

Infanticide, sexual violence, and justice in a criminal case from Lagoa Vermelha - RS (1914)

Infanticídio, violência sexual e justiça em um processo criminal de Lagoa Vermelha -RS (1914)

Infanticidio, violencia sexual y justicia en un proceso penal en Lagoa Vermelha - RS (1914)

Fernando Ripe¹

 [0000-0003-0007-0597](https://orcid.org/0000-0003-0007-0597)

Marcelo Marin Alves²

 [0009-0005-9888-2076](https://orcid.org/0009-0005-9888-2076)

Abstract: The article analyzes a 1914 criminal case that occurred in Lagoa Vermelha, Rio Grande do Sul, in which a minor, her sister, and her mother were accused of infanticide. Court records indicate the concealment of the birth and death of a newborn, linked to an unwanted pregnancy resulting from incestuous practices within the family, revealing a childhood marked by violence and silencing. Situated within the field of the History of Crime and Justice, the study adopts a critical reading of the procedural records as its methodological approach, examining the discursive mediations that transform events into judicial truth, as well as the silences, contradictions, and moral framings involved in the construction of culpability. It concludes that, in the context of the First Republic, infanticide operated as a legal-moral device regulating female sexuality and reaffirming the patriarchal order, raising a debate about the intersections between justice, gender, childhood, and power in Republican Brazil.

Keywords: History of Crime. Childhood. Family. Sexuality. Violence.

Resumo: O artigo analisa um processo criminal de 1914, ocorrido em Lagoa Vermelha, Rio Grande do Sul, no qual uma menor, sua irmã e sua mãe foram acusadas de infanticídio. Os autos indicam a ocultação do nascimento e da morte do recém-nascido, vinculada a gestação indesejada decorrente de práticas incestuosas no interior da família, revelando uma infância atravessada por violência e silenciamento. Inserido no campo da História do Crime e da Justiça, o estudo adota como procedimento metodológico a leitura crítica das peças processuais, examinando as mediações discursivas que transformam acontecimentos em verdade judicial, bem como silêncios, contradições e enquadramentos morais na construção da culpabilidade. Conclui-se que, no contexto da Primeira República, o infanticídio operou como dispositivo jurídico-moral de regulação da sexualidade feminina e de reafirmação da ordem patriarcal, problematizando as articulações entre justiça, gênero, infância e poder no Brasil republicano.

Palavras-chave: História do Crime. Infância. Família. Sexualidade. Violência.

Resumen: El artículo analiza un proceso penal de 1914, ocurrido en Lagoa Vermelha, Rio Grande do Sul, en el cual una menor, su hermana y su madre fueron acusadas de infanticidio. Los autos indican la ocultación del nacimiento y de la muerte del recién nacido, vinculada a un embarazo no deseado resultante de prácticas incestuosas en el interior de la familia, revelando una infancia atravesada por la

¹ Doctor of Education from the Federal University of Pelotas - UFPel. Adjunct Professor at the Federal University of Pelotas - UFPel. *Lattes:* [4008578949922269](https://lattes.cnpq.br/4008578949922269) - *E-mail:* fernandoripe@yahoo.com.br.

² Master's degree in Education from the Federal University of Pelotas - UFPel. *Lattes:* [7306447348012379](https://lattes.cnpq.br/7306447348012379) - *E-mail:* marcelomarinalves@gmail.com.

violencia y el silenciamiento. Inscrito en el campo de la Historia del Crimen y de la Justicia, el estudio adopta como procedimiento metodológico la lectura crítica de las piezas procesales, examinando las mediaciones discursivas que transforman los acontecimientos en verdad judicial, así como los silencios, contradicciones y encuadramientos morales presentes en la construcción de la culpabilidad. Se concluye que, en el contexto de la Primera República, el infanticidio operó como un dispositivo jurídico-moral de regulación de la sexualidad femenina y de reafirmación del orden patriarcal, problematizando las articulaciones entre justicia, género, infancia y poder en el Brasil republicano.

Palabras-clave: Historia del Crimen. Infancia. Familia. Sexualidad. Violencia.

*

Introduction

In March 1914, in the municipality of Lagoa Vermelha, located in the northeastern region of Rio Grande do Sul, more precisely in the locality known as Hervalzinho, the sub-delegate of the 2nd district received a report concerning the occurrence of a possible crime of infanticide. Upon receiving the crime report, the police authority proceeded to the residence of Bento José do Amaral, accompanied by witnesses and experts. On that occasion, the exhumation of the body of a child was carried out, which had been found in a cultivated area adjacent to the residence, in an advanced state of decomposition and wrapped in a piece of ribbon. The confirmation of the material evidence made it possible to conduct the forensic examination and to forward the case file to the district court.

Within the scope of the procedural investigation, the magistrate proceeded to hear witnesses, among them Anna Francisca Moreira and Maria Anna do Amaral. The case file indicates that the exhumed child was the offspring of Laura Venância do Amaral, Maria Anna do Amaral's sister and Anna Francisca Moreira's daughter. In her testimony, Maria Anna do Amaral stated that her sister had become pregnant on two occasions, asserting that she was unable to determine the paternity of the child, since Laura had allegedly maintained sexual relations both with her father and with her brother, Narciso José do Amaral.

Laura Venância do Amaral stated that she was 17 years old at the time of the events and that, on January 20, 1914, she gave birth to a child. According to her account, her mother and her sister took the newborn away, and she was later informed of the location where the body had been buried. She further added that, in the eighth month of pregnancy, she suffered

a fall, which allegedly led to a premature birth; the child, although born alive, reportedly died shortly thereafter as a result of a skull fracture.

In light of these initial accounts, the criminal case under analysis reveals a complex set of conflicts, marked by practices of violence and by asymmetrical power relations within a family unit. Such a configuration constitutes a privileged source for the historical analysis of tensions involving morality, gender, and authority, which permeated both private relationships and the functioning of the judicial apparatus in the context of the First Republic. The documentation is part of the collection of the Arquivo Público do Estado do Rio Grande do Sul (APERS) [Public Archive of the State of Rio Grande do Sul] and corresponds to a criminal case processed within the jurisdiction of the Jury Court.

