

## Article] <sup>1</sup>

ENTREMONS. UPF JOURNAL OF WORLD HISTORY

Universitat Pompeu Fabra | Barcelona

Número 13 (Octubre 2022)

[www.entremons.org](http://www.entremons.org)

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# *Conflicting agencies in the “Juntas”: “patronas” and “patrocinadas” in Cuba (1880-1886)*

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**Rebut:** 28 de febrer de 2022; **Acceptat:** 2 d'agost de 2022

### **Abstract:**

The gendered aspects of slavery in Cuba were key in the anticipated dismissal of the forced apprenticeship (the *patronato*) implemented to orchestrate the transition from slavery to coexisting forms of dependencies. This article explores the role that petitions brought forward by formerly enslaved women (*patrocinadas*) against their former female slave owners (*patronas*) had in this process. On the one hand, the characteristics of their enslavement in urban and domestic settings gave *patrocinadas* relative room for manoeuvre to acquire the social and

material resources needed to file a lawsuit. On the other hand, *patronas* were resolute in trying to maintain control over their prerogatives, and privileges, which *patrocinadas* were an integral part of. Nonetheless, “property” in enslaved people by well-off and non-affluent women still needs to be thoroughly examined by the historiography on slavery in Cuba. This contribution highlights how the legal quarrels between *patrocinadas* and *patronas* could represent a significant primary source for studying this relevant occurrence. Moreover, the same sources might point to the pivotal role these

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<sup>1</sup> DOI: 10.31009/entremons.2022.i13.02

conflicting demonstrations of agencies had in the gradual chipping of the *patronato* system.

**Key words:**

Patronato, slavery, Cuba, gender, abolition, legal history

**Resum:**

Els aspectes de gènere de l'esclavitud a Cuba van ser clau en la fi anticipada del *patronato*, implementat per orquestrar la transició de l'esclavitud a formes de dependència coexistents. Aquest article explora el paper que van tenir en aquest procés les peticions portades a terme per dones exesclaves (*patrocinadas*) contra les seves antigues propietàries (*patronas*). Per una banda, les característiques del seu esclavatge en entorns urbans i domèstics va donar a les *patrocinadas* un espai relatiu per poder adquirir recursos socials i materials necessaris per presentar una demanda. Per

altra banda, les *patronas* estaven decidides a intentar mantenir el control sobre les seves prerrogatives i privilegis, dels quals les *patrocinadas* n'eren una part integral. No obstant això, la “propietat” sobre persones esclavitzades per part de dones adinerades i no adinerades encara ha de ser examinada per la historiografia de l'esclavitud a Cuba. Aquesta contribució posa el focus en com les disputes legals entre *patrocinadas* i *patronas* podien representar una font primària significativa per estudiar aquest fet rellevant. A més, les mateixes fonts podrien assenyalar al paper crucial que aquestes manifestacions conflictives d'agències tingueren en el trencament gradual del sistema de *patronato*.

**Paraules clau:**

Patronato, esclavitud, Cuba, gènere, abolicció, història legal

## Introduction

On the 19th of November 1883 the *alcalde municipal* of Puerto Principe, Cuba, wrote an institutional communication to his superior. What at first glance seems a mere day-to-day administrative issue – the communication of the termination of a formerly enslaved girl’s forced apprenticeship – involved many more actors in its unfolding, a long independentist struggle, different abolition proclaims, and the complex managing of a minor’s travel and custody. The girl whose case was reported in the letter was named Juana Margarita.

This paper will follow the juridical traces her case left, together with Modesta and Nicolasa’s. The three petitions were filed within the same juridical framework, the *patronato institution* (1880-1886). This had been implemented in Cuba to control the transition from slavery to (supposedly) free labour. The *patronato* imposed an eight-year forced apprenticeship period on subjects who engaged in everyday forms of resistance against it. Furthermore, Juana Margarita, Modesta, and Nicolasa resorted to the *Juntas* to challenge the treatment imposed by three former mistresses – now renamed *patronas*.

Two main interlocked theses will be presented. Firstly, by exploring the cases of Juana Margarita, Modesta, and Nicolasa, it will be shown how the *Juntas de Patronato* became an increasingly relevant tool in the era of gradual emancipation on the island of Cuba. Based on the jurisprudence emerging from a broader history of litigations between enslaved and enslavers, the *Juntas* had been put in place to solve possible controversies in the application of the 1880 abolition law. Formerly enslaved women, in particular, resorted to the *Juntas* in great numbers, carving out spaces to perform agency, demanding their freedom from the forced apprenticeship.

Secondly, it will be highlighted how the experience of the *patronato* was deeply gendered. Policies, regulations, and practices implemented by colonial authorities and owners in the Americas framed gender, reproduction, and maternity as arenas of deep conflict between slaveholding and post slaveholding interests.<sup>2</sup> These clashed with enslaved women’s (and

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<sup>2</sup> Camillia Cowling et al., “Mothering Slaves: Comparative Perspectives on Motherhood, Childlessness, and the Care of Children in Atlantic Slave Societies,” *Slavery and Abolition* 38, no. 2 (2017): 223–31.

formerly enslaved women’s) demands and everyday struggles. Meanwhile, the configuration of gender roles and norms on the island deeply shaped not only the lives of the *patrocinadas* whose stories this paper will engage with but also those of their enslavers, who were all women.

The different distribution, mobility patterns, and work tasks of enslaved males and females in Cuba will be connected to the concrete chances that *patrocinadas* – formerly enslaved women – had for suing their enslavers. *Patrocinadas* crossed the threshold of the households in which most of them worked, and physically moved to enter the space of the law. At stake, there was much more than disputes over the non-compliance to the sets of provisions established with the 1880 law. The *Juntas* became a battleground over enslavement, property, inheritances, family management, and work. Hence, this paper will take into account the strategies put in place by distinct and conflicting historical actors, within a former slave society, embedded in racialized and gendered struggles over changing power and labour dynamics.

Between these, the household had a pivotal role, as a field of power relations and political practices.<sup>3</sup> In this sense, the domestic and urban nature of female enslavement, consistent in the *patronato* years as well, had concrete effects on the volume of the petitions brought to the attention of the authorities, before and after the proclamation of the *patronato* law. De La Fuente and Gross convincingly argue that enslaved women managed to purchase and obtain their freedom in numbers significantly higher than men. According to their analyses on Havana, women made 65 % of all the enslaved who managed to obtain their freedom papers at the turn of the seventeenth century (1585- 1610). Moreover, they continued to outnumber men even a century later – even though among the people deported from the African costs to Cuba women were always a minority.<sup>4</sup> Shifting the observation later in time, only between 1883 and 1884, and just within the borders of the province of Santiago de Cuba, more than 962 legal petitions had been presented by *patrocinados*. In 641 cases, formerly enslaved women, *patrocinadas*, appeared as plaintiffs. Hence, *patrocinadas* made almost 67% of the total bulk of lawsuits directed to the functionaries in those two years.<sup>5</sup>

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<sup>3</sup> Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge: Cambridge University Press, 2003).

<sup>4</sup> Alejandro De La Fuente and Ariela Gross, “Manumission and Freedom in the Americas Cuba, Virginia and Louisiana, 1500s-1700s,” *Quaderni Storici* 50, no. 1 (2015): 15–48.

<sup>5</sup> Archivo Histórico Provincial de Santiago de Cuba, Fondo Gobierno Municipal, Colonia, Actas de la Junta Provincial de Patrocinados de Santiago de Cuba.

The remarkable size of the bulk of lawsuits referring to the years of the legal twilight of slavery in Cuba plunges its roots into the complex history of popular legalism in the Spanish empire. In general, the place of the law in slavery abolition in the Americas has been subjected to a dynamic rediscovery. The relevant historiography on manumission, self-purchase, and their relationship with the law has emphasized – both inside and outside of the Cuban context – their importance in the construction of gradual emancipation before abolition, and their overall place in shaping the justice system.<sup>6</sup> More specifically, the forms of freedom sought after by *patrocinadas* were anchored to the role that custom had in the Iberian-Atlantic legal system. In fact, the pursuit of autonomy during the centuries of Atlantic slavery in Cuba collimated into individual and collective lawsuits, that entered the jurisprudence. Their demands and outcomes became institutionalized over time, and slowly transformed into custom. With this process, the requests advanced by the enslaved acquired a recognized legal strength.<sup>7</sup> In this sense, customary law (*la costumbre*) operated jointly, inseparably, with the other sources of law in the resolution of concrete cases.<sup>8</sup> Combined, these aspects made freedom-performing and making a legalistic phenomenon.<sup>9</sup>

From the second half of the 19<sup>th</sup> century onwards, a tightening of the place of positive law – accompanied by a progressive reduction of local autonomies – complicated how emancipation from below had been built, for centuries, by people of African descent in Cuba.<sup>10</sup> The

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<sup>6</sup> Adriana Chira, “Manumission, Custom, and the Laws of Slavery and Freedom in Latin America,” *History Compass*, August (2020): 1–11. Slaveowners had gradually come to peace with the fact that, to preserve order and stability on their “properties”, they had to respect certain privileges the enslaved fought over for centuries, such as the respect of manumission agreements, access to provision grounds (*conucos*), and to *coartación* (gradual self-purchase, in installments). On this, see Adriana Chira, “Affective Debts: Manumission by Grace and the Making of Gradual Emancipation Laws in Cuba, 1817 – 68” 36, no. 1 (2017): 1–33. One of the most comprehensive works on manumission in Cuba – and the one presenting a complete history of its legal changes, of the laws, practices and customs making it – is Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes, *Para Librarse de Lazos, Antes Buena Familia Que Buenos Brazos: Apuntes Sobre La Manumisión En Cuba (1800-1881)* (Santiago de Cuba: Editorial Oriente, 2009). See especially pages 44-72 for a history of the regulations on manumission in Cuba.

