

Slave and convict: José Rufino Parra's double sentence in the Antilles and mainland Spain

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ABSTRACT: This paper addresses the adversities of a slave in 19th century Cuba who was considered dangerous because of his education; the suspicious claim of the owner; the slave's arrest between Cuba, Spain, and Puerto Rico, and the defence of the rights to which he was entitled. The scant but interesting documentation on the misfortune of José Rufino Parra raises many issues regarding the daily relationships between masters and slaves; the unheard-of relationship between a black man and a white woman; the conservation of family honour, and the importance of education and family for slaves within an unjust colonial system, which, despite injustices, did offer opportunities to defend themselves.

KEYWORDS: Slavery; Cuba; Puerto Rico; Spain; Justice; Sentence; Secret; Family; Honour.

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RESUMEN: *Esclavo y reo: la doble condena de José Rufino Parra en las Antillas y en la España peninsular.* – El trabajo aborda la peripecia de un esclavo en la Cuba del siglo XIX considerado peligroso por su grado de instrucción, la sospechosa denuncia del propietario, su apresamiento entre Cuba, la península y Puerto Rico y la defensa de los derechos a que se hizo acreedor. La exigua pero interesante documentación sobre el infortunio de José Rufino Parra suscita muchos aspectos a tratar sobre las relaciones cotidianas entre amos y esclavos, lo insólito de la establecida en este caso entre un hombre negro y una mujer blanca, la salvaguarda del honor familiar, la importancia de la educación y la familia para el esclavo en un marco colonial injusto en el que, sin embargo, hubo algún resquicio para defenderse.

PALABRAS CLAVE: Esclavitud; Cuba; Puerto Rico; España; Justicia; Condena; Secreto; Familia; Honor.

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Colonial slaves (...) work, in general, more than they should. They are cruelly punished. They are not fed, clothed or their illnesses cared for properly. (...) They can marry, but are considered property, the master or his creditor can separate them from their partners and children and deprive them of the only consolations they have in their miserable lives. They are not given the idea of religion (...), the voice of those unfortunates do not reach the courts because they lack all protection; they cannot even be witnesses.

Francisco Arango y Parreño, Havana, 1832

José Rufino Parra was one of the many slaves from one of the many sugar plantations on the island of Cuba in the 19th century. However, he is unique because he had a “slave name” (Sanz and Zeuske, 2017, p. 20) and, especially in that he was the victim of an unjust accusation, both generally out of reach to slaves in any historical time, individuals who, like him, were held in servitude and accounted for just like other property on the plantation, alongside oxen or wooden barrels.

José Rufino Parra appears in two files drafted in Cuba and Puerto Rico, the islands of the Hispanic Caribbean that were under the Hispanic monarchy’s rule during the mid-19th century.¹ José Rufino was accused of committing one of the greatest crimes any slave could commit in the racist and patriarchal society that he was forced to live in: the rape and pregnancy of the proprietor’s daughter. Through that documentation, we can piece together the administrative and judicial struggle the slave, his family and representatives underwent over almost twenty years to exonerate him from the prison sentence he was given from 1833 to 1850. Similarly, we can make out the intervention of various official characters—from the colonial city attorney slave trustee and the captain generals of Cuba and Puerto Rico to the queen herself—who, although aware of the injustice committed, did not prevent the “misfortunes and penalties” condemned to José Rufino as there was a lack of “legal procedure to justify his offences, despite his incessant claims”, as the governor of Puerto Rico wrote in March 1839.²

Three centuries of slavery had taught the slaves of the territories of the Hispanic monarchy what their ‘minimum’ rights were (Lucena Salmoral, 2005, p. 207), who even learned certain Spanish legal strategies which they used in their favour, as shown by the case of the Quito slave María de Chiquinquirá in the 18th century who appealed to the courts because of mistreatment and insults, alleging damage to her honour (Chaves, 1999, pp. 125, 132), or Juan Francisco Manzano, mistreated by his owner, the Marchioness of Prado Ameno and who—advised by a servant—decided to escape to the captain general’s court and describe his intolerable conditions in the hope of achieving freedom (Luis, 2007, p. 114).

Despite their many limitations, there was the possibility of justice through claiming brutality when an owner would breach the ‘pact’ to feed, dress and treat slaves decently while waiting to find a new owner. It even seems that the few slaves whose cases were accepted usual-

ly received a favourable verdict (García, 1996, p. 200). According to the legislation of the time, the advocate for slaves trustee defended the causes of slaves as ‘guardian’, ‘lawyer’ or ‘colonial city attorney’ (*Autos*, 1840, p. 227).

Although the number of slaves demanding justice from the authorities is unknown, knowledge of specific cases makes it possible to avoid generalisations and gives us access to the emotions, opinions and actions of those subjected to it, so we can “capture their individuality and humanity” (Fuente, 2004, p. 10). This author has continued the work started by Frank Tannenbaum—pioneer of the study of the rights of slaves—and developed a discussion based on his Manichean-type arguments between Anglo-Saxon and Hispanic societies; and together with Ariela J. Gross (2010; 2020) has worked on the importance of comparing the regulations of the systems of oppression in different geographical locations of the Americas to integrate the individual struggles of those subjected to their demands in rigid and hostile environments.

