

# RELIGION AND PHYSICAL MOBILITY: BLACK ACCULTURATIVE DIFFERENCES IN BRAZIL AND THE UNITED STATES

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## INTRODUCTION

This paper addresses the problem of cultural retention in the context of slavery, with emphasis on the religious aspect. The cultural influence of Africa is examined in the New World societies of Brazil and the United States. The perpetuation or extinction of secular and religious Africanisms in the New World has been traditionally linked to isolated factors, the most important being the ethnic composition of the slaves concentrated in a given area (Park, 1919; Johnson, 1934; Pierson, 1967; Van den Berghe, 1976; the renovation of the African slave force through continued importations (Bastide, 1978); the structure of the plantation (Park, 1919; Frazier, 1964; Herskovits, 1972); and demographic conditions, such as the nature of black-white ratios (Herskovits, 1972). It is argued here that the presence/absence of Africanisms in New World societies cannot be understood fully by reference to isolated variables. Rather, a methodology should be used that unveils the relationship of the minority cultural element with the global social milieu. This paper employs a structuralist and comparative approach to explore the conditions underlying the differences in black acculturation in Brazil and the United States, by focusing on black physical mobility as the central element in the acculturative process, and then by treating this element as a reflection of the wider social environment of the host society. An additional contention is that this global social environment can be said to have been more flexible and favorable in Brazil regarding African culture than in the U. S.. Physical mobility is defined here in terms of specific behavioral manifestations that were most directly and intimately connected with Afro-American syncretism and/or African cultural retention (of the "pure"

type): the ability of slaves and freedmen to meet collectively in both the rural and urban settings, and to hold cultural events of their own, as well as participate in events and festivals of the host society. This ability constitutes a structural whole, which is in turn related to larger structural wholes, in this case, the legal and cultural systems, the economy, and the ideology of the dominant classes. Primary emphasis, however, will be placed on the relationship between physical mobility and the law (in both its formal and informal aspects), since the character of the law, to follow Durkheim (1964), reveals the general nature of the social environment, "the principal forms of social solidarity" (1964:68).

### THE CULTURAL CONTEXTS COMPARED

Brazil and the United States have been chosen for the comparative analysis of African religious retention because these are the areas where plantation slavery was most fully developed, where slaves were employed in the largest numbers, and where African culture in relation to the host culture took the most diametrically-opposed courses. Specifically, Brazil has experienced widespread cultural fusion with Africa, as well as retained African cultural traits to perhaps the highest degree of any New World society where slavery predominated. This is especially true of the area of religious survivals, as exemplified in the Afro-Brazilian cults. As Bastide (1974:115) points out, the research of Pierre Verger (1957), both in Brazil and in the old Slave Coast of Africa, has shown conclusively that Afro-Brazilian religious forms constitute a "continuation of African religion whose extraordinary faithfulness extended even to the most minute details of the ceremonials. . ." Herskovits adds: "In broadest outline, theology and ritual of all Afro-Bahian cult-groups in Bahia, as elsewhere in Brazil, represent well-defined retentions of African worship" (1966:218). In the United States, on the other hand, black culture strayed the farthest from its African matrix. The general conditions of American slavery and the society at large created serious problems for the perpetuation of African culture. Furthermore, there has been no appreciable black-white cultural exchange. <sup>1</sup> As Rawick points out, "the pressures upon North American blacks were much more extreme than upon blacks elsewhere in the New World" (1974: 31). An earlier statement by Johnson supports this view:

"No sociologist maintains that the Negro in this country retains any African social institutions of significance. There are, of course, Africanisms in the New World, but they are more rare in the United States than anywhere else".

A notable exception to this trend may be found in the area of music. Black musical forms, especially jazz, have long been a source of inspiration for American musical culture at large. But even so, when one considers the influence of jazz, it remains to be determined whether what white America is utilizing is basically an African or "creole" musical form. Herskovits (1966:169) states that even if black elements are found in U. S. white music, it does not necessarily follow that these elements are African. Bastide (1971:181) feels that modern-day jazz forms were developed mainly out of the inability of American blacks

to keep African instruments and music. If such is in fact the case, what jazz stands for is the cultural break with Africa.

## THE SECULAR SPHERE

We will first look at the broader spectrum of cultural life to identify patterns that indicate not only African retention proper but also cultural interpenetration (syncretism). The latter is crucial for understanding the nature of the interaction between the ethnocultural groups involved. This interaction, seen here in the context of the global society and not just slavery, had a strong bearing on the course of African Cultural patterns in the New World. In principle, where greater cultural exchange between the larger culture and minority groups prevails, a basis of flexibility on the part of the former may reasonably be assumed. Conversely, where the dominant culture is less amenable to exchange and fusion, minority orientations stand less of a chance of survival. 2

The cultural association that Brazil has had with Africa has been extensive, as noted earlier, to the point where one observer (Van den Berghe, 1976:541) has characterized Brazil as "a Luso-African country rather than a Luso-American one".

The Africans infiltrated several areas of Brazilian culture and had in turn their own traditions modified and/or reinforced by the syncretic process. This phenomenon has long been recognized in the literature (e. g. Nina Rodrigues, 1932:180-182; Ramos, 1951:104-105; Rodrigues, 1962:56-58). The Bantu influence has been especially important in connection with Brazilian popular festivals. In colonial and Imperial times, the *congada*, or the crowning of the Congo King, a Congolese festival incorporated into the worship of Our Lady of the Rosary, was a major example. The *maracatus* and *reisados*, African-derived organizations which became part of the street carnival associations, can still be seen nowadays, particularly in the state of Pernambuco, where large numbers of Bantu slaves were imported. The *samba*, which eventually became the national dance of Brazil, is said to derive from the *quizomba*, the weddings dance of Angola (Quarles, 1976: 31). The Englishman Henry Koster, a resident of Pernambuco in the early 1800s, comments on the dances of the *congada*, saying that they "are now as much the national dances of Brazil as they are of Africa" (1816:411). One final and very significant aspect is that the Brazilian plantation, the primary nucleus of acculturation for the slave, often had African names (Freire, 1956:457).