<sup>7</sup> Ricardo Levene, “El Derecho Consuetudinario y La Doctrina de Los Juristas En La Formación Del Derecho Indiano,” *The Hispanic American Historical Review* 3, no. 2 (May 1920).

<sup>8</sup> Custom and law, in Spanish America and beyond, had at least equal force and legitimacy, to the extent that the former could be invoked against or in correction of the latter. See Víctor Tau Anzoátegui, *El Poder de La Costumbre Estudios Sobre El Derecho Consuetudinario En América Hispana Hasta La Emancipación* (Buenos Aires: Instituto de Investigaciones de Historia del Derecho, 2000); Alejandro De la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87, no. Part 4 (2007): 652–92; Fannie Rushing and Finch, Aisha, *Breaking the Chains, Forging the Nation : The Afro-Cuban Fight for Freedom and Equality, 1812- 1912* (Baton Rouge: Louisiana State University Press, 2019).

<sup>9</sup> Chira, “Manumission, Custom, and the Laws”, 8.

<sup>10</sup> Adriana Chira, *Patchwork Freedoms. Law, Slavery and Race beyond Cuba’s Plantations* (Cambridge: Cambridge University Press, 2022).

requirements for filing a petition and seeing it being brought in front of the authorities became more elaborate, requiring more evidence to back one’s claims.<sup>11</sup> Colonial authorities’ increased control over the relations between enslavers and enslaved took place within a legal reform movement with a global reach, that favoured positive law against custom. At the same time, in an international context less favourable for the reproduction of slavery, the increased participation of the Spanish administration in the quells between enslaved and enslavers incorporated the creation of legal codes specifically crafted to regulate slavery. The legislator’s political objective was the construction of a portrait of slavery as a “humane and tolerable” institution, to row against abolitionist pressures. Conversely, the *Reglamento* (1842) was acutely despised by the masters – who perceived it as a tool for curbing their power over whom they deemed as “their properties” – notwithstanding that the *Reglamento* concretely undermined the enslavers’ power only to a small extent.<sup>12</sup>

Some of the prerogatives enslaved men and women fought over for decades flowed in the 1842 regulation. Nominally, the enslaved who had begun a self-purchase process, the *coartados*, could work for themselves, retaining a small part of their earnings, accumulating them for a future purchase of their freedom. Moreover, they could *pedir papeles* (ask for papers) and seek a new owner in a given period of time.<sup>13</sup> Thirty-eight years later, the legal charges pressed within the *patronato* framework owed much to this broader legal history of emancipation brought forward by the enslaved throughout the centuries. Indeed, many of the prerogatives that enslaved people fought over at the local level were transplanted into the 1880 legislation, crafted for engineering gradual abolition on the island.

Since the 1990s, a growing number of contributions have explored the gendered aspects of the construction of emancipation on the island of Cuba. However, these remain, to a considerable extent, to be still explored for what concerns the *patronato* legislation. In fact, although the *patronato per se* has received great scholarly interest as the supposed concluding chapter of

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<sup>11</sup> Chira, “Manumission, Custom, and the Laws”, 7.

<sup>12</sup> Reglamento de esclavos de Cuba (1842), in Gloria García Rodríguez, *Voices of the enslaved in nineteenth-century Cuba: A documentary history* (Chapel Hill: University of North Carolina Press, 2011): 80-84; For an insight of the policies disciplining the lives of free people of color before abolition see Reglamento de Libertos (1869), in Hortensia Pichardo Vinals, *Documentos Para La Historia de Cuba (Época Colonial)* (Havana: Editoria del consejo nacional de universidades, 1965, 390-393).

<sup>13</sup> Moreover, article thirty-five stipulated that «coartados slaves may not be sold at a higher price than that set during the last appraisal, this same condition will apply when they pass from one buyer to another». Reglamento de esclavos de Cuba (1842), 80-84.



Atlantic slavery on the island of Cuba, research still needs to be conducted on the concrete functioning of the *Juntas*<sup>14</sup> and the strategies employed, specifically, by women to cope with the re-institutionalization of coercion.

In addition, the plans, and endeavours of Cuban planters to slow down the transition to (supposedly) free labour have been the subject of thorough historical analyses.<sup>15</sup> Nevertheless, male owners of properties and *ingenios* were not the only ones puzzled about how to shelter their fortunes from the increasing number of lawsuits brought against them by their formerly enslaved. Conversely, of the 641 cases brought forward by *patrocinadas* to the *Junta Provincial* in Santiago de Cuba, 199 out of them presented as a registered owner a woman. In other words, in 31% of the cases, *patrocinadas* in Santiago resorted to the *Juntas* protesting the behaviour of a *patrona*.<sup>16</sup>

Significantly, it was common in Cuban colonial society for *Doñas* (élite women, also used at the time to indicate white women) to have more than one enslaved person in their service, the historiography on women as slaveowners in Cuba is still quite scarce. Besides, even the subsistence of many poor women depended on the income derived from hiring out their enslaved.<sup>17</sup> These occurrences deserve more attention from historians, because of the gendered power relations embedded in them, and the points of view that such cases could open over the dynamics of Cuban society in general. Moreover, if the mistress’ supervision of the work done by the enslaved in the household has been explored in recent contributions dwelling with the

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<sup>14</sup> The legal body put in place to solve controversies emerging from the application of the 1880 legislation. Luis Miguel García Mora, “The Fight against Patronato. Labra, Cepeda, and the Second Abolition,” in *Atlantic Transformations. Empire, Politics, and Slavery during the Nineteenth Century*, ed. Dale W. Tomich (Albany: State University of New York Press, 2020), 141–74.

<sup>15</sup> On this Scott’s work remains the indispensable point of reference. Rebecca Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899* (Pittsburgh: University of Pittsburgh Press, 2007). In this regard, if relevant contributions have deeply analyzed the characteristics of the post-emancipation society in Cuba, relatively scarce attention has been paid to the very apparatus designed to accompany the transition, and to the resistance that clashed against it. Relevant exceptions to this are the already mentioned works by Rebecca Scott and what Camillia Cowling highlighted on the strategies of a group of *patrocinadas* living in the same area. Camillia Cowling, “ ‘As a Slave Woman and as a Mother ’: Women and the Abolition of Slavery in Havana and Rio de Janeiro,” *Social History* 36, no. 3 (2011): 294–311.

<sup>16</sup> Archivo Histórico Provincial de Santiago de Cuba, Fondo Gobierno Municipal, Colonia, Actas de la Junta Provincial de Patrocinados de Santiago de Cuba.

<sup>17</sup> Teresa Prados-Torreira, *The Power of Their Will. Slaveholding Women in Nineteenth Century Cuba*. (Tuscaloosa: University of Alabama press, 2021); Perera Díaz and María de los Ángeles Meriño Fuentes, *Estrategias de Libertad*, 300-301.

institution of Atlantic slavery,<sup>18</sup> the same cannot be said of this quite disregarded occurrence specifically in the Cuban society at the end of the 19<sup>th</sup> century. Lastly, how the numerous female slave owners confronted the increase in the petitions filed by the formerly enslaved – and more generally the risk posited by abolition to one of those few business opportunities they could benefit from – remains to be brought to light.

The answer to all these questions certainly exceeds the scope of this paper. However, the domestic and urban nature of female enslavement in Cuba, as well as the sexual division of labour on the island, will be discussed and connected to female owners having their powers challenged by *patrocinadas*. Consequently, conflicts over noncompliance with the provisions of the 1880 law gave rise, in the cases this article explores, to competing agency manifestations, occurring within a patriarchal society. Furthermore, as enslaved men and women mobilized material and social resources to have recourse to the law, these actions merged with the broader political context of the island. Especially in the eastern portion of the island, these struggles met with the participation of the enslaved in the independentist wars. The first of the three waves of conflicts began when Juana Margarita, born in 1867, was only a few months old.

