

## ABSTRACT

Title of dissertation: SLAVE LEGACIES, AMBIVALENT  
MODERNITY: STREET COMMERCE AND THE  
TRANSITION TO FREE LABOR IN RIO DE  
JANEIRO, 1850-1925

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This project is a history of street vending during the transition from enslaved to free labor in the capital of the most enduring slave society of the Americas. Street vending – long the province of African slaves and free blacks – became in these years a site of expanded (European) immigrant participation and shifting state disciplinary policies. My dissertation contends that during the gradual transition to free labor, urban policing and the judicial system in the city of Rio came to target “criminality” rather than illicit or improper vending practices. Disciplinary measures established by criminal law focused on correcting individuals who were peddlers and not inadequately regulated street commercial activity. Thus, the language of citizenship appeared in court cases to both establish and resist negative characterizations of street vendors while a gradual marginalization of street commerce occurred within the framework of citizenship building. The practice of street commerce during this transitional era reveals a historical process that produced and transformed notions of legitimate work and public order as well as the racial segmentation of the labor force. Street vending, I argue, became a strategy of subsistence among the post-abolition urban poor, who came to their own understandings of freedom, free labor, and

citizenship. Elite and popular attitudes toward street vending reflected the post-abolition political economy of exclusion and inclusion, which peddlers did not experience as mutually exclusive but rather as a dialectic of an ambivalent modernity.

SLAVE LEGACIES, AMBIVALENT MODERNITY: STREET COMMERCE  
AND THE TRANSITION TO FREE LABOR IN RIO DE JANEIRO, 1850-1925

by

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Para mamá y Elisabeth  
En memoria de mi padre

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## Introduction

### From *Ganhadores* to *Ambulantes*: Slave Legacies and the Ambivalent Modernity of Street Commerce

The title “From *Ganhadores* to *Ambulantes*” intentionally highlights two terms – *ganhadores* and *ambulantes* – in use at the turn of the nineteenth century to define street vendors, peddlers, and mobile street workers in the city of Rio de Janeiro (hereafter Rio). The term *ganhador*, or wage earner, specifically related to the system of *ganho* that organized enslaved and free street labor in Brazilian port cities such as Rio and Salvador da Bahia. *Escravos ao ganho*, or wage-earning slaves, as historians Mary Karasch, João José Reis, and Luis Carlos Soares have noted in their seminal works, plied their wares through city streets providing urban residents with basic goods like food, water, and household utensils.<sup>1</sup> With the gradual ending of slavery in Brazil, the *ganho* system progressively declined and so did the use of the term *ganhador*. The term *ganhador* would still be used in the early twentieth century, but by then most street sellers identified themselves as *vendedores*, *vendedores ambulantes*,

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<sup>1</sup> Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987); João José Reis, "The Revolution of the Ganhadores: Urban Labor, Ethnicity, and the African Strike of 1857 in Bahia, Brazil," *Journal of Latin American Studies* 29 no. 2 (1997): 355-393; Marilene Rosa Nogueira da Silva, *Negro na rua: A nova face da escravidão* (São Paulo: Editora HUCITEC, 1988); Cecília Moreira Soares, "As Ganhadeiras: mulher e resistência em Salvador no século XIX," *Afro-Ásia* 17 (1996): 57-71; Flavio dos Santos Gomes and Carlos Eugênio Líbano Soares, ""Dizem as quitadeiras...": Ocupações e identidades étnicas em uma cidade escravista: Rio de Janeiro, século XIX," *Acervo: Revista do Arquivo Nacional*, Rio de Janeiro 15 no. 2 (2002): 3-16; Luiz Carlos Soares, "Os escravos de ganho no Rio de Janeiro século XIX," *Revista Brasileira de História* 8 no. 16 (1988): 107-142.

*vendedores volantes*, or simply *volantes* and *ambulantes* – terms that traditionally indicated free status, as opposed to the slave-related *ganhador*.

Moreover, the Rio newspaper *A Época* demonstrated in 1913 that the popular Brazilian term *camelô* (of French origin<sup>2</sup>) was already in use, particularly depicting the poor Chinese vendors on Avenida do Rio Branco and Rua do Ouvidor.<sup>3</sup> In 1913, the colloquial term *camelô* was associated with unlicensed (informal) street commerce whereas *ganhadores* and *ambulantes* in previous decades were not necessarily associated with informal commerce. The 1913 brief front-page newspaper article even linked the growth of “*camelots*” to the problematic progress of republican modernity, to some extent reflected in the title, “*Os ‘camelots’ da celestes República.*” The photograph of a typified Chinese child vendor headed the article, illustrating that recent urban reforms had widened streets and paved boulevards, such as the Avenida Rio Branco (formerly, Avenida Central), but had not resulted in the disappearance of urban poverty and traditional practices of survival. “*From Ganhadores to Ambulantes*” is not only reflective of a linguistic shift, but, more importantly, of the transition from enslaved to free labor in Rio’s street commerce. Street vending during the slave period was a liminal space in which slavery and freedom coexisted, shaping a post-abolition experience where particular slave legacies interacted with urban and republican reforms, which, on the one hand, gradually marginalized street

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<sup>2</sup> The Brazilian term is a Gallicism from the French original “*camelot*,” a street seller of goods of little value. *Camelô* and *ambulante* are synonymous, the former a popular term in current Brazilian society and in ongoing conflict with State apparatuses of urban public order, the latter is the term used in legal language recognizing the entity of individuals selling on the street as mobile or fixed vendors.

<sup>3</sup> “*Os ‘camelots’ da celestes República,*” *A Época*, 15 January 1913.

commerce, and, on the other, transformed it into a unique expression of *carioca* (Rio) modernity.

The experiences of enslavement and migration and the structural changes of labor relations caused by the end of slavery in the Atlantic world defined street vending in Rio between 1850 and 1925. Understanding street commerce during this transitional period, as well as shifting urban market relations in post-emancipation societies elsewhere in the Americas, demands the exploration of diasporic experiences and the perspective of transnational history. The displacement of enslaved Africans and subsequent (mostly European) migration resulting from the turn to free labor in the nineteenth-century Atlantic were constitutive of the diasporic practices and spaces that came to characterize street commerce in Rio. Because compulsory and voluntary migration occurred within the Atlantic political economy of slavery and the ensuing shift to free labor, this dissertation examines the concept of diaspora, in the context of this transitional era, as inclusive of both African and European uprooting and the shared history of slavery and migration and of enslaved and free labor in Rio's street commerce. The meager material prerequisites to take up street-selling, as well as the need to construct networks of suppliers, clients, and protectors, made it the quintessential occupation for diasporic populations. During the latter half of the nineteenth century, street commerce in Rio became a site for the spaces of transnationality resulting from the Atlantic turn to free labor. This study explores transnational space, "rather than just identifiable transnational communities distinguished from other (and often still normative) national communities," in attempts to "open up

ways of exploring [the] multiplicity of transnational experiences and relations.”<sup>4</sup>

Street commerce brought together a variety of diasporic communities along ethnic, gender, and class lines, transforming it into a transnational practice and space.

The end of slavery and the turn to free labor in the nineteenth-century Atlantic world revised notions of legitimate labor, public order, and citizenship. For example, several post-slave societies, such as Brazil and Jamaica, drafted new legal and criminal codes once slavery ended as a way of managing black and former enslaved populations, now free laborers and citizens.<sup>5</sup> The disciplinary regulation of street behavior had been developing since the era of slavery<sup>6</sup>, and this study reveals that many vendors in Rio had already experienced changes in the regulation of public order via criminal law at least a decade before the abolition of slavery in 1888 and the institution of the Penal Code in 1890 – a seemingly inaugural document of the newly founded Brazilian republic. In other words, during the last decade of slavery, municipal authorities were increasingly regulating street behavior deemed “criminal,” such as vagrancy, public disorder, theft, and inebriation, while becoming less concerned with regulating the commercial activity of buying and selling on the street. The shift from the

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<sup>4</sup> Peter Jackson, Philip Crang, and Claire Dwyer, ed. *Transnational Spaces* (New York: Routledge, 2004).

<sup>5</sup> Thomas Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: Johns Hopkins University Press, 1992); Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004); Pamela Scully and Diana Paton, ed. *Gender and Slave Emancipation in the Atlantic World* (Durham: Duke University Press, 2005); Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill: University of North Carolina Press, 2000).

<sup>6</sup> Maria Tereza Chaves de Mello, *A República consentida* (Rio de Janeiro: Fundação Getúlio Vargas, 2007).



regulation of street commercial activity to the regulation of street behavior and criminality had roots in the late slave period and became evident in the post-abolition period, although it was never a complete or even transformation.

The rationalization of public order and street behavior via the application of the 1890 Penal Code coexisted with the unpredictable nature of the courts. Judges not always adhered to the linear logic of criminal law, often dismissing charges against street vendors for reasons that included the protection of personhood and not property. In addition, turn-of-the-century scientific and entrepreneurial efforts to modernize (rather than eliminate) street commerce through new vending technologies illustrate that selling on the street was not yet an informal or marginal economy in the eyes of many. On the contrary, as explained in Chapter Four, many entrepreneurs of the turn of the century described street commerce as an “industry” that merited as much attention and innovation as urban reform. In practice, however, street vending in the twentieth century became an ambivalent expression of modernity: on the one hand, gradually and unevenly marginalized through notions of public order and legitimate labor, inextricably tied to post-abolition citizenship building; on the other hand, the strength of customary buying and selling, consumer demand, scarce opportunities in other lines of work, and even alternative ideas for a rationalized street commerce explained the robust presence of vendors on Rio’s streets.

Since the development of Rio as the capital city and residence of the Portuguese Court, street commerce was a salient activity of its commercial life.

For example, the royal decree of 1810, which suspended the preexisting law that prohibited petty commerce in Rio's private households and the street, permitted slave-owners to engage their slaves in commercial activities that generated income.<sup>7</sup> Thereafter, *escravos ao ganho* became an increasing presence on the streets of Rio in the course of the nineteenth century. The year 1850 marked the end of the trans-Atlantic importation of enslaved Africans into Brazil, transforming the eventual abolition of slavery into a virtual certainty.<sup>8</sup> It was in 1871, with the passage of the Free Womb Law, that the abolition of slavery became even more imminent, although this was not the desirable outcome for many political elites and property owners of the era. The Free Womb Law not only freed the newborn children of slaves (and enslaved women's wombs), but also contained clauses regarding slave wages and the nature of contract wage labor, making it an important document for analyzing Brazil's gradual and problematic turn to universal citizenship and free labor.<sup>9</sup> Throughout the nineteenth century, street commerce was an area of urban slavery particularly vulnerable to the demographic and legal changes resulting from Brazil's policy of gradual emancipation.

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<sup>7</sup> Carlos Kessel and Karen Worcman, *Um balcão na capital: memórias do comércio na cidade do Rio de Janeiro* (Rio de Janeiro: Editora SENAC, 2003), 14.

<sup>8</sup> The slave trade between Rio and Africa was legally abolished in 1831 but continued, de facto, for another twenty years. As opposed to the United States, which internally reproduced its slave population, Brazil relied more on the ongoing imports of enslaved Africans for the maintenance of its plantation economy. One consequence of this was the much larger free population of color in Brazil than in the United States. Manumission rates were higher in Brazil partly due to plantation slaveholders' dependence on and preference for newly imported enslaved Africans.

<sup>9</sup> Keila Grinberg, "Slavery, liberalism, and civil law: definitions of status and citizenship in the elaboration of the Brazilian civil code (1855-1916)," in *Honor, Status, and Law in Modern Latin America*, ed. Sueann Caulfield, Sarah C. Chambers, and Lara Putnam (Durham: Duke University Press, 2005).

At the turn of the century, after the abolition of slavery in 1888, street commerce became the target of republican urbanization, public health, and rationalization, with particular attention to the ways in which basic necessities, such as food, were to be exchanged between buyers and sellers. Customary practices, however, prevailed over the municipality's attempt to eliminate and/or over-regulate street selling practices. Street vendor resistance in the form of unionism was another force against municipal regulatory measures. As a result of officials' ambivalent attitudes toward vending, the first decades of the twentieth century witnessed the formalization and informalization of certain vending practices. On the one hand, the construction of appropriate and inappropriate street commerce was a process influenced by the slave past and the stigma of manual labor as inherently unskilled and not modern.<sup>10</sup> On the other hand, street commerce in early twentieth-century Rio was a theme in chronicle literature that idealized the cultural heritage of nineteenth-century "old Rio," or *O Rio Antigo*, normalizing and even celebrating traditional vending practices and vendors themselves.

In the nineteenth and early twentieth century, Rio was both the national capital and a port city crucial to Brazil's export economy.<sup>11</sup> The city's port economy and the gradualist approach to slave emancipation created a particular urban slave society that attracted foreign immigrant labor alongside slaves and free

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<sup>10</sup> Although addressing a later period (1930s), Brian Owensby discusses the middle class's disdain for manual labor as a legacy of slavery. Brian Owensby, *Intimate Ironies: Modernity and the Making of Middle-Class Lives in Brazil* (Stanford: Stanford University Press, 1999), Chapter Two and 53-4.