Nevertheless, the profusion of Africanisms in the secular sphere should not obscure the fact that, since religion in Africa is inextricably bound up with the whole of everyday existence (see Mbiti, 1970) different cases of African cultural carryovers may be part of the broader retention in the *religious* sphere. Thus, the African art of wood-carving, for instance, has flourished in the state of Bahia in connection with the rituals of the Afro-Bahian cults, particularly those of Yoruban and Dahomean extraction. The bulk of this art form is directed to the representation of religious symbols, images, etc. African dishes have not only become incorporated into the regional cuisine of some areas (e. g. Bahia

and other parts of the Northeast), but are also used as offerings to the various deities in the cult ritual. African linguistic retention has not only affected the national language, but also serves a central function in the cult service. Nago, as is called in Brazil the language of the Yoruba slave, was heard in the streets of Salvador (Bahia) as late as the turn of the century (Nina Rodrigues, 1932: 200). It is still used extensively in the majority of cult centers of that area. African traditional attire, still seen on black women vendors in certain parts of Brazil, is also "de rigueur" among cult priestesses and devotees.

Music, consisting of the elements of dancing and instrumentality, deserves special attention here because of its important role in the African religious experience (Mbiti, 1970). The frequency of African dances and the use of African instruments among the Brazilian slaves was witnessed by many foreign travelers (e. g. Koster, 1816; Spix and Martius, 1824; Graham, 1969). The use of these instruments has been widespread in the secular and sacred functions of blacks in Brazil since the days of slavery. They have been particularly conspicuous in Bahia, in places such as the public market, which in the 1840s James Wetherell, the British consul in that city, found to have "a thoroughly African appearance" (1860:29). This observation still stands.<sup>3</sup>

As far as the United States is concerned, even when one acknowledges the argument of writers like Blassingame, who writes that despite all restrictions, American slaves were able to "draw upon their African heritage to build a strong musical tradition" (1979:36), a strikingly different picture of black musical acculturation emerges in a comparison with Brazil. Slave dancing in the United States met with multiple legal, social, and ecclesiastical barriers (Phillips, 1918: 314; Jackson, 1930:110; also see the travel reports of Lyell, 1850:353, and Bremeş, 1968:117, vol. 2). In any case, whenever and wherever these barriers did not exist, or could be bypassed, the pattern of slave dancing tended to lean toward the European and of the acculturation continuum. Whereas in Brazil (as well as other New World contexts, such as Cuba, Haiti, Guiana, etc.) the African character of black dances was at once apparent to anyone familiar with West African dance forms, in the United States, Herskovits (1972:270) has pointed out, "pure African dancing is almost entirely lacking except in certain subtleties of motor behavior". Black entertainment in the Southern cities often attempted to duplicate the model of white society. In the mid-19th century Olmsted saw slave balls ("assemblies") in Montgomery which in elegance and formality paralleled similar events of upper-class society. These balls, he says, were held in "very grand style". Furthermore, "all the fashionable dances were executed; no one is admitted, except in full dress; there are the regular masters of ceremonies, floor committees, etc; and a grand supper always forms a part of the entertainment" (1968:554). In Louisiana he witnessed creole balls which were "conducted with the greatest propriety" and the ladies were very "becomingly dressed" (1968:646). In the latter part of the 19th century black dances were very popular in New Orleans. The dances favored were "the quadrilles, waltzes, continentals, Prince Imperials, varieties, New Yorks, pinafore lancers, polkas, mazourkas, vales, cotillions, grand marches, and schottisches" (Blassingame, 1973:146).

To be sure, the African influence may have held over in the music and dances of American blacks in certain areas of the South, particularly Louisiana (see Blassingame, 1979: chapter 1). Cable (1886) reports on African dances being performed in New Orleans in the early 1800s. However, following the American occupation of the Louisiana territory these dances disappeared quickly. As Herskovits (1972:271) points out: "Recognizable African dances in their full context are probably entirely lacking in the United States, except perhaps for the special area constituted by Louisiana; and they all seem to have been absent for generations".

Similarly, some of the instruments used by antebellum blacks resembled African ones. Cable (1886:521) comments on some that were used in the New Orleans area. There are also references in the narratives of ex-slaves from Georgia and South Carolina to musical instruments that apparently had an African origin, such as for instance the "blowing quills" (Rawick, 1974, 1977). But again, when we place the discussion in hemispheric perspective, the African influence here was not as pervasive as it could have been. The presence of these instruments, like that of the New Orleans dances, was short-lived. By and large, the instruments used by U. S. blacks, whether slaves or freedmen, were of European extraction, the most common being the banjo and the fiddle (in this regard, see, e. g. Olmsted, 1972:146; Rawick, 1977:95, 128).

## THE RELIGIOUS SPHERE

After this more general discussion of black acculturative differences between the two countries, it remains for us to stress again the character of the specific religious aspect. In the case of Brazil, we have the strong presence of the Afro-Brazilian cults which, in the words of Harris (1974:51), are remarkable "in the fidelity with which West African patterns of worship have been maintained". In the case of the United States, it is with black Protestantism that one would have to deal with, for it was in the Protestant, not African, context that black religion developed. According to Wasington (1972:33), the end of the emerging black church in the U. S. was to specific areas such as Gambia, Windward and Gold Coasts, and Angola. In the period from 1735-1740, Angolan slaves arriving in Charleston, S. C. numbered 8,045, out of a total slave importation of 11,562, a situation strongly suggestive of concentration of ethnically-homogeneous slaves in a single area.

Cultural revitalization through continued slave importation is an idea supported by the fact that slaves were brought into Brazil for a much longer period of time than in the United States. In the U. S. the external slave trade was banned after 1807, but in Brazil this did not happen until 1831, and even so, clandestine operations kept slaves continually coming into the country into the 1850s. This practice was eventually stamped out in 1850-1851, but isolated instances of fresh cargoes reaching Brazilian shores are said to have occurred as late as 1855 (Bethell, 1970:xi). Again we find that even though the Atlantic slave trade was abolished for the U. S. in 1807, it is estimated that some 270,000 additional slaves were smuggled into the country until 1860 (Phillips,

1918:147). Thus, Brazil was not unique with regard to the rejuvenation element, although greater numbers of slaves entered that country illegally.