Dated 1914, the case is situated within the First Republic, a period marked by political, social, and legal transformations, influenced by positivism and by the consolidation of the so-called New School of Penal Law. In such context, a shift in punitive practices can be observed, moving away from a focus on the criminal act toward the figure of the accused, conceived as an object of knowledge and state intervention (Alvarez, 1996). At the same time, in the early twentieth century, the first institutional initiatives aimed at the assistance and protection of destitute children emerged in Brazil, articulating medical, legal, and pedagogical discourses.

Within the sphere of gender relations, the notion of honor assumed a central role in regulating female conduct during that period, functioning, in many cases, as a legitimizing element for the concealment of practices considered criminal. Female honor was socially constructed as an essential value, associated with reputation, morality, and the control of sexuality, often to the detriment of women's autonomy and individual freedom. In that context, women were symbolically conceived as guardians of the household, responsible for the management of the domestic sphere, the upbringing of children, and the care of the husband, a position that subordinated them to rigidly prescribed norms of behavior imposed by a patriarchal social order. As Rohden (2003) observes, both infanticide and abortion were interpreted by sectors of the medical field as threats to the naturalized association between sexuality, reproduction, and motherhood, with such practices understood as dangerous deviations from the prevailing social order.

We further consider that the document holds historical relevance, as it enables the observation of tensions and conflicts that permeated family relations in non-urban contexts of Rio Grande do Sul, highlighting practices of violence, strategies of silencing and concealment, networks of cooperation and revenge, as well as the application of the prevailing criminal legislation. The analysis of the case is not limited to the factual reconstruction of events, it rather seeks to understand its developments within the scope of legislation and jurisprudence, as well as the ways in which the judicial apparatus produced interpretations, classifications, and attributions of responsibility.

Therefore, the study is situated within the field of the History of Crime and Justice, as it undertakes a critical analysis of legal provisions, legal practices, and the social conditions that structured everyday life during the First Republic. It is important to recall that, between 1890 and 1930, Brazil experienced a period of political and institutional reorganization, marked by the consolidation of the republican regime and by significant transformations in power structures, which directly affected processes of criminalization and the functioning of the judiciary. Within this new republican order, the judiciary acquired centrality and autonomy, breaking away from the subordination characteristic of the imperial period and coming to exercise decisive authority in mediating social conflicts (Almeida, 2024). Michelle Perrot's (2007) reflections on the presence of women in criminal history contribute to the interpretation of the case, as they highlight that crimes attributed to women tended to be socially and legally differentiated from those attributed to men. Whereas male criminality was frequently associated with physical violence, offenses against property, and public order, female criminality was predominantly linked to the transgression of domestic and familial duties, as in cases of infanticide and crimes of passion.

Accordingly, this research prioritizes the examination of judicial records, with particular attention to the Jury Court and to the provisions of the Code of Criminal Procedure of the State of Rio Grande do Sul. The analysis of these sources allows not only for an understanding of the legal foundations mobilized, but also reveals power relations, patterns of criminalization, and the ways in which authorities addressed social, moral, and political issues in a context of modernization, incipient urbanization, and the repression of behaviors deemed deviant.

The analysis of the concept of crime and criminal in the 1890 Penal Code reinforces this perspective, by defining crime as the “culpable and imputable violation of criminal law” (Brazil, 1890) and by expanding the notion of the criminal to include perpetrators, accomplices, and other individuals involved in the execution of the offense. Such a concept highlights the complexity of the legal thought of the period and the multiplicity of actors subject to criminal liability. In turn, Boris Fausto (1984), in *Crime e Cotidiano: a criminalidade em São Paulo (1880–1924)* [Crime and Everyday Life: Criminality in São Paulo], broadens the understanding of the criminal phenomenon by situating it at the intersection of social practices, urban dynamics, and mechanisms of state control, offering a relevant interpretive framework for the reading of the case under analysis. According to that author,

[...] “criminality” refers to the social phenomenon in its broadest dimension, allowing for the establishment of patterns through the identification of regularities and analytical distinctions; “crime,” in turn, refers to the phenomenon in its singularity, whose richness, in certain cases, does not end in itself as an individual case, but opens the way for multiple insights (Fausto, 1984, p. 9).

As previously discussed, during the First Republic, the influences of the New School of Penal Law were emerging, shifting the vigilant gaze toward the criminal, rather than solely the crime. The individual considered criminal came to be the central object of social control practices. Furthermore, one can observe the construction of a directed pedagogy, largely aimed at women and their reproductive function. Childhood, in turn, began to occupy an increasingly central place in public discourse and policy, assuming a strategic position within the structures of state power.³

The methodology adopted in this study consists of a comprehensive documentary analysis of the records of the Jury Court, employing a descriptive-analytical approach understood as an investigative practice that addresses, in an inseparable manner, the meticulous description of the historical source and its critical interpretation. This analytical dimension goes beyond the textual surface to promote a debate of the mobilized discourses, the power relations involved, the moral frameworks, the strategies for legitimizing truth, and

³ Within this context, public policies focused on childhood were implemented, with particular emphasis on the work of figures such as Dr. Moncorvo Filho, who, in 1901, founded in the State of Rio de Janeiro the Institute for the Protection and Assistance of Children. The institution aimed to “[...] shelter all poor, sick, destitute, and morally abandoned children of the capital” (Rago, 1985, p. 119). This movement reveals how the physician began to enter spheres of power, particularly within public administration: “a medico-administrative body of knowledge begins to take shape” (Foucault, 1979, p. 112).

the silences that permeate the document, understanding it as a situated historical construction. Such an approach proves especially powerful in historical investigation, as it allows the source to be transformed into an object of critical reflection, highlighting tensions between norm and practice, between experience and representation, and associating the singular with the structural. Moreover, the study draws methodological inspiration from microhistory, with the aim of achieving a more in-depth reading of documents, bringing to light cultural and subjective aspects often neglected by grand historical syntheses. The primary source of this study is a criminal case file. The use of criminal cases in historical research became consolidated from the 1970s and 1980s onward, when historically marginalized social groups, who until then had been scarcely addressed in dominant historical narratives, began to gain visibility and. The analysis of this type of source makes it possible to explore a complex network of conflicts, violence, and tensions, as well as to examine the discourses and silences of victims and defendants, contributing to an understanding of the practices of justice applied to those subjects.