### **Puerto Príncipe, The Ten Years War, and slavery abolition**

Santa María del Puerto del Príncipe, the city where Juana Margarita was born, had acquired in the first half of the 19<sup>th</sup> century greater fortunes through a thriving economy, driven by ranching and tobacco cultivation.<sup>19</sup> However, the vibrant centre of Puerto Príncipe was home to more than just posts for flourishing trades. In fact, until 1839, the city had been where the *Real Audiencia* had its seat.<sup>20</sup> The *Real Audiencia* represented the court of appeal for cases emanating from the whole island, and numerous jurists and practitioners crossed paths there

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<sup>18</sup> Inge Dornan, “Masterful Women: Colonial Women Slaveholders in the Urban Low Country,” *Journal of American Studies* 39, no. 3 (2005): 383–402; Stephanie Jones-Rogers, *They Were Her Property: White Women as Slave Owners in the American South* (New Haven, and London: Yale University Press); Natalie Zacek, “Holding the WhipHand: The Female Slaveholder in Myth and Reality,” *Journal of Global Slavery* 6, no. 1 (2021): 55–80.

<sup>19</sup> Renamed Camagüey after the 1898 independence war.

<sup>20</sup> Chira, *Patchwork Freedoms*, 21. On the history of the Real Audiencia, its role and functions in the administration of justice see Aisnara Perera Díaz and María de los Ángeles Meriño Fuentes, *Estrategias de Libertad: Un Acercamiento a Las Acciones Legales de Los Esclavos En Cuba (1762-1872)* (Havana: Editorial de Ciencias Sociales, 2015), vol. I, 133.



with the petitioners. In other words, the social history of the town cannot be discerned from its broader role as an outpost for legal debates and disputes. Moreover, the history of this broad portion of the island became entrenched with the dragged independentist wars, starting in Juana Margarita’s first years of life, in a locality on the Guacanayabo gulf, Manzanillo.

The upheaval was a manifestation of the profound disappointment of the planters inhabiting this part of the colony with the policies of the metropole and the political exclusions they faced after 1837 in the Spanish Cortes. In 1837 the Spanish empire in its new Constitution – with just a few colonies left after the independencies on the continent – aligned with the tendency inaugurated by Napoleon to propose differentiated modalities of government between the metropolis and the colonies. Within this fraction, the *Cortes* asserted the will to control the colonial possession through so-called “special laws”, explicitly marking a difference between what was deemed right and needed there, and instead what applied to the metropolis. As these new laws were promised but never crafted and implemented, Cuba faced an increased militarization of the territory and the lack of provisions apt to its commercial needs.<sup>21</sup> Moreover, at that time the *Oriente* region was not as opulent as the western portion of the island, the first dotted just with small to medium *ingenios* (sugar mills) and other kinds of agricultural properties employing enslaved labour, with a workforce severely smaller than the one in the west.

In other words, when the territories in *Cuba Grande* were extensively benefiting from their participation in the *second slavery*,<sup>22</sup> the *Oriente* region faced severe economic difficulties.

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<sup>21</sup> Josep M. Fradera, “L’esclavage et La Logique Constitutionnelle Des Empires,” *Annales. Histoire, Sciences Sociales* 63, no. 3 (2008): 533–60; Josep M. Fradera, “The Empire, the Nation and the Homelands: Nineteenth-Century Spain’s National Idea,” in *Region and State in Nineteenth-Century Europe Nation-Building, Regional Identities and Separatism*, ed. by Joost Augusteyn and Eric Storm (London: Palgrave Macmillan, 2012); Josep M. Fradera, “Quiebra Imperial y Reorganización Política En Las Antillas Españolas: 1810-1868,” *Op. Cit. Revista Del Centro de Investigaciones Históricas*, December 1, 1997; Josep Fradera, *La Nación Imperial: Derechos, Representación y Ciudadanía En Los Imperios de Gran Bretaña, Francia, España y Estados Unidos (1750-1918)*. (Barcelona: Edhasa, 2015); Josep M. Fradera, *Gobernar Colonias* (Barcelona: Península, 1999).

<sup>22</sup> Dale Tomich, “The Second Slavery and World Capitalism: A Perspective for Historical Inquiry,” *International Review of Social History* 63, no. 3 (2018): 477–501; Dale Tomich and Michael Zeuske, “Introduction, the Second Slavery: Mass Slavery, World-Economy, and Comparative Microhistories,” *Review* (Fernand Braudel Center) 31, no. 2 (2008): 91–100; Dale Tomich, “The Wealth of Empire: Francisco Arango y Parreño, Political Economy, and the Second Slavery in Cuba,” *Comparative Studies in Society and History* 45, no. 1 (2003): 4–28; Daniel B. Rood, *The Reinvention of Atlantic Slavery Technology, Labor, Race, and Capitalism in the Greater Caribbean* (New York: Oxford University Press, 2017). Second slavery underpinned a complex series of human-caused spatial alterations on the island. This had particular relevance as far as women, lawsuits, and mobility were concerned, and implicated broader social consequences for the concrete lives of the enslaved in Cuba. More in general, the political use of space, together with a highly controlled socio-spatial order, transformed the day-to-day geographical reality enslaved men and women were forced to inhabit. On this see Camillia Cowling,

These were heightened by the fiscal reform of the late 1860s. If, on the one hand, lifting the *alcabala* (sales tax), the *diezmo*, and the taxes on meat consumption gave small-medium proprietors some relief after the economic difficulties faced in 1857 and 1866, the same cannot be said of the direct income tax.<sup>23</sup> Thereupon, the increased dissatisfaction led the owners to take up arms in 1868.

All the support possible was needed and the leader of the uprising, Carlos Manuel de Céspedes, freed his slaves to make them fight against Spain and the colonial militias. Thus, the uprising became a possible path towards social mobility for the enslaved, to whom freedom was promised in exchange for their work in the military effort.<sup>24</sup> Their contribution to the upheaval was key and the generals, as well as the politicians in Madrid, well understood the subversive potential of the enslaved participation in the war. Their political response was to formally abolish slavery, as done precisely by the Céspedes leadership.<sup>25</sup>

To this end, a decree was drafted and issued in 1870, known as the Moret Law.<sup>26</sup> The law bearing Segismundo Moret’s name was utterly gendered. The Free Womb law abolished the *partus sequitur ventrem*, freed all the newborns – therefore children just three years younger than Juana Margarita – as well as the sexagenarians. Moreover, it inscribed its gradualism

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“Gendered Geographies: Motherhood, Slavery, Law, and Space in Mid-Nineteenth-Century Cuba,” *Women’s History Review* 27, no. 6 (2018): 939–53. On the productive organization of plantation landscapes in the nineteenth-century Atlantic world see Dale W. Tomich et al., *Reconstructing the Landscapes of Slavery: A Visual History of the Plantation in the Nineteenth Century Atlantic World* (Chapel Hill: University of North Carolina Press, 2021).

<sup>23</sup> The latter was set at 10% on liquid income and had to be paid in silver coin, scarcer in the Eastern part of Cuba. Adriana Chira, *Patchwork Freedoms*, 247-248.

<sup>24</sup> The depiction of what became known as the Ten Years War (1868-1878) as a race war could not be farther from the truth, but it did serve the purpose, from the metropolis’ point of view, of discouraging the owners in the western part of the island into taking part to the battles. For Céspedes’ slavery abolition decrees see Carlos Manuel Céspedes. *Abolición completa de la esclavitud por el gobierno de la República en armas (1870)*, in Hortensia Pichardo Vinals. *Documentos Para La Historia de Cuba (Época Colonial)*. Havana: Editorial del consejo nacional de universidades, 1965, 398-399; Carlos Manuel Céspedes. *Decreto de 27 de diciembre de 1868 sobre la esclavitud (1868)*, in Pichardo Vinals. *Documentos Para La Historia de Cuba*, 380-383.

<sup>25</sup> Ada Ferrer, *Insurgent Cuba Race Nation and Revolution 1868-1898* (Chapel Hill: University of North Carolina Press, 1999); Thomas Hugh, *Storia Di Cuba 1762-1970* (Torino: Einaudi, 1973); On women’s position in the Ten years war see Teresa Prados-Torreira, *Mambisas: Rebel Women in Nineteenth Century Cuba* (Gainesville, Fla.: University Press of Florida, 2005). On war participation as a way for climbing up the social ladder and on free and enslaved people of African descent who actively supported Spanish troops see David Sartorius, *Ever Faithful - Race, Loyalty and the Ends of Empire in Spanish Cuba* (Durham, NC: Duke University Press, 2013).

<sup>26</sup> On the legal family strategies pursued within this legal framework, including efforts in obtaining custody of children declared freed, see Maria de los Ángeles Meriño Fuentes and Aisnara Perera Díaz “La Cesión de Patronato: Una Estrategia Familiar En La Emancipación de Esclavos En Cuba. 1870-1880,” *Revista de Historia* 152, no. giugno (2005): 29–55.

literally into the body of enslaved women.<sup>27</sup> The legal metaphor of a “free womb” entailed a separation between the fetus and the woman who would give birth to it, where the former was free, and the latter remained in bondage.