<sup>11</sup> For a rich description of various political, economic, and social aspects of the nation's capital see, Adolfo de Moraes de los Rios Filho, *O Rio de Janeiro Imperial* (Rio de Janeiro: Topbooks Editora, 2000 [1946]).

blacks. Internal rural-urban migration also increased with the decline of slavery. Throughout the nineteenth century, Rio was a “black city” (*cidade negra*), described as such by historians today, which transformed with the shifting ethnic/racial and urban landscapes of the turn of the century.<sup>12</sup> In the mid-nineteenth century, slaves made up about one-third of Rio’s urban population. With the end of the trans-Atlantic slave trade in 1850, many of Rio’s urban slaves as well as slaves in the northeastern part of the Brazilian Empire were sold off and relocated to the coffee-producing plantations of the Southeast. In 1872, Rio’s population of 228,745 was 16% slave, 53% Brazilian-born free people, which included freedpersons (*libertos*) and free-born blacks (*livres*), and 30% free foreigners. By 1906, the population had grown to 805,335 and migrants had become a majority: 29% were foreign-born Portuguese and 26% were other foreign-born immigrants and migrants from the countryside. The population continued to grow in the first decades of the twentieth century, reaching 1,147,599 inhabitants (a 42% growth) in 1920. Population increase during this period developed with the growth of neighborhoods in the northern urban periphery of Rio, a result of rural-urban migration and the forced uprooting of the working poor from the city’s center.<sup>13</sup>

Historians of urban slavery in Rio have given particular attention to the dual nature of money-earning slaves (*escravos de ganho*) in the city’s nineteenth-

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<sup>12</sup> Sidney Chalhoub, *Cidade febril: cortiços e epidemias na corte imperial* (São Paulo: Companhia das Letras, 1996); *Visões da liberdade: uma história das últimas décadas da escravidão na corte* (São Paulo: Companhia das Letras, 1990); *Trabalho, lar e botequim: o cotidiano dos trabalhadores no Rio de Janeiro da Belle Époque* (São Paulo: Brasiliense, 1986). Important to note is that during this period most free Brazilians in Rio were people of color who probably did not think of themselves as “black.”

<sup>13</sup> Mauricio de Almeida Abreu, *Evolução urbana do Rio de Janeiro*, 4th Edition (Rio de Janeiro: Prefeitura da Cidade do Rio de Janeiro, 2006 [1987]).

century urban economy.<sup>14</sup> On the one hand, these enslaved men and women worked for their masters as unpaid chattel slaves, and, on the other hand, they were allowed to negotiate and sell their labor and/or goods to third parties in exchange for wages, or a portion of the sale profits. Although a significant portion of the wages were transferred to the master, the mere access to wage-work and monetized exchange enabled many urban slaves to interact with free blacks and move independently throughout the city. As mobile workers on city streets, *ganhadores* learned how to bargain for wages and became actors in urban trades, especially street selling and marketeering. Keeping a small portion of the wages earned allowed some slaves to rent a living space outside the master's house, and overtime, to accumulate funds for self-purchase. Most of Rio's money-earning slaves were African-born as urban masters preferred Brazilian-born slaves for domestic service.<sup>15</sup> "African" ethnic markers, such as being of "Mina" origin, conditioned the sociability among urban slaves, free blacks, and mulattos.<sup>16</sup> Socio-economic networks between urban slaves and free blacks were shaped by ethnic as well as gender relations.<sup>17</sup>

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<sup>14</sup> Leila Mezan Algranti, *O feitor ausente: estudo sobre a escravidão urbana no Rio de Janeiro* (Petrópolis: Vozes, 1988); Sidney Chalhoub, "Slaves, Freedmen, and the Politics of Freedom in Brazil: The Experience of Blacks in Rio de Janeiro," *Slavery and Abolition*, 10 no. 3 (1989): 64-84; Karasch, *Slave Life in Rio*; João José Reis, "The Revolution of the *Ganhadores*': Urban Labour, Ethnicity and the African Strike of 1857 in Bahia, Brazil."

Soares, "Os escravos de ganho no Rio de Janeiro no século XIX"; Nogueira da Silva, *Negro na rua*; Jorge Prata de Sousa, ed. *Escravidão: ofícios e liberdade* (Rio de Janeiro: APERJ, 1998).

<sup>15</sup> Soares, "As Ganhadeiras."

<sup>16</sup> Karasch, *Slave Life in Rio*; for a discussion on urban slavery and African ethnicities in Salvador da Bahia see João José Reis, *Slave Rebellion in Brazil: the Muslim Uprising of 1835 in Bahia*. (Baltimore: The Johns Hopkins University Press, 1993) and Mieko Nishida, *Slavery and Identity: Ethnicity, Gender, and Race in Salvador, Brazil, 1808-1888* (Bloomington: Indiana University Press, 2003).

<sup>17</sup> Nishida, *Slavery and Identity: Ethnicity, Gender, and Race in Salvador, Brazil, 1808-1888*. Nishida purports African-born slaves and their descendants in nineteenth-century Salvador did not perceive or identify themselves as homogeneous racial or ethnic groups. He focuses on the

Since colonial times, street and market vendors legitimized their work through municipal licensing procedures, which allowed them to legally sell goods on the streets. Not all street vendors, however, held licenses or sought licenses, thus becoming a problem for urban authorities to regulate. After the Portuguese Court settled in Rio in 1808, new policing measures continued to develop throughout the century, as the government (at least in Rio) became increasingly involved in controlling the movement of the urban slave and free black population.<sup>18</sup> Licensing procedures and new laws concerning wage labor were also linked to the legal changes taking place in the second half of the nineteenth century concerned with administering slave emancipation and the emerging “free” class of workers. Elites supported the gradual approach toward slave emancipation in Brazil as a means to preserve the dominion of ex-masters over their ex-slaves, and prolong relationships of dependency and paternalism.<sup>19</sup>

Licensing and guardianship were required for free and freed blacks (*libertos*) to

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identities created by African-born individuals and Brazilian-born individuals of African descent, arguing place of birth rather than race or color was the primary formative aspect of their identities. Additionally, new ethnic and gender identities were created at the workplace resulting in ethnicized and gendered urban spaces. Nishida notes most *escravos de ganho* in Salvador were African-born, hired out by their masters or able to market their craft skills on the street, whereas the majority of Brazilian-born slaves were primarily domestic servants. Moreover, the presence of gendered urban spaces in Salvador further complicates the notion of a “linear” construction of ethnicity. For example, African-born slave women monopolized the exchange of foodstuffs as market-stall keepers, market vendors, and street vendors. As such, they were likely to create and develop, as maintained by Nishida, “a stronger collective gender identity, beyond ethnic identity, in New World slavery than their male counterparts,” p. 46. On gender and street commerce in Salvador, Bahia, see Cecília Moreira Soares, “As Ganhadeiras: mulher e resistência em Salvador no século XIX.”

<sup>18</sup> Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-Century City* (Stanford: Stanford University Press, 1993).

<sup>19</sup> Joseli Maria Nunes Mendonça, *Entre a mão e os anéis: A lei dos sexagenários e os caminhos da abolição no Brasil* (São Paulo: Editora da Unicamp, 1999). The author analyzes the Sexagenarian Law of 1885, and the parliamentary debate surrounding the indemnification of ex-masters for the loss of slave labor, and argues that because of the incapacity of the State in the 1880s of controlling the emerging free working class, the State itself promoted the maintenance of ex-masters’ powers over their ex-slaves.

sell on the street, and more so after the Free Womb Law of 1871.<sup>20</sup> In the latter half of the nineteenth century, both African-descended (black) *ganhadores* and European-descended (white) *ganhadores* were required to have municipal licenses and the guardianship of a *fiador* (guardian) in order to legally sell on the street. The development of street commerce and the nineteenth-century *ganho* labor demonstrated the shared histories of enslaved and free workers as well as African slavery and European immigration. This project agrees with recent scholarship in Brazil and the United States that claims a history of labor in former slave societies must historicize the experiences of slave labor alongside free labor and compulsory alongside voluntary Atlantic migrations.<sup>21</sup>

Throughout the nineteenth-century, the Brazilian Empire struggled with reconciling liberal civil law, in which civil rights would be conceded to all persons, and the institution of slavery, which considered some persons as property.<sup>22</sup> The traditional dichotomy that presumed “the slave is a human deprived of liberty and property” did not exactly match Brazilian urban society in the nineteenth century, however.<sup>23</sup> There were free workers who had been slaves and there were slaves (*escravos de ganho*) who worked for money and bargained for wages like free

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<sup>20</sup> Eduardo Spiller Pena, *Pajens da casa imperial: Juriscultos, escravidão e a lei de 1871* (São Paulo: Editora da Unicamp, 2001).

<sup>21</sup> Works that discuss and historicize the shared history of slave and free labor in the Americas are, Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998); Antonio Luigi Negro and Flávio Gomes, "Além de senzalas e fábricas: uma história social do trabalho," *Tempo Social, revista de sociologia da USP* 18, no. 1 (2006); Marcelo Badaró Mattos, "Trabalhadores escravizados e livres na cidade do Rio de Janeiro na segunda metade do século XIX,," *Revista do Rio de Janeiro* 12 (2004); Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2009); Gunja SenGupta, *From Slavery to Poverty: The Racial Origins of Welfare in New York, 1840-1918* (New York: New York University Press, 2009).

<sup>22</sup> Hebe Maria Mattos, *Escravidão e cidadania no Brasil monárquico* (Rio de Janeiro: Jorge Zahar Editor, 2000).

<sup>23</sup> Keila Grinberg, *Código civil e cidadania* (Rio de Janeiro: Jorge Zahar Editor, 2001).

workers, but the civil code throughout the nineteenth century maintained the status of the slave as property and not worker. Moreover, the problem of citizenship and slavery did not only affect the enslaved, but also the free African-descended population, as modern notions of race emerging in the nineteenth century tended to limit citizenship rights of people of African descent.<sup>24</sup> With the passage of the Free Womb Law in 1871, Brazilian policymakers began debating the issue of slaves as workers.<sup>25</sup> According to Grinberg, “[o]ne must understand the urgent need for contracts in the 1870s: it was necessary to outline new rules to take account of the diverse free labor relations created beginning in 1873, especially the case of foreign laborers, who were arriving in great numbers.”<sup>26</sup> Although a comprehensive law on labor contracts was needed well before abolition, the paradox of slavery and liberalism complicated the practice of contract labor because as Grinberg explains since “slaves did not own their own persons, they could not guarantee their contracts.”<sup>27</sup>

The emergence of contracts in the 1870s, however, was to ensure the service of *libertos* to their ex-masters.<sup>28</sup> Patronage and relationships of dependency also bound foreign immigrants to patrons, as was the case with numerous Portuguese, Italians, Spaniards, and Syrio-Lebanese peddlers who required a *fiador* to sell on

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<sup>24</sup> Mattos, *Escravidão e cidadania*. Also see, Keila Grinberg, *O fiador dos brasileiros: cidadania, escravidão e direito civil no tempo de Antônio Pereira Rebouças* (Rio de Janeiro: Civilização Brasileira, 2002).

<sup>25</sup> Keila Grinberg, “Slavery, liberalism, and civil law: definitions of status and citizenship in the elaboration of the Brazilian Civil Code,” in *Honor, Status, and Law in Modern Latin America*, ed. Sueann Caulfield, Sarah C. Chambers, and Lara Putnam (Durham: Duke University Press, 2005); Nunes Mendonça, *Entre a mão e os anéis: A lei dos sexagenários e os caminhos da abolição no Brasil*; Spiller Pena, *Pajens da casa imperial: Juriscultos, escravidão e a lei de 1871*.

<sup>26</sup> Grinberg, “Slavery, liberalism, and civil law,” 116.

<sup>27</sup> *Ibid.*, 117.

<sup>28</sup> Nunes Mendonça, *Entre a mão e os anéis*; Spiller Pena, *Pajens da casa imperial*.



the street. Patron-client relations based on ethnic bonds created important commercial networks in the city, as was the case with small commercial establishments, such as *botequins* (snack bars) and Portuguese *caixeiros*, and Syrio-Lebanese vendors and the development of the commercial district of SAARA.<sup>29</sup> Shifts in the notions of contract labor and the increasing responsibility of the State toward the regulation of the urban populace gradually bound street vendors to the State and away from private patrons and *fiadores*.

The attenuated abolition of slavery and the ensuing social, political, and labor relations that changed the system of *ganho* and street commerce in the latter half of the nineteenth century raises the question of citizenship and the exclusion/inclusion of street vendors in post-abolition Rio. Exploring the origins of liberalism in Brazil, the Brazilian historian Alfredo Bosi argues that imperial rule justified the co-existence of slavery and liberalism in Brazil, and the result was not an inadequate or “out of place” (*fora de lugar*) liberalism, but rather a locally produced dialectical liberalism that incorporated the Western discourse of enlightenment, in particular *laissez-faire* economics, and the “national circumstances [and] peculiarities” of Brazilian slave society.<sup>30</sup> A lack of formal political liberalism, however, did not preclude subaltern political activity, as black brotherhoods and the daily contact of slaves and the free urban poor with the judiciary system and the police created experiences of belonging and urban popular

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<sup>29</sup> Fabiane Popinigis, *Proletários de casaca* (São Paulo: Editora da Unicamp, 2007); Kessel and Worcman, *Um balcão na capital*; Susanne Worcman, *Saara* (Rio de Janeiro: Relume Dumará, 2000).