This study falls within this context and its objective is to shed light on the lives of those who left very few testimonies to do so, whose voices were always mediated and limited by those of others: any statements made by slaves had to pass through the hands of the owner or their trustee who would only present it to the pertinent authorities after consulting with the owner.

The case of José Rufino shows the vulnerability of slaves in a cruel and unjust system and reveals other lesser-known aspects such as the awareness of the dignity of the slaves subjected to abuse and mistreatment; the individual and collective resources slaves had to defend themselves from interests and manoeuvres of an influential elite that would hide evidence and information; and the mental, cultural and moral values and frameworks that a system based on slavery imposes on each and every one of its members, whether they are male or female, white or black, free or slaves.

José Rufino Parra tried to assert his rights and two women from his family also raised their voices to defend him by going to the authorities. The role played by the different officials involved was contradictory since, if on the one hand, José Rufino had suffered a long string of injustices and uncertainties on both sides of the Atlantic regarding his civil status (slave or freedman) and criminal status (convicted or not), on the other, prominent representatives of the law acknowledged to a certain extent his opposition to the outrages committed against him but, because of the reality of the process, without much success. The various figures who intervened in the José Rufino Parra process, or under whose authority some decisions were made, include successive governors of Cuba (Mariano Ricafort, Miguel Tacón, Joaquín de Ezpeleta) and Puerto Rico (Francisco Moreda y Prieto, Santiago Méndez de Vigo, Rafael de Aristegui y Vélez—Count of Mirasol—, Juan Prim y Prats, Juan de la Pezuela, Fernando de Norzagaray), general Counsels such as Joaquín Leandro de Solís and the general colonial city attorney trustee of the Havana City Council Bernardo de Echavarría y O’Gavan, navy authorities in Havana and Cádiz, the Ministry

of Grace and Justice, the Ministry of the Governance of Overseas Territories and even the Queen Regent herself.

Despite the arguments, it is obvious that the system—which was already leaking water due to the abolitionist trends underway—would not allow any exceptions and was defended by a very influential white slave elite positioned throughout all metropolitan political levels whose family and social honour meant that it could not allow its members to treat the black slave population equally.

FROM SLAVE TO PRISONER: CUBA, 1833-1838

José Rufino Parra (y Marrero) was a black Creole who had two Christian names—something more common among the natives of the island than *bozale* slaves—who also had many other surnames linked to their owners or the owners of their ancestors as an “intrinsic part of the process of redefining the person as an object of property” (Perera and Meriño, 2008, pp. 220, 207). Although the circumstances of José Rufino Parra's childhood and his possible first owners are unknown, we do know that he belonged to Florentino de Armenteros who owned the “Dolores” sugar mill and the “Ojos de agua” sites in Santiaguillo and “Nuestra Señora de Regla” in the Quemado de Guines ranch (Legal Library, 1866, XIV, p. 56) and also held the position of ordinary mayor of the Havana city council in 1822 and that of councillor one year later (Arrate *et al.*, 1876-1877, I, p. 248).

Later, José Rufino was sold to José Rafael de Zayas who was one of the most prominent residents of the capital and a signatory of a letter published in the *Havana newspaper* on 5 November 1835, proclaiming “the most intimate and deeply rooted adherence to the metropolis” to guarantee “public tranquillity” on an island in which “love of order and obedience to laws” reigned.³ José Rufino's problems begin when was sold to live with José Rafael de Zayas' family, who presents himself as “an honourable father of a family that a vile and insolent slave insulted.”⁴ Zayas will say sometime later that his servant was “of perverse qualities, that he abused the instruction he had in the art of writing, and was damaging to the sugar mill he represented because of his repeated theft of horses, giving other Negroes the idea of escape, false licenses and ideas as well as other various disorders that were harmful not only to the master but to the entire Island whose wealth consists of slaves.”⁵

However, these were not the reasons José Rufino would face many years of unjust imprisonment, that would be because of a more intimate matter that concerned the honour of the Zayas family. Apparently, José Rufino had rejected various romantic advances by one of the master's three daughters, which he had warned of on several occasions. He followed the traditional route of asking permission to find another owner to avoid greater evils, a practice that implied the slave would have the initiative to search for an alternative owner by obtaining the relevant *paper* to authorise it (Fuente, 2016, p. 112). When Zayas did not agree to his slave's request to change his home and find a new owner, “the black man could no

longer resist the temptation and had romantic affairs with his master's daughter”, according to José Rufino's mother and sister—María de Jesús Estrada and Susana de Silva—who related the story to the governor of Cuba, Mariano Ricafort, when denouncing the unfair treatment inflicted on José Rufino who was accused of raping of the young woman who fell pregnant.⁶

In 1833, José Rufino was confined and held incommunicado by order of his owner for one year, after which he was taken to the Havana prison of Las Canteras where he remained for six months, until subsequently, in agreement with the colonial city attorney trustee—a role commissioned by the city council to process the affairs of the slaves, a free and honorary position that was occupied by prestigious lawyers (García, 1996, p. 59; Cano and Zalba, 1875)—Zayas granted him to the state as a servant of the queen to be sent to work in one of the Navy Arsenals, such as San Fernando in Cádiz, to get him as far away from the island of Cuba as possible. Thus, from that moment the slave was ‘defenceless’ and abandoned by the owner to the ordinary criminal justice system that operated parallel to the regulations on slave behaviour despite not having committed any of the crimes considered serious such as sedition, conspiracy or tumult (Altieri, 2007, pp. 383-384).