Thus, the source ceases to be understood as a simple record of reality and comes to be interpreted as a product of social, cultural, and political mediations, thereby strengthening the methodological rigor and interpretive depth of the research. It should be noted, however, that the analytical effectiveness of the source lies not only in its use, but also in the rigorous formulation of the research questions that guide it. It is further considered that all knowledge produced from legal documents carries social implications, especially within the sphere of jurisprudential mechanisms and precedent. In this regard, the perspective adopted is that it is necessary to “[...] take the viewpoint of those pursued by justice, judged and convicted, paying attention to the traces and clues that allow us to grasp the rationalities and understandings of the accused” (Vendrame & Carneiro, 2024, p. 23).

Finally, working with these case files does not imply the attribution of guilt, the elucidation of crimes, or the issuance of judgments of truth regarding the analyzed facts, but rather the historically situated interpretation of their conditions of production and meaning. Therefore, the objective is simply to understand

[...] how this criminal discourse functions and changes, to what extent it expresses reality, and how the various mediations operate within it. It is precisely in the relationship between the production of multiple discourses about crime and reality that the key to our analysis lies. What interests us is the process by which acts are transformed into case records, recognizing that this is always the construction of a set of versions concerning a given event (Grimberg, 2009, p. 128).

In the analysis of the event, it is considered, in accordance with Fausto (1984), that there are patterns and regularities in legal proceedings that make it possible to understand criminality and violence as interpretive keys to historical processes and the social structures of a given period, revealing social values, representations, and behaviors.

The criminalization of infanticide in Brazil and the role of morality and honor in the construction of social norms

Brazilian historiography on abused childhood has emerged as a field sensitive to the multiple forms of physical, symbolic, and moral violence suffered by children in different historical contexts, especially those situated at the margins of family and state protection (Silva & Simon, 2009; Teixeira, 2022; Vicente & Leão, 2023; Ripe & Alves, 2024). Engaging in dialogue with the History of Childhood, the Family, and Crime, these studies demonstrate how practices such as abandonment, infanticide, sexual abuse, and incest were historically silenced, naturalized, or treated as moral deviations, falling with greater intensity upon poor and socially vulnerable girls.

The criminalization of infanticide in Brazil, particularly in the early twentieth century, is situated within a broader context of the reorganization of mechanisms of social control and the redefinition of forms of governing populations, characteristic of the First Republic. Far from constituting merely a legal response to a criminal act, the penal framing of infanticide emerges as a converging point among medical, legal, and moral forms of knowledge, responsible for the production of social norms and the regulation of female conduct, especially with regard to sexuality, motherhood, and honor.

From a Foucauldian perspective, criminal law can be understood as an integral part of a set of *dispositifs*⁴ that operate in the management of life, articulating discursive and institutional practices aimed at the normalization of bodies and populations (Foucault, 2014). In this sense, the classification of infanticide in the 1890 Penal Code is not limited to the definition of an illicit act, but participates in the construction of a regime of truth that

⁴ A *dispositif* is understood as a heterogeneous ensemble of discourses, institutions, norms, practices, forms of knowledge, architectures, and technical mechanisms that interact strategically within a given historical context, with the function of responding to an urgency and producing, regulating, and governing conduct, knowledge, and subjectivities. The *dispositif* operates through power-knowledge relations, not as a fixed structure, but as a dynamic, historical, and contingent network (Foucault, 1979).

associates motherhood, maternal instinct, and female moral responsibility, thereby producing distinctions between acceptable and deviant forms of conduct.

At the beginning of the twentieth century, female honor was considered a structuring social value, functioning as a normative principle that guided both everyday practices and legal decisions. Honor was understood as the moral capital of the family and the community, anchored in the control of female sexuality and in the preservation of public reputation. Thus, infanticide frequently emerged in legal and medical discourses as the result of an attempt to restore lost honor, especially in cases of pregnancy outside marriage, incest, or relationships deemed illegitimate. Such a framing highlights the manner in which criminal law incorporated moral values, transforming them into criteria of legal intelligibility. In other words, honor can be understood not only as a cultural value, but also as a *technology of power*⁵, operating through the internalization of norms and the self-surveillance of subjects (Foucault, 1984). Women, in particular, were usually pressured by discourses that naturalized motherhood as destiny and self-abnegation as virtue, so that any rupture with this model was interpreted as a threat to the social order. Within this context, infanticide appeared allegorically as an exemplary crime to be combated, mobilized to reaffirm moral boundaries and to justify the punitive intervention of the state in private life.

The medico-legal field played a decisive role in the consolidation of that normative regime. The emergence of forensic medicine and positivist criminology contributed to the production of classifications that pathologized certain forms of female conduct, associating infanticide with states of moral disturbance, degeneracy, or psychological deviation (Rohden, 2003; Alvarez, 1996). These forms of knowledge, while offering scientific explanations, also reinforced normative expectations regarding female behavior, inscribing the female body at the center of biopolitical strategies⁶.

Moreover, the criminalization of infanticide must be understood within the framework of a broader project of protection and regulation of childhood. The early 20th century witnessed the intensification of policies and institutions directed toward destitute children,

⁵ These technologies are not limited to repressive instruments, but operate in a productive manner, articulating relations of power and knowledge that discipline, normalize, and govern subjects within specific historical contexts (Foucault, 1979).

⁶ Unlike sovereign forms centered on the right to “take life or let live,” biopower operates through the management, regulation, and optimization of life, articulating scientific forms of knowledge, institutional *dispositifs*, and normative practices aimed at governing biological, demographic, and social processes across specific temporalities and populations (Foucault, 1999).

articulating discourses of protection, assistance, and guardianship. As Foucault (2017) points out, this political typology does not operate solely through repression, but through the production of governable subjects, configuring childhood as a privileged object of state intervention. Therefore, infanticide was not merely a crime against life, but an offense that threatened republican ideals of progress, social hygiene, and the future of the nation.