With respect to the structure of the plantation, it is argued that in Brazil, unlike the U. S., the plantation was predominantly large, "requiring a minimum of sixty to eighty slaves. . ." (Bastide, 1978:48). In fact, in the 19th century plantations that employed 1000 slaves and over were not unusual. Under these circumstances, as Bastide points out, "the African ethnic entities could regroup and re-establish a more restricted solidarity within the black caste and around their religious leaders". In the U. S., it is true, the smaller-sized slaveholding was the rule, the majority of these ranging from 10-49 slaves in the South in the mid-1800s. This general pattern, however, did not preclude the existence of large plantations in certain areas. In the cotton, rice, and sugar lands of Mississippi and Louisiana, plantations of 100 slaves and over predominated (Gray, 1941: 529-539). Phillips tells us (1918:245) that in the 1850s some 1,400 sugar estates existed in this region, each of which employed, on the average, about 100 slaves. Traveling through the valley of the lower Mississippi in that period, Olmsted notes that the plantations "are all large". (1972:20). In Alabama this same observer found that the majority of planters owned from 10 to 20 slaves only, but slaveholdings of 50 to 100 slaves were not uncommon, "especially on the rich alluvial soils of the southern part of the state". (1968:575). Farther to the Southeast, in the South Carolina-Georgia area, there was a total of 2,358 plantations which employed 100 or more slaves (Gray, 1941:483). The narratives of some ex-slaves also tend to confirm this pattern. Charles Ball, who lived on Maryland, Carolina, and Georgia plantations in the early 1800s, informs us that the tobacco fields of Virginia and Maryland employed an average of 100 slaves each, "whilst on the cotton estates, I have seen four or five hundred, working together in the same vast field". (1969:57).

Finally, black-white ratios on the plantation and urban settings have been cited as an important factor because in the areas where the Africans were over-represented they were in a better position to preserve ancestral customs, whereas in the areas where there was great demographic imbalance in favor of the whites, their acculturation into the dominant model proceeded at a much faster pace. Herskovits mentions the Sea Islands off the Carolina coast as an area where blacks far outnumbered the whites (1972:116; see also Johnson, 1930), and where Africanisms have been more discernible than in any other area of the United States. In Brazil, of course, high percentages of blacks in relation to the total population prevailed throughout the colonial period and most of the Imperial (Harris, 1974:84-85; Van den Berghe, 1976:540). As it turns out, however, black-white ratios were not only fairly wellbalanced in several areas of the antebellum South, but also overwhelmingly in favor of the blacks in some instances. Yet this situation failed to insure the retention of African religious traits in that region. We have a pattern of demographic parity in several major centers of slave activity in the South, such as 18th-century South Carolina (Wood, 1975) and Virginia and Georgia (Gray, 1941: 355; Leland, 1969; Craton, 1975:254). In 1820 the same pattern prevailed in New Orleans, Mobile, and Savannah (Wade, 1964; see also Tasistro, 1842:132). Visiting Richmond during

the 1850s Olmsted noticed that half the people in the streets were "more or less of Negro blood". (1972:51) South Carolina, in particular, had black over-representation "soon after 1700" (Wood, 1975:164). Even in Maryland, an area where vestigial occurrences of the African tradition are probably scarcer than in the southern states, blacks were very numerous, in a ratio of 140,000 to only 100,000 whites in the middle of the 18th century (Bastide, 1971:6). Van den Berghe correctly stresses that the demographic factor is only partly responsible for differences in black acculturation rates, adding that "in the black belt of the Southern United States. . . the racial composition was not unlike some parts of Brazil". (1976:540).

The fact that all of the explanatory variables above apply both to Brazil and the United in varying degrees raises questions as to their value, particularly when considered in isolation, in accounting for black secular/sacred acculturative differences in the two countries. Therefore, the need to consider alternative and/or additional explanations is clear, if an increased understanding of the African acculturative situation in the New World is to be gained.

#### THE PHYSICAL MOBILITY FACTOR: THE U. S.

The thesis that the global structure of the host society, manifested in its legal economic, and sociocultural subsystems, deeply influenced the level of black physical mobility, and the latter in turn became the pivotal factor in African religious retention, will be developed here. The major emphasis will be placed on the legal system since, as mentioned earlier, it was through this agency that various influences from the total society came to affect the life of the slave, and in a more concrete sense, the law was also the agency which was most intimately involved with the control of the physical movements of the black population. As will be seen, the wider social environment in the antebellum South was fiercely hostile to the black element, on a level which seems to have gone beyond the normal racial antagonisms generated by slavery systems everywhere. This hostility was translated into very repressive slave legislation and elaborately set up systems of surveillance.

The specific U.S. locations chosen for the analysis are the states of Virginia, South Carolina, Georgia, Alabama, and Mississippi.<sup>4</sup> Throughout the slavery period these areas stood out for their extensive slaveholding activity and for very large black populations. The demographic factor can be illustrated in the fact that the black population of Virginia remained the largest in the South until the Civil War (Ballagh, 1968: 25); in South Carolina the slave population was, by 1860, the largest of any southern state, making up 57.2% of the total population; in Mississippi and Alabama as well, black ratios to the total population in 1860 were remarkably high (Gray, 1941:482). Additionally, these states had cities of marked commercial importance, with an extensively developed system of urban slavery. These were mostly seaport and river towns, the most important being Charleston, Savannah, Richmond, Mobile, and Natchez.<sup>5</sup>

## THE SLAVE CODES IN THE RURAL CONTEXT

The prime motivational force behind harsh legislation and surveillance of the physical movements of blacks in the U. S. was the general fear of black insurrections during the antebellum period. We are informed (Ballagh, 1968:74) that in the early phase of slavery in Virginia blacks had been allowed to assemble for their feasts and ceremonies, but on account of the rapid increase in the slave population and the danger of plots this freedom was soon done away with. By 1680 Virginia slaves were no longer allowed to have their celebrations, nor to move about freely from plantation to plantation. Masters were expressly ordered to prohibit slaves from holding meetings as well as funeral ceremonies for their dead. A 1690 Virginia law (cited in Jones, 1961:19) specifically prohibited the "entertainment of Negroes".