While the transfer was being verified and because a new jail was being constructed, José Rufino spent several years in the Havana Real Arsenal prison—from August 1834 where he was received by Rafael Ruiz de Apodaca, until the spring of 1838—a place that was usually reserved for short sentences, did not have an excessively violent environment and where the prisoners were not chained because they were forced to work (Díaz Martínez, 2014, p. 17). At least José Rufino had been spared from an “establishment that exists in the moats of the wall of this city, to punish the [slaves] who are sent there by their masters” whose closure Francisco Arango himself demanded (2005, II, p. 339) to “moderate its abuse, for our decorum or to avoid the scandal so many groans every morning must surely cause the visitors to our city.” And he avoided the worst place in the city, the general deposit of maroons where, between 1829 and 1833, almost twelve thousand rebel slaves were admitted (Lucena Salmoral, 2005, p. 250). The legal time of permanence of slaves in the Hispanic Antilles prisons was sanctioned by an order of the hearing of Puerto Rico of November 1833, prohibiting their detention for more than thirty days, except for those destined to be shipped to another port, case of the unfortunate José Rufino.

In detail, the appeal to authorities began with claims from Susana de Silva, José Rufino's sister, addressed to *common colonial city attorney trustee* upon learning that the slave feared for his life after being locked up by his owner, José Rafael de Zayas. In the report that Zayas sent at the request of *governor* Ricafort in April 1834, he justified the prudence of the measures taken against his slave José Rufino for having dared “to stain my person and family” by conceiving “ideas (...). He regularly hid them from my zeal and vigilance (...). I had to cover my-

self with greater prudence, stifling the impulse of my just indignation to avoid scandalous gossip and inciting my just resentment to keep him arrested until the opportunity presented itself to send him overseas, because my existence could be compromised.” At this point Zayas offered an image of the character and behaviour of José Rufino: “He has fled several times, taking the best horses from my ranch, his disorder, disobedience, the seduction of other slaves, impetuosity and criminality being a bad example. From there he has run away without ever having a finger put on him, or inflicting the slightest punishment on him and as he knows how to read and write, he is always accompanied by a license from masters such that the government provisions over the maroons and criminals are fruitless.” He ended by asking the governor to act “with the prudence and circumspection that distinguishes you, to suffocate continuation by imposing silence on the authors who act based on erroneous reports and whose intention is to take advantage of the publicity that is given him.”⁷

A few days after being relieved, Governor Ricafort passed the file to *General Counsel* Joaquín Leandro de Solís for him to reach, also calling for prudence, a “solution that was agreeable to both parties”⁸, who believed the matter was the responsibility of the *general colonial city attorney trustee* “because of its purpose and circumstances.”⁹ The information that Solís passed to the trustee Bernardo de Echeverría summarised the case and pointing out his duty to both “hide the scandal of an event that the public should not be made aware of, to defend Mr. de Zayas’s decorum” and “grant Marrero a letter of freedom, rather than the treatment Marrero has received from him.”¹⁰

The matter was labelled as “delicate” by the trustee Echeverría, who suggested sending the slave to the mainland; the new and recently arrived Governor Miguel Tacón agreed with this solution, and in communication with navy authorities, especially Juan Bautista Topete, Acting Commander General of the Naval Forces¹¹, in June 1834 it was agreed that the slave would be ceded to the Queen and transferred to the marine arsenals of the mainland in a warship.¹² José Rufino’s was sent to “work at the Quarries”—where he worked for approximately twelve hours per day (Balboa, 2009, p. 258)—and while waiting for the arsenal of Havana and to be transferred as far as possible from the island, Governor Tacón arranged the concealment of the case documentation at the request of Diego Ordoñez on behalf of Zayas. Ordoñez pointed out that the former Governor, the second lieutenant General Counsel and the colonial city attorney trustee had agreed that “[Zayas] would be given the documentation to ensure it would not be archived in the political secretariat files, where the corresponding annotation would be kept if necessary”, with the condition that the documentation would not be destroyed and accessible to the authorities. Such an administrative irregularity was justified by the idea that “it is not fair or just that documents of that kind be kept in a public office when the aforementioned slave who caused them has been transferred to the Navy and bound for the mainland.”¹³ The Counsel Solís would recommend the

greatest secrecy in managing the case “that (...) can be ensured by serialising and sealing these proceedings in an envelope that cannot be opened without a special political decree.”¹⁴ Finally, the owner was advised to keep the documentation “in a secret place” so that no public record of it would remain and the slave’s mother and sister were forced to remain silent.¹⁵

The secret nature of the process reached José Rufino who, since his imprisonment in the Havana Navy Arsenal where he still remained in October 1837, requested—through the Counsel Solís—a secret audience with the Governor to inform him of “things that he was unaware of” because “he had not raped his master’s daughter as was told”, but rather “he had warned him twice (...) and had even asked his master to sell him.” In the extensive communication supporting José Rufino’s arguments, the question arose of how his master, knowing about his daughter’s situation, “let her go where she wanted alone, chasing the slave wherever he went or was working and still he said nothing to her, and how is it that this girl was at home, seven months pregnant, together with her entire family, parents, stepmothers, two sisters and all the servants and no one told his master anything, being such a delicate issue as it would stain the honour of the whole family.”¹⁶ It reveals that Zayas was aware that the slave was not guilty of any crime but wanted to use the punishment of José Rufino as an example for the others.