Finally, a Foucauldian analysis makes it possible to understand the criminalization of infanticide as a field of discursive disputes, in which morality, honor, legal knowledge, and strategies of power intersect. More than revealing individual deviations, criminal proceedings related to infanticide expose the mechanisms through which Brazilian society during the First Republic produced norms, classified behaviors, and exercised control over female bodies and subjectivities. Thus, the study of this crime makes it possible to discuss not only the history of criminal legislation, but also the historical modes of governing life, sexuality, and motherhood in Brazil.

The term infanticide originates from the fusion of two Latin words: *infantis*, meaning child, and *caedere*, meaning to kill. In the *Didactic and Historical Guide of Entries on Death and Dying*, the Portuguese historian Alexandra Esteves (2022, p. 168) argues that,

Infanticide has been associated with the female sex. With the growing recognition and valorization of the child, there was an increasing condemnation and rejection of infanticide. This led to the implementation of policies that shaped the interaction between mother and newborn, resulting in more severe repression of crimes committed against the latter.

In Brazil, the crime was codified in Article 298 of the 1890 Penal Code, located in Title X, concerning “crimes against personal safety and life,” more specifically in Chapter II, which addresses infanticide.

Art. 298 – To kill a newborn, that is, an infant, within the first seven days after its birth, whether by employing direct and active means or by withholding from the victim the necessary care for the maintenance of life and the prevention of death:
Penalty – imprisonment from six to twenty-four years.
Sole paragraph. If the crime is perpetrated by the mother, to conceal her own dishonor:
Penalty – imprisonment from three to nine years (Brazil, 1890, Title X, Chapter II, Art. 298).⁷

⁷ In the Special Part of the current Penal Code, Title I addresses “Crimes against the Person,” and, within it, Chapter I concerns “Crimes against Life.” Article 123 classifies the crime of infanticide as “to kill one’s own child, under the influence of the puerperal state, during childbirth or shortly thereafter” (Brazil, 1940, Special Part, Title I, Chapter I, Art. 123). The Code then describes the conducts related to abortion, whether induced by the pregnant woman herself or by a third party, also providing for its qualified forms in Articles 127 and 128. According to legal terminology, regarding the crime of infanticide: “It is the death of the infant, during

The social control of female sexuality in Brazil during the First Republic was exercised by institutions such as the judiciary, medicine, the police, and the Church, the latter bearing a strong legacy from the colonial period, which mobilized distinct mechanisms for the disciplining of female bodies, especially regarding reproduction. Police inquiries, criminal proceedings, and forensic reports functioned not only as instruments for the investigation of crimes, but also as pedagogical devices of punishment and exemplarity.

The 1890 penal legislation did not break with the conservative values that structured conceptions of morality and public order during the period. Social practices deemed deviant, such as vagrancy, begging, and gambling, were criminalized, while crimes against property received rigorous punitive treatment. The penal apparatus thus concentrated on maintaining order and controlling subordinate groups (Carvalho, 1987; Neves, 2014). Selectivity in the application of the law was evident: although crimes such as homicide, theft, and robbery were severely punished, the actions of the justice system tended to favor social elites, whereas Black people, Indigenous peoples, and the poor appeared as the primary targets of repressive policies (Chalhoub, 1986).

Between the nineteenth century and the early twentieth century, the rise of science as a discourse of truth became consolidated. Medical knowledge, far from being neutral, was integrated into a broader project of regulating sexuality and motherhood. In such context, medicine, biology, and positivism established themselves as paradigms of authority, legitimizing interventions upon female bodies and subjectivities. As Rohden (2003, p. 39) synthesizes, “[...] social evolutionism, positivism, naturalism, and social Darwinism gained adherents,” and the figure of the scientist was valued almost as a form of priesthood. This body of scientific knowledge, when applied to women, contributed to their reduction to a biological function centered on reproduction.

“A corpse wrapped in a piece of lace and a ribbon was exhumed”: Crime and the concealment of a newborn and of a secret

The case under analysis is compiled in a single handwritten document, containing the entirety of the records and judicial proceedings of the Jury Court. It describes a case of

childbirth or shortly thereafter, caused by the parturient [...] ‘shortly thereafter’ means while the puerperal state persists” (Silva, 2012, p. 344).

infanticide that occurred in 1914, in the city of Lagoa Vermelha, in the state of Rio Grande do Sul. The criminal action began with the indictment filed by the Public Prosecutor's Office, which charged the defendants Anna Francisca Moreira and Maria Anna do Amaral with the commission of the crime. Following the report of the incident, the police proceeded to the residence of Bento José do Amaral, where the body of a newborn child was found, establishing the materiality of the offense. The indictment further records that the crime had already been consummated for some time, since there

[...] had elapsed approximately three months, in the place known as Hervalzinho, in the 2nd district of this municipality, during which the defendants committed the crime of infanticide against a child, the offspring of Laura Venância do Amaral. As verified by the exhumation report on the corresponding pages, the defendants, by so acting, committed the crime provided for in Article 298 of the Penal Code of the Republic (APERS, 1914, p. 2).

On March 16, 1914, following the receipt of the complaint, the magistrate issued an urgent request to the sub-delegate of the 2nd district, requiring his immediate presence at the location known as "Hervalzinho," to take the appropriate measures within the scope of the investigation of the present case.

On March 18 of that same year, the sub-delegate Gustavo Berthir, together with the clerk, the appointed non-professional experts⁸ João Lopes Brum and Jovencio da Luz, both residents of the 2nd district, as well as the witnesses Narciso de Barros and Caetano Francisco, and also Anna Francisca, proceeded with the investigation. The sub-delegate requested that Bento José do Amaral indicate where a child had been buried on his property. The child, the offspring of Laura Venância do Amaral, was the subject of this procedure, which began in accordance with the established legal protocol: "[...] a corpse in an advanced state of decomposition was exhumed, wrapped in a piece of lace and a ribbon of approximately one meter, and was placed on the ground beside the house from which it had been removed" (APERS, 1914, p. 6v).