Exhausted by years of guerrilla, in 1878 General Martínez Campos managed to force the rebels into a peace treaty.<sup>28</sup> The deal was signed in Zanjón, within Puerto Principe, when Juana Margarita was eleven years old. The area around what once was the rebel stronghold was almost totally reduced to ashes. By the end of the conflict, in Camagüey alone, only one of the pre-war 110 sugar mills was still operating.<sup>29</sup> The Zanjón Pact (1878) – freeing only the enslaved that fought during the war and not persecuting the defectors – was not remotely enough to pacify the island. Notably, its content exacerbated the living and working conditions in the plantations.<sup>30</sup>

### **The *patronato* and women as slave owners: historiographic and legal remarks**

The proclamation of the *Patronato* did not better assist, to say the least, Juana Margarita, and her parents. She was separated from her family because the 1880 law protected from this occurrence only those children under twelve years of age. After these traumatic events, her traces in the archive become more blurred. In fact, the activities in which Juana Margarita engaged as a *patrocinada* are unknown. Nonetheless, according to the prescriptions of the 1880

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<sup>27</sup> This represented anything but a unicum of the Cuban case. Similar measures were implemented in Spanish American countries during the Independences between 1811 and 1825, and the *Lei do Ventre Livre* was proclaimed in Brazil in 1871. On such laws see Yesenia Barragan, “The Free Womb Project,” accessed February 8, 2022, <https://thefreewombproject.com/>. If, on the one hand, the *partus sequitur ventrem* had been abolished, its absence was mitigated by the content of article number seven, accommodating once again the protests of the sacrocraía. In fact, the Moret law also stipulated that until the age of eighteen, boys and girls born to enslaved mothers remained only formally free, since they were still subject to the control and arbitrariness of the mother's owner. The owner could benefit of their workforce until their coming of age, with no retribution. What is more, the children included in this process of exploitation, following a formal liberation, were denominated *patrocinados*. The 1880 law would have extended the recipients of this form of forced apprenticeship, attributing them even the same denomination.

<sup>28</sup> The rebels had failed in their goals for different reasons, spanning from lack of provisions, reinforcements, and international support, the scarce participation of wealthy estate owners to their struggle, causing the virtual impossibility to pass through the western provinces of the island, and the gendered and racialized frictions, infightings within the Cuba Libre lines.

<sup>29</sup> Ada Ferrer, *Cuba: An American History* (New York: Scribner, 2022), 130.

<sup>30</sup> *Convenio del Zanjón (1878)*, in Pichardo Vinals. *Documentos Para La Historia de Cuba (Época Colonial)*, 415-416.

law, as a minor Juana Margarita was supposed to receive a primary education – as all young *patrocinados*, so they could exercise “an art, a task, or useful occupation”.<sup>31</sup>

The articles of the law crafted by Salvador de Albacete made the “care” provided in the properties to children like Juana Margarita – food, accommodation, primary education, clothing – nothing but free. The price paid was high as “the owners can benefit of their services [of children under the *Patronato* institution] without any retribution”.<sup>32</sup> Following this line of thought, it is possible to hypothesize that through her labour, Juana Margarita contributed to the wealth of her *patrona*, and that the “true” benefit included in the 1880 law, on the part of the owners, was the possibility of exploiting the workforce of numerous children of various ages, up to eighteen years old, with no costs.

On this matter it should be noted how *patrocinados* of age were at that moment remunerated between two and three pesos per month, thus marking a significant difference from what was established by previous codes.<sup>33</sup> Moreover, considering how the workforce of a free worker in Cuba was paid around seventeen pesos a month, it becomes clear how the *patronato* represented a tool to make the owners in Cuba buy in, granting them the possibility of employing the same enslaved workforce that made their prosperity, for eight more years, at an extremely convenient price, refunding themselves of the “losses” caused by abolition.<sup>34</sup>

In sum, with the 1880 law, the enslaved were called *patrocinados* and masters *patronos* and definitive abolition was postponed to 1888. Moreover, the rights possessed by *patronos* over the *patrocinados* were alienable and consisted mainly of the appropriation of their workforce. However, the 1880 law also granted some form of protection to the formerly enslaved. It was expressly forbidden to separate households, and there was an obligation to provide *patrocinados* with their small monthly wage, adequate clothing, food, housing, and care in case of illnesses. Conversely, “coercive and disciplinary faculties” remained in place, while *coartación* (gradual self-purchase in instalments) was expressly regulated as much in the prices

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<sup>31</sup> Ley y Reglamento de La Abolición de La Esclavitud de 13 Febrero y 8 de Mayo 1880. Comentados, Explicados y Anotados Para Su Mejor Inteligencia y Facil Aplicación. Seguidos de Dos Apendices 1 La Ley (Moret) de 4 de Julio 1870 2 El Reglamento de 5 de Agosto (Havana: Casa Editora La Nueva Principal, 1880).

<sup>32</sup> Ley y Reglamento de La Abolición de La Esclavitud, 5.

<sup>33</sup> *Patrocinados* between eighteen and twenty years old perceived from one to two pesos a month, while those of age, twenty years old and older, were paid three pesos a month.

<sup>34</sup> Laird Bergad, *Cuban Rural Society in the Nineteenth Century : The Social and Economic History of Monoculture in Matanzas* (Princeton New Jersey: Princeton University Press, 1990).

to be paid – no longer subject to the market but determined by the law and decreasing in value each year – as in the renewed obligation for *patronos* to comply with agreements made. Moreover, article eight stipulated that one-fourth of all *patrocinados* held by each *patrono* should be emancipated every year, starting with the most senior, and proceeding in decreasing order of age for each year, until 1888.

At the same time, the 1880 law included also specific articles dedicated to the assistance of freed minors. These emerged also in the concrete steps taken by the functionaries dealing with Juana Margarita’s case. The *Alcalde municipal* inquired, in the same communication addressed to his superior, how to contact the young girl’s parents, letting them know of the changed status of their daughter. This move was key in procedures involving minors, because of what was established by article number eighty-eight of the *patronato* law: the *cédula* (freedom papers) of persons younger than eighteen had to be kept by the parents.<sup>35</sup> The whereabouts of Rodriguez Morel and Maria Basulto Moreno, respectively father and mother of Juana Margarita, were only partially known: their last registered address was the house of their former *patrona*, Doña Concepcion Basulto.

Hence, Juana Margarita’s parents, at that moment freed too from the *patronato* institution, had been living and working – apparently until shortly before – into the service of a former *ama* (female slaveowner). The mentioning of Doña Concepcion Basulto indirectly provides a glimpse into her actions and those of her peers. As underlined by Teresa Prados-Torreira, despite the lack of political power in a highly patriarchal society, Cuban *amas* (female slaveowners) were deeply involved in supporting the perpetuation of slavery, by enforcing the disciplining of the enslaved in the domestic sphere or helping to create the illusion of slavery as a humane institution, carefully administered by “kind-hearted” women as well.<sup>36</sup> White women were definitely in a subordinate position when compared to white men, but this did not prevent them from asserting control over the enslaved of the household they managed, quite the opposite.

As a site of power, a workplace, and a place of resistance, the household also became a site of struggle (and unbalanced alliances) between women.<sup>37</sup> Following this line of thought, studying

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<sup>35</sup> *Ley y Reglamento de La Abolicion de La Esclavitud*, 34.

<sup>36</sup> Prados-Torreira, *The Power of Their Will*, 1-9.

<sup>37</sup> Glymph, *Out of The House Of Bondage*, 20.

the controversies and conflicts in which female owners entered because of their *patrocinadas*’ legal actions further complicates their role within Cuban society and its hierarchies, as well as the sets of symbolic meanings attached to their privileges and their social position.

### **Cuban *amas* in the gendered construction of property and slavery**

The honorific title *Doña* that preceded the name of Juna Margarita’s parents’ owner hint at two possible scenarios, as far as her identity was concerned. Firstly, Concepcion Basulto might have been acknowledged as a well-off woman, placed in a relatively advantaged position in Cuban society. Secondly, *Doña* was used also in 19<sup>th</sup> century Cuba as a designator of the racial classification, distinguishing white people, called *Don* and *Doña*, from people of colour.

Once married, women acquired a distinct identity in front of the Church and the community, with specific legal, religious, and social consequences. Men and women, in fact, had distinct but complementary roles within the family unity and consequently within society. Men were supposed to be playing out their roles outside of the domestic walls, in politics, and participating in the market, while women, the homemakers, had to create, tend to, and reproduce the “domestic heaven.”<sup>38</sup>

Moreover, married, free women could inherit their husband’s properties in case of death of the latter, and give birth to “legitimate” sons and daughters, while still being subjected to the specific matrimony regulation. On the other hand, Hispanic civil law, applied in the metropolis and Cuba, granted the husband the power to manage his wife’s properties and to represent her in any legal transaction. Therefore, to contract marriage for Cuban elite women at the end of the 19<sup>th</sup> century meant entering society but within a subordinate position, inextricably linked to household management. In this regard, Cuban households had well-defined, separated, roles and spheres. The father controlled the family’s finances and made the most important decisions; the mother was supposed to educate the children, tend to their growth, instil religious values, inspiring them through her moral, pious, and modest attitude. This specific position allowed them to relegate many of the household duties to the enslaved, while their lives were limited by strict social norms.<sup>39</sup>

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<sup>38</sup> Christopher Schmidt-Nowara, *Empire and Antislavery Spain, Cuba, and Puerto Rico, 1833-1874* (Pittsburgh: University of Pittsburgh Press, 1999).