Solís also pointed out the jail time endured by José Rufino “three years in prison and what goes from 2 August to date, (...) by arrangement of Your Excellency at the determination of his master and having previously endured a confinement of a year and a half at the home of his owner and six more months in the Las Canteras prison”, that is, against all norms and waiting to be transferred to the mainland, he had already been confined for several years without having been convicted by any court, in addition to having suffered “two stab wounds intended to kill.” The reason for so the delay in his transfer was that they could not find a charge “to sentence him”¹⁷ since it was one thing to deserve punishment from the owner for an infraction of the slave regulations and quite another to break the law and find oneself at the mercy of ordinary justice.¹⁸ Herein lies the injustice of the treatment of José Rufino, an innocent slave doomed to serve a prison sentence without being sentenced for any crime and bound for the Navy Arsenal that, as part of the Spanish prison system, had specific ordinances for the enforcement of sentences (García Valdés, 2012, p. 10). In fact, Governor Tacón himself would state in communication with the Minister of the Governance of Overseas Territories in October 1837 that the triviality of the only and “short” crime committed by the slave was to allow himself to be “seduced by a reckless young woman”, and that he “believed the slave should be freed” after all he had endured if they were to act “with justice and fairness.”¹⁹ To support his case, love letters written by the girl and addressed to the slave would be anonymously sent to the Ministry of Grace and Justice, which would confirm José Rufino’s version;

some letters were no longer found anywhere and “without knowing who made them disappear, undoubtedly stimulated by the desire to protect the reputation of the person who had written them.”²⁰

All the information provided by José Rufino through the Counsel Solís served to prompt the authorities in December 1837—without a sentence and to silence him—to comply with the condition requested by his owner and transfer him to the mainland, with an express prohibition to return to the island of Cuba but with the freedom of establishing “his residence where it best suits him”, which would never be fulfilled.

FROM SLAVE TO FREEDMAN: ROUND TRIP TO THE MAINLAND, 1838

Although in 1837 a commission of deputies proposed a bill on the abolition of slavery in the mainland, adjacent islands and territories of Africa (excluding overseas colonies) which was published in the *Madrid Gazette* on 7 March,²¹ it would not be until August 1861 that the slaves arriving from Puerto Rico and Cuba could benefit from this, who “due to their stay in the metropolis” (Lucena Salmoral, 2005, pp. 301-302) should be considered emancipated and able to maintain their new status should they decide to return to the Americas.²² Freed persons would also be given occupation and educated if they needed it “under the supervision of their former masters, other people or officials in public establishments.”

This measure was as scarcely known to the affected slaves as it was respected by the owners and, in the remote cases of existing litigation, its resolution would be a long time coming, as occurred with another Antillean slave, also called Rufino, who in 1854 was brought from Puerto Rico to the Balearic Islands by a Mallorcan priest and whose case is better known (Díaz Soler, 1970, p. 230; Lucena Salmoral, 2005, p. 334; Martín Casares and García Barranco, 2011).²³

The transfer to the mainland of the ‘Negro José Rufino Parra y Marrero’ “as a freedman at the disposal of His Majesty” was confirmed at the beginning of 1838, bound for the port of Cádiz and accompanied by a “reserved documented letter” from the governor of Cuba “explaining the special reasons on which they had based their decision.” As arranged, he was confined in the Cádiz prison, the first Spanish industrial prison inaugurated in 1802 (Carrasco, 2015, p. 651).²⁴ However, shortly after, and by royal order of March 1838, José Rufino was shipped back to Puerto Rico “in the aforementioned quality of a free man”, at the disposal of its Governor, to work in any way that would be useful, and his stay in that country should be supervised so that he would never return to Cuba, and the Governor of Cuba, Joaquín de Ezpeleta was told of this in June.²⁵ This communiqué did not state that the now-former slave could choose where to reside, in addition to the fact that the sentenced slaves would have to serve their sentences in Cuba or Puerto Rico and not in the mainland.²⁶

FREE BUT CONVICTED: PUERTO RICO, 1838-1853

This is why, upon his arrival on the island as a former slave, José Rufino was again put in prison; in March 1839, he requested his release, agreeing to remain in Puerto Rico and to be given the city of San Juan as ‘home detention’, because “despite not having committed a crime, you believe me to be a criminal.” Given the documentation, in the second file on José Rufino entitled “Puerto Rico. José Rufino Parra. On being released from prison”, he demanded justice from the Queen because “without ever meeting his judges, without them having heard him, as established by our laws to prevent cases of this nature from occurring (...) he was inhumanly chained and throw out from his homeland, wearing an unequivocal sign of perversity (...). And it seems that adversity is tied to his shadow for some time, it is everywhere he goes.”²⁷ Because the island’s authority was aware of the injustices endured by José Rufino and knew that the reasons the case was open did not correspond to the procedure that was followed, they requested that the Government of Havana “decipher the relative mystery” of why this person was “run over” by a romantic relationship that was attributed to him.