⁸ In the absence of formally trained physicians, it was common for judicial authorities to resort to apothecaries or individuals considered experienced by the local community to carry out medico-legal examinations, such as the verification of injuries, the confirmation of death, or the identification of the causes of childbirth. These individuals, referred to as non-professional experts, performed expert functions without specialized technical training, legitimizing their role based on moral reputation, social recognition, and the trust placed in them by the judge or the delegate (Pontes, 1904). Such a practice is situated within a documentary universe in which police inquiries articulate versions of death with a claim to objectivity and to the establishment of truth (Ribas Filho, 2022).

The wrapping of the newborn's body in a ribbon may be interpreted as an attempt at humanization or minimal ritualization of death, evoking a form of sentimentality or even relating to a notion of "maternal instinct," expressed through the symbolic gesture of care toward the child's body.

Following the exhumation of the body, the experts were tasked with answering a series of questions formulated to clarify the circumstances of the death. The first question consisted of determining whether death had in fact occurred. The second sought to establish the age of the newborn in terms of days of life. The third inquired whether the death had been caused by direct and active means, that is, by an immediate and deliberate action. Finally, the fourth question aimed to verify whether the death had resulted from the withholding of essential care necessary for the preservation of life and the prevention of death. After conducting the required examination, the experts declared the following:

[...]that they found a corpse measuring forty centimeters in length, appearing to be male, with black hair, and with the skull fractured in several places. They therefore responded as follows: to the first question: yes; to the second, cause of death and four hours; to the third: yes; to the fourth: not applicable (APERS, 1914, p. 6v).

After the examination of the newborn's body had been carried out, the sub-delegate ordered that the corpse be reburied in the same place from which it had been removed. The absence of a funeral ritual may perhaps be interpreted as indicative of a regime of social exclusion applied to "marginal" bodies. Upon the case file reaching the district judge, on March 21, the arrest of Bento José do Amaral, as well as of the two women, had already been carried out. The magistrate then recorded the testimonies of Maria Anna do Amaral and Laura Venância do Amaral. When interrogated, Maria Anna declared that

[...] she was deflowered by her brother, Narciso José do Amaral, at 17 years of age, resulting from this act in pregnancy on two occasions, not knowing what was done with her children [...]. She further declared that she did not know who the father of her last child was, because her father had also been in her bed several times (APERS, 1914, p. 11).

The deponent continued her account by stating that her sister gave birth to a child on January 20. She further reported that she received the newborn from her mother, Anna Francisca do Amaral, while the child was still alive. After this, the child was placed in the cultivated area of the residence, and, subsequently, the deponent returned to the location accompanied by her mother to proceed with the burial of the child. She further noted that her father was at home on the date in question.

During the interrogation of Laura Venância do Amaral, she stated that she was 17 years old and reported that, on January 20, 1914, her mother and her sister had taken her child away, and that she was later informed of the child's disappearance, as well as of the place where it had been buried. In her testimony, Laura further added:

She said that she was deflowered by her own brother at the age of 12, whose name was Narciso José do Amaral, who forced her with a firearm. She further stated that her sister had said on several occasions that, if there were justice, her brother and father would pay for the persecutions they had committed [...] (APERS, 1914, p. 10v).

During the interrogation of the defendant Anna Francisca Moreira, she stated that she was fifty years old, married, a native of this state, and a resident of the district of this municipality since birth. Regarding her means of subsistence, she answered that she worked in domestic services. At the time of the crime, she stated that she was at her residence. When questioned by the judge about the criminal act, and about any facts or evidence that might justify her innocence, she replied:

[...] that her daughter Laura, being approximately eight months pregnant, suffered a fall, injuring the child she was carrying in her womb, and for that reason miscarried on the following day, the child having been born with signs of life but dying shortly thereafter. She stated that she believed the fall her daughter had suffered was the cause in relation to the child; and that when her daughter fell ill, a woman named Rosa de Tal was present (APERS, 1914, p. 14).

After the statement of the defendant Anna Francisca Moreira, the judge began the interrogation of Maria Anna do Amaral, who stated that she was twenty-three years old, single, born in this state, and resident of the second district of this municipality since her birth. When asked whether she had facts or evidence that could justify her innocence, she stated that she considered herself innocent and

[...] that her sister Laura lost a child because she had fallen to the ground [...] that the child must have been eight months old and was born with a fractured skull; dying a few moments later, which she could prove with a midwife named Rosa de Tal who was present at the time (APERS, 1914, p. 15).

After the defendant's testimony, the term of proceedings was drawn up, a document that records the events during the hearing. Next, the prosecution witnesses were examined. The first was Laura Venância do Amaral, who stated that

[...] in the month of January of that year, being approximately eight months pregnant [...] she fell to the ground; having been seriously injured, the following day she gave birth to a child who was born with a fractured skull, according to what she was told; this child was born with only a few seconds of life, dying immediately afterward (APERS, 1914, p. 15v).

She was also asked whether she had seen the child with a fractured skull. Laura replied that she had not; the midwife had told her about the child's fracture. The second prosecution witness was Manuel Salles da Silva, a civil servant who also resided in the same district, aged 43. When questioned about the criminal act, the witness answered:

[...] that he learned from Maria Anna do Amaral that on January twentieth of the current year there had been a child, daughter of Laura [...] that disappeared; that, in order to find out what had been done with the child [...] Maria told him that she was buried in the field, under a wooden plank; the witness asked whether the child had been born alive or dead. Maria Anna told him that the child had been born alive but that the mother, Laura, had ordered her to be killed; she further stated that it had been she and her mother who assisted Laura [...] (APERS, 1914, p. 16).

Following the testimony of Manuel Salles da Silva, the hearing of secret proceedings was declared closed. Subsequently, May 2 was scheduled for the hearing of public proceedings. At that hearing, the defendants were heard, and their responses were the same as those given during the phase of secret proceedings. In accordance with Article 351 of the Code of Criminal Procedure of the State of Rio Grande do Sul, the defendant to be interrogated may raise objections of nullity and propose new witnesses or other means of evidence. The defendant Maria Anna do Amaral, in her testimony, stated that “[...] she presented as a defense witness a Black woman named Rosa de Tal, widow of one Euzebio, now deceased” (APERS, 1914, p. 20v). The Public Prosecutor also requested additional witnesses: Caetano Francisco Luciano, Maria Lucia Neves, and Rosa Antonia da Silveira. The continuation of the hearing took place on May 14.