<sup>30</sup> Alfredo Bosi, *Dialética da colonização* (São Paulo: Companhia das Letras, 1992); Roberto Schwarz, *Ao vencedor as batatas* (São Paulo: Duas Cidades/Editora 34, 2000 [1977]); Emilia Viotti da Costa, *The Brazilian Empire: Myths and Histories* (Chapel Hill: University of North Carolina Press, 2000 [1985]).

citizenship. Street peddlers' dealings with the police and the judiciary system also reflected the limits of citizenship and the "problem of freedom," as well as the challenges to those limits.<sup>31</sup>

In the turn to free labor, the increasing responsibility of the municipality toward the regulation of *ganho* labor and street commerce placed many vendors in "legal contact zones" with the State.<sup>32</sup> The streets where vendors were arrested, the detention centers where they were held, and the courtrooms where they were processed for municipal infractions or penal violations were the legal areas that helped create popular and hegemonic notions of civic membership, public order, and legitimate labor. Under imperial rule, the Criminal Code of 1830 and municipal legislation concerning *ganhadores* shaped the policing of street behavior and commerce in Rio, to the extent that criminal law came to regulate some street commercial activity. This trend further progressed under republican rule with the establishment of the Penal Code of 1890. The ambivalent position of street commerce at the turn of the century as formal labor yet vulnerable to discursive and de facto modern cleansing practices that reorganized urban space and citizenry shaped the gradual and uneven marginalization of street commerce into a matter of citizenship building. Street vendors, for their part, united to struggle against the

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<sup>31</sup> Martha Abreu, *O Império do Divino: festas religiosas e cultura popular no Rio de Janeiro, 1830-1900*; Flávio dos Santos Gomes, Carlos Eugênio Líbano Soares, and Juliana Faria Barreto, *No labirinto das nações: africanos e identidades no Rio de Janeiro, século XIX* (Rio de Janeiro: Arquivo Nacional, 2005); José Murilo de Carvalho, *Os bestializados: o Rio de Janeiro e a República que não foi* (São Paulo: Companhia das Letras, 1987); Sidney Chalhoub, *Visões da liberdade: uma história das últimas décadas da escravidão na corte*; Thomas Holt, *The Problem of Freedom*.

<sup>32</sup> For Gilbert Joseph's discussion of the term "legal contact zones" see, Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M Joseph, ed. *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham: Duke University Press, 2001).

repressive conditions of their work because of increasing fines and policing, collectively organizing to be recognized as legitimate workers and citizens.

Social anomie became an explanation for racial hierarchies in the Durkheimian scholarship of Brazilian anthropologists and sociologists studying the integration and marginalization of blacks in modern Brazil in the mid-twentieth century. Studies that resulted from the postwar UNESCO initiative, also inspired by the Sociological School of Chicago, were important in debunking the myth of racial democracy and highlighting racial inequality in Brazil.<sup>33</sup> But Brazilian scholar Florestan Fernandes identified the causes of racial inequality in the pathological consequences of slavery for blacks.<sup>34</sup> In *Beyond Slavery*, historians Frederick Cooper, Thomas Holt, and Rebecca Scott note that Latin Americanists have inadequately addressed the unsuccessful integration of freedpeople into systems of free labor, erroneously displacing a discussion of the “problems with freedom” on to the “legacies of slavery.”<sup>35</sup> A prime instance of this is Fernandes, who in a study published in 1964, claimed that the experience of slavery had placed blacks and mulattos in a state of anomie that disabled them from assuming new, modern roles as citizens and wage-earners.<sup>36</sup> In response, the Brazilian historiography of the 1980s and 1990s, overlooked by Cooper et al., addressed the “problems with freedom” by arguing that the system of free labor – and not the

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<sup>33</sup> Edgar S.G. Mendoza, “Donald Pierson and the Sociological School of Chicago in Brazil: urban studies in the city of São Paulo (1935-1950),” *Sociologias* 14 (2005): 440-470. The author contends that the School of Chicago significantly influenced three fields of study in anthropology and sociology in Brazil (mainly in the city of São Paulo: 1) racial relations (blacks, whites, and immigrants); b) community studies; and c) studies of the city (primarily São Paulo).

<sup>34</sup> Florestan Fernandes, *The Negro in Brazilian Society*, trans. Jacqueline d. Skiles, A. Brunel and Arthur Rothwell (New York: Atheneum, 1971). First published in Brazil in 1964.

<sup>35</sup> Cooper, Holt, and Scott, *Beyond Slavery*, 1-32.

<sup>36</sup> Fernandes, *The Negro in Brazilian Society*.

debilitating legacy of slavery – marginalized blacks and mulattos in Brazil.<sup>37</sup>

However, recent historiography on Brazil's transitional period goes beyond the “legacies of slavery”/“problems with freedom” divide by instead focusing on the interplay between the experience of slavery – not assumed to be inherently damaging – and the problem of freedom.<sup>38</sup>

Linking a non-debilitating "legacy of slavery" with the "problems with freedom," my dissertation contributes to this emerging historiography since I argue that urban slaves and free blacks dynamically created social and commercial networks through street vending, which persisted among the post-abolition urban poor as an alternative economy to formal wage labor. Formal wage labor was, on the one hand, unavailable to many blacks who experienced racial discrimination by employers; on the other hand, formal wage labor became unappealing to many blacks because of low wages and/or working conditions analogous to slavery. Maria Cecilia Velasco e Cruz's study of the 1906 coffee warehouse strike illustrates the particular nature of labor activism among Rio's laborers of African descent, as black wharf workers “came to form a workers' society outside of, but parallel to, the already formally organized stevedores.”<sup>39</sup> Velasco e Cruz finds that the 1906

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<sup>37</sup> Cooper, Holt, and Scott did not consider the Brazilian case when they co-authored *Beyond Slavery*, which is precisely the one with the richest bibliography on the “problem with freedom” question. Reid Andrews, for example, bases his study *Blacks and Whites in São Paulo* (Madison: University of Wisconsin Press, 1991) on a critique of the Fernandes thesis. Also see, Celia Marinha de Azevedo, *Onda Negra, Medo Branco: O negro no imaginário das elites – Seculo XIX* (Rio de Janeiro: Editora Paz e Terra, 1987); Lúcio Kowarick, *Trabalho e vadiagem: a origem do trabalho livre no Brasil* (São Paulo: Editora Brasileira, 1987); Chalhoub, *Trabalho, lar, e botequim*.

<sup>38</sup> Maria Cecília Velasco e Cruz, “Puzzling out Slave Origins in a Freeman’s Strike: The Rio de Janeiro Coffee Strike of 1906” *Hispanic American Historical Review*; Thomas Holt, *The Problem of Freedom*; Mary Turner, ed. *From Chattel Slaves to Wage Slaves: The Dynamics of Labor Bargaining in the Americas* (Bloomington: Indiana University Press, 1995).

<sup>39</sup> Maria Cecilia Velasco e Cruz, “Puzzling out Slave Origins in a Freeman’s Strike,” 1. The author identifies many stevedores as descendants of Mina slaves.

strike and the process of labor organizing had origins in the traditions of the city's nineteenth-century *escravos de ganho*, which she claims widens the scope of Latin American labor history: "Traditionally historians have concentrated on immigrants and industrial workers to the exclusion of slaves, blacks, and poor casual workers usually considered as not being capable of autonomous behavior or political action. The strike of 1906 with its origins in Brazil's slave past revises that conventional interpretation and suggests new questions for other places and times."<sup>40</sup>

The revisionist interpretation of slave legacies not inherently debilitating developed alongside to recent scholarship revisiting the issue of citizenship in post-abolition Brazil.<sup>41</sup> The works by anthropologists James Holston and Olívia Maria Gomes da Cunha, and historians Flávio Gomes dos Santos and Brodwyn Fischer examine citizenship as a structural and experiential category that normalized a "differentiated citizenship" (Holston), a "quasi-citizenship" (Cunha and Gomes), and a "poverty of rights" (Fischer) in Brazil.<sup>42</sup> Their case studies mostly focus on the metropolitan centers of Rio and São Paulo. Their arguments address the marginalization of blacks and the poor more generally, discussing the shared history of enslaved and free labor, slavery and modernity. According to the authors, the urban poor's experience of citizenship was based on the interrelationships between

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<sup>40</sup> Maria Cecilia Velasco e Cruz, "Puzzling Out Slave Origins in a Freeman's Strike," 2. On this approach, Mary Turner, ed., *From Chattel Slaves to Wage Slaves*; Silvia H. Lara, "Escravidão, Cidadania e História do Trabalho no Brasil", *Projeto História*, 16 (1998): 25-38; John D. French, "A história latino-americana do trabalho hoje: uma reflexão autocrítica," *História Unisinos*, 6, no. 6 (2002): 11-28.

<sup>41</sup> Historians of the Brazilian empire have also recently explored citizenship as an active and complex category that non-elite social groups, such as slaves, engaged with regularly. See, José Murilo de Carvalho, ed. *Nação e cidadania no império: novos horizontes* (Rio de Janeiro: Civilização Brasileira, 2007).

<sup>42</sup> Olívia Maria Gomes da Cunha and Flávio dos Santos Gomes, ed. *Quase-cidadão: histórias e antropologias da pós-emancipação no Brasil* (Rio de Janeiro: Fundação Getúlio Vargas, 2007).

formal and informal, legal and extralegal structures and practices that shaped their struggles for social and economic justice. Political discourse constructed notions of formality and informality, the latter becoming the space of negotiation between government authorities and the working poor, as exemplified in the works of Fischer and Holston. The ambiguous status existence of street commerce in the twentieth century reflected vendors' interaction with formal and informal practices, resulting in an experience of citizenship that was differentiating and marginalizing as public behavior was criminalized and street commerce became overregulated.

The dissertation is divided into six chapters which follow the transition from slavery to freedom and the trajectories of slave legacies and modernist visions surrounding street commerce. As Chapter One illustrates, in urban slave society, *ganhadores* – both enslaved and free – were required a municipal license to sell and work on the street. In order to attain such a license and thus register them with the municipality as formal street laborers, masters paid a license fee for their slaves whereas free workers required the sponsorship of a guardian, or *fiador*. The *fiador* was usually an employer profiting from the *ganhador's* earnings, which underlines the considerable overlap in the working conditions of free and enslaved *ganhadores* as they might have enjoyed greater autonomy in terms of their work process, but never captured all of their earnings, even of free. The licensing of *ganhadores* became an official practice in the middle of the nineteenth century, but, as had been customary, many enslaved and free *ganhadores* sold on the streets of Rio without a license, and continued to do so. The growth of the free black population alongside the gradual decline of slavery

put a strain on State authorities to increasingly regulate urban labor and police the urban population, as had been the case since the times of the Portuguese Court in Rio.<sup>43</sup>

In 1879 municipal officials remarked that they had only licensed thirty-nine *ganhadores* the previous year. They concluded that this, on the one hand, reflected the significant decrease in the number of slaves working on the streets, since slaves traditionally had been the group to hold the most licenses. On the other hand, official claimed that the absence of license requests in 1878 was largely because immigrants and free men of color had “invaded” the city and “deliberately neglected to obtain licenses.”<sup>44</sup> In all likelihood, immigrant and free-worker resistance to obtaining licenses reflected the desire of free *ganhadores* to disassociate themselves from traditional markers of enslaved and African labor, as had been the case in the 1857 *ganhadores* strike in the city of Salvador.<sup>45</sup>

Official efforts for the greater regulation of street labor and commerce during the winter of 1879 resulted in the licensing of about eight hundred free *ganhadores*, most of them Southern European immigrants from Italy, Spain, and Portugal. Chapter One analyzes the social profile of *ganhadores* as revealed in the registry of *licenças de ganho*, or licenses to work on the street. Because of their link to slavery, licenses were informally known as “black *ganhador* licenses,” or *licenças de negro de ganho*. Consequently, Spanish, Portuguese, and Italian immigrants found themselves applying for “black *ganhador* licenses” and

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<sup>43</sup>Algranti, *O feitor ausente*.

<sup>44</sup> AGCRJ, 6-1-59, Escravos ao ganho. Barreto, Gomes, and Soares, *No labirinto das nações*, 126.

<sup>45</sup>Reis, "The Revolution of the *Ganhadores*'."

negotiating with municipal regulations that organized free and slave street labor under one system – the *ganho* system. Street vending was associated with “black” labor and slavery and municipal and police authorities discursively racialized (white) European *ganhadores*, who peddled on the streets just like blacks. In having to solicit “black *ganhador* licenses” and follow municipal procedures that submitted Europeans to dependent relations with patrons, employers, and the State, white immigrant workers participated in an Atlantic experience of freedom that was not only connected to the nineteenth-century political economy of free labor, but to the local legal practices of an urban slave society that organized free and slave street labor under one system. Enslaved street peddlers and free *ganhadores* of both African and European descent were structurally and experientially situated between slavery and freedom, as they negotiated with patrons and guarantors, police authorities, and consumers who were habituated to the slave and African characteristics of street vending.

Chapter Two discusses the policing of street vendors during the last two decades of slavery. The eve of abolition, specifically the years 1883 and 1886, signaled a significant turning point in the regulation of street commerce as authorities became more concerned with policing behavior rather than with commercial activity per se (i.e., buying and selling on the street). In 1883, the parish of Santana became notorious in newspaper discussions that narrated “Street Occurrences,” with columnists noting that the high number of police arrests of free peddlers was violating the very principles of the free market, and commenting on the ambiguity of freedom and the excesses of policing.



*Ganhadores*, peddlers, porters, shoe-shiners, and knife-sharpeners – slave and free – were more vulnerable to police enforcement of the criminal code than municipal regulation of street commerce. Moreover, unlicensed street workers could be charged for violating both the criminal code and street commerce regulation, as exemplified in the arrest of a group of thirty-three free *ganhadores* in August 1883 in the parish of Santana. This group of mostly European immigrants and a few Brazilian and African peddlers were first arrested for being unlicensed and later held at the House of Detention under vagrancy charges. This case of unlicensed peddlers turned vagrants demonstrates the porous line between street economic practices of survival or subsistence and behaviors that authorities constructed as vagrant, disorderly, or criminal.

The imminent end of slavery in the 1880s involved the transition from private to public – patron/guardian to State – sponsorship and administration of *ganhadores*. For example, the one free “Congo” African who requested a *ganhador* license in 1886 did not have or need the sponsorship of a guardian, or *fiador*.<sup>46</sup> In 1886, policy toward *ganhadores* and the process of license registration changed. Before soliciting a license from the municipal government, *ganhadores* now had to register first with the police. Upon registration, *ganhadores* received a number, which they then presented to municipal officials in order to receive the formal license. A registration number with the police substituted the traditional figure of the guardian. In the 1880s, police in Rio, as historian Martha Abreu observes, took entire control of street cultural and economic activities, such as religious street festivities, which previously the

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<sup>46</sup> Discussed in Chapter One.

municipal government had administered.<sup>47</sup> The few *ganhador* license registrations from 1886 demonstrate that the shift from municipal to police regulation of street commerce marked the last decade of slavery and foreshadowed certain legal and attitudinal changes and attitudes regarding street commerce of the early post-abolition and republican period. In addition, the experience of the urban police as overseer of slave and free street labor set a precedent, pushing street commerce toward a path of marginalization shaped by associations with criminality.