In November 1839 José Rufino again requested (through Ventura González Romero) his release from prison, promising that he would remain in the city of San Juan and was this time able to have the authorities recommend his release—although it was never decreed—based on the fact that “his crime was to be seduced by a reckless young woman, according to the letters that she sent him, without knowing who had made them disappear, undoubtedly stimulated by the desire to protect the reputation of the person who had written them.”²⁸

In December, the Ministry of Governance of Overseas Territories urged the Ministry of Grace and Justice to give José Rufino Parra “the best treatment and consideration in Puerto Rico, and free him from all humiliation and upset” while also ensuring “that he is prevented from returning to the island of Cuba for political reasons while his former owner Mr José Rafael de Zayas does not expressly request it, as—without mentioning the many other reasons for this decision—it is understood that the freedom he granted to his slave was with the condition that he enjoyed it far from his residence.”²⁹

However, and even after the authorities confirmed decisions favourable to José Rufino, such as when in 1840 the governor of Cuba acknowledged that the queen had redeemed José Rufino from his sentence and released him from prison on the condition that he remained in Puerto Rico,³⁰ he would still have ten years of an unjust sentence to serve in prison.

Perhaps one of the answers lies in the fact that the island was plunged into a sugar crisis and in there was a desperate need for labour in agriculture that had culminated in the Governor López Baños passing anti-vagrancy laws (4 June 1838) obliging anyone who did not have a property to be employed in the service of another person in order to guarantee family subsistence.³¹ In addi-

tion, there was an underlying fear in Puerto Rico of slave uprisings that had occurred throughout the 1840s, from a serious conspiracy in Guayanilla that same year, one in Ponce with ramifications in other towns the following year, a slave revolt in Toa Baja, which was put down very violently in 1843 to subsequent uprisings such as the one that occurred on the north coast that ended with the execution of several people (Morales Carrión, 1990, p. 255). As a consequence, in May 1848 Governor Juan Prim y Prats issued what is known as *Bando contra la raza africana* [Control of people of African descent], a very strict local code of conduct that removed the slave and entire black population from normal judicial processes—which had provided them with at least a minimum protection—and now subjected them to military courts and allowed owners to kill them should they show insubordination; however, the proclamation was repealed after a few months (Altieri, 2007, p. 390).

In August 1850, his release was decreed, although only on paper, as he continued to be monitored and prevented from returning to Cuba as long as his former owner did not request it.³² José Rufino continued his struggle and after seventeen years of exile, he begged again “to return to Havana so he could be with his family” after learning that “the young lady with whom he is said to have had romantic relationships with had died.”³³ His requests were considered fair by many authorities who believed that the measures taken against him were disproportionate because his “crime was short” and he was “seduced by a reckless young woman”, as Joaquín de Ezpeleta expressed to the Secretary of State from the office of Grace and Justice in August 1853.³⁴

Once again, the voice of the slave can be heard from Puerto Rico, where the process continued and whose communications with Cuba, in the opinion of the Court authorities, were “scarce, late and risky” who considered that, especially in criminal cases, there were serious delays (Altieri, 2007, p. 117).

The story of José Rufino Parra’s life and legal battles stops there, as we do not know whether he was freed or kept confined in Puerto Rico and under what conditions, or whether he returned to Cuba and was able to see his family again. His distant but firm voice remains in history, aware of the unfair process to which he was subjected.

TO KNOW AND LOVE BEING A SLAVE

There are other issues in this unique case that are worth noting: the first is José Rufino’s condition as an experienced, smart man, who was educated and had resources, making him very dangerous in the eyes of his master. Although slaves could not usually read or write, they had African oral traditions, which could be used as an instrument of locution and through which they expressed their regrets and projected the image they had of themselves, resulting in the figure of the slave being seen as “vigorous, alert, intelligent, sharp, clever, mischievous, ingenious and cunning, someone who knew how to defend themselves from the whims, abuses and persecutions of their enemies”

(Castellanos and Castellanos, 1988, pp. 189, 195). Like the well-known slave Juan Francisco Manzano who strove to “cultivate his self-learning in a period when the possibility of instructing a slave was completely inconceivable” (Luis, 2007, p. 33), José Rufino Parra learned to read and, as we have seen, his owner claimed that he abused the art of writing to help other slaves escape by giving them false licenses, in addition to giving them ‘ideas’ that were detrimental to the prevailing order. Indeed, according to slave regulations (1842), slaves were prohibited from leaving the farm and if they did, had to have a “written licence from their owner, containing the slave’s address, the day, month and year the licence was written, the person to which it was addressed and reason it had been granted” (Rodrigo Alharrilla, 2016, p. 161; Tardieu, 2003).

The second issue inherent to the slave system is the existence of a family, a factor that was thought to have much less weight than it seems it actually did; recent analysis of documentation and new research have found that “family in slavery was a possible and achievable ideal despite all adversities” (Perera and Meriño, 2006, p. 139; Meriño and Perera, 2007; Sanz and Zeuske, 2017). Although the life of a slave seemed to oppose the possibility of a family, and the idea of the fragility of the slave family has been repeated as an absolute truth (Barcia, 2009, p. 30), the case of José Rufino reveals that the family was indeed an institution among slaves and in 1526 a Royal Decree highlighted the importance of marriage between them so that they “would not rise up or be absent.” Subsequently, other laws insisted on the need to encourage marriage between slaves as a way to reproduce workers and guarantee their docility (Barcia, 2008, pp. 329-330), and it should be noted that without any interference, most people, free or enslaved, had children and maintained protective and loving relationships throughout their lives.