These early Virginia statutes were of draconian severity. In the case of runaway or "outlying" slaves forcefully resisting arrest, civil authority was empowered by law to "kill and destroy such negroes, mulattoes, and other slave or slaves by gun or any otherwise whatsoever". (Hening, vol. 3, 1819:86). The penalty befalling absenting slaves was just as drastic in 18th century legislation for North and South Carolina, Mississippi, and Missouri (see Stroud, 1827).

It is clear that the attempts of southern slaves to exercise a measure of physical autonomy were early on punished with the greatest severity. Since the bulk of slave importations into the United States took place in the 18th century, the enforcement of these restrictions on black physical mobility must have seriously limited the chances for survival of African cultural patterns from that time on. As the decades passed, these restrictions were to become even more rigid and inclusive. The creation of the patrol system was a logical development of this trend.

The patrols were a widely used, fairly effective tool of the larger system of control of the black population. They functioned essentially to apprehend runaway slaves and to prevent all nocturnal gatherings of blacks. They were formally-structured and made part of the military/police apparatus in several states up until the Civil War (see Henry, 1968:32, for South Carolina). Understandably, the patrols were most active in areas of heavy black concentration (Stampp, 1956:214), thus making more difficult the emergence of black revolts and, as concerns the obstruction of gatherings, the cultural solidarity necessary for the perpetuation of African culture. This culture, brought to the U. S. soil intact or near-intact by freshly arrived slaves, could only have persisted via its periodic re-enactment.

Slaves caught in unlawful assemblies by the patrols were punished with anywhere from ten to twenty-five lashes "on the bare back" (Hening, 1819; Stroud, 1827; Goodell, 1853). The whipping was sometimes only part of the punishment involved; the danger of the so-called "nigger dogs" was always present. These were dogs trained to maim and kill runaway slaves, and their use in tracking down the latter was, as Stampp points out (1956:189), common in all the slaveholding states and "defended and justified in the courts". The

numerous reports of ex-slaves (see Rawick, 1977) furnish ample evidence of the brutally repressive ways of the patrols.

To be sure, the actual effectiveness of the patrol system may have decreased in times of less white apprehension over slave uprisings (Stampp, 1956:214), and the slaves may sometimes have been able to foil the vigilance of the patrollers and masters and to slip out to nightly dances and/or prayer meetings. There is no reason to believe, however, that this was the rule rather than the exception. However much the slaves may have succeeded in circumventing law and custom regarding their physical mobility, the fact remains that the latter was greatly inhibited by the harshness of the legal apparatus. The only possible free time that slaves could have used for assembling was at night and this was precisely the time when the patrols were most active, dispersing meetings, looking for runaways, "from dark until ten or eleven o'clock at night. . ." (Ball, 1969:424).

Up to now it has been shown how the all-black, unsupervised meeting was vigorously suppressed at every turn, by virtue of its potential insurrectionary effects. One might wonder now if the religious meeting conducted in the context of the socially-sanctioned mainstream Protestantism, led and/or supervised by whites as required by law (Stampp, 1956:160), was totally free of restrictions. Historical record shows that it was not. Several acts, such as the South Carolina Act of 1800, made no distinction between supervised and unsupervised meetings.

The law in some states (e. g. Virginia and Mississippi) empowered a master to permit a slave to attend "the preaching of a white minister, regularly ordained and licensed, or where at least two discreet and respectable white persons, appointed by some regular church, shall attend." (Goodell, 1853: 331). Also, blacks were generally allowed, throughout the South, to attend the mixed churches on Sundays (Stroud, 1827:94). By and large, however, white opposition to the religious assemblies of the slaves remained substantial and persisted well into the 19th century.

Two important points should be kept in mind at this point. First of all, the all-black, unsupervised, African-oriented meeting was the only event which could have led to full-blown African religious survivals, but this type of meeting was obstructed on every occasion. Secondly, insofar as the reconstruction of the African religious model was concerned, the white-supervised Protestant black meeting was quite irrelevant. Even when the latter was permitted, without supervision and replete with the emotionality that might suggest an African quality of worship, it was still a manifestation of fundamentalist Protestantism, a religious medium basically unsuitable for syncretism with African religion (see Herskovits, 1964; Metraux, 1959).

## THE SLAVE CODES IN THE URBAN CONTEXT

City slaves fared generally better than their country brothers in their ability to move about, but this does not mean that their movements were completely unrestricted. To start with, the ever-present fear of black insurrec-

tions in the South led to the establishment of a formidable police/military apparatus in every major center, the chief function of which was to preserve the security of the social order through the strict surveillance of all the movements of blacks. The Englishman Arthur Cunynghame noticed in Charleston, S. C. in the 1850s that "the city guards were actively patrolling the streets, day and night. . ." (1851:264). Another observer, Tasistro, reports on this same city, saying that after 10 PM the blacks were cleared from the streets and the city suddenly assumed "the appearance of a great military garrison, and all the principal streets became forth-with alive with patrolling parties of twenties and thirties, headed by fife and drum, conveying the idea of a general siege". (1842:135). Reports of a similar nature exist for Richmond, Va. (e. g. Hall, 1829).

The perpetual vigilance and military preparedness of Southern society with regard to insurrectionary tendencies among the black population caused Olmsted to refer simply to "the military condition of the South" (1972:460), a condition which comprised such appurtenances as "citadels, sentries, passports, grape-shotted canon, and daily public whippings of the subjects for accidental infractions of police ceremonies". (1972:444). In effect, he adds, "an armed citizen's police, having a military organization is. . . sustained in all parts of the South where there are many slaves". (1972:475).