If the tenuous and transitional historical moment of imminent abolition positioned street commerce *near* a crossroads between criminality and urban labor market regulation, the republican Penal Code of 1890 ensured that disciplinary measures established by criminal law would focus on correcting individuals and not inadequately regulated street commercial activity. Thus, the minor José Martins, to be found next to a *café quiosque* of the Praça da República on a winter morning in 1893, possessed a blade that for him was a working tool to unpack and distribute newspapers, but that authorities interpreted as the well-known weapon of *capoeiras*.<sup>48</sup> Chapter Three discusses legal changes and citizenship experiences that defined the transition from imperial to republican rule in 1890-1902. The shift from the regulation of street commerce to monitoring of behavior is evident in the hundreds of registry entries recording the detention of peddlers at the turn of the century in the municipal House of Detention, or Rio's *Casa de Detenção*. Public disorder followed by vagrancy and inebriation were the most

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<sup>47</sup> Abreu, *O Império do Divino*.

<sup>48</sup> Discussed in Chapter Three.

common reasons for arrest. As opposed to the slave period, no street vendor after 1890 was detained for being unlicensed, even though early republican law continued to rely on imperial municipal codes concerning *ganhadores*. Additionally, in contrast to the slave period, only a few street workers identified themselves as *ganhadores*, the last one making an appearance in the 1906 registry entries of the *Casa de Detenção*. It is possible that many vendors detained for vagrancy or public disorder were also unlicensed or violating other norms of *ganho* work, but these reasons were not noted in the detention center registry, which was more concerned with recording penal violations instead.

During the republican period (after 1890), many street vendors who were first detained in the *Casa de Detenção* were later processed in court. While Rio police were more preoccupied with the regulation of inappropriate street behavior over commercial activity, court judges expressed mixed attitudes toward discipline. Chapter Three demonstrates how uncertain evidence and the protection of personhood over property, for example, shaped some judges' decisions and mitigated the weight of racist attitudes. In the "legal contact zones" of courtrooms, streets, and the conversations that took place between offenders, defendants, victims, witnesses, family, friends, and community members, notions of appropriate public, private, and civil behavior was the result of a process of exchange involving urban officials and residents, and influenced by both systemic-hierarchical and popular-horizontal relations. In this way, citizenship was the common hegemonic language, created by political liberals and redefined by subordinate groups and authority figures in everyday forms of legal and social

dialogue. Vendors negotiated with the law primarily as individual citizens and secondarily as commercial agents or workers. Republican rule cemented the gradual shift from State regulation of street commercial activity to the monitoring of individual behavior – a process that originated in the late slave period and came to fruition with the hegemonic construction of republican citizenship. In the transition to free labor, the individual took precedence over the market, as it was political and not economic liberalism that was dramatically transforming society with the elimination of the slave.

The regularization and enclosure of traditional outdoor markets reflected the municipality's decision to do away with the “African” markets, reminiscent of the “backward” slave period and thus incompatible with the republican ideal of “order and progress.” Within the world of street commerce, the “black city” (*cidade negra*) –characterized by the presence of African markets and black marketeers – gradually disappeared, at least within the formal economy.<sup>49</sup> Several markets operating in Rio since the early-mid nineteenth century, such as the Mercado da Candelaria (founded in 1835), the Mercado da Praça Harmonia (1835), and the Mercado da Glória (1840), did not disappear, but were modernized under the Passos reforms (1902-1906).<sup>50</sup> Although *ambulantes* were not allowed to sell in these markets, they still did, engaging in confrontations with the police. As John Cross argues in his study of street commerce in Mexico City, “street vendors are in a constant state of potential or actual conflict over space in a way that puts them at

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<sup>49</sup> Roberto Moura, *Tia Ciata e a pequena África no Rio de Janeiro* (Rio de Janeiro: FUNARTE, 1983).

<sup>50</sup> Samuel Gorberg and Segio A. Fridman, *Mercados no Rio de Janeiro, 1834-1962* (Rio de Janeiro: S. Gorberg, 2003).

the forefront of the debate over informality in modern urban settings.”<sup>51</sup> In the case of Rio, the conflict over urban space between street vendors and the municipality did not only involve the ex-slave population, as street vending attracted many foreign immigrants as well.

The above describes the transitional climate surrounding street commerce, which also expressed itself, as Chapter Four explains, in the wave of patent requests proposing to rationalize and sanitize street commerce at the turn of the century. If, on the one hand, the policing of Rio’s streets sought to eliminate certain “uncivil” and “criminal” aspects of street vending, the rationalization of street commerce through new vending technologies, on the other hand, reflected the “industrial” potential of street commerce that certain professional and technical groups, such as civil engineers, persistently advocated as a basic necessity for the wellbeing of the growing urban population. Chapter Four examines the scientific discourse that envisioned a new modern era for street commerce. Between 1885 and 1909 at least thirty men of science – engineers and industrialists – made requests to patent “inventions” that would transform vending methods deemed “filthy” and backwards. All inventions focused on how the application of particular technologies would improve and sanitize transactions between seller and consumer, providing more comfortable and dignified working conditions for street peddlers. The capital invested in the creation of new vending technologies and patent requests demonstrated that street commerce was not necessarily perceived by many as irrevocably pre-modern or anti-modern.

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<sup>51</sup> John C. Cross, *Informal Politics: Street Vendors and the State in Mexico City* (Stanford: Stanford University Press), 8.

The next (and fifth) chapter's focus is on street commerce in the early decades of the twentieth century (1903-1925), and reveals that street peddlers, or *ambulantes*, were part of an enduring street urban market economy of subsistence and survival that was not strictly informal yet was being substantially transformed with the transition to free labor. Many street vendors were marked by new criminal and legal categories, restricting individual experiences of freedom and in part creating an urban underclass based on the association of informal street vending with criminal behavior. Legislation focusing on criminal behavior rather than illicit commercial activity created the groundwork for the marginalization of street commerce, but this was an uneven development not always enforced by judicial processes and the courts, and shaped by popular notions of citizenship that appeared in court struggles. Even with new municipal legislation in 1904 prohibiting most forms of street vending, in addition to the Passos reforms that created formal market areas (*feiras livres*) as well as the wrought-iron Municipal Market, street vendors were not only sought by consumers, but also celebrated figures in the urban folklore of *carioca* chronicle writers. The strength of customary practice and vendor resistance prevented the complete prohibition of street commerce, and consequently the municipality opted for higher regulation. The tension between the desire to eliminate street commerce and archaic practices inherited from the slave period, and the impossibility of doing so because of the ongoing importance of street vendors in the distribution of basic goods defined the ambivalent modernity of street commerce.

The last and concluding chapter analyzes the trajectory of the social and visual histories of street vendors during the transitional era from slavery to the early post-abolition period. Visual representations of the street vendor appeared in naturalist paintings published in the 1830s, in photography of the 1860s, 1890s and 1900s, and in the writings of twentieth-century *cronistas*, or chronicle writers, dedicated to observing the “modern” transformation of Rio in the early twentieth century and memorializing *O Rio antigo*. Artistic representations of street vendors revealed certain aspects of the cultural normalization of street commerce in early twentieth-century Rio. The ambivalent modernity of a society born out of slavery was a common theme running through the prose of *cronistas*, who made everyday life an object of study and cultural critique, writing about marginal city dwellers, such as the prostitute or the beggar, as modern subjects and not objects. *Cronistas* such as João do Rio romanticized the *ambulante* as an urban type who incarnated certain legacies of the past, constitutive of a modernity that was uniquely *carioca*, or native to the city of Rio. Previous representation of the street peddler as a slave type thus developed into the urban type that came to define peddlers in the twentieth century.

The cultural normalization of the *ambulante* as a *tipo carioca* in the twentieth century also had a gendered dimension. Afro-Brazilian female peddlers (such as Tia Ciata) were particularly celebrated in urban folklore, becoming respected figures in working-, middle-, and upper-class circles, as they served a wide range of customers who often protected them from the police authorities in

downtown Rio.<sup>52</sup> While the social history of street commerce demonstrates its ambivalent position in Rio, its visual history or how street vendors were represented in slave and post-slave society reveals that the cultural normalization of certain practices, such as the *bahiana* street seller, occurred alongside municipal overregulation which had socio-economic marginalizing effects. Street sellers, who were considered “wage earners” (*ganhadores*) in the nineteenth-century slave society of Rio, became *ambulantes* or free (mobile) street vendors located on the border between the worlds of formality and informality in the twentieth century.

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<sup>52</sup> Moura, *Tia Ciata*; Mônica Pimenta Velloso, “As tias bahianas toman conta do pedaço: espaço e identidade cultural no Rio de Janeiro” *Estudos Históricos* 3 no. 6 (1990): 207-228.



## Chapter One

### *Negros de Ganho: Africans, Brazilians, and Europeans between Slavery and Freedom on Rio de Janeiro's Streets, 1850-1888*

Street commerce played an essential role in Brazilian urban slave society. In nineteenth-century Rio de Janeiro and in other port cities of the Atlantic, street peddlers – African-, foreign-, and Brazilian-born, male and female, enslaved and free – provisioned the city selling food and other basic goods to urban residents of all social classes. It would have been impossible, historian Cecília Moreira Soares notes, to live without female peddlers and their male counterparts in Brazilian Atlantic port cities.<sup>1</sup> Known as *ganhadores*, the men and women plying their services and wares on the streets of the Brazilian capital captured the attention of travelers, who often noted the particularities of urban, non-plantation slave society. This chapter examines the system that regulated street commerce and labor in Rio. The *ganho* system, we shall see, was not merely an ad-hoc arrangement for provisioning. It was, I argue, an institution that organized enslaved and free labor, establishing a formal structure to myriad informal practices of street vending. Thriving within the interstitial spaces between slavery and freedom that characterized Rio's slave society, the *ganho* system reflected certain deceptive realities of the ideology and praxis of free labor during the process of gradual abolition that began with the cessation of the slave trade

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<sup>1</sup> Cecília Moreira Soares, "As Ganhadeiras: mulher e resistência em Salvador no século XIX," *Afro-Ásia* 17 (1996), 67; Luiz B. Mott, "Subsídios a história do pequeno comércio no Brasil", *Revista de História* 53, no. 105 (1976).

between Africa and Brazil, in 1850, and culminated in final and summary emancipation for all slaves in May 1888.<sup>2</sup>

The turn to the social history of slavery that took off in the 1980s produced a significant number of works that examined urban slave society in Brazil. The *ganho* system featured prominently in this literature. Douglass Cole Libby, a specialist in slavery in Minas Gerais, identified the *ganho* system as being characterized by the “classical attribute” of free labor – individual mobility.<sup>3</sup> Yet, as Marilene Rosa Nogueira da Silva has argued, the *ganho* system was founded on a contradiction. On the one hand, *ganhadores* became essential providers in urban slave society as the city grew and demand for transportation, commerce, and manufacturing increased. On the other hand, when the slave “left the slave barracks and enter[ed] the streets” he became “necessary, feared, and despised.”<sup>4</sup> The *ganho* system was integral to the maintenance of the urban slave society and economy, but it was also a liminal space within the traditional slave structure. Individual mobility not only characterized the enslaved *ganhador*, but the ability to bargain for wages in exchange for labor power further positioned the urban street slave at the crossroads of slave and free labor. Nogueira da Silva described the *ganho* system as a breach that was itself a consequence of dominant

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<sup>2</sup> Starting with the abolition of the slave trade between Rio and West Africa in 1831, during the second half of the nineteenth century, between 1850 and 1888, Brazilian authorities gradually approved anti-slavery laws, ending the slave trade between Africa and Brazil in 1851, freeing the children of enslaved mothers in 1871, freeing all slaves over the age of 65 in 1885, and finally abolishing slavery in 1888.

<sup>3</sup> Douglass Cole Libby, *Escravo e capital estrangeiro no Brasil; o caso de Morro Velho*. (Belo Horizonte: Ed. Itatiaia, 1984). Quoted in Marilene Rosa Nogueira da Silva, *Negro na rua: A nova face da escravidão* (São Paulo: Editora HUCITEC, 1988), 90. Nogueira da Silva’s work is in dialogue with Richard Wade, *Slavery in the Cities of the South, 1820-1860* (London: Oxford University Press, 1977).

<sup>4</sup> Nogueira, *Negro na rua*, 91.

ideology, relegating slaves and free blacks to the bottom echelons of society, yet enhancing opportunities for socio-economic mobility, as enslaved and free black *ganahdores* were able to accumulate some capital by working and selling on the street.

Official measures toward urban slaves and free blacks, and enslaved and free *ganahdores* in particular, were indicative of attitudes toward race and class that emerged from urban slave society and profoundly shaped race and labor relations in freedom. By conceptualizing the ambiguous status of workers in the *ganho* system according to Ira Berlin's reading of the "free Negro" in the antebellum U.S. South, then the *ganhador*, or "the kind of free Negro caste [...]" that a slave society produces [,] directly reflects the state of slavery within that society and tells much about the standing of other groups as well."<sup>5</sup> Although *ganhadores* were both slave and free, black and white – and not the "kind of free Negro caste" that Berlin describes, the slippery identity of the *ganhador* in nineteenth-century legal culture revealed a racialized class ideology that was being forged in the dialectic of slavery and freedom. The measures that the city of Rio adopted toward *ganhadores* were part of the larger legal culture that aimed to end slavery gradually and smooth the transition to free labor. Berlin contends that "[a]s in every slave society, the nature of emancipation determined the character of the free Negro caste," and in Rio this translated into gradual abolitionism conditioning the racialized figure of the *ganhador*, or poor street workers such as peddlers.