<sup>39</sup> Prados-Torreira, *Mambisas*, 22-25; Sarah L. Franklin, “Suitable To Her Sex: Race, Slavery and Patriarchy in Nineteenth-Century Colonial Cuba” (Florida State University, 2006).



On the other hand, women in Cuba still had certain legal prerogatives – nominally, dowries. Enslaved people frequently were part of a women’s dowry.<sup>40</sup> If it is true that, according to Spanish law, a married woman would lose control over her property, on the other hand she remained the legal owner of the dowry. Moreover, women aged over twenty-five, single or widow, could still make what could be defined as “business decisions”. In other words, widows and single women of age had control over their assets – of which enslaved people were an integral part. Hence, the power Cuban *amas* had was not just relegated to the management of those working under their supervision: legal restrictions did not prevent them from being slaveholders, nor from claiming, legitimizing, and asserting their power over the work, lives, and bodies of those under their control. Moreover, their wills were not dependent on their husbands’ consent and approval.<sup>41</sup> This gave them relative freedom to dictate the fate of enslaved people in their possession, granting conditional manumissions<sup>42</sup> or arranging who the future owner of somebody would be.

Whether direct owners of enslaved men, women, and children – through dowries, inheritances, widowhood, or because unmarried – whether attentive administrators of the day-to-day domestic activities, female owners had a relevant role in the conflicts over changing power, work, and racial dynamics occurring in Cuba at the end of the 19<sup>th</sup> century. They uphold it in the courts, defending their rights over what they considered as their legitimate “property”, and through manoeuvres and subterfuges to exploit *patrocinados*’ and *patrocinadas*’ workforce for as long as possible.

Within the family, through their constant presence and their vigilant eye over the other members, white women had a discreet power. While they had little contact with the enslaved working in the fields – they lived in specific proximity to their domestic enslaved.<sup>43</sup> This intimacy was key for the process of gradual emancipation of the enslaved, as both sexual and non-sexual intimacies forged within the household shaped the outcomes of the legal petitions.<sup>44</sup>

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<sup>40</sup> Prados-Torreira, *The Power of Their Will*, 90.

<sup>41</sup> Prados-Torreira, *The Power of Their Will*, 2-4; 90-91; 98.

<sup>42</sup> On the concept of conditional manumission see Sidney Chalhoub, “The Precariousness of Freedom in a Slave Society (Brazil in the Nineteenth Century),” *International Review of Social History* 56, no. 3 (2011): 405–39.

<sup>43</sup> bell hooks, *Ain’t I a Woman: Black Women and Feminism* (Londra: Routledge, 2015), 24. For data on the role domestic spaces and the prevalence of women as plaintiffs against one’s owner before the *patronato* see Perera Díaz and María de los Ángeles Meriño Fuentes, *Estrategias de Libertad*, vol. I, 340.

<sup>44</sup> For a ground-breaking study on manumission, intimacy and the gendered nature of ownership see Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700*. (Cambridge: Cambridge University Press, 2016).

This proximity, however, should not be romanticized in any way: it was connected to emotional and physical coercion too, as well as to forms of abuse unique to the household environment.<sup>45</sup>

The phenomenon of women's slave ownership in Cuba was inextricably connected with urban slaves being disproportionately women. In other words, enslaved women at the service of *amas* met the gendered construction of slavery more broadly. Men, considered stronger and more “apt” for the strenuous tasks of sugar production, were preferably employed in the *ingenios* (sugar mills). Women’s workforce instead was funnelled into activities needed to sustain and reproduce the owners’ families. Hence, the sexual division of labour forced enslaved women to perform tasks – such as cooking, doing laundry, care work, provisioning, and hawking – that frequently brought them into the manor house, under the strict surveillance of the mistress.<sup>46</sup>

However, there was another side to the coin. It was precisely this gendered construction of slavery, together with the sexual division of labour, that made enslaved women and *patrocinadas*’ resort to the courtrooms more frequently if compared with enslaved men’s rate of use of law for building pathways towards emancipation. In fact, because of the errands assigned to them, enslaved women residing in towns moved across urban geographies that put them in contact with social networks and vivid, vibrant spaces – streets, markets, and shops. Enslaved, freed women and *patrocinadas* moved around with degrees of relative autonomy more than the colonial regime had originally envisaged.<sup>47</sup>

Therefore, the occupations of enslaved women, and afterward of who would become *patrocinadas*, took place inside and outside the domestic space, partially unwinding those processes of immobilization of the workforce key in the perpetuation of slavery. These types of relative mobility that enslaved women, and then *patrocinadas*, had were central in shaping

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<sup>45</sup> Rosemary Brana-Shute and Randy J. Sparks, *Paths to freedom: manumission in the Atlantic world* (Columbia S.C.: University of South Carolina Press, 2009).

<sup>46</sup> Note how, even if enslaved women tended (at least in Cuba) to be employed mostly in urban areas, there were also enslaved women forced to work in sugar mills, coffee, and tobacco plantations. Black feminist theorists have underlined how this occurrence actually complicated the broader division of labor in the Americas, as black women performed tasks usually associated with «strength and masculinity». Enslaved women plowed, planted, and harvested like their male counterparts. On the implications of these analyses as far as gender and race are concerned see hooks, *Ain't I a Woman*, 23-24. For percentages on the relative distribution of plaintiffs according to the tasks performed in the manor house see Perera Díaz and María de los Ángeles Meriño Fuentes, *Estrategias de Libertad*, 344-345. For an analysis of the occupations of free women of color see Rafael L. López Valdés, *Pardos y Morenos: Esclavos y Libres En Cuba y Sus Instituciones En El Caribe Hispano* (Puerto Rico: Centro de Estudios Avanzados de Puerto Rico y el Caribe, 2007), 86-88.

<sup>47</sup> Cowling, “Gendered Geographies”, 942.

one’s possibilities of recurring to the functionaries of the *Juntas*.<sup>48</sup> On the other hand, these forms of mobilities – together with the extremely difficult journeys in which *patrocinadas* embarked to petition in *Juntas* geographically and politically distant from the sphere of influence of their masters – should not beedulcorated in any way. *Patrocinadas* often crossed demographically hostile *camino*s (routes) and landscapes, close to other properties, within a colonial setting in which travel, and mobility were not taken for granted, not even for affluent white men.<sup>49</sup>

### **Networks, families, and conflicts: *patrocinadas* unraveling the *Juntas***

As hinted, every (known) member of Juana Margarita’s family in 1883 seemed to have found a way to be exempt from the forced apprenticeship.

Juana Margarita’s parents might have been part of the group that every year the *patronos* were forced, by law, to declare freed from the *patronato*. Nonetheless, a few other pathways for emancipation existed. First, *patronos* could release their *patrocinados* by entering into a mutual agreement with them or through a formal renunciation of their prerogatives. Moreover, two articles set out the conditions for the self-purchase of the *patrocinados*.<sup>50</sup> Hence, Juana Margarita’s parents, as their daughter, might have been released from their former owner pursuing one of these legal strategies, or because of possible abuses suffered. Anyhow, all these

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<sup>48</sup> On the relevance of urban spaces in shaping the concrete possibilities of enslaved people to resort to the law see Perera Díaz and Meriño Fuentes, *Estrategias de Libertad*, 288-289. Moreover, recent historiographies on the Cuban case have highlighted how frequent was the practice of forcibly displacing enslaved women (in particular) from the fields to the city and back, according to the necessities of production, as slaveowners used to their own advantage enslaved women status as *coartadas jornaleras*. In other words, many enslaved women were bought in the cities to be sent to an ingenio, and then sent back in *commodatum* (loan) to work in urban spaces or the settlements around it, only to returned to the ingenio when they were needed. In this sense, it does seem like the dichotomy rural vs urban slavery was in fact more blurred, further complicating the patterns of geographical mobility versus forced immobility. This aspect has relevant implications as far as the possibilities of recurring to juridical bodies were concerned. On this see Claudia Varella and Manuel Barcia, *Wage-Earning Slaves: Coartación in Nineteenth-Century Cuba* (Gainesville: University of Florida Press, 2020), 66-70.

<sup>49</sup> Cowling, “Gendered Geographies”, 940.

<sup>50</sup> On the history of self-purchase practices in Cuba and *coartación* see Alejandro De la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87 (4), (2007): 652– 92; Manuel Lucena Salmoral, “El Derecho de *Coartación* Del Esclavo En La América Española,” *Revista de Indias* 59, no. 216 (1999): 357–74; Alejandro de la Fuente and Ariela Julie Gross, *Becoming Free, Becoming Black : Race, Freedom, and Law in Cuba, Virginia, and Louisiana* (Cambridge: Cambridge University Press, 2020).

controversies, requests, and lawsuits were managed by a specific juridical body, the already-mentioned *Juntas de Patronato*.

In other words, on the one hand, the *patronato* granted the former enslavers eight more years of their former slaves' life, and most of all eight more years of their workforce. On the other hand, this law contained a series of provisions that could be used by the *patrocinados* and *patrocinadas* as leverage to achieve their freedom before the time limit laid down. Accordingly, what is particularly relevant to note here is the creation of new legal institutions from which since the 1880 *patrocinados* could seek support.