Legal restrictions on black physical movement replicated the pattern operative in the countryside. Slaves were not to absent themselves from their owners' premises without express permission (passes) under penalty of flogging. At any time when slaves *or free blacks* gathered together, this was automatically considered an unlawful assembly and the offenders punished "with stripes" (The Charters and Ordinances of the City of Richmond, 1859: 199-200). As a rule, confirmedly religious (i. e. in the Protestant context) assemblages were also legislated against and vigorously suppressed; this being the case for the religious meeting, any gathering for the purpose of general entertainment was treated with even more suspicion and harshness. Savannah (1854) and Charleston (1844) ordinances explicitly forbade black gatherings "for the purpose of dancing or other merriment" without written permission, an offense punishable by flogging.

That, in actuality, African cultural patterns were largely absent from the life of U.S. blacks by the 19th century is not as significant here as the fact that, however much the country of city slave had been able to retain of his/her ancestral heritage, the ability to give continuation to this heritage via the all-black unsupervised meeting of dance was drastically curbed by the elaborate machine of control of blacks in Southern society.

## THE CULTURAL SYNCRETISM FACTOR

We can now turn to the second index of physical mobility related to African cultural retention in this essay, namely, black participation in native recreational events and festivals, and/or public events of the host society into which aboriginal custom could be inserted syncretistically, and thereby

preserved.<sup>6</sup> In the area of religious events, American slaves enjoyed basically one major holiday in the year, that being Christmas, which was oftentimes an extended holiday of from two to four days. The 4th of July was frequently observed too. By and large, these were the only religious festivities of obligatory observance in the South, although other seasonal plantation events, e. g. corn shuckings, were often occasions for a more relaxed atmosphere and slave merriment (Genovese, 1974:315). That sacred events and festivals were so few and far between in the antebellum South is directly reflective of the fact that Protestant liturgy did not generally lend itself to pomp and ceremony, nor to the observance of countless religious holidays spread throughout the year, as was the case of Luso-Brazilian Catholicism. In addition to that, U. S. Protestantism was not an established church, with universal tendencies and a strong basis of power over the national context. It was mainly characterized by religious diversity, as manifested in the multiplicity of independent sectarian movements and denominations. In that capacity, it could not lay down a uniform set of rules concerning religious celebrations to be followed nationally. In this sense, the physical mobility of the blacks, which would have increased with the additional leisure time, was affected negatively.

As for public festivals of a secular nature in the antebellum South, those that existed differed greatly in number and character from those of other slave societies, particularly Latin ones, such as Brazil. The wildly hedonistic, pagan quality of the Brazilian *Carnaval*, for instance, could hardly be expected to coexist with the stern Calvinistic mentality of the South, and the United States in general. Mardi Gras, it is true, is a notable exception in this regard, but it is a Louisiana phenomenon, and this area stands apart from the Southern ethos by virtue of its unique colonial background. The aim here is to contrast the legal and social reaction to black participation in these festivals, especially in cases when direct white supervision was not feasible. In this connection, the plantation Christmas feast, for example, cannot be considered because it was a supervised event.

In principle, antebellum Southern law universally opposed all large and small scale gatherings of blacks for fear that they might eventually lead to serious disturbances of the peace. This naturally reduced to a minimum the ability of blacks to conduct and/or participate in public ceremonies. To start with, certain types of public behavior, e. g. being boisterous, making "clamorous noise", using loud and offensive language, singing aloud indecent songs, etc., were expressly forbidden for blacks, under penalty of corporal punishment (see Charleston ordinances, 1844; Richmond ordinances, 1859; Mobile ordinances, 1859). Blacks were never to conduct themselves in any manner that would offend the public decorum or generate excessive commotion. Some of these very behaviors, such as making noise, would normally be present in institutional forms of African entertainment, such as ceremonial dances. In this way, African-oriented public manifestations which, by themselves or in conjunction with events of the host society, might have led to cultural syncretism and African cultural retention, were hindered from the beginning.

Moreover, the law was also very explicit in prohibiting blacks from following processions and any military or civic parade (see Charleston, Savannah, and Mobile legislation), and empowered legal officers and any white person to arrest all slaves and free blacks<sup>7</sup> who violated this ordinance. The only exception to this rule applied to black musicians being used in these parades, or slaves attending their masters funerals, both of which functions hardly enabled the Africans to engage in aboriginal song and dance.

Naturally, these municipal ordinances were not always complied with by the black population (see, e. g. Phillips, 1918:418). At the same time, it would be unrealistic to suppose that life in such a harshly repressive socio-legal environment did not inhibit the tendency to violate the law on the part of the blacks; by extension, that the instances in which blacks asserted their physical freedom vis-a-vis legal and social constraints were sufficient to form a pattern conducive to the crystallization of African religious forms in the United States. From a cross-cultural perspective, the analysis strongly suggests that this was not the case.

### **THE PHYSICAL MOBILITY FACTOR: BRAZIL**

Since slavery in Brazil was more prevalent and developed in the northeastern regions, especially in the states of Pernambuco and Bahia (due to the prosperous sugar industry in the first, sugar and cocoa in the second), I have chosen to focus on legislation and legislative patterns for these areas. It must be stressed, however, that the fundamental discussion of the legal system and the legal posture regarding slaves and black physical mobility applies to the country as a whole.

Regarding concrete expressions of the law, we can say at the outset that Brazil did not have a system of discipline and routine vigilance of slave activity as well-organized and widely employed as the patrol system of the U. S. South. Furthermore, while the major Brazilian cities were adequately equipped with a military machine composed of several different units — a situation that might be seen as parallel to that of the U. S. urban centers — it should be realized that in cities like Salvador, Recife, Rio de Janeiro, etc., the primary function of the urban militia and other military companies was not the control of the black population *per se*, but the defense of the captaincies against the foreign invasions and attacks that marked the colonial period of Brazil. As Schwarz (1973:100) informs us, "corsairs constantly threatened the coast of Brazil". Foreign invasion became a reality in the Dutch conquest of northeastern captaincies in the 17th century (they remained in Brazil from 1620 to 1654) and the French intrusions in Rio in the 16th and 18th centuries. In contrast, the English colonies in America were virtually free from foreign invasions, and those that occurred were "few, weak, and ineffectual". (Degler, 1971:81)

### **THE STRUCTURE OF THE LAW**

The importance of a crosscultural analysis of the law, and how it related

to black physical mobility under Brazilian and U. S. slavery, becomes readily apparent when both the formal and informal aspects of the law are considered. Outwardly, colonial and Imperial legislation imposed basically the same kinds of restrictions on the activities of slaves, and blacks in general, as those found in other slavery societies in the New World, including naturally the United States (see, e. g. Freyre, 1963: ch. 8, for comments on urban slavery; Russell-Wood, 1972:127; Posturas da Camara, State Archives of Bahia and Pernambuco). However, when the nature of the legal systems in Brazil and the United States is examined more closely, basic structural differences emerge which not only displace surface similarities, but also enlarge our understanding of the processes by which black physical mobility varied so significantly from one place to the other. This variability can be linked to the retention of African religious culture in the Brazilian context, and the dissolution of the same in the U. S.