The documentation on José Rufino reveals the existence of a mother and a sister and even a father, also a slave, mentioned by the owner José Rafael de Zayas when “he wrote to the master of the father of said servant and requested he seeks out a master for Rufino while he was being punished” and received a response that the man had passed away.³⁵ It was quite common for parents, who were previously unknown or non-existent, to emerge at delicate moments in the lives of their slave children (Perera and Meriño, 2006, pp. 161-162). The existence of formally married couples or, as was frequent, those without official unions or wed “by the bush” as it was commonly referred to (Perera and Meriño, 2006, p. 139) implied that the slave family—alien to the existence of a family home—had features common to other more regulated ones, such as the desire to stay in touch and help each other. In short, understanding specific cases such as José Rufino’s sheds light on the consanguineous kinship and relationships adopted among the slave population, especially when there was a belief circulating that the family system was foreign to the people of colour, to “support racist and discriminatory stereotypes that try to present the black population as one that was incapacitated for civilized life” (Perera and Meriño, 2006, p. 177).

The last issue is the world of white women and their relationships with slaves who in wealthy houses “lived in the privacy of their masters” (Bernard, 2001, p. 107) and whose management—not exempt from abuse of power as we know in the case of the United States (Foster, 2011)—was fundamental to the daily life of the female elite. For white women, the control of servants, whether they were domestic, slaves or free, was one of the few forms of power they possessed and a possible challenge to their authority was seen as an assault on their honour and privileges (Brereton, 1995, p. 67).

At the same time, white women of the upper classes were controlled by men in a “man’s city” that was any and all urban centres of Cuba, according to Luis Martínez-Fernández (2002, p. 104), as the loss of a daughter’s virtue would mean the loss of the family’s social value, and therefore any doubt about her sexual integrity made her ineligible in the eyes of any decent family (Stolcke, 1992, p. 172). Marriage protected women from racial contamination and, above all, from sexual relationships with a black man. Hypogamy or marriage between a white woman and a coloured man was considered inconceivable because the fate of white women was to perpetuate the family lineage.

On the island of Cuba, where the line of division between whites and Africans had to be very marked, “the elite will never agree to the union of their daughter with a mulatto, because that would simply cover one stain with another much larger stain; they would prefer to endure their pain and shame silently” (Stolcke, 1971, p. 49). Thus, parents preferred to bear a disgraced daughter rather than allow an ‘impure’ son into the family.

Since the relationship between white women and black men is a subject that has not been studied much within the history of the Hispanic Caribbean, unlike studies into the southern United States society (Hodes, 1997), certain controversial stories survived until now, such as one about a white woman who had relations with several black men and a notorious dispute with her husband who called her a nymphomaniac (Beckles 1995, p. 134). There is another story about a desperate mother who went to court to prohibit her daughter—a “well-known and popular Spanish woman”—from marrying a convicted “slave”... “a mixed race man” which a parish priest had agreed to celebrate (Chaves 1999, p. 158). Or the claim in 1801 by Mr José de La Cruz against his wife Doña Andrea Lopes for being pregnant with a black man’s child and who was used as an example of disorder for not only sinning only against her husband but against the society at large (Franklin, 2012, p. 57).

In general, the pregnancy of a young woman out of wedlock not only affected her present dignity by jeopardising her family honour, but also her immediate future, which is why the daughter’s concealment was a common occurrence among the elites. Public knowledge of unwanted pregnancy and the consequent birth of a child as a result of dishonour were considered such a disgrace, that a good subsequent wedding would be impossible and the dreaded social marginalisation inevitable (Ríos Lloret,

2006, p. 194). Furthermore, an evident lack of modesty shown by the woman, a “monstrous infamy” that took “the place of innocence and virtue”, made her an “object being of everything that was despised and hated” (Sánchez de Toca, 1875, p. 108). The mere fact that a young woman felt ‘blind passion’ was a threat to the family (Stolcke, 1992, p. 110), to the extent that authors of the time such as Joaquín Valentín Riera in *Woman: A brief description of their physical and moral nature in relation to society* (1856) and others (Belot, 1828; Mora, 1829) insisted on the importance of controlling female coquetry—considered a ‘cancer of society’—through education and religion (Franklin, 2012, p. 95). Furthermore, it was assumed that women were helpless against the dangers of the world and did not possess the moral strength to control their impulses or resist the seductive attacks of men. For these reasons the elite white woman exposed herself little in public, in fact she did not walk in the street (Pérez Fuentes, 2006, p. 666) and would never be left unchaperoned, because even the absence of a young woman could stain her family’s reputation.

Here we saw that the slave José Rufino supported one of his arguments, since—as we saw—he had reported how the whole family was aware of the fact that the young woman harassed him and of her subsequent pregnancy.³⁶ Although we do not know what happened to the child born from the relationship between Zayas’ daughter and the slave José Rufino Parra, as “even the race of certain white children could be questioned”, according to Ann Twiman “it was infinitely preferable for those born outside marriage to be identified as the natural child of an elite family rather than to be classified under an ambiguous name” (2009, p. 198).