Laura Venância do Amaral was the first witness to be examined and provided further details regarding the events, in response to the questions posed by the Public Prosecutor. The first question concerned the measures taken by the witness following the birth of the child. She reported that the child was buried by her mother, her sister, and the attending midwife, explaining that this act was carried out due to her status as an unmarried woman, with the aim of preserving her honor. The burial took place in a cultivated area belonging to the family's property. She also explained that, out of shame, she chose not to proceed with registration, and added that the child was born alive, dying shortly after birth. Finally, she was questioned regarding the intention of her mother and sister to give the child to a neighbor to be raised. She stated that “if the said child had not died, she would have given it to her neighbor to raise” (APERS, 1914, p. 25).

The first defense witness was a midwife, named Rosa Antonia da Silveira, fifty years old, widowed, and employed in domestic services. Regarding the matter under investigation, she testified:

[...] concerning the accusation, she knows that upon arriving at the house of the accused and of Laura do Amaral, the latter was in labor pains, and the witness acted as the assisting midwife. Laura had given birth to a child who was born alive but died immediately thereafter. She added that the aforementioned child had been injured due to a fall that Laura had suffered (APERS, 1914, p. 27v).

At the end of Rosa's interrogation, she was asked why Laura had not registered the child. Her response was that the child's mother did not want the birth to be made public. After the testimonies, the magistrate gave a 24-hour period for the parties to submit any written statements⁹.

In the case under study, the defendants Maria Anna do Amaral and Anna Francisca Moreira were formally committed for trial:

The public prosecutor charged Anna Francisca Moreira and Maria Anna do Amaral under the sanction of Article 298 of the Penal Code, for having, in days of the month of January of the current year, in the 2nd District of the Municipality of Lagoa Vermelha, caused the death of a newborn, child of Laura Venância do Amaral, as recorded in the cadaveric examination on pages 6 and 7. The entire case proceeded through its legal course, in accordance with the rules established for the ordinary common procedure, under Articles 330 combined with 360 of the State Code of Criminal Procedure. What has been observed and thoroughly examined:

Considering that the cited cadaveric examination, on pages 6 and 7, perfectly proves the death of the newborn by violent and active means;

Considering that from the interrogations of the defendants themselves, pages 13 to 15, and from the testimonies on pages 15, 16 and 24(back), 25 and 27 to 28, it is established that the child, who was found dead, was born alive. Therefore:

Considering that the crime of infanticide, codified in Article 298 of the Penal Code, is characterized;

Considering, in regard to authorship, that the defendants claim that the parturient, struggling to give birth, had a fall, [...] given that the child was born with a fractured skull and died shortly after birth; considering, however, that this claim is contrary to all principles of legal medicine, as the intrauterine skull fracture [...] and even at the time of fetal expulsion [...].

Considering that, thus, the newborn presented several skull fractures (see the cited cadaveric examination) and having been born alive, [...] its death was caused by the defendants, even though they did so to conceal the dishonor of their daughter and sister;

Considering further that this counter-evidence is confirmed by the testimony on page 16 and by the contradictions present in the interrogations of the defendants on pages 13(back) to 15 and the testimony of Laura Venância do Amaral on pages 15(back) and 16, 24(back) and 25, [...].

Considering finally that it has been seen [...] I deem the complaint on page 2 to be well-founded, to pronounce Anna Francisca Moreira and Maria Anna do Amaral as

⁹ Article 357 of the Code of Criminal Procedure of the State of Rio Grande do Sul establishes that: "Once the public instruction is concluded, the parties may, within twenty-four hours from the last hearing, submit any written arguments" (Brazil, 1898).

defendants under the sanction of Article 298 of the Penal Code (APERS, 1914, p. 31).

On June 9, 1914, an act subsequent to the indictment, a warrant for the arrest of the defendants was issued, and the judge also recorded their names on the list of the accused. In execution of the warrant, the court officer reported having arrested the defendant Maria Anna do Amaral, but was unable to reach the defendant Anna Francisca Moreira, who was in the State of Santa Catarina.

One aspect that stands out with particular strangeness in analyzing the case concerns the legal classification of the defendants as perpetrators of infanticide, rather than homicide. Under contemporary criminal law, infanticide is considered a specific crime, for which the active subject is exclusively the mother, in a puerperal state. In the context of the First Republic, however, the criminal typification allowed for a broader understanding of the offense, as established at the time:

[...] The newborn, whose killing constitutes infanticide, refers to an infant within the first seven days of life, and punishes, when the perpetrator of the crime is not the mother herself, with the same penalty applied to homicide not qualified by aggravating circumstances (Lima, 1933, p. 684).

In the *Treatise on Legal Medicine*, Agostinho Souza Lima presents criticisms of the legislative choice that established infanticide as an autonomous criminal category, pointing out the conceptual ambiguities produced by such a decision:

The assault [homicide] cannot be expressed solely by the words “to kill someone”; it would be necessary to add—“who is not a newborn,” or else—“who is more than seven days old,” since for victims younger than this age the code created the special crime of infanticide (Lima, 1933, p. 596).

After the final indictment, the case was forwarded to the jury clerk and then to the presiding judge, who ordered the Public Prosecutor’s Office to be notified for the submission of the accusatory brief, a document that confirms the charges and delineates the accusations before the Jury Court. In this case, the brief charged Anna Francisca Moreira and Maria Anna do Amaral with the crime of infanticide that occurred in January 1914 in the district of Hervalzinho, based on the exhumation report, requesting their conviction under the terms of the Penal Code and the hearing of the listed witnesses (APERS, 1914, p. 36).

Once the accusatory brief was presented, the defendant was summoned and entered a plea of denial, requesting further proceedings and the hearing of witnesses to establish culpability (APERS, 1914, p. 39). Subsequently, a public notice was issued for the jury

session, which was held on November 16, 1914, including the formation of the jury panel, the selection, and the swearing-in of the jurors (APERS, 1914, pp. 46–49v). In the courtroom, the defendant was interrogated, the accusatory brief was read, and oral arguments were presented. The Public Prosecutor presented the case within the limits of the brief, while the defense requested acquittal.