We may begin by looking at the historical background and the structure of the legal systems involved. The foundation of American law was the English Common Law. Although in the early 1800s there were some attempts to codify the American common law, these efforts failed (Schwarz, 1973: 71-75), and the original common law prevailed. This did not mean that local courts became directly subordinate to the English Court, and adopted its statute laws as commands. As a rule, local courts and assemblies exercised a remarkable degree of autonomy in deciding what legal provisions were suitable to the conditions of the colonies, as well as in defending their own interests (Lang, 1979:48). A principal feature of U. S. law, which was linked to the high level of autonomy of the colonial courts vis-a-vis the English Parliament, was that it was based on custom, hence its characterization as Customary Law,<sup>8</sup> which contrasts with the framework of codified law known as Statute Law or written law (*jus scriptum*). In a common law context, custom is fundamental as the source of the law, to a degree unwarranted by the facts (Gray, 1924:299). The implications from the foregoing should be clear. First, the disengagement of the colonial courts from the English Parliament prevented a great deal of bureaucratic delay and difficulties in the enactment and implementation of the law, which might have been the case otherwise. Secondly, because the courts consistently demonstrated the power to use custom as the basis of the law, legal deliberations could be put into effect in a swifter and more decisive fashion simply because they were not bound to pre-existing statutes. These aspects had a direct bearing on the life of the slave. For one thing, U. S. slavery, unlike its Latin-American counterpart, was not governed by a specific body of law derived from the Roman Justinian Code, which had been elaborated long before the slaves came upon the scene. Slave life was thus regulated by circumstances, as they arose. Additionally, legal implementation in the United States could be accomplished in a more direct way, as opposed to Brazil where it had to cut through various layers of administrative and judicial power.

The Luso-Brazilian legal system followed the tradition of Roman Law, or Codified Law, and in a very concrete sense, was an extension of the Portuguese system, transmitted to the colony by the settlers. This system, based on the Phillipine Code of 1603, was a formidable bureaucratic labyrinth, sorely lacking

in internal organization and cohesiveness. Nothing but a "chaotic jumble", is how Prado characterizes it (1967:350). In this context of extreme legal and administrative inefficiency, judicial order could hardly have been expected to prevail. The rational implementation of the law was indeed a difficult enterprise in the majority of cases. In contrast with the highly independent courts and assemblies of the U. S., the authority of the municipal councils (*câmaras*) of colonial Brazil was limited by that of the governor-general, whose authority in turn was countered by that of the High Court (*Relação*) which ultimately was accountable to the Royal Councils (*Desembargo do Paço*). And when the colonial period ended with the arrival of the Portuguese Court in Rio de Janeiro in 1808, the already sprawling legal bureaucracy expanded even further (Lang, 1979:196).

In keeping with the character of the legal system, neither legislation nor public opinion in Brazil was consistently uniform regarding the entertainment and celebrations of the slaves and free blacks. Several colonial governors, for example, recommended that the slaves be allowed to have their dances and rituals, for these were no more offensive to the morals of the society than other dances of European extraction. Moreover, these ceremonies were important for the psychological welfare of the slaves, and ultimately, for the peace of the community. If not permitted these rituals, an 18th century governor of the Pernambuco province pointed out, the blacks might engage "in more serious disturbances" (cited in Freyre, 1963:265). We find a reference to another Pernambuco governor who takes the opposite position this time, by reprimanding in a dispatch of 1815 the *Ouvidor* (Senior Royal Judge) of the city of Olinda for being too condescending towards blacks and their rituals (Mello, 1952:45). On the other hand, it was all too typical of the Brazilian socio-legal climate that an African celebration like the *congada*, held in conjunction with the Feast of Our Lady of the Rosary, met throughout Brazil with official recognition and support, both legal and ecclesiastical (Nina Rodrigues, 1932:52-53; Pierson, 1967:96).

Even when there was no legal duality or ambiguity with respect to the physical activities of the slaves, as for instance in the Salvador ordinance of 1847 forbidding slaves to be in the streets after the ringing of the bell, or slave gatherings and dances (1837), civil obedience did not necessarily follow. Luis dos Santos Vilhena, a professor of Greek in Salvador at the end of the 18th century, corroborates this fact as he writes with displeasure of the lax fashion in which the mechanisms of control of the black population were adhered to in that city. He mentions the ringing of the curfew bell as a ceremony so discredited as to make one wonder whether in fact it served any real function (1969:142). In this connection, one may also cite the Count da Ponte, who in 1807 reported from Salvador that

"the slaves in this city manifest no subjection whatsoever to the edicts and provisions of the government, they assemble wherever and whenever they please: they dance and play their instruments noisily all over town and at all hours; on religious feast-days they dominate the festivities, drowning all other musical events" (cited in Nina Rodrigues, 1932: 236).