The story of José Rufino turns out to be the opposite of the fiction constructed by Gertrudis Gómez de Avellaneda in *Sab*, a novel published in Madrid in 1841 in which a slave falls in love with his owner’s daughter. Avellaneda, experienced in the feminine reality of her home island, presented some interesting ideas about women and slavery (Franklin, 2012, p. 30) and established a clear parallel between the forced submission of those who “patiently drag their chain; but who can break them by hearing a voice call out: ‘You are men!’” and that endured by women: “Poor and blind victims! Like slaves, they patiently drag their chains and lower their heads under the yoke of human laws. With no guide other than their ignorant and gullible heart, they choose an owner for life. The slave, at least, can change his master” (Gómez de Avellaneda, 1841, pp. 153, 227). The notion that women were naturally inferior to men could be dangerous in slave societies if the logical extension of the argument was applied to the inferiority of white women to black men. However, there were always ways to show the superiority of race over gender (Franklin, 2012, p. 76).

It was clear, as Francisco Javier Galvete noted in a later document entitled “On the current state of slavery in Cuba” in the magazine *La América [The Americas]* in 1874 that “a slave is not a man, and often, the most innocent girl, the most modest maiden will look at him

half-naked without scandal or blushing, in the fields or doing housework. And in this masculine vision, he continued to note that “the pretty young ladies who go to the sugar mills do not blush when they see black men and women half naked, as they are used to looking at them the way they look at animals” (López Ocón, 1990, p. 235).

Mercedes de Santa Cruz, Countess of Merlín, from Havana observed the black male slave differently, without being able to hide her admiration for the physiognomy, height and beauty of those who “dress so lightly in their ordinary life”, for the skills in “running, jumping, taming wild animals” of those who are resistant “to regular, practical, peaceful work, the fruit of civilization and good institutions”; she believed the black man was the product of a wild nature based on laziness, vice, indolence, instinct and the fury of passions (Merlín, 1841, pp. 44 et seq.). And to understand certain behaviours, she would allude to the sensuality of the Cuban climate, to the delightful nights in which “the activity of thoughts, intrigues and pleasures that has been dozing during the day ferments, is encouraged and exalted until the infinite”, when “we begin to live (...) for our affections and for our pleasures” (Merlín, 1844, p. 109).

The rhythm of daily life was conditioned in almost all public spheres by the “long days and long nights full of heat and humidity” (Suárez and Romero, 2000) that women alleviated with their fans which they used as a weapon of seduction, with its own language, and a mixture of dignity, decorum and circumspection (Perez, 2017, pp. 117-124). And in the struggle against the sensuality of the environment, Jacinto de Salas y Quiroga wrote: “Is this where the word feminine virtue is at odds with the force of temperament and the heat of the climate?” (1840, p. 20).

In short, the analysis of this specific case of a restrained person in the context of slavery and colonial relationship offers new and unknown aspects from which to address different sides, from the most intimate to the most public. José Rufino Parra’s struggle—his voice mediated by representatives and other authorities—reflects the possibilities he had in his search for justice and the channels that those who barely had any rights could make use of, in a society in which the maintenance of moral order and, therefore, of the social hierarchy, was the main objective.

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NOTES

- 1 Archivo Histórico Nacional, Madrid [AHN], Ultramar, 4609, file no. 32 (Deportation of José Rufino Parra from Cuba file) (1837-1839) and AHN, Ultramar, 1625, file no. 15 (1839-1853).
- 2 Miguel López Baños. Puerto Rico, 22 March 1839. AHN, 1625, 15.