In particular, the case of Juana Margarita had been handled by a *Junta local*, representing the first of the four levels of judgment possible. The many *Juntas locales* (local *juntas*) were based in different municipalities and formed by two *vecinos honrados* (honored citizens), the *alcalde* (mayor), one of the principal taxpayers, and the *síndico*. Not infrequently, their intervention consisted of the transmission of the request to the corresponding Junta Provincial. These were set in Santiago de Cuba, Santa Clara, Matanzas, Puerto Príncipe, Havana and Pinar del Río.<sup>51</sup> The provincial *Juntas* were formed by the provincial governor, a provincial deputy, a judge of the District Court, a district attorney, the mayor, two *vecinos honrados*, one of whom had to be a *patrono*. Therefore, those who were supposed to take care of the proceedings presented by the *patrocinados* were thought to be authoritative persons within the Cuban society, likely politically, commercially, and socially connected with the *sacarocracia* and their interests. Even many of the members of the body corresponding to the third level of appeal, the *Consejo de Administración*, had been slaveowners themselves, remaining hostile to any initiatives of these and, in general, to any action that could create economic and social turmoil. The last degree of judgment corresponded to the *Ministerio de Ultramar*, impractical without the support of politicians or prominent anti-slavery figures.

The *alcalde* writing the letter on Juana Margarita's case during his service in the local *Junta* in Puerto Príncipe made a second suggestion, besides the compulsory communication to the parents of the changed status of their daughter. This second proposal is the most interesting one, being an accurate representation of the functioning of social networks in the formerly enslaved community. More specifically, it depicts how widespread the practice of asking for

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<sup>51</sup> Scott, *Slave emancipation in Cuba*, 129-134.

support from family and or acquaintances during and after the lawsuits was, and that bureaucrats of the empire were well aware of these practices of mutual aid in the non-white community, comprehending *patrocinados* but also free people of color, *apadrinados* (godfathered), and *libertos* (formerly enslaved people):

I [also] feel that it is opportune for me to manifest to his nibs that the parents of said Juana Margarita should be informed as well that she lacks the money needed to move to the said town so that they could instruct somebody that would be in charge of giving her the money needed for her trip.<sup>52</sup>

Therefore, an *alcalde* suggested to his superior to rely on the network of the non-white community to manage the travel of a minor to her parents, being relatively confident that they would find somebody in Puerto Principe that could lend the girl the needed sum to arrange the journey. In other words, the relevance of community and kin ties in providing support throughout the hearings was acknowledged up to the point that even the authorities in the *Juntas* were familiar with this kind of practice, suggesting them just like *the way things were*.

In this regard, the historiography has highlighted the pivotal role of familial ties in the projects of freedom. The familiar unit – rarely implying the cohabitation of all its members – was made of related people who recognized each other, and joined forces for projects of manumissions, supporting them in concrete ways. These forms of mutual assistance were spread within the non-white community, whose members frequently lent the money needed for obtaining a child’s *coartación*.<sup>53</sup> Nonetheless, the notion of support should be meant in the broadest sense possible, spanning from information sharing practices, helping in getting acquainted with the imperial bureaucracy and its steps, orienting themselves between the different locations of the venues where the authorities met and ruled over the cases.

In these coexisting and heterogenous patterns, the gendered construction of slavery and the gendered division of labour had an impact on, for instance, the freedom purchase practices. As the ground-breaking study of Aisnara Perera Díaz and María De Los Ángeles Meriño Fuentes has shown, manumitting infants, and children was one of the recurrent strategies employed,

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<sup>52</sup> *Declaration of exemption from Patronado System for a 16-year-old Morena slave*. (1883) Brown Digital Repository. Brown University Library, Cuban Slavery documents. <https://repository.library.brown.edu/studio/item/bdr:421209/>. Last accessed 28/08/2022.

<sup>53</sup> Luz Mena, “Stretching the Limits of Gendered Spaces: Black and Mulatto Women in 1830s Havana,” *Cuban Studies* 36 (2005): 87–104.

followed by plans for purchasing women’s freedom, tied to the reproduction of the family and the descendants’ freedom.<sup>54</sup> Moreover, within the networks mobilized in cases like Juana Margarita’s one, women had a particularly relevant role, as they often moved around the island with surprising speed and communicated with enslaved and freed relatives on distant properties and households.<sup>55</sup> They also were on the front line for demanding *coartaciones* for themselves and their children, becoming acquainted with saving strategies, and building ways to raise funds in their community.<sup>56</sup>

Therefore, Juana Margarita’s case makes us glimpse not only at the difficulties a child daily faced in the strenuous effort of being reunited with her family, confronting complex procedures and displacements, but also the key elements fuelling these legal suits, and their concrete conditions of feasibility: networks, kin, and community. The (only) apparent individuality of these petitions was systematically challenged by the solidarity networks on which these same legal actions were based.

Hence, the legal framework of the *patronato* was designed to provide the owners with their former slaves’ workforce for eight additional years, but at the same time, it presented a porous character that *patrocinadas* tried to use to their advantage. In this sense, if the *patronato* law and its tools were employed to reconstruct families torn apart from slavery. At the same time, the content and provisions of different articles were pointed out by *patrocinadas* also for carving out relatively better conditions of life.

Prior to April 1881, Doña Maria Eloy Pérez de Cabrera relied onto the services of Modesta, her *patrocinada*. Nevertheless, as her “lawful owner”, Maria Eloy abused what the *Patronato* institution was granting her, not complying with all the provisions included in the 1880 law. This led the *patrocinada* to find support for filing an official complaint in the *Juntas*. Essentially, Modesta’s owner was not paying her the small monthly wage she was owed. In April 1881 Doña Maria Eloy Pérez de Cabrera was notified of the loss of rights over her (former) *patrocinada* Modesta, following the application of article seven, part three, of the *Patronato* Law. The latter concerned the renunciation over one’s *patrocinados*: following the complaints filed by the *patrocinados*, the owners could decide to comply with the ruling of the

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<sup>54</sup> Perera Díaz and Meriño Fuentes, *Para Librarse de Lazos*, 41-42.

<sup>55</sup> Aisnara Perera Díaz and Maria de los Ángeles Meriño Fuentes, “Las Africanas de La Fragata Dos Hermanos En Cuba Madres, Después de Esclavas (1817-1837),” *Acervo* 33, no. 2 (2020): 43–68.

<sup>56</sup> Mena, *Stretching the Limits of Gendered Spaces*, 91.



*Juntas* – in this case siding with Modesta and setting her free from the *patronato* – or file an appeal, therefore proceeding with the case to a further level of judgment.<sup>57</sup> Maria Eloy was advised in the same letter she received to present herself in front of the *Juntas*, to state her will, and eventually receive information on how to present a subsequent claim. Crafting her refusal to comply with the decision of the *Junta*, not giving up her *patrona*'s rights, Maria Eloy stated:

I am not complying because I have testimonies and receipts that can prove my punctuality when it comes to paying the owed amount to her [the *Patrocinada* Modesta]<sup>58</sup>

This deposition prompted a further and third level of appeal: from the *Juntas Locales*, the matter had been transmitted to the provincial level and it was now up to the *Consejo de Administración* to rule over Modesta and Maria Eloy's dispute over the stipend. An investigation had been requested. The *patrona* asked her son Jorge Cabrera to be a witness. He stated that it was not possible to prove his mother had paid Modesta because the *patrocinada* did not ask for a receipt. On the other hand, in the same declaration, and as reported by the investigating committee, he stated the *patrocinada* had received the stipends of August and September. Maria Eloy, nothing but cleared from the accusations, was therefore forced to file another declaration, stating her son was mistaken.

Looking closely at the dynamics entangled in this peculiar juridical case, we see multiple conflicts stirring the surface. If in the limelight there was a *patrocinada* fighting for her right to the small salary she was owed, a second conflict was happening in the proscenium: the one between Maria Eloy and her son, not openly siding with his mother in front of the authorities. That is, two conflicts were on display in this case: one that entangled work relations and a familiar one. Maria Eloy consequently declared that her son did not know that she had the receipts with her, presenting them as pieces of evidence. However, a problem occurred, menacing the outcome of the litigation for Maria Eloy. The receipts were examined, and they were signed by Don Antonio Pardo and Don Manuel Rodriguez and dated the 4<sup>th</sup> of October. The two men were called to verify their signatures. Once the signatures had been validated, the testimony of the son was considered again valid. Thus, the case involved two women, Maria

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<sup>57</sup> *Ley y Reglamento de La Abolicion de La Esclavitud de 13 Febrero y 8 de Mayo 1880. Comentados, Explicados y Anotados Para Su Mejor Inteligencia y Facil Aplicacion. Seguidos de Dos Apendices 1 La Ley (Moret) de 4 de Julio 1870 2 El Reglamento de 5 de Agosto.*

<sup>58</sup> Sobre Modesta [sin otro apellido], criolla, patrocinada de Doña María Eloy Pérez de Cabrera. (1881) Houghton Library, Collection of Cuban slavery documents, 3/19 [https://iif.harvard.edu/manifests/view/drs:492449116\\$1i](https://iif.harvard.edu/manifests/view/drs:492449116$1i) Last accessed 28/08/2022.

