642 (16%)	22,510 (100%)
Matanzas	14,997 (38%)	3,639 (9%)	3,446 (9%)	2,097 (5%)	4,452 (11%)	10,468 (27%)	39,099 (100%)
Santa Clara	11,342 (40%)	3,613 (13%)	3,115 (11%)	429 (2%)	3,249 (12%)	6,286 (22%)	28,034 (100%)
Puerto Príncipe	60 (10%)	167 (29%)	24 (4%)	103 (18%)	189 (33%)	32 (6%)	575 (100%)
Santiago de Cuba	2,070 (24%)	1,883 (21%)	2,164 (25%)	374 (4%)	1,551 (18%)	691 (8%)	8,733 (100%)
Total	35,102 (31%)	18,826 (17%)	13,003 (11%)	7,423 (7%)	14,224 (12%)	25,309 (22%)	113,887 (100%)

* Article 4 of the 1880 law listed the obligations of the *patrono*: to maintain his *patrocinados*, clothe them, assist them when ill, pay the specified monthly stipend, educate minors, and feed, clothe, and assist in illness the children of his *patrocinados*.

** Article 8 called for one in four of the *patrocinados* of each master to be freed in 1885, and one in three in 1886, in descending order of age. In the event that several *patrocinados* were of the same age, a lottery was to be held.

Sources: AHN, Ultramar, leg. 4814, exp. 273 and exp. 289; AHN, Ultramar, leg. 4926, exp. 144; Manuel Villanova, *Estadística de la abolición de la esclavitud* (Havana, 1885).

APPENDIX III: *Patrocinados* Legally Achieving Full Freedom May 1880–May 1886, by Year.

1st year of the law	(May 8, 1880–May 7, 1881)	6,366
2nd year	1881–	1882	10,249
3rd year	1882–	1883	17,418
4th year	1883–	1884	26,517
5th year	1884–	1885	34,288
6th year	1885–	1886	25,415
Total			120,253

Source: AHN, Ultramar, leg. 4926, exp. 144.