After the submission of the questions, the jurors responded negatively to the principal question, excluding the defendants' authorship of the crime (APERS, 1914, p. 53). As a result of the verdict, the presiding judge acquitted Maria Anna do Amaral, ordered her immediate release, and assigned the procedural costs to the State, issuing the corresponding release order.

Final considerations

The analysis of the criminal case of infanticide that occurred in Lagoa Vermelha in 1914 provides an understanding of the social, legal, and moral mechanisms that structured criminal justice in the context of the First Republic, revealing how historical constructions of childhood and gender permeated the production of judicial truth and the mechanisms for attributing culpability. The case examined demonstrates that infanticide cannot be understood as an isolated criminal event, but must be interpreted as a phenomenon embedded within a complex network of power relations, shaped by sexual morality, the notion of honor, and the structural subordination of women, especially in contexts marked by extreme social and familial vulnerability. From this perspective, Ripe & Alves (2025, p. 6) argue that procedural cases involving the crime of infanticide expose

[...] a regime of values and moralities that pressured young women to conceal illegitimate pregnancies, given that sexuality outside marriage was strongly condemned. This reveals the punitive and restrictive nature of education, in which family honor and female reputation were preserved above issues of personal well-being and health. By analyzing the motivations and pressures that led to such acts, as well as the institutional responses, legal and educational, that followed, it becomes possible to understand the role of morality in shaping gender norms and expectations regarding femininity and motherhood, often reinforced by institutions such as the Church, the legal system, and educational practices.

On the other hand, Ripe & Dillmann (2021, pp. 6–7) also indicate that such cases of infanticide, when recorded, possess historiographical potential, granting the document a key for interpreting “[...] the symbolic dispositions that make it possible to perceive the adult social sentiment in relation to childhood.” Thus, we observed that the case analyzed here also

reveals the ambiguous role ascribed to the family, simultaneously conceived as a space of moral protection and, as evidenced in the records, revealed as a locus of oppression, violence, and silencing. The family relations described therein, marked by abuse, threats, and pacts of concealment, challenge the idealized image of the family as the moral nucleus of republican society. The judicial apparatus, far from destabilizing these dynamics, frequently reproduced them by shifting the focus from the violence suffered by women to the penal accountability of their conduct, contributing to the blaming of victims and to the institutional erasure of gendered and sexual violence.

The procedural narratives demonstrate that the women involved were systematically framed according to normative expectations associated with motherhood, sexuality, and family honor. Motherhood emerges as a moral and socially imposed duty, such that any rupture with this ideal, whether through pregnancy outside marriage, silence regarding paternity, or the death of the newborn, was interpreted as a serious deviation, subject to exemplary punishment. In this perspective, the criminalization of infanticide operated as a *dispositif* for disciplining female bodies, reinforcing compulsory motherhood and making women the primary targets of penal intervention, even when situated in contexts of sexual violence, incest, and coercion.

The final acquittal of the defendant by the Jury Court, although legally significant, does not neutralize the symbolic and material effects produced throughout the process. Public exposure, pretrial detention, and the inscription of the accused among suspects demonstrate that justice operated not only through formal conviction, but also through diffuse mechanisms of control, stigmatization, and moral punishment. The trial thus makes visible the tensions between medical knowledge, legal discourse, and social morality, as well as the structural limits of republican justice in addressing crimes shaped by inequalities of gender, class, and age.

From a historiographical standpoint, the study reaffirms the centrality of criminal proceedings as privileged sources for understanding the structures of power, repression, and normalization in force during the period. These documents make it possible to access not only the legal and procedural *dispositifs* employed, but also the silences, contradictions, and discursive disputes that permeate the construction of judicial truth. By adopting an approach inspired by microhistory and in dialogue with the History of Crime and Justice, it becomes

possible to illuminate the experiences of historically marginalized subjects, whose voices emerge in fragmented, mediated, and often contested forms within the records.

By situating the 1914 case in dialogue with contemporary debates, the study highlights both continuities and ruptures in the legal and social approaches to violence against children. Patterns of blaming women persist to this day, as do difficulties in the institutional recognition of sexual violence and obstacles to holding perpetrators accountable within family contexts. Taking that into account, the historical analysis of infanticide and its legal framing contributes not only to an understanding of the past, but also to a critical debate about present issues, reaffirming the relevance of History as a tool for reflection on justice, gender, and rights.

In the case analyzed, two women were indicted and prosecuted for the death of a newborn, while the men identified in the records as perpetrators of sexual abuse, the father and the brother of the parturient, were neither investigated nor held criminally accountable. This procedural asymmetry reveals the operation of a system of justice shaped by gendered *dispositifs* that associated female culpability with honor, sexuality, and the violation of normative maternal roles. The residence of Laura Venância do Amaral, socially conceived as a space of protection and care, was instead revealed as an environment marked by relations of power, control, fear, and violence.

The concealment of the birth and the improvised burial of the child carried out “beneath a rotten piece of wood,” symbolize not only an attempt to escape moral and legal judgment, but also the materialization of the symbolic erasure of life. The child is not given a name, is not registered, and is not granted mourning or funeral rites, thus being socially and legally discarded. Such erasure highlights the limits of recognizing childhood as a subject of rights during the period, as well as the precariousness of policies for the protection of children’s lives. From a legal-procedural standpoint, the case constitutes a source of high analytical value, as it allows for a detailed examination of the procedural stages provided for in the Code of Criminal Procedure of the State of Rio Grande do Sul (1898). The final acquittal of the child’s grandmother and the aunt does not negate the punitive trajectory and public exposure to which the defendants were subjected, demonstrating that the criminal process functioned as an instrument of social control, regardless of the acquittal outcome.



References

Almeida, Bruno Rotta. **Castigar e corrigir no Rio Grande do Sul**: histórias de crime, lei e prisões. Pelotas: Ed. UFPel, 2024.

Alvarez, Marcos César. **Bacharéis, criminologistas e juristas**: saber jurídico e nova escola penal no Brasil (1889-1930). Tese (Doutorado em Sociologia). São Paulo: Universidade de São Paulo, 1996.