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<sup>5</sup> Ira Berlin, *Slaves without Masters: the Free Negro in the Antebellum South* (New York: The New Press, 2007 [1974]), xxvii.

The *ganho* system was a world where slavery and freedom coexisted, in which certain slave legacies endured as a response to numerous *problems of freedom*, perpetuating patron-client dependency after slavery. The *ganho* system in the latter half of the nineteenth century embodied the ambivalent structural and experiential transition to free labor that affected slave, free/d, and immigrant *ganhadores*. The precedent that organized slave and free street labor under one system, however, was established in the first half of the nineteenth century. After the drafting of the 1830 Criminal Code – a utilitarian application of the law that legitimized slavery and subjected free people of color to private-patron and/or public-State supervision – emerged the process to license enslaved *ganhadores* in Rio.<sup>6</sup> It was not until after the abolition of the trans-Atlantic slave trade and the growth of the free black urban population that the municipal government started processing licenses for free African *ganhadores*, most of them freed men and women born in Africa, or *libertos*.<sup>7</sup> As laws gradually emancipated slaves after 1850, licensing procedures developed not only to include free *ganhadores* of African origin or decent, but immigrant workers from Europe and rural areas in Brazil who were entering the world of street commerce in Rio, and thus an urban slave economy. It was these particular systemic adjustments, US historian Richard Wade argues, that made it “possible for urban economies to maintain a flexible colored labor force without disturbing, legally at least, the institution of slavery.”<sup>8</sup>

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<sup>6</sup> AGCRJ, 6-1-43, Escravos ao ganho e escravidão 1833-1841.

<sup>7</sup> AGCRJ, 38-1-31, Africanos livres ao ganho 1855-1880.

<sup>8</sup> Wade, *Slavery in the Cities*, 48.

Eventually, free *ganhadores* became part of a racialized class, regardless of skin color or national origin, in a system that submitted street workers, such as peddlers or porters, to relationships with the imperial State that reproduced in free labor the control it had exerted over slave labor. Vending skills that people of African descent learned in bondage were carried over to freedom, while immigrants from Portugal, Spain, and Italy entered the world of street commerce, which was structurally and culturally associated with slavery. State licenses to sell goods on the street were popularly known as “black *ganhador* licenses” and also applied to European immigrants.<sup>9</sup> Historians of urban slave society in Rio have explored the lives of enslaved *ganhadores* and free African *ganhadores* by analyzing the requests for licenses.<sup>10</sup> Their works produced insightful social histories of urban slave society in Rio, but in discussing the *ganho* system according to slave and African experiences, they overlooked a large number of *ganhadores* who were not African or Brazilian, but foreign immigrants mainly from Southern Europe, who were also actors in the city’s structural and experiential turn to free labor. On the one hand, the State was committed to stimulating European immigration to Brazil in order to substitute slave with immigrant labor, especially on plantations; on the other hand, autochthonous factors in several Southern European countries pushed many poor workers to “make the Americas.” Thus, among street peddlers in Rio, freedom and free labor

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<sup>9</sup> Samuel Gorberg and Sergio A. Fridman, *Mercados no Rio de Janeiro, 1834-1962* (Rio de Janeiro: S. Gorberg, 2003), 9.

<sup>10</sup> Flávio dos Santos Gomes, Eugênio Líbano Soares, and Juliana Faria Barro, *No Labirinto das nações: africanos e identidades no Rio de Janeiro, século XIX* (Arquivo Nacional: Rio de Janeiro, 2005), 105-148; Nogueira da Silva, *Negro na rua*; Luiz Carlos Soares, “Os escravos de ganho no Rio de Janeiro século XIX,” *Revista Brasileira de História* 8, no. 16 (1988): 107-142.

were Atlantic, diasporic experiences conditioned by the slave past as well as other migratory flows that the gradual shift to free labor created.

### *Vending and Marketeering in an Urban Slave Society*

The political and economic culture that developed in nineteenth-century Rio was in large part a consequence of the transfer of the Portuguese royal court in 1807-1808. The prince regent João and approximately fifteen thousand *peninsulares* took up residence in a colonial port where more than a third of the population was enslaved. Both city and slave society were transformed. Being a port of entry, about ten thousand enslaved men and women hailing mainly from West-Central Africa, landed in Rio every year, as Rio grew into an imperial capital city.<sup>11</sup> Most of these African arrivals were sold to work on plantations, but many remained as slaves, working as gardeners, hunters, porters, muleteers, boatmen, sailors, factory workers, quarrymen, lamplighters, street cleaners, craftsmen, artisans, musicians, artists, peddlers, servants, and supervisors.<sup>12</sup> The urbanization that transformed the colonial capital into a royal court and the opening of Brazilian ports to foreign trade increased the demand for urban slave labor. Although urban slaves may have appeared to enjoy greater autonomy and freedom of movement than their rural counterparts, Mary Karasch has argued that slave life was not necessarily easier in the city than in the countryside. Many urban slaveowners lived on small landholdings on the periphery of the city, and

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<sup>11</sup> Kirsten Schultz, *Tropical Versailles: Empire, Monarchy, and the Portuguese Royal Court in Rio de Janeiro, 1808-1821* (New York: Routledge, 2001), 45.

<sup>12</sup> Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987).

thus many of Rio's slaves were also agrarian workers, especially in the suburban areas of São Cristovão, Engenho Velho, Catete, and Botafogo (Map 1a/b, Appendix Chapter One).

The loosening of trade barriers resulted in the royal decree of 1810, which suspended the preexisting law that prohibited petty commerce in Rio's private households and the street.<sup>13</sup> Consequently, no longer unhampered by the colonial legal code, an increasing number of street peddlers – slave and free – took up the sale of grains, fowl, vegetables, drinks, sweets, cloth, and other basic goods throughout the city. Door-to-door informal vending in the period prior to the transfer of the court had been usually carried out by Portuguese men who handled transactions while slaves carried the merchandise, as the scene Henry Chamberlain (1796-1855; 1819-1820 resident in Brazil) painted in 1820 reveals (Image 1, Appendix Chapter One).<sup>14</sup> However, by the beginning of the nineteenth century, most slaveowners preferred to instruct enslaved Africans in the offices of peddling; door-to-door vending became a task performed by male and female slaves of all ages and physical ability<sup>15</sup> as full-time or part-time work. Enslaved vendors often sold goods produced in the master's household (e.g. wax candles and food stuffs), whereas high valuable goods, such as silk and silver, continued to be sold by non-African vendors known as *mascates*, as the scene by Chamberlain depicts. In general, African labor became the essential means to distribute basic goods to the urban population. Slaves themselves took advantage

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<sup>13</sup> Carlos Kessel and Karen Worcman, *Um balcão na capital: memórias do comércio na cidade do Rio de Janeiro* (Rio de Janeiro: Editora SENAC, 2003), 14.

<sup>14</sup> Gorberg and Fridman, *Mercados no Rio de Janeiro*, 6.

<sup>15</sup> Karasch, *Slave Life in Rio*; "Mendigos ao ganho," *O Philantropo*, no. 11, 15 June 1849.

of this new arrangement, working on the streets on Sundays, holidays, and at night to sell products that they had made, bought, or even stolen. Those who became successful vendors were able to work full-time with permission from their master.

The ubiquity of African vendors and marketeers can be seen in the works of nineteenth-century artists such as Chamberlain and Jean-Baptiste Debret (1768-1848; 1816-1831 resident in Brazil), whose illustrations of urban Rio showed *escravos de alugel*, or slaves-for-hire<sup>16</sup>, and *escravos ao ganho*, or wage-earning slaves. Debret, who published a three-volume memoir of his fifteen-year residence in Brazil, observed that in walking through the streets of Rio “one became scared of the prodigious amount of black street workers walking around half naked and performing the most arduous and painful tasks.”<sup>17</sup> On the one hand, *escravos de alugel* were enslaved men and women that masters rented out to a third party for a specific fee. It was common for urban residents, who sometimes could not afford to own a slave or were residing in Rio temporarily, to rent enslaved women as domestic servants. The State frequently rented from slaveowners enslaved men to perform urban public works, such as construction. For example, in 1831, Guilherme de Castro was awaiting payment of 30\$080 for the two months his slave was State-employed as a mason in Largo da Carioca. In 1852, Theotonio Joé Dantas submitted a letter requesting that he be compensated for the death of his slave Daniel, who the military had employed as a builder and

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<sup>16</sup> See Richard Wade’s pioneering study, *Slavery in the Cities*, especially the chapter titled “Bondsmen and Hirelings” for an early historical study of slaves-for-hire, also known as “hirelings.”

<sup>17</sup> Quoted in Gorberg and Fridman, *Mercados no Rio de Janeiro*, 4; Jean-Baptiste Debret, *Viagem Pitoresca e Histórica ao Brasil* (Rio de Janeiro: Editora Itatiaia Ltda., 1989).



had died while attempting to put out a fire.<sup>18</sup> On the other hand, *escravos ao ganho*, or enslaved *ganhadores* (literally “earners”), were wage-earning slaves who were not hired out by their masters. Rather, wage-earning slaves could hire themselves out to a third party, bargain for wages, and return an agreed amount of the wages earned to their master. Wade argues that the arrangement in which slaves were able to “hire their *own* time” evolved from the “hirelings” system: “[h]iring out’, then, in either legal or extended form was an attempt to adjust slavery to the economic demands of urban life.”<sup>19</sup> Most *escravos ao ganho* were able to keep a small percentage of the earnings, which overtime increased the opportunities for purchasing freedom. Foreigners commonly observed the large number of peddlers who pestered the passersby in order to meet daily quotas established by the master as well as the vendor him or herself. In general, both slaves-for-hire and wage-earning slaves along with domestic slaves made up most of the slave population in Rio, which reached 100,000 by the mid-nineteenth century.<sup>20</sup>

The growing demand for urban slave labor, in combination with the “disorderly” nature of street vending prompted heightened policing after 1815. And even if urban slaves in Rio, as Leila Mezan Algranti observes, tended not to

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<sup>18</sup> Guilherme de Castro, “Requerimento encaminhado ao Ministério do Império, solicitando o pagamento de 30\$080, devido a seu escravo, pelo tratamento de pedreiro feito por dois meses nas obras da Carioca.” BN, Manuscritos, C-0757,029; Theotônio José Dantas, “Requerimento encaminhado ao Ministério do Império, solicitando ser indenizado pela morte de seu escravo Daniel, que trabalhava como pedreiro no Arsenal da Guerra e faleceu tentando apagar o incêndio do edifício das Obras Públicas em 30 de junho de 1852.” BN, Manuscritos, C-0768,004.

<sup>19</sup> Wade, *Slavery in the Cities*, 48-50, 54.

<sup>20</sup> Nogueira da Silva, *Negro na rua*, 71. Urban slaveowners tended to prefer Brazilian-born slaves for domestic work and African-born slaves for street work.

revolt<sup>21</sup>, they still confronted an intensifying regime of surveillance undergirded by the Criminal Code of 1830 and the municipal laws, or *Posturas da Câmara Municipal*, passed by the town council in 1838, 1854, 1860 and 1870. Given the absence of private supervision that governed plantation slavery, the State took on the role of policing urban slaves and repressing potential slave resistance. The Criminal Code of 1830 set the legal foundation for State administration of slave and free workers and municipal laws contextualized the manner in which such administration of the labor force would be carried out in the city of Rio. For example, responding to the increasing number of enslaved workers on Rio's street, the municipal government introduced in 1838 a new law to the existing legal code of 1830. Title 7 of the 1838 code, "regarding the fraudulent behavior of vagrants, beggars, lotteries, slaves, and *ganhadores*," attempted to control street behavior considered vagrancy, requiring that all slave and free *ganhadores* attain licenses from the imperial municipality and limiting the hours they were allowed to work on the street. Fines or imprisonment up to eight days, when unable to pay the fine, was the usual punishment.<sup>22</sup>

The municipal *posturas* of 1838, 1854, 1860, and 1870 reflected little change toward slave and free *ganhadores*, fines and time spent in prison being the variables that changed overtime. A main concern of the 1838 legal code was to regulate movement, behavior, and commerce on Rio's streets.<sup>23</sup> For instance,

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<sup>21</sup> Leila Mezan Algranti, *O feitor ausente: estudo sobre a escravidão urbana no Rio de Janeiro* (Petrópolis: Editora Vozes, 1988). As opposed to Salvador da Bahia, where African Muslim slaves rebelled against the State in 1835, Algranti argues that the absence of slave revolts in Rio was largely because of the greater opportunities slaves had to purchase their freedom.

<sup>22</sup> Código de Posturas, Ilustríssima Câmara Municipal (Rio de Janeiro: Emp. Typ. Douze de Dezembro. Dep. Brito. Impressor da Casa Imperial, 1838).

<sup>23</sup> Posturas da Câmara Municipal do Rio de Janeiro (Rio de Janeiro: Typ. Imp. e Nac., 1839).

Title 4 addressed noise pollution, obscene behavior, and offense to public morality by prohibiting loud speech. State regulation was an imprecise tool, however, as street peddling required that vendors vocally announce their presence, typically through singing. Competition could be intense, thus producing a cacophony of noise on the street. State regulation allowed singing for commercial ends during the official working hours of the day, which started at seven o'clock in the morning and ended at six o'clock in the afternoon, while the *canto do trabalhador*, or street vendors' signing, came to be a respected aspect of the municipal laws throughout the nineteenth century.