Additionally, many legal directives, in particular those of the Imperial era (1822-1889), which inhibited the cultural expressions of the Africans, were actually meant as a deterrent to lower-class customs in general (Freyre, 1963). The law seldom singled out blacks as a separate caste because in Brazil there was no self-contained body of laws in the mold of an Anglo-American "Black Code", a situation that can be linked to the high degree of interracial mixture of Luso-Brazilian colonization. The difficulties surrounding archival searches for specific black legislation in the colonial and Imperial periods of Brazil bear this out. In one instance, no direct reference to slaves was found in the municipal ordinances of Salvador in the period from 1650 to 1787. Blacks were normally lumped in with other lower-class elements, frequently by occupation. This is a significant fact in itself, since it not only affords a glimpse into the overall character of race relations, but also suggests that legal restraints were probably easier to evade than if they had applied invariably and specifically to blacks as a separate group.

The lenience and laxity with which colonial governors and law officers often enforced legislation on the activities of blacks were symptomatic of a much wider pattern of tolerance toward African culture that is associated with the colonial period in Brazil. Both the civil and ecclesiastical powers exhibited a strong spirit of cultural coexistence and greater malleability vis-a-vis non-European cultural forms (Freyre, 1963:267), something which was not as conspicuous in the 19th century, under the Imperial regime.

Secular and religious Africanisms were, of course, frequently witnessed by foreign observers in Brazil throughout the slavery era, regardless of what the legal posture might have been at the time. It is instructive to point out here, however, that African cultural retention existed in later times precisely because the earlier attitude of greater tolerance toward the physical mobility of blacks may have provided the conditions for these cultural patterns to take root. As early as 1711 the Jesuit chronicler Andre Antonil extolled to the Brazilian planters the importance of allowing their slaves to have their pastimes and ceremonies (1965:132). It was not until the advent of the Imperial era in Brazil that the dominant classes became increasingly concerned with the necessity of ridding the country of all vestiges of cultural retardation (meaning, attachment to non-European cultural models) and following the civilized, modernistic influences set by Europe (Freyre, 1963: chapter 8). This brought about an intensification of upper class feeling against the cultural manifestations of the masses. The latter were generally composed of blacks, but also included a wide array of urban mixed-bloods and the rustic population of the hinterland, also predominantly of *mestiço* composition. This upper class reaction was given concrete expression in a number of municipal ordinances which tried to suppress specific behaviors of the lower classes, some of which were Afro-Brazilian secular and religious customs. This type of cultural repression differs in one important sense from that which took place in the U. S.: the former reflected a wider and more generalized campaign of the aristocracy against the *modus vivendi* of the masses, which is to say, it reflected the urban-folk dichotomy, which has always been typical in the development process of Brazilian society. As such, the

attempts to suppress lower class habits, even when pursued through legal means, could not possibly have had the degree of institutionalization necessary had this policy been motivated by reasons of national security. In the United States, civil security remained the prime consideration behind the wider system of control and repression of black physical movement and cultural manifestations, all the way up to the Civil War. This is a distinction of central importance. Moreover, because blacks in Brazil had been allowed to keep their ancestral traditions in colonial times, these traditions had become rooted deeply enough to offset the increased social and legal intolerance of the Imperial era.

Despite the growing disdain of the Brazilian aristocracy in the 19th century toward the cultural idiosyncrasies of the lower classes, law enforcement and public feeling remained ambivalent enough to allow black physical mobility to proceed largely unhindered, hence, to ensure the continuation of African religious patterns. Vilhena reports in the late 1700s on the frequent occurrence of African dances in the squares and streets of Salvador, under the tolerant eye of the authorities (1969: 23, vol. 1). The numerous travel accounts of 19th century foreign visitors likewise give repeated testimony of the frequency of African merrymakings and celebrations in the Brazilian cities and the countryside.

## THE STRUCTURE OF THE ECONOMY

The basic character of the law in Brazil was further enhanced by a slavery system that was more paternalistic than capitalistic, supported by patriarchal rights and semifeudalistic devices. As a result, the slaves "were seldom subjected to the factory-like regimentation that characterized the capitalistic plantations of the north. . .," as Davis (1966:228) points out, and their physical movements were not as severely circumscribed.

Patriarchal structures and tendencies became "the most obvious feature of the social system" in Brazil, starting with the 17th century. This mirrored the seigneurial tradition of Portugal and Europe, and also led to "tremendous social and ideological strains" within the slavery system, namely, between the forces that emphasized paternalistic human relations, and those that made for capital maximization. The Brazilian slaveholder's paternalistic control extended over his family and relatives, slaves, and the formally-free but *de facto* (sic) feudally-dependent class of white or black subsistence farmers, who lived on his land. The various social bonds and patron-client relationships that tied the Brazilian planter to his laborers, and the "ideological and psychological tendencies inherent in these relationships" prevailed throughout, with systematic reinforcement from the Church and from the wider society, and against the forces of commercialization and capitalization of the economic system (see Genovese, 1971:75-80).

The traditional character of the Brazilian socio-economic structure contrasted sharply with the United States, which was more advanced, competitive, and rationally organized, from a capitalistic standpoint. Since the late 18th century and all the way through the Civil War Southern agriculture virtually

free of booms and busts, maintaining a steady pattern of growth and stability (Degler, 1971:46). The logical development from this would have been a steadily high demand for slave labor throughout the period, strict regimentation of plantation work schedules, and decreased physical leisure. The implications for black physical mobility are clear: in Brazil a "primitive", less rationalized economy led to the attenuation of legal and extra-legal controls of black physical movement; in the U. S., a more advanced capitalistic slavery exacerbated these controls.

### THE CULTURAL SYNCRETISM FACTOR

The Brazilian sociocultural structure was also of paramount importance in affecting the extent to which the arm of the law interfered with black physical freedom. In this connection, we will look here at two aspects of the host society which enhanced slave leisure time and physical mobility, and thus helped the perpetuation of African custom. These were the observance of a great number of national holidays as well as public celebrations of a secular type. Travel reports attest to the large-scale participation of the blacks in the celebrations which took place on the feast-days of the Church. Wetherell, for instance, notes that in the 1840s the blacks in Bahia used to congregate around important churches of the city on feast-days, while dancing "their national dances, whilst thousands looked on and these orgies would be incessantly continued" (1860:122). Ewbanks reported from Rio de Janeiro (1856) on the pervasive black presence in festivals like the Holy Ghost, Good Friday, Palm Sunday, and Ash Wednesday, Koster lists these national holidays at over thirty a year, adding that "few masters are inclined to restrain the right of their slaves to dispose of these days as they think fit. . ." (1816:403).