Eloy and Modesta, but the functionaries, the members, the investigating committee, and those summoned as witnesses, were all men.

Taking into account how Maria Eloy had receipts stating the payment of the following months given to the *patrocinada*, the authorities assumed she should have them for the past months, too. The latter was the object of the matter. Notified again to pay the amount to the *patrocinada*, her refusal to comply caused in the end the loss of the rights over Modesta. Refusing to pay a *patrocinada* for more than two months’ worth of salary did represent a violation and the *Consejo de Administración* in Havana sided with Modesta.

The oral confrontation of *patronas*, *patrocinadas*, and the respective intermediaries was filtered by legal formulas emanating from a hierarchical system. Together with these, the excerpts emerging from these closed-door confrontations are also packed with binary and biased representations. Although Modesta was formally declared free at the conclusion of the lawsuits she initiated, the formulas related to her struggle for emancipation were inscribed in the hegemonic domination discourse.<sup>59</sup> This is particularly evident when looking at the racialized markers and descriptions of the actors emerging from these legal primary sources.

If, on the one hand, it has proven to be difficult to extract more information on the sued female owners – on top of the locations where they resided, the names of husbands, brothers, and sons – the same is not always true for the petitioner. Judicial communications and notifications, transcripts of the *Juntas* ordinary sessions, and declarations all contained (before the name of the petitioner and frequently as a synonym for her later in the document) a racialized marker. Described as *morenas*, both Juana Margarita and Modesta are formally more distant from the social stain of slavery than their peers defined as *negros y mulatos*.<sup>60</sup> Nonetheless – together with what, after the termination of the *patronato*, happened with the assignation of surnames to the freed population<sup>61</sup> – these formally registered appellations inscribed freedom suits in the

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<sup>59</sup> Perera Díaz and Meriño Fuentes, *Para Librarse de Lazos*, 41-42.

<sup>60</sup> Perera Díaz and Meriño Fuentes, *Para Librarse de Lazos*, 165-166; Perera Díaz and Meriño Fuentes, *Estrategias de Libertad*, 334-335. The authors analyze how in their study the terms “mulatos y pardos” and “negros y morenos” were not interchangeable, as these were the most practical strategy employed by notaries, owners and parish priests to perform social discrimination.

<sup>61</sup> Michael Zeuske, “Hidden Markers, Open Secrets: On Naming, Race-Marking and Race-Making in Cuba,” *NWIG : Nieuwe West-Indische Gids*, 2002.

sign of slavery, and within the systems of differentiated citizenship widespread in the post-abolition Americas.<sup>62</sup>

As seen, Modesta engaged in a long confrontation with an obstinate former owner and embarked on a journey to Havana for the last part of her trial, putting together efforts aimed at obtaining subsequent appeals. Conversely, as her day-to-day life crossed paths with the wills of her owner’s relatives, familiar matters proved to be inextricably intertwined with the treatment of the (legally former) enslaved workforce.

Furthermore, in her determination in keeping Modesta at her service, Maria Eloy acted as an economic actor. As the manager of the household, she searched for allies in her case and did all was in her power to fight for her “property”. She acted fully, defending what represented a rational market choice<sup>63</sup> – keeping her former slave in service for all the years granted by the law, saving on her stipend as much as possible. Until the last moment, upon the pronouncement of one of the highest levels of colonial justice, Maria Eloy struggled for her share in the socio-economic accumulation<sup>64</sup> that slavery had made possible and that the *patronato* – and the actions of women within this framework – was slowly chipping away.

### **The time, the law: autonomy, and *coartaciones* in Havana**

The legal strategies put in place by *patrocinadas* frequently lasted at length, spanning sometimes almost a lifetime. Putting this aspect in context with the alternating of the two different abolition laws in Cuba between 1870 and 1880, it was not uncommon for *patrocinadas* to pursue legal claims that began well before the 1880 law within the new legal framework provided by the *patronato*.

In this respect, the self-purchase practices –*coartaciones*– of the formerly enslaved are quite telling. Anchored to customary law, *coartación* had been employed by the enslaved in Cuba to pursue gradual emancipation, framing freedom as a staged process.<sup>65</sup> It consisted of a gradual

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<sup>62</sup> Eric Foner, *Nothing But Freedom: Emancipation and Its Legacy, The Endocrine System* (Baton Rouge: Louisiana State University Press, 2007).

<sup>63</sup> Hilary McD Beckles, *Centering Woman: Gender Discourses in Caribbean Slave Society* (Kingston: Ian Randle Publishers, 1999), 62.

<sup>64</sup> Beckles, *Centering Woman*, 71.

<sup>65</sup> Manuel Lucena Salmoral, «El derecho de coartación del esclavo en la América Española», *Revista de Indias* 59, n. 216 (1999): 357–74; Aline Helg and Lara Vergnaud, «Slave No More Defending Slavery versus

self-purchase, as the word was derived from the verb *coartarse*, to cut oneself into pieces, i.e., to buy one's freedom little by little, through payments deferred over time. Before 1880, the sum to be paid by the enslaved to obtain their *carta de libertad* (freedom papers) was determined in court, through a public audience. The forum in which the amount needed to obtain the *coartación* was established became a battleground, in which the masters tried to obtain as much of the enslaved savings as possible, while the enslaved fought to see their price reduced, underlying their mistreatment, illnesses, and advanced age.<sup>66</sup>

This open contestation was put aside by the *Patronato* law, establishing specific, fixed criteria and sums to “compensate” the owners for the lost workforce. On the other hand, it should be noted how the prices established by these precedent trials were frequently exorbitant – due either to the composition of these legal bodies, systematically favouring the planters – and that the enslaved protested them through subsequent appeals. More generally, the time needed to save the amount of money required before 1880 frequently could amount to decades of working additional hours, renting out one's workforce – with the consensus of the owner, that kept part of the pay – to other planters, artisans, or shopkeepers during rest days and festivities, or selling the produce grown in the *conucos* (provision grounds) assigned to the enslaved, all for one day hopefully gathering enough to be freed.

Thus, for those enslaved who had entered years before into *coartación* agreements with their owners, it could happen that the sum established or already partially paid was way higher than what the 1880 law, article seven subparagraph four, established for self-purchase.<sup>67</sup> This was the case of Nicolasa, *patrocinada* of Doña Jesusa Sarabia. From the advert published on the 10<sup>th</sup> of June 1882 on the *Gaceta de La Habana*,<sup>68</sup> it is possible to note that she had entered,

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Abolitionism», in *Slave No More: Self-Liberation before Abolitionism in the Americas* (University of North Carolina Press, 2019); Alejandro De la Fuente, “Slaves and the Creation of Legal Rights in Cuba: Coartación and Papel.” *Hispanic American Historical Review* (2007) 87 (4): 659–692. *Coartación* had been practiced by the enslaved in the Cuban context for many centuries – the earliest sources date back to 1590 – but the provisions around it, as well as its practicality, changed over time and in the various contexts.

<sup>66</sup> For a ground-breaking study of practices related to manumission outside of the Cuban context, putting forward its gendered, and protracted character see McKinley, *Fractional Freedoms*, 239-250.

<sup>67</sup> *Ley y Reglamento de La Abolición de La Esclavitud de 13 Febrero y 8 de Mayo 1880. Comentados, Explicados y Anotados Para Su Mejor Inteligencia y Fácil Aplicación. Seguidos de Dos Apéndices 1 La Ley (Moret) de 4 de Julio 1870 2 El Reglamento de 5 de Agosto.*

<sup>68</sup> The newspaper of record for the Spanish colonial government in the second half of the nineteenth century in Cuba, the main mean to communicate governmental decisions that impacted on the daily life of the population as well as day to day announcements and ads deemed of public utility. *Gaceta de La Habana*, Num. 180-206, (10th of June 1882), University of Miami, Cuban Heritage Collection, CHC Periodicals, CHC9998, 7.

before the promulgation of the *patronato* law, into a *coartación* agreement with her *ama*. *Patrocinadas* had a clear understanding of the law, of what they were entitled to, of the provisions stating what their former owners were expected to do, and of what instead was expected from them. The fact that the law, since 1880, established fixed amounts for the self-purchase, and that what she progressively deposited up to that moment exceeded the values fixed by the law, did not go unnoticed by Nicolasa. She resorted to the *Junta Local* stating her right to be freed from the *patronato*. Then, her petition was passed to the second degree of judgment, the provincial level, handled by the *Junta Provincial de Patronato de la Habana*. In this seat, the functionaries finally sided with the *patrocinada*:

This corporation, in its session scheduled the 25<sup>th</sup> of May, granted the exemption from the *patronato* institution to the *patrocinada* Nicolasa, owned by Doña Jesusa Sarabia, in due of having paid more than what is needed as of today to rescind her *patronato*, and asks that the freedom papers would be given to her.<sup>69</sup>

Nicolasa’s case reminds us of the relevance of adopting an ample time frame when analyzing the legal strategies pursued by enslaved women and formerly enslaved women in Cuba. Put differently, the two abolition laws proclaimed –the Moret Law, and the *Patronato* Law of 1880 – were frequently combined by the petitioners in their claims. In this sense, legal strategies begun within a given legal framework did not just stop there, as formerly enslaved women directed the outcome of the cases by summoning to the regulation more convenient to support a given cause.