Adelino Magalhaes, a writer and precursor on the modernist movement in Rio, nostalgically recalled in a chronicle he wrote in 1887 the festive singing of street vendors he heard as a child from his room in his grandmother's house on Rua Marquês de Abrantes. The ice-cream vendor sang, "*Sorvete, Ioiô, Sorvete, Iaiá*" (ice-cream 'massa', ice-cream 'missus') reflecting the creolization of slave language that many travelers had noted of street peddlers. Vendors also appeared after dinner announcing knick-knacks, sweets, and other small goods, "*Miudos! Olha os bons miudos!*" - "*Baleiro! Balas de côco, de ôvo, altéia, hortelã-pimenta!*" - "*Biscoitos, sinhá!*" (Little goodies! Check out the wonderful little goodies! - Sweets! Sweets made from coconut, egg, and mint).<sup>24</sup> This chronicle suggests that vendors still roamed the city's streets after six o'clock. Municipal laws aiming to regulate slave and vendor nocturnal behavior demonstrate that

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<sup>24</sup> "Adelino Magalhaes, "Ambulantes de ontem" in *Obras completas*, vol. 2 (Rio de Janeiro: Livraria Editôra Valverde S.A., 1946), 472-473.

nighttime offered more freedom of movement and autonomy as well as opportunities to sell on the street or even escape from bondage.<sup>25</sup>

State regulation of urban street labor increased sharply after the abolition of the slave trade between Brazil and Africa in 1850, although the port-city of Rio had been legally cut off from the trans-Atlantic slave trade in 1832. The prohibition of the trans-Atlantic slave trade heightened elite attempts to control slave and free/d labor in order to maintain the market relations of slave society. In 1854, a new set of municipal laws specified the conditions under which slave and free *ganhadores* had to work in Rio.<sup>26</sup> Title 7 stated that individuals selling stolen or false goods would be penalized with a fine of 30 *milréis* (30\$000) and eight days in prison.<sup>27</sup> Vagrants of all ages and skin color, male and female, without proof of occupation would be fined 10 *milréis* (10\$000) and imprisoned for eight days. However, beggars, or individuals unable to work due to a disability, were allowed to beg on the street with the adequate State license. Following the municipal code of 1838, slaveowners were not allowed to have *escravos ao ganho* without registering and licensing them at the city town hall. In doing so, masters became the slaves' guarantors, or *fiadores*, and thus responsible for any fines incurred by the slave *ganhador*. Likewise, a free *ganhador* needed the sponsorship of a *fiador* to work on the street, and it was *fiadores* who were likely to have the capital to purchase a vending license. As of 1854 all licensed

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<sup>25</sup> Although commercial businesses such as small shops and market stalls were allowed to stay open until ten o'clock at night, the law specifically stated that slaves were not permitted to "hang around" any time longer than necessary.

<sup>26</sup> Código de Posturas, Ilustríssima Câmara Municipal (Rio de Janeiro: Emp. Typ. Douze de Dezembro. Dep. Brito. Impressor da Casa Imperial, 1854).

<sup>27</sup> One *mil-réis* (1\$000) was worth approximately 0.45 dollars at this time. Thomas Holloway, *Imigrantes para o café* (Rio de Janeiro: Paz e Terra, 1984), 268.

*ganhadores* had to wear a metal pin (*chapa*) in a visible place and carry a license, costing 200 *milréis* (200\$000), at all times. Enslaved *ganhadores* without the required pin and license ran the risk of eight-day imprisonment in the *calabouço* (slave dungeon), whereas free *ganhadores* faced a similar penalty, in the House of Detention. All *ganhadores* found with a false metal pin would be fined 30 *milréis* (30\$000) and eight days in prison. Enslaved *ganhadores* found on the street after seven o'clock in the evening had to provide proof of permission signed by the respective master that same day.<sup>28</sup> Other forms of street commerce that were not associated with slavery were also the target of State regulation. In 1851, a new law obliged *mascaters*, or street vendors that were not *ganhadores* or slaves, to pay for a license that had to be renewed annually.<sup>29</sup> *Mascaters* who sold jewelry, gold, and silver paid 100\$000 for an annual license; those who sold items made out of porcelain, glass, ceramic, and wood paid 50\$000; and those who sold knick-knacks, iron, aluminum, and other metallic goods paid 20\$000.

The State's policing measures regularly interfered with the domestic privacy of master-slave relationships once slaves entered the public sphere of the street economy. On 14 June 1850 José Maria Ribeiro registered one of his slaves and paid for a license that would allow his slave to *mascatear fazendas* (sell fabric goods) throughout the city and its suburbs. Two months later, the enslaved *ganhador* was arrested because he was found vending in the suburban parish of

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<sup>28</sup> In Salvador da Bahia, legal measures to control *ganhadores*, such as the ones adopted in Rio, resulted in a strike on behalf of the free *ganhadores* in 1857. Such behavior is so far unknown of in the case of Rio. João José Reis, "The Revolution of the *Ganhadores*': Urban Labor, Ethnicity, and the African Strike of 1857 in Bahia, Brazil," *Journal of Latin American Studies* 29 (May, 1997): 355-393.

<sup>29</sup> Although *mascaters* were considered to have a higher status than *ganhadores*, there is some slippage between both terms in the nineteenth century.

Campo Grande without a license, which he claimed he had forgotten at home, as often was the case.<sup>30</sup> The *ganhador* was held in custody for a day, and even though his master showed the original *ganhador*'s license to authorities, he still had to pay bail, which amounted to 10\$000. The amount masters paid to release an *escravo ao ganho* from prison was in fact 30\$000, according to the 1838 law. Being that Campo Grande was a rural parish with few urban *ganhadores*<sup>31</sup>, the slave was arrested not for violating the law pertaining to *ganhadores*, but because anybody (slave or free) selling merchandise that had to be measured and weighed, such as fabric materials, needed a license that was to be renewed annually or face a penalty of 10\$000. José Maria Ribeiro later appealed to municipal authorities for reimbursement of the fine as he had proof of the license and registration of the *ganhador*, yet the outcome remains unknown.

Another incident in the same year illustrates that a licensed *ganhador* wearing a metal pin did not entail complete immunity from public or private authority figures. All slaves regardless of regulatory legitimacy might still be treated as a threat to the established order, as the case of the African Estevão Benguela<sup>32</sup> illustrates. Promptly returning back to his master's house on 5 September 1850, at around seven o'clock in the evening, Estevão was accosted by

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<sup>30</sup> AGCRJ, 6-1-49, *Escravos ao ganho 1851-1855*, pp. 22-24.

<sup>31</sup> In the mid-nineteenth century, the parish of Lagoa was also a rural suburb of Rio in which slaves were domestic or agricultural workers, and as such still participated in activities, such as transporting agricultural goods, that were typical of urban porters. The inspector of the parish of Lagoa informed municipal authorities in 1841 that he did not apply *ganho* laws in his parish because slaves were mainly either domestic or agricultural workers and hence such laws did not apply. AGCRJ, 6-1-43, *Escravos ao ganho e escravidão 1833-1841*, p. 45.

<sup>32</sup> Names of enslaved men and women born in Africa tended to be composed by a first name (often given by the master) followed by the "nation" (or European label of the place of origin in Africa: Mina, Benguela, Congo, etc.); for example, Antônio Mina.

a pedestrian who then proceeded to beat him up.<sup>33</sup> Eyewitnesses later recounted how Estevão tried to explain himself by showing his *ganhador* license to the man, but the latter grabbed it from him and tied him up. A neighbor who knew the slave and his master confronted the pedestrian, who responded that he had orders to arrest a fugitive slave that looked just like Estevão. Eventually, Estevão was released, but the assailant kept the *ganhador*'s license and metal pin. Five days later Estevão's master complained to municipal authorities and requested another license and metal pin for his slave, arguing that he did not intend to pay for reissue.

Thus, it was not uncommon for licensed street peddlers and marketeers to become victims of abuse of power position, which sometimes involved high-ranking officials. On 15 March 1872 a group of licensed vegetable vendors, known as *quitandeiros*, set up their produce in Praça das Marinhas, one of Rio's main food markets in the parish of Candelária.<sup>34</sup> They were soon approached by the parish inspector, who claimed their licenses were invalid, "confiscating all vegetables and immediately auctioning them off to passersby." Later in the day, infuriated by this event, the vegetable vendors walked to the inspector's office in Candelária to protest that he did not have the right to void licenses that had been granted to them by the proper authorities. The inspector belittled their complaint by responding, "take it to the newspaper!"<sup>35</sup> Subsequently, the *quitandeiros* filed a complaint with the municipal government requesting their licenses be given back to them in addition to payment toward the confiscated vegetables. The

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<sup>33</sup> AGCRJ, 6-1-45, *Escravos ao ganho*, 1846-1850, p. 2.

<sup>34</sup> AGCRJ, 9-2-37, Candelária 1870-1888, pp. 31-32.

<sup>35</sup> During the slave period, the press was a forum for debate as Chapter Two discusses.

formal complaint was also against the inspector, arguing that many *quitandeiros* in the Praça das Marinhas informally sold vegetables without a license, yet they were able to do so because they were the inspectors “protected ones.”

Despite the evidence of police abuse, the previous case illustrates a level of organization surrounding marketeering practices in the nineteenth century. At the beginning of the century, the word “market” (*mercado*) generally defined any agglomeration of people who repeatedly sold a number of products in a particular location, as Chamberlain’s 1820 illustration of a *quitandeira* (female food vendor) in Largo da Lapa illustrates (Image 2, Appendix Chapter One).<sup>36</sup> Since colonial times, authorities had attempted to control vending practices by designating specific locations for the sale of certain goods. In 1637, for example, Rio’s municipal government decided that slaves were only permitted to sell fruits and vegetables along the perimeter of the city. The previous year authorities established that fish could only be sold in the port area known as Praia de Nossa Senhora do Carmo, between Largo do Paço and Rua da Alfândega. This locale became popularly known as the Praia do Peixe, which in the nineteenth century still housed the asymmetrical wooden market stalls that sold fish near Rio’s main food market in Candelária. Municipal law established in 1830 that only the owners of market stalls and cosignatories were able to sell fish to the public, and

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<sup>36</sup> Gorberg and Fridman, *Mercados no Rio de Janeiro*, 1-10. The authors draw from Chamberlain’s 1820 description (written and visual) of the *Barraca do Mercado*: “estas barracas pertencem, em geral, a negras livres que negociam com aves, verduras, legumes e milho, as vezes também com pão e peixe frito. Aí está um menino com a cesta de cabeça mandado pelo senhor para procurar emprego. O negro que carrega a cabeça não para de tocar a sua “mandinha lungungo” predileta, instrumento musical africano em forma de arco com um arame ao invés da corda. O modo de tocar é muito simples. São reduzidos os recursos musicais e muito poucas as melodias que se tocam acompanhadas quase sempre pelo canto do executante. São canções de sua terra natal, cantadas na própria língua materna”. Henry Chamberlain, *Vistas e costumes da cidade e arredores do Rio de Janeiro em 1819-1820* (Rio de Janeiro, 1943).



would be fined 10\$-30\$000 for selling rancid goods.<sup>37</sup> However, street vendors of fish, who were primarily slave and free men of African origin, also frequented Rio's commercial center. Licenses requested by slaveowners in the earlier half of nineteenth century reflect that fish was a major product sold by *escravos ao ganho* and not part of an exclusive market monopoly. In the 1850s, the number of non-slaves – freed African men, mulattoes (*pardos*), and Portuguese immigrants – requesting licenses to sell fish on the street increased considerably. Small fish markets were also scattered throughout the city, such as the market stalls of Praia da Pedra and Praia da Barra, as the urban population grew. In 1859, Antônio Pereira da Silva, a Brazilian citizen, requested a license to establish a small fish market in Praça da Igrejinha specifically so that residents of the suburban neighborhood of São Cristovão did not have to travel a long distance to the main market in Candelária.<sup>38</sup>

The main market square in nineteenth-century Rio was the Praça do Mercado, also known as the Mercado da Candelária. In 1830, the traveler Robert Walsh noted that market stalls that exposed “piteous” fruits, fish, and meat sold to the urban poor, who were mainly black, while slaves sold sweets, refreshments, coffee, and food in the nearby streets and plazas.<sup>39</sup> The markets in Candelária were created to improve the vending conditions of basic food stuffs, such as meat and fish, which had traditionally been sold in the nearby Praia do Peixe. The market in Candelária was divided into three main parts: the center specialized in fruits, vegetables, fowl, and eggs; the side facing the Guanabara Bay specialized

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<sup>37</sup> Posturas da Câmara Municipal do Rio de Janeiro (Rio de Janeiro: Typ. Imp. e Nac., 1839).

<sup>38</sup> AGCRJ, 61-3-16, Comércio de peixe e indústrias de pesca 1851-1859, pp. 10, 12, 17, 45.

<sup>39</sup> Quoted in Soares, "Os escravos de ganho no Rio de Janeiro Século XIX," 114.

in fresh and salted fish; and the area facing the Largo do Paço, near the imperial palace, specialized in dried goods, cereals, and flour. A total of 112 cubicles or market stalls composed the Praça do Mercado, and in 1853 they were all occupied: 29 selling fish, 48 selling dry goods, 34 selling vegetables and fowl, and over 31 cubicles were occupied by municipal officials and accountants.<sup>40</sup>

Vendors who sold goods in market stalls had to apply for a license that the town council granted.<sup>41</sup> The area facing the Guanabara Bay which had been known as Praia do Peixe was renamed Praça das Marinhas. Meat was typically sold in the Praça do Mercado and fish in the Praça das Marinhas. Goods sold at these markets could not be resold by another party if they had been exposed to the public for more than six hours. The law also regulated prices and measurements, and illegalized *atravessadores*, who were vendors that would buy goods in the city and sell them later at higher prices in the suburbs.<sup>42</sup> The owners of boats who sold vegetables (*quitandas*) in the city's bay, many of them near the Praça do Mercado, were also obliged to have a license that was to be renewed every February, when the fiscal year ended. It was also common for farmers (*lavradores*) to bring their produce in small boats and offer cheaper prices to disadvantaged buyers.<sup>43</sup> In 1850, farmers who transported food by boat or foot into the city did not have a formal vending location in the Praça das Marinhas since they customarily sold their goods to middlemen, or *atravessadores*. Trading

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<sup>40</sup> Gorberg and Fridman, *Mercados no Rio Rio de Janeiro*, 11-34.