APERS. **A justiça contra Anna Francisca Moreira e Maria Anna do Amaral**. Acervo do judiciário. Comarca de Lagoa Vermelha. Tribunal do Júri. Nº 16. M: 01. Year: 1914.

Brasil. **Decreto nº 2.848, de 07 de Dezembro de 1940**. Código Penal. Rio de Janeiro: Presidência da República, 1940. Retrieved from: <https://www.planalto.gov.br>. Access on: Jan 02, 2026.

Brasil. **Lei nº 24, de 15 de Agosto de 1898**. Código de Processo Penal do Estado do Rio Grande do Sul. Porto Alegre: [s.n.], 1898. Retrieved from: <https://bibliotecadigital.stf.jus.br>. Access on: Jan 02, 2026.

Brasil. **Decreto nº 847, de 11 de Outubro de 1890**. Código Penal. Rio de Janeiro: Ministerio dos Negocios da Justiça. Retrieved from: <https://www.planalto.gov.br>. Access on: Jan 02, 2026.

Carvalho, José Murilo de. **Os bestializados**: o Rio de Janeiro e a República que não foi. São Paulo: Companhia das Letras, 1987.

Chalhoub, Sidney. **Trabalho, lar e botequim**. São Paulo: Brasiliense, 1986.

Esteves, Alexandra. Infanticídio. *In*: Nascimento, Mara Regina do & Dillmann, Mauro (Orgs.). **Guia Didático e Histórico de Verbetes sobre a Morte e o Morrer**. Porto Alegre: Casa Letras, 2022. p. 154-159.

Fausto, Boris. **Crime e cotidiano**: a criminalidade em São Paulo, 1880-1924. São Paulo: Editora Brasiliense, 1984.

Foucault, Michel. **Microfísica do poder**. Rio de Janeiro: Edições Graal, 1979.

Foucault, Michel. **História da sexualidade 2**: o uso dos prazeres. Trad. Maria Thereza da Costa Albuquerque; Revisão Técnica José Augusto Guilhon Albuquerque. Rio de Janeiro: Edições Graal, 1984.

Foucault, Michel. **Em defesa da sociedade**. Trad. Maria Ermantina Galvão. São Paulo: Martins Fontes, 1999.

Foucault, Michel. **Vigiar e Punir**: nascimento da prisão. Trad. Raquel Ramalhete. 42ª Ed. - Petrópolis: Vozes, 2014.

Foucault, Michel. **História da sexualidade 1: A vontade de saber**. Trad. Maria Thereza da Costa Albuquerque & J. A. Guilhon Albuquerque. 4ª Ed. - Rio de Janeiro/São Paulo: Paz e Terra, 2017.

Grimberg, Keila. “A história nos porões dos arquivos judiciários”. *In: Pinsky, Carla Bassanezi & Luca, Tania Regina (Orgs.). O historiador e suas fontes*. São Paulo: Contexto, 2009. p. 119-139.

Lima, Agostinho Jose de Souza. **Tratado de medicina legal**. Rio de Janeiro: Livraria Editora Freitas Bastos, 1933.

Neves, Frederico de Castro. Caridade e controle social na Primeira República (Fortaleza, 1915). **Estudos Históricos**, Rio de Janeiro, v. 27, n. 53, p. 115-133, Jan./Jun. 2014.

Perrot, Michele. **Minha história das mulheres**. São Paulo: Editora Contexto, 2007.

Pontes, Paulo José da Silva. **Tratado de medicina legal**. 2ª Ed. Rio de Janeiro: Garnier, 1904.

Rago, Margareth. **Do cabaré ao lar: a utopia da cidade disciplinar: Brasil 1890-1930**. Rio de Janeiro: Paz e Terra, 1985.

Ribas Filho, Marcelo Douglas Nascimento. A produção da verdade em exames cadavéricos nos casos de suicídio (São João do Triunfo-PR, 1912-1928). **Revista Tempo, Espaço e Linguagem**, v. 13, p. 415-432, 2022.

Ripe, Fernando & Dillmann, Mauro. “Crueldade sem exemplo”: divulgação de uma inédita fonte que trata de um prodigioso caso de infanticídio publicado em Portugal no século XVIII. **Revista História da Educação**, v. 25, p. e103438, 2021.

Ripe, Fernando & Alves, Marcelo. Micro-histórias comparadas da violência sexual sobre sujeitos infantis: análise de dois processos criminais da cidade de Caxias, RS, durante a Primeira República. **Revista Teias**, v. 25, n. 78, p. 242-255, 2024.

Ripe, Fernando & Alves, Marcelo Marin. “Cometeu o crime para ocultar sua desonra”: micro-história de um processo criminal de infanticídio na cidade de Caxias, RS (1925). **Cadernos de Pesquisa**, v. 32, n. 4, p. 1-25, 2025.

Rohden, Fabíola. **A arte de enganar a natureza: contracepção, aborto e infanticídio no início do século XX**. Rio de Janeiro: Editora FIOCRUZ, 2003.

Silva, Lúcia Helena Oliveira & Simon, Cristiano Gustavo Biazzo. Violência na infância: Londrina (1930-1970). **Revista Tempo e Argumento**, v. 1, n. 2, p. 145-161, 2009.

Silva, Plácido. **Vocabulário jurídico conciso**. 3ª Ed. - Rio de Janeiro: Forense, 2012.

Teixeira, Tarcila Santos. A violência contra crianças e adolescentes ao longo da história. **Revista do Observatório Proteca**, v. 1, n. 1, p. 1-19, 2022.

Vendrame, Máira Ines & Carneiro, Deivy. Usos e possibilidades das fontes judiciais a partir da micro-história italiana. **Revista Brasileira de História & Ciências Sociais**, v. 15, n. 31, p. 11-37, 2024.

Vicente, Aparecido Renan & Leão, Andreza Marques de Castro. Políticas públicas de enfrentamento à violência sexual infantojuvenil: a atuação dos conselheiros tutelares. **Revista Tempo, Espaço e Linguagem**, v. 14, n. 1, p. 451-468, 2023.

Submitted on: *January 07, 2026*

Evaluated on: *January 29, 2026*

Accepted on: *March 10, 2026*