- 3 José Rafael de Zayas-Bazán y Jústiz had two children (José Pascual de Zayas-Bazán y Chacón in 1836 and Rafael de Zayas-Bazán y Chacón in 1837) and his older brother, Andrés de Zayas-Bazán y Jústiz, born in Havana in 1780, was the general colonial city attorney trustee in 1810 and the author of “Observations on the sugar mills of this island, 1835-1836” (Ghorbal, 2009, p. 70).
- 4 José Rafael de Zayas to Mariano Ricafort. Havana, 18 April 1834. AHN, Ultramar, 4609, 32.
- 5 Havana, 23 December 1837. AHN, Ultramar, 4609, 32.
- 6 Havana, 15 April 1834. AHN, Ultramar, 4609, 32. The request for a change of owner was also possible at the request of a relative of the slave, and María Dolores Frías, a native of Africa and resident in the Guadalupe neighbourhood would do just that on 11 September 1837, for her daughter. García, 1996, p. 90.
- 7 Zayas to Mariano Ricafort. Havana, 17 April 1834. AHN, Ultramar, 4609, 32.
- 8 Mariano Ricafort to the General Counsel, 31 May 1834, AHN, Ultramar, 4609, 32.
- 9 Havana, 3 June 1834. AHN, Ultramar, 4609, 32.
- 10 Havana, 7 June 1834. AHN, Ultramar, 4609, 32.
- 11 Havana, 25 June 1834. AHN, Ultramar, 4609, 32.
- 12 *Royal Order for the Governing of Inmates in the Navy Arsenal*, Madrid, Royal Printing House, 1804 dictated the treatment inmates would receive. The *General Ordinance of the Kingdom’s Inmates* (1834) considered the Cuban and mainland sentence time to serve (between 2 and 8 years) equal, but continued to be a military prison for public works because of the type of work carried out by the inmates. The new Havana jail was built (1835) during the Tacón government’s administration, and the penal regulations were systematised to turn the prison into a labour centre, with guidelines on the movements of the convicts, the quality of the foremen, punishment methods, etc. In 1852 the first *Regulation of Prisons Project* was published.
- 13 Diego Ordoñez to the Captain General, Mr Miguel Tacón. Havana, 8 August 1834. AHN, Ultramar, 4609, 32.
- 14 Joaquín Leandro de Solís, General Counsel to Miguel Tacón, 2 September 1834. AHN, Ultramar, 4609, 32.
- 15 Miguel Tacón. Havana, 16 June 1834. AHN, Ultramar, 4609, 32.
- 16 Joaquín Leandro de Solís, October 1837. AHN, Ultramar, 4609, 32.
- 17 Havana, 27 November 1837. AHN, Ultramar, 4609, 32.
- 18 Chap. IX. Imposition of higher penalties. “When slaves commit excesses, infractions or crimes against their masters, their master’s wife and/or children or any other person for whose punishment the correctional penalties are not sufficient (...) with an audience of the slave’s owner and (...) with that of the city council attorney trustee as protector of the slaves will proceed to (...) the formation and determination of the process and imposition of the corresponding penalty according to the seriousness and circumstances of the crime, ensuring that the laws on the causes of the criminals in a free state are followed.” *Royal Certificate and Circular on Instructions for the Indies of 31 May, 1789 on the education, treatment and occupation of slaves*; its “observance” was suspended in Cuba and other places due to complaints from Havana landowners. The spirit of “the general humanity with which slaves should be treated” remained for future laws, such as the R.C. of 22 April 1804 (Zamora y Coronado, 1845, p. 133).
- 19 Joaquín de Ezpeleta noted Tacón’s opinion on 23 October 1837 in Havana, 31 August 1853. AHN, Ultramar, 1625, 15.
- 20 Manuel Montes de Oca. Madrid, 23 December 1839. AHN, Ultramar, 1625, 15.
- 21 Decree signed on 5 March 1837 by Ángel Fernández de los Ríos, Pascual Fernández Baeza, José de la Fuente Herrero, Pedro Clemente Liques, Marco Ayllón, Ramón Salvato, Antonio González and José Vázquez Parga.
- 22 There were several legal provisions declaring the slaves who arrived from countries or places (or jurisdictional waters) where slavery does not exist were free: 29 March 1836; 28 August 1856; 2 August 1861; 12 December 1862; 12 July 1865 and 29 September 1866. Cano and Zalba, 1875, p. 63.

- 23 Rufino the 'Antillean slave' was born in Puerto Rico in 1847 and was sent back to Puerto Rico and Havana to be sold as a slave again after living for more than three years in Mallorca. The investigation started in 1857 concluded by granting him freedom in 1861 thanks to the aforementioned 1836 law and this is the case that led to its ratification (Cano and Zalba, 1875, p. 39); a process similar to that experienced by other slaves such as Valentín Colón, a black prisoner incarcerated in Orense prison for having escaped from Cuba and who, through the 1861 law, was declared free in 1865 (Cano and Zalba, 1875, p. 48).
- 24 Other inmates such as Fermín Carballo and José Betancour, black deportees sentenced to life imprisonment in Cuba and Puerto Rico for complicity in a conspiracy against the white class, were returned to the Antilles in 1850. "Request for permission to return to Cuba from F. Carballo and J. Betancour." AHN, Ultramar, 4632, exp. 17.
- 25 R.O of 16 March 1838 and Ezpeleta, Havana, 25 June 1838. AHN, Ultramar, 4609, 32.
- 26 Royal decree of 29 September 1866. Published in *The Madrid Gazette* on 2 October 1866. AHN, Ultramar, 3551, exp. 9.
- 27 Miguel López Baños. Puerto Rico, 22 March 1839. AHN, Ultramar, 1625, 15.
- 28 Ventura González Romero, undersecretary to the Minister of the Governance of Overseas Territories, Madrid, 7 November 1839. AHN, Ultramar, 4609, 32.
- 29 Reserved letter addressed to the Minister of Grace and Justice. 23 December 1839 AHN, Ultramar, 4609, 32.
- 30 Havana, 22 March 1840. AHN, Ultramar, 1625, 15.
- 31 Juan de la Pezuela replaced it with a special regulation for day labourers, known as the "work-book regime", in 1849 to control free labour (Tona Mascareñas, 1990, pp. 275-276).
- 32 Puerto Rico, 28 August 1850, Ministry of the Governance of Overseas Territories. AHN, 1625, 15.
- 33 Claudio Gil Espinosa on behalf of José Rufino. Madrid, 22 June 1853. AHN, 1625, 15.
- 34 Havana, 31 August 1853. AHN, Ultramar, 1625, 15.
- 35 1837. AHN, Ultramar, 4609, 32.
- 36 Joaquín Leandro de Solís, October 1837. AHN, Ultramar, 4609, 32.

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