<sup>41</sup> AGCRJ, 61-2-27 Mercado da Candelária 1886-89, pp. 30-31.

<sup>42</sup> AGCRJ, 59-1-45, Gêneros alimentícios 1850-1879, pp. 2-3.

<sup>43</sup> Posturas da Câmara Municipal do Rio de Janeiro (Typ. Imp. e Nac., 1839); Código de Posturas, Ilustríssima Câmara Municipal (Rio de Janeiro. Emp. Typ. Douze de Dezembro. Dep. Brito. Impressor da Casa Imperial, 1854). AGCRJ, 59-1-45, Gêneros alimentícios 1850-1879, pp. 2-3.

with middlemen was not profitable for small farmers, who eventually complained about the middleman's monopoly and in 1850 requested the municipal government grant them space for selling goods near Praça das Marinhas.<sup>44</sup> By 1872 small farmers had a specific vending location near Praça das Marinhas.<sup>45</sup>

In the mid-nineteenth century, the area including Praça das Marinhas and Praça do Mercado was a place where the working classes came together to socialize around food. It was common for Rio's port workers to stop by the market in Candelária and grab a bite to eat after a day of hard labor. In 1864 owners of market stalls who sold food requested the municipal government that their businesses remain open until 4:30 p.m. rather 2:30 in the afternoon in order to serve and profit from the port workers who finished work at 2:30.<sup>46</sup>

Throughout the course of the nineteenth century the municipal government legalized other markets in Rio's squares since one market in the parish of Candelária was not able to supply the entire population. In the parish of Santa Rita, the Mercado da Harmonia was established in 1853. The Mercado da Glória was established in 1840, along with other small markets that were examples of the original meaning of the word "*Mercado*," discussed earlier, and not complex trade centers like Praça do Mercado and Praça da Harmonia.<sup>47</sup> The proximity of markets and *cortiços* (urban tenements) further enhanced the socializing that took place around food vending and drinking. As the century progressed and Rio's population grew, such markets changed significantly. In 1872 the municipal

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<sup>44</sup> AGCRJ, 59-1-45, Gêneros alimentícios, 1850-1879, pp. 2-3.

<sup>45</sup> *Ibid.*, 43.

<sup>46</sup> AGCRJ, 58-3-36, Barracas, Barracões e Barraquinhas 1846-1865, pp. 24-26.

<sup>47</sup> Golberg and Fridman, *Mercados no Rio de Janeiro*, 42-46.

government transformed many of the *barracas* in these locations into *chalets*, or embellished “hygienic” market stalls with *chapéus de sol*, or sun protection umbrellas, in order to “better serve the less fortunate population of Rio and their basic needs.”<sup>48</sup> Toward the end of the nineteenth century small markets that were close to *cortiços* were closed down in the interest of public health and urban reform.

Although travelers noted the large presence of African women in marketeering and street-vending activities, women vendors tend to be considerably outnumbered by men in surviving archival documents.<sup>49</sup> A variety of sources from police records to travelers’ accounts agree that the most talented vendors were African women of the Mina “nation,” or ethnicity, in addition to their male counterparts.<sup>50</sup> Mina women were usually *quitandeiras*, or vendors who sold food stuffs, such as vegetables and herbs. In Rio, fish and meat were typically sold by men, but *ganhadeiras peixeiras*, or female fish vendors, were very common in Brazilian port cities.<sup>51</sup> Historian Cecília Moreira Soares noted that in Salvador’s newspapers, propertied men specifically desired to purchase “strong and corpulent” black women “of the [African] coast” to sell goods on the street.<sup>52</sup> It was common knowledge, as the British traveler Daniel Kidder once

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<sup>48</sup> AGCRJ, 59-1-45, Gêneros alimentícios 1850-1879, pp. 49-52.

<sup>49</sup> Maria Isaura Pereira de Queiroz, “Viajantes, século XIX: negras escravas e livres no Rio de Janeiro,” *Revista do Instituto de Estudos Brasileiros* 28 (1988); Maria Odila da Silva Dias, “Nas Fímbrias da Escravidão Urbana: negras de tabuleiro e de ganho,” *Estudos Econômicos* 15 (1985); Soares, “Os escravos de ganho no Rio de Janeiro Século XIX,” 116; Moreira Soares, “As Ganhadeiras.”

<sup>50</sup> Flavio dos Santos Gomes, Carlos Eugênio Líbano Soares, and Juliana Faria Barreto, *No labirinto das nações: africanos e identidades no Rio de Janeiro, século XIX* (Rio de Janeiro: Arquivo Nacional, 2005).

<sup>51</sup> Moreira Soares, “As Ganhadeiras,” 61-62.

<sup>52</sup> *Ibid.*, 61.

observed, that African women in Salvador had “great commercial wisdom.”<sup>53</sup> Street commerce carried out by West African women was a particular transatlantic experience that included areas such as Brazil, the Antilles, Jamaica, and Haiti.<sup>54</sup> In many West African societies, women were the pillars of commercial activity that circulated basic goods for the sustenance of households and family members. In Brazil, women from the Gulf of Benin, of the Nagô, Jejê, and Mina nations, as well as Bantu-speaking women, dominated street commerce in Atlantic cities like Rio, Recife, Salvador, and São Paulo. Female blacks born in Brazil (*crioulas*) tended to be absent from street commerce as slaveowners preferred them as domestic servants, and this was a pattern that only slightly changed in the latter half of the nineteenth century – the age of Brazilian slave emancipation.<sup>55</sup> Fluency in Portuguese, thus, did not necessarily make slaves or *ganhadores* more eligible for street work.

*Quitandeiras* usually sold fruits, vegetables, and herbs in market stalls (*barracas*) and wooden boards (*taboleiros*), occupying the squares and streets of commercially active neighborhoods. *Quitandeiras* were commonly located near churches and religious brotherhoods that served Rio’s black and enslaved population. Joaquim Manoel de Macedo (1820-1882), a chronicle writer of nineteenth-century Rio, described the market area that surrounded the church of Nossa Senhora do Rosário in Candelária, which also housed the Afro-Brazilian

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<sup>53</sup> Moreira Soares, "As Ganhadeiras," 60; Maria Odila Silva Dias, *Power and Everyday Life: The Lives of Working Women in Nineteenth-Century Brazil*, Trans. Ann Frost (New Brunswick: Rutgers University Press, 1995).

<sup>54</sup> Odila da Silva, "Nas Fimbrias da Escravidão Urbana," 91.

<sup>55</sup> Moreira Soares, "As Ganhadeiras," 60.

brotherhood, Irmandade de Nossa Senhora do Rosário dos Homens Pretos.<sup>56</sup> In the 1850s, Macedo embarrassingly noted the “decaying, pestilent, and unhygienic” state of the church, which he described to be in “ruins.” He added that “the streets that surround the church complete the sad picture” he was illustrating. To the left of the church, *barracas* and *taboleiros* occupied the market square of Largo da Sé, where African female marketeers sold vegetables and offered daily spectacles of inappropriate behavior, insulting outcries, and gales of laughter that offended passersby, “who were not habituated to such dialects of indecency and immorality.” Although Macedo remembered the “glorious era” of the church in Largo do Rosário, known for its religious festivities, he believed that its time had passed and that police and municipal officials had to put an end to such “primitive” behavior that characterized its surrounding streets. In addition to Largo do Rosário, *quitandeiras* were also frequently located in other plazas, such as Largo de São Joaquim and Largo do Capim.<sup>57</sup>

Around the same time that Macedo felt indignant about the *quitandeiras* in Largo do Rosário, the municipal government was taking measures to improve the conditions of marketeering practices in more upscale neighborhoods. In 1860, officials harassed the *quitandeiras* in the parish of Lagoa, specifically the *barracas* that were located near Praia Botafogo and Rua São Clemente, for not adhering to the 1844 law that established not only the need for licenses, but that produce had to be protected from the sun through the use of cloth awnings,

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<sup>56</sup> Joaquim Manoel de Macedo, *Um passeio pela cidade do Rio de Janeiro* (Rio de Janeiro: Livraria Garnier, 1862), 489.

<sup>57</sup> AGCRI, 58-3-36, Barracas, Barracões e Barraquinhas 1846-1865, pp. 13, 17, 19, 20.

*chapéus de sol*, which the municipal government would supply once a license was paid. *Quitadeiras* were given eight days to pay in full the licenses for their *barracas*.<sup>58</sup> The issue that most concerned authorities regarding *quitadeiras*, however, was the disorderly manner in which they settled on streets, upsetting passersby with fowl language. In 1870, for example, residents of the parish of Sacramento complained that unlicensed African *quitadeiras* selling sweets off *taboleiros* in Largo da Carioca and Rua Gonçalves Dias “obstructed public transit.”<sup>59</sup> The complaint observed that although the inspector of the parish of Sacramento had arrested a group of them, the problems remained unresolved. Also, when arrested, *quitadeiras* “did not leave silently, but insulting officials” and causing great public disorder. Historians Flávio dos Santos Gomes and Carlos Eugênio Líbano Soares note that since colonial times slave and free *quitadeiras* in Rio struggled with officials over their right to occupy public urban space for selling food stuffs, demonstrating collective organizational skills and awareness of their important role in provisioning urban residents with food, which persisted after slavery.<sup>60</sup>

*Quitandeiros/as* and marketeers needed State licenses in order to sell products in specific locations ranging from small and individually run markets to larger organisms such as the Mercado de Candelária. Many *quitandeiros/as* had *ganhador* licenses as it was common for them to not only settle in one location, but to wander and sell on the street as well. Specifically, it was enslaved and free

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<sup>58</sup> AGCRJ, 58-3-77, Barracas em Botafogo 1860, pp. 1-2.

<sup>59</sup> AGCRJ, 49-1-24, Queixas e reclamações 1861-1879, p. 129 .

<sup>60</sup> Flávio dos Santos Gomes and Carlos Eugênio Líbano Soares, "Dizem as quitadeiras...": Ocupações e identidades étnicas em uma cidade escravista: Rio de Janeiro, século XIX," *Acervo: Revista do Arquivo Nacional*, Rio de Janeiro 15, no. 2 (2002): 3-16.

*ganhadores* who walked through urban and suburban neighborhoods selling vegetables, flowers, fruits, fowl, eggs, pastries, ham, meat, cooking pans, water jugs, cutlery, cups, clothing, shoes, hats, costume jewelry, books, and even pieces of glass, porcelain, and silver.<sup>61</sup> As mentioned earlier, it was very common to see slaves selling fish on Rio's streets, but it was not unusual to see Portuguese immigrants as well.<sup>62</sup> Other foreigners also made a living as *ganhadores*. On 14 June 1862 the French citizen Henry Jannit, who owned an ice storeroom on Rua Praia do Sacco 20, requested a license to sell ice on the street. Vendors typically sold ice on handcarts, and according to the law, the cart had to carry the name of the vendor printed in wax. Ice was commonly used to preserve fruits in market stalls of the Praça do Mercado.<sup>63</sup> Wood was also sold in markets or on the street in carts that *ganhadores* pushed.<sup>64</sup> Many owners of taverns, coffee warehouses, and snack bars (*botequins*) solicited licenses to have their workers sell coffee – ground and/or toasted – on wooden tables in the street. Portuguese residents in Rio were the backbone of the city's commercial sector. Many Portuguese and Spanish shop owners licensed their clerks (*caixeiros*) to work as *ganhadores* selling coffee that was made in their tavern or *botequim*. For example, the Spanish immigrant Francisco Paz requested a *ganhador* license to sell coffee that was made in the tavern on Rua das Marrecas 25.<sup>65</sup>

According to surviving *ganhador* licenses, coffee was mostly sold by immigrants, but workers of African origin or descent were not necessarily

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<sup>61</sup> Soares, "Os escravos de ganho no Rio de Janeiro Século XIX," 113.

<sup>62</sup> AGCRJ, 61-3-16, Comércio de peixe e indústria de pesca 1851-1859.

<sup>63</sup> AGCRJ, 58-4-41, Comércio de gelo 1842-1862.

<sup>64</sup> AGCRJ, 58-4-81, Comércio de madeiras.

<sup>65</sup> AGCRJ, Comércio de café 1848-1887, pp. 6-7.



exempt. Although we do not know the ethnic origin of José Pinto Moreira, we do know that in 1874 he requested a license “to continue selling coffee in front of the church Nossa Senhora da Candelária.” José had permission from the brotherhood Irmandade Nossa Senhora da Candelária to station his *taboleiro* in an area that did not disturb passersby. The brotherhood was known to protect descendants of Africans, who were usually racially-mixed *pardos*.<sup>66</sup> Owners of cigar and cigarette factories also requested *ganhador* licenses to have their workers sell on the street or in front of places such as the train station.<sup>67</sup> The *ganho* system was the main way to distribute goods to the urban population, and the products that street peddlers sold were many times connected to formal commercial networks, such as small shops. A scene by Debret titled “Tobacco Vendors” illustrates a small shopkeeper selling or providing tobacco to African *ganhadores*, who are filling up their wooden containers to later transport or sell tobacco on the street (Image 3, Appendix Chapter One). Street commerce was thus part of a formal commercial network, and this was especially explicit in many of the licenses that free male *ganhadores* solicited from the State in the latter half of the nineteenth century.