In addition to the religious holidays, Brazilian blacks participated in several nationally-observed secular celebrations, the most prominent among which being the *Carnaval*, the three-day annual pre-Lent festival. The *Carnaval* was infiltrated by African customs and dances from the beginning, and to this day it bears signs of this influence. Through the *Carnaval* cyclical events from the African Slave Coast as well as Bantu totemic elements were annually resurrected (see Ramos, 1954:85; Maranhão, 1960:17-21).

The focus on the more secular type of Afro-Brazilian syncretism is relevant to the problem of African religious retention, because even those organizations which would normally be classified as religious in character (e. g. the black religious confraternities) contained typically secular features as well. Syncretism was facilitated by a pre-existing tendency in the Portuguese to mix profane elements in their religious events, a tendency which remained in vogue until as late as 1855 (Bastide, 1978:124).

As a final consideration on black physical mobility in Brazil, it must be noted that the free black in that country was never subject to the kinds of social and legislative constraints that his U. S. counterpart was. His freedom of movement was virtually boundless, thus his potentiality as a disseminator of African custom, both within the black community and the wider society, was significantly maximized.

## CONCLUSIONS

This essay has essentially followed Durkheim in attempting to objectify in the structure of the law the types of social solidarity operative in Brazil and the United States during the slavery era. Specifically, the structure of the legal systems was examined as a basis of differentiation of the wider societal milieux in both countries.

It begins by establishing the sharp differences in black religious acculturation between Brazil and the U. S., and then by showing that these differences were fundamentally related to the physical mobility exercised by slaves and free blacks, within the context of the broader societal influence. In this connection, the study has shunned single-factor explanations of religious Africanisms, and used in lieu of that a multidimensional structural approach. In specific terms, this has meant the analysis of the interaction between the legal system and the ability of blacks to physically reproduce ancestral religious custom and, at the broader level, the analysis of the effect of different societal structures on the character of the law and legal implementation and, ultimately, on black physical mobility.

The study strongly suggests, first of all, that Brazilian slaves were able to exercise comparatively higher levels of physical freedom than their American counterparts, with a concomitant maximization of their ability to keep alive the African religious heritage. Secondly, that the global social environment in Brazil proved far more favorable to African cultural retention than that of the United States, and this can be clearly seen in the formal and informal aspects of the system of control of the Brazilian slave, as opposed to that of the U. S. slave. Finally, that the process of cultural retention by a minority group cannot be fully understood apart from its interrelatedness with the total society.

## NOTES

1. For several decades a controversy has surrounded the issue of Africanisms in the U. S., the survivalism-culture drift debate. Herskovits (1972) is generally considered the outstanding spokesman for the survivalist view, and he argues that the African tradition was never completely obliterated from American black life, and that vestigial occurrences of this tradition may be found in many areas of black sacred and secular life, in the form of "reinterpretations". In this same vein, Rawick (1974), Blassingame (1979), and Ecott (1979) have used the ex-slaves' narratives to argue that an African influence was retained in the music, dancing, religious behavior, and folk medicine of U. S. blacks. Bastide, on the other hand, warns against the tendency "to find African cultural survivals everywhere" (1971:

- 24), and contributes an important distinction between the Afro-American and the Negro (i. e. black creole) communities of the New World. This position is compatible with Frazier's ideas (1963, 1964), which best represent the culture drift viewpoint. Frazier contends that the cultural peculiarities of U. S. blacks stem from subcultural differentiation, and are essentially indigenous to the American soil, that to say, fashioned out of the unique experience of blacks in this country. He concedes that "in some of the magic and folk beliefs of the rural Negroes in the United States, some African elements have probably been retained" (1964:20), but stresses that only in rare instances can black behavior patterns be detected that represent direct survivals of the African heritage.
2. Bateson (1935:179) sets down three outcomes of culture clash. These are complete fusion, elimination of one or both groups, and "the persistence of both groups in dynamic equilibrium." This last outcome applies to the idea that syncretism in the Afro-Brazilian context promoted the retention of African religious traits. Cultural retention through syncretism is further explained by Herskovits (1966:57), when he says that "under contact elements of a culture are more effectively retained in the degree that they bear resemblances to newly experienced patterns of behavior or institutions" (see also Bastide, 1978:54-56).
  3. For a detailed description of the use of African instruments in the Afro-Brazilian cult structure, see Nina Rodrigues, 1932: 239-241; Herskovits, 1944; Pierson, 1967:251-252,
  4. Louisiana, and New Orleans in particular, was a hub of slaveholding activity, and possessed a very large black population, but it will not be included here on account of the special character (i. e. French-Spanish, Catholic) of its colonization.
  5. Apparently, any major Southern city would offer valid grounds for generalization because the municipal codes governing the activities of blacks, the so-called "Negro ordinances", were throughout the South remarkably uniform in their language and harshness (Wade, 1964:106).
  6. In the West Indies, Jamaica in particular, an entire complex of recreational patterns of African origin was preserved by the slaves: the "plays", as the Africans called their various dances; seasonal festivals, such as Christmas, Easter, the yam festival, Boxing Day, etc. (Christmas and Easter cannot properly be said to have an African origin, but many African-derived traditions were inserted into these celebrations by the Jamaican slaves, giving them a uniquely syncretic flavor). During these occasions, slaves gathered together, danced, played African instruments, such as the *goombay* and *ebo* drums (Patterson, 1969:216-259).
  7. It must be stressed here that, in a very real sense, the life of free blacks in the antebellum South was almost as rigidly regimented

as that of their brothers in bondage, and for many legal infractions they were punished with the same degree of severity as slaves in like circumstances (Russell, 1969:104; Henry, 1968). Therefore, these restrictions on black participation in public events in the South were applicable to freedmen as well.

8. Customary law refers to rules that have become law because they have been followed systematically in the society at large or by certain social segments, for a period of time, in the process of social interaction (Gray, 1924:282).

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