For formerly enslaved women in Cuba, resorting to the law was anything but a rupture. On the contrary, recurring to the *Juntas* and employing the provisions established by the new regulation became an increasingly relevant tool in building pathways towards autonomy. More interestingly, *patrocinadas* like Nicolasa merged ancient legal traditions with the new legal framework, showing how they were capable of deciphering different institutional forms. Moreover, as Nicolasa constructed her own agency out of what history and society put at her disposal,<sup>70</sup> she confronted her former mistress denouncing the conditions of her prolonged captivity. The sequence of strategies that she envisioned, entering a *coartación* agreement,

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<sup>69</sup> *Gaceta de La Habana*, Num. 180-206, (10th of June 1882), University of Miami, Cuban Heritage Collection, CHC Periodicals, CHC9998, 7.

<sup>70</sup> Arlette Farge, *The Allure of the Archives* (New Haven: Yale University Press, 2013).

saving, and finding potential allies to see the commitment made come to a resolution, projected Nicolasa in a long negotiation.

Nonetheless, the historiography on post-emancipation societies emphasizes how negotiations did not stop for formerly enslaved women upon the obtaining of their freedom papers. Among women, in particular, the rugged path to life outside of one masters’ property was often paved with the harshness of domestic labour and explicit personal dependency.<sup>71</sup> Relative autonomy – in a context of a colony dependent on the enslaved workforce, looking towards a partial transformation of its labour structure into coexisting forms of exploitation, indentures, and contracted labour – was sought after in the economic and affective realm.<sup>72</sup> More generally, as *patrocinados* and formerly *patrocinados* struggled for reclaiming their families, at the same time they tried to make their way by taking up labour negotiations and fighting over land and property ownership.<sup>73</sup>

On the other hand, Doña Jesusa Sarabia’s attitudes might signal something as well. Even though it is not possible to affirm this with certainty, the hypothesis of her complete ignorance of the regulations included in the *patronato* law regarding self-purchase does seem unrealistic. Moreover, the fact that Nicola’s case was handed over to the provincial level points as well toward a certain obstinacy on the part of the owner, reluctant in accepting that the *patrocinada* managed to secure enough to pay herself out of the apprenticeship. Another possibly connected scenario concerns the already mentioned fact that many single or widowed women in Cuba based their income on renting out the enslaved and *patrocinados* they possessed.<sup>74</sup> Doña Jesusa Sarabia might have been part of this social group, or fallen on hard times, and acting recalcitrant in giving up what she considered her “legitimate” source of gain.

Furthermore, cases like this one bring to light the role that women had in the long survival of slavery. Clearly, female owners had extremely diverse political opinions. Nevertheless, they

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<sup>71</sup> Brodwyn Fischer and Keila Grinberg, *The Boundaries of Freedom: Slavery, Abolition, and the Making of Modern Brazil, The Boundaries of Freedom* (Cambridge: Cambridge University Press, 2022), 164; Erica L. Ball, Tatiana Seijas, and Terri L. Snyder, *As If She Were Free. A Collective Biography of Women and Emancipation in the Americas* (Cambridge: Cambridge University Press, 2020).

<sup>72</sup> For a slightly different conceptualization of the concept of autonomy, in its relationship with freedom from slavery, see Glymp, *Out of the House of Bondage*, 9.

<sup>73</sup> Fernando Martínez Heredia, Rebecca J. Scott, and Orlando García Martínez, *Espacios, Silencios y Los Sentidos de La Libertad : Cuba Entre 1878 y 1912* (Havana: Editorial de Ciencias Sociales, 2002).

<sup>74</sup> Prados-Torreira, *The Power of Their Will*, 21-25.



still played an integral part in the institution of slavery.<sup>75</sup> In this regard, the evidence provided by women like Doña Jesusa Sarabia, so attached to their “property”, demonstrates how they considered the *patrocinadas* an essential part of their wealth and status, or the key to their subsistence. Buying and hiring out enslaved people were considered a reliable source of income, a concrete possibility for capitalizing on an investment, and seeking financial security.<sup>76</sup> Juana Margarita, Modesta, and Nicolasa were among those many *patrocinadas* that confronted these aspirations of their former mistresses – and the power structures on which these were based on – asserting their rights in the courtrooms, facing self-willed *patronas* closely anchored to their privileges.

## Conclusion

The conflicts shaking Cuban society at the end of the 1880s reverberated on the other side of the Atlantic in the form of social engineering plans, tensions over the need for economic reforms, and claims for compensation for the former owners. The latter, on their part, advocated for their cause through representatives in the *Cortes*, securing their finances, trying to differentiate the dependent workforce employed, slowing the pace of the social changes already in motion. At the same time, Cuban *patronas* as well were deeply committed to keeping *patrocinadas* in their service. Furthermore, they too, as their male counterparts, saw the legitimacy of their power being severely challenged by the *patrocinadas* resorting to the *Juntas*.

Consequently, this paper highlighted conflicting demonstrations of agency, performed by women in Cuba. Cuban female former owners, together with their families, peers, and spouses, put in place tactics to slow the already gradual transition from slavery to coexisting forms of dependency on the island, hindering in any way the spaces for autonomy *patrocinados* and *patrocinadas* were struggling to construct. By insisting on holding their rights over what they considered as their “defendable property”, Cuban *amas* showed their determination as owners even when this prerogative was already fading away, daily compromised by the actions of the formerly enslaved towards autonomy.

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<sup>75</sup> Prados-Torreira, *The Power of Their Will*, 7.

<sup>76</sup> Prados-Torreira, *The Power of Their Will*, 2.

The claims advanced by *patrocinadas* in Cuba this paper referred to, and their intertwined stories, had a specific political meaning. In fact, between 1880 and 1886, *patrocinadas* in Cuba confronted dominant power structures, asserting their rights in the courtrooms in increasing number. Engaging in fights when precedent agreements were not respected, trying to secure emancipation for themselves and their loved ones, *patrocinadas* demonstrated that the authority of their former owners was neither total nor indisputable. Ultimately, owners and legislators, in an international context now hostile to slavery, saw themselves forced to accept those changes which the enslaved had collectively helped shape through struggles and claims in the estates, cities, and above all in the courts. The 1880 law dictated provisions that were forcibly applied to a population of 200'000 formerly enslaved men and women. Only three years after the *patronato* law was enacted, the number of registered *patrocinados* on the island stood at 100,000. Two years later, that share had dropped to 53,000, and by 1886 only 25,000 *patrocinados* remained in Cuba.<sup>77</sup> As the *patronato* law provided the formerly enslaved with a legal framework that gave them more room for suing their owners, *patrocinados* used it to impose their tempo over the emancipation rhythm envisioned in Madrid.

Within these struggles, women made contributions of decisive magnitude. Representing the largest part of the petitioners filing suits addressed to the *Juntas de Patronato*, they leveraged the social and material resources they painstakingly acquired mainly in their domestic enslavement. *Patrocinadas* confronted their former masters and mistresses, enhancing visions of what they were owed, contributing concretely to the ahead-of-schedule abrogation of the forced apprenticeship system – dismissed in 1886 instead of 1888.

Domestic slavery, the house, and its gendered character had a pivotal role both in the making and the un-making of slavery in Cuba.<sup>78</sup> It was precisely the structure of domestic enslavement, and the tasks this frequently included, that shaped *patrocinadas*' possibility of recourse to the *Juntas*. What sustained *patrocinadas* and their suits in their journeys outside of the household realm, and into the seats of colonial institutions, had already run through multiple domestic walls. *Patrocinadas*' lawsuits in fact frequently implied actions on the part of other members in the petitioner's community, either formally or informally. Social networks were the

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<sup>77</sup> Rebecca J. Scott, “Gradual Abolition and the Dynamics of Slave Emancipation in Cuba, 1868-86,” *Hispanic American Historical Review* 63, no. 3 (1983), 460.

<sup>78</sup> Glymp, *Out of the House of Bondage*, 95.

connective tissue of *patrocinadas*’ legal quests for freedom from the forced apprenticeship, and these transcended the everyday space over which one’s owner had power.

The everyday politics of space of the island, inside and outside the households, was gendered in important ways.<sup>79</sup> Together with the patriarchal organization of the family and of property owning, this brought *patrocinadas* in close contact with female owners. *Patrocinadas*’ lives and quests for autonomy were frequently entrenched with (and challenged by) their *patronas*’ actions – these being aspirations and strategies for subsistence, desire for power, or defence of status. In conclusion, the complex relationships between *patrocinadas* and *patronas* in Cuba could represent an object of research to look at more closely. In this sense, a reassessment of their degrees of animosity and conflict, and their shared submission to the patriarchal system, might open more nuanced ways of unpacking the characteristics of post-emancipation Cuban society at the turning of the 20<sup>th</sup> century.

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<sup>79</sup> Cowling, “Gendered geographies”, 949.

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