#### *Licensing Free Ganhadores in a Declining Urban Slave Society*

The following section analyzes all the available licenses for free *ganhadores* during three time periods that correspond to different historical moments in the gradual abolition of Brazilian slavery: 1) 1858-1867 (26 licenses),

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<sup>66</sup> Ibid., 31. João José Reis, “Identidade e diversidade étnicas nas Irmandades Negras no tempo da escravidão,” *Tempo* 2 (1996): 7-33. Mary Karasch, *Slave Life in Rio*, 134-5.

<sup>67</sup> AGCRI, 58-4-28, Comércio de fumo 1831-1903.

2) 1879 (749 licenses), and 3) 1880-1886 (56 licenses). Licenses for free *ganhadores* are not available for the years before 1858, but hundreds of licenses survive for enslaved *ganhadores* during that period. As stated earlier, the abolition of the slave trade between Brazil and African in 1850 prompted authorities to establish new measures for administrating the movement of the free-born and freed population of African descent or origin. After the passing of the Law of the Free Womb in 1871, which freed all children born to slave mothers, the State became even more concerned with disciplining the activities of street workers, as manumission rates increased and impoverished European immigrants swelled the urban population. State regulation targeted working free men and women in ways it had previously targeted slaves, while legally ensuring the reproduction of relationships between patrons and workers that had been forged in slavery.<sup>68</sup>

The licensing procedure for free *ganhadores* and *escravos ao ganho* was the same from 1850 to 1888. The individual soliciting a *ganhador* license as well as the guarantor or master went to the municipal town hall in Rio. There, in the presence of a scribe and treasurer, they signed a formal document that registered the license with the State and paid for the license and metal pin that the *ganhador* was to carry at all times on the street. Indeed, the master signed and paid for the license of his or her slave. In the case of the free *ganhador*, it was usually the guarantor who paid for the license, but there were occasions in which the

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<sup>68</sup> Ademir Gebara, *O mercado de trabalho livre no Brasil, 1871-1888* (São Paulo: Brasiliense, 1986); Joseli Maria Nunes Mendonça, *Entre a mão e os anéis: a lei dos sexagenários e os caminhos da abolição no Brasil* (São Paulo: Editora da UNICAMP, 1999); Eduardo Spiller Pena, *Pajens da casa imperial: juriconsultos, escravidão e a Lei de 1871* (São Paulo: Editora da UNICAMP, 2001).

*ganhador*, who tended to be self-employed or a small entrepreneur, paid for his own license and pin. However, most free *ganhadores* were illiterate and poor; thus, the guarantor paid for the license and pin, and the scribe or guarantor signed the license registration in the name of the *ganhador*. A receipt for a free *ganhador*'s license dated 7 July 1885 illustrates that the guarantor Domingos Venturello paid 5\$280 for the license (5\$000) and pin (0\$280), as well as a 0\$200 processing fee.<sup>69</sup> The pin carried the number 326, which, along with the license receipt signed by the scribe and treasurer, had to be presented to the chief police of the parish in which the *ganhador* was licensed – Santo Antônio, in this case. The back of the license receipt always included a notice (*advertência*) that laid out the most recent municipal regulation concerning *ganhadores*. In the above case it was Title 7 Paragraph 5 Section 2 of the *posturas municipais* according the revisions of 5 December 1881. Although it was a free *ganhador* license, the notice included repercussions for both slave and free *ganhadores* who failed to carry the license and pin when working on the street. The imminence of the end of slavery in the 1880s did not influence discrete distinctions between slave and free *ganhadores* as the re-codification of State- and patron-client relations in gradual abolitionist policy were reproduced in the laws of the *ganho* system.

Throughout the 1850s and 1860s, the State licensed a total of twenty-six Portuguese-, Spanish-, Brazilian-, and African-born free *ganhadores*.<sup>70</sup> Four licenses requested by Portuguese immigrants in 1866 reveal that three lived in a *cortiço* on Rua da Ajuda in the parish of São José. As licenses for the latter

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<sup>69</sup> AGCRJ, 44-1-30, *Ganhadores livres*, p. 23.

<sup>70</sup> AGCRJ, 44-1-31, *Ganhadores livres*; 38-1-31, *Africanos livres ao ganho*.

periods reveal, immigrants of Portuguese, Italian, and Spanish origin usually lived together in *cortiços* or *casas de hospedagem* (hostels), and those who knew each other tended to be sponsored by the same employer. Free *ganhadores* who worked as street vendors, like their slave counterparts, needed a guarantor, or *fiador*, that accepted responsibility for the *ganhador's* behavior, especially in the event of problems with the law. Two of the Portuguese men, mentioned above, were brothers who, along with a friend who lived with them, were sponsored by Manoel José da Silva, with residence on Rua do Lavradio in the parish of San Antônio. Between 1858 and 1867 three *fiadores* who resided in the parish of Candelária sponsored three African men who were most likely their ex-slaves since they all lived in the same household. The three African men were noted to be Mina while other African *ganhadores* were Cassangê, Cabinda, and Congo. In 1855, João Pinheiro sponsored Anastasio, of the Cabinda nation, to work as a messenger for the royal court, as it was common for the State to employ free Africans (*libertos* and African-borns enslaved illegally) as builders, cooks, messengers, and drivers.<sup>71</sup> According to the census of 1849, 66.4% of the slave population was born in Africa and 33.5% in Brazil.<sup>72</sup>

Immigration started to change certain street-vending patterns in the mid-nineteenth century. Travelers observed in earlier periods that it was common to see African men selling red meat, but according to licenses available for vendors of meat after 1855 there is not one African or enslaved individual. Most were Portuguese or Brazilian-born men who sold meat that originated from mainly

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<sup>71</sup> AGCRJ, 44-1-27, 44-1-28, 38-1-29, Africanos livres.

<sup>72</sup> Mary C. Karasch, *Slave Life in Rio*, 42.

Portuguese butcher shops (*açougues*), many of them located in the neighborhood of Catete.<sup>73</sup> The sale of fowl had also been carried out on average by African men. Earlier in the century, the French painter Debret wrote that African men sold better quality chickens, known as *galinhas capoeiras*, when they were transported in big straw basket (*cestos*) over their head (Image 3, Appendix Chapter One). Fowl placed in baskets tended to be taken to and sold in markets, while *pombeiros* (chicken vendors) who sold on the street usually just tied birds' feet together, carrying them on a stick or over their shoulder, as Debret also depicted. Immigrants adopted the practice of transporting live chickens in big baskets as well as the methods *pombeiros* used, while selling on the street barefoot as slave vendors had done since colonial times. The Brazilian photographer Marc Ferrez captured such immigrant vendors in a photograph circa 1895 that closely resembled the African chicken vendors Debret painted approximately seventy years earlier (Image 4, Appendix Chapter One).

After the passing of the Free Womb Law in 1871, and subsequent foreign migration rates, the free population in Rio increased from 185,000 in 1870 to 220,088 in 1872, while the slave population decreased from 50,092 to 48,939.<sup>74</sup> In January 1879, municipal officials remarked that they had only licensed thirty-nine *ganhadores* the previous year. They discerned that this reflected the significant decrease in the number of *escravos ao ganho* working in Rio, which traditionally had been the group to hold the most licenses when compared to free *ganhadores*. Municipal official knew that the absence of license requests in 1878

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<sup>73</sup> AGCRJ, 53-4-12, Carnes verdes, volantes de carnes e miúdos 1855-1903.

<sup>74</sup> Luis Felipe de Alencastro, "Proletários e escravos: imigrantes portugueses e cativos africanos no Rio de Janeiro, 1850-1872," *Novos Estudos* (July 1988), 53.

was largely because immigrants and free men of color had “invaded” the city and “deliberately neglected to obtain licenses as ordered by Title 5, Section 2, and Paragraph 5 of the Municipal Code.”<sup>75</sup> As historian Thomas Holloway notes in his study of police repression and popular resistance in nineteenth-century Rio, there was “the recurrent refrain from police authorities in the last decades of the empire that indigent immigrants were causing much more than their share of the trouble on the streets.”<sup>76</sup> Specifically, immigrant and free-worker resistance to obtaining State licenses reflected the desire of free *ganhadores* to disassociate themselves from traditional markers of enslaved and African labor, as had been the case in Salvador da Bahia, where free *ganhadores* went on strike in 1857 because they did not want to wear the metal pin that labeled enslaved *ganhadores*.<sup>77</sup>

The majority of free licensed *ganhadores* in 1871 were Brazilian born, but since 1850 the number of European immigrants entering the world of street commerce was increasing dramatically. As described earlier, European whites had been street vendors throughout the colonial period, using African slaves to carry the products they were selling, while urban slaves eventually became vendors themselves. In the mid-nineteenth century, Europeans returned to the streets as vendors, but as opposed to the colonial era, they now had to apply for vending licenses as the rest of *ganhadores*. At this time, such licenses were colloquially known as “black *ganhador* licenses,” or *licenças de negro de ganho*,

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<sup>75</sup> AGCRJ, 6-1-59, Escravos ao ganho. Barreto, Gomes, and Soares, *No labirinto das nações*, 126.

<sup>76</sup> Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-Century City* (Stanford: Stanford University Press 1993), 253.

<sup>77</sup> João José Reis, “The Revolution of the Ganhadores’: Urban Labor, Ethnicity, and the African Strike of 1857 in Bahia, Brazil,” *Journal of Latin American Studies* 29 (May, 1997), 355-393.

which applied to slaves and free blacks.<sup>78</sup> Accordingly, Spanish, Portuguese, and Italian immigrants found themselves applying for “black *ganhador* licenses” and negotiating with municipal laws that organized free and slave street labor under one system – the *ganho* system.<sup>79</sup> Since street vending was associated with “black” labor and slavery, municipal and police authorities discursively racialized (white) Europeans, considering them *negros de ganho*, or “black” wage-earners who peddled on the street just like black workers. The transition from slave to free labor was thus part of an Atlantic political economy that pushed both Afro-Brazilians and European immigrants to experience what it meant to be a free worker on the streets of Rio.

Thus, peddlers of African descent and European immigrants were experiencing the implications of freedom on Rio’s streets and in a declining slave society. Immigrants who were entering the world of street commerce in Rio were cognizant of its slave legacies, choosing to resist licensing requirements that had targeted slaves. *Escravos ao ganho* were a special kind of enslaved worker who operated between slavery and freedom, enslaved to the master, forced to work, but free to bargain for wages and move throughout the city in search of work. Many slaves eventually obtained their freedom and continued to work as *ganhadores*, earning a living with skills, such as street vending, acquired in bondage. Street work in Rio was one of the few opportunities available to the urban poor, which held true for many immigrants originating from poor rural areas in Southern Europe. The State required all *ganhadores* to be licensed

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<sup>78</sup> The category *negro* was synonymous with “slave” during this period, but in licensing procedures the label *negro de ganho* also included free blacks.

<sup>79</sup> Gorberg and Fridman, *Mercados no Rio de Janeiro*, 9.

regardless of nationality or race. Although some free women were licensed, it had been common throughout the eighteenth and nineteenth centuries for authorities to overlook the licensing of free female vendors or *ganhadoras*, as the State was more concerned with overseeing female slave labor.<sup>80</sup> Thus, the following discussion applies mainly to men, as State monitoring of free labor was primarily concerned with men.

As a result of authorities' apprehensive attitude toward the large number of unlicensed free *ganhadores* on Rio's streets, strict measures were adopted in 1879 and a total of 757 *ganhadores* were licensed in Rio de Janeiro's town hall during the months of July and August of that year.<sup>81</sup> Just between July 25 and 30 more than one hundred *ganhadores* obtained licenses to work on the street. One of the first men to be licensed was the Brazilian Domingos Bernadino, who had been a vendor with a basket (*empregado com cesto*) since 1877, and stated that he was unable to continue working unless licensed. The license and the metal pin (*chapa*) that all *ganhadores* and street vendors had to carry were marks of State surveillance associated with slavery. Freedom for Bernadino, as for *ganhadores* of all nationalities, meant to be liberated from such traditional markers and relationships of labor control and dependency. In the 1870s and 1880s, the police was more aggressive in detaining unlicensed *ganhadores* directly from the street, who would not be able to continue working unless they had the necessary sponsorship to obtain a license. In planning a smooth transition from slavery to freedom, State control of urban free labor, on the one hand, regulated workers

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<sup>80</sup> Soares, "Os escravos de ganho no Rio de Janeiro, século XIX;" Gomes and Soares, "Dizem as quitadeiras...".

<sup>81</sup> AGCRJ, 44-1-27, Ganhadores livres; 44-1-29, Ganhadores livres.



through the imposition of methods inherited from slavery, such as *ganhador* licenses and metal pins. On the other hand, the disciplining of urban street workers within an expanding State system of labor control was carried out by the police. In 1883, the Rio newspaper *Gazeta de Notícias* published on a monthly and sometimes weekly basis the frequent arrests of *ganhadores* that took place in the parish of Santana, in one instance claiming that the parish's chief of police was, as opposed to the municipal officials, the only authority in Rio that adhered to laws regulating *ganhadores*.<sup>82</sup>

For *ganhadores* born in Brazil, authorities did not note their nationality in the licenses processed between July and August 1879. These *ganhadores* made up 47% of the total (358/757). Portuguese *ganhadores* made up 24% (187/757), Africans 18% (187/757), Italians 4.8% (37/757), and Spaniards 4.4% (34/757). Interestingly, a small number of slaves were included in the municipal books that kept records of licensed free *ganhadores*. In many instances, slave and free *ganhadores* went to the town hall requesting licenses on the same day, which demonstrates the interconnections between both worlds. However, slave and free *ganhadores* never shared the same guarantor, or *fiador*, who generally paid for the license and accepted legal guardianship. Most license registrations did not list *fiadores* occupation, but the ones that did reveal that the majority of guarantors were business owners, or *negociantes* (298/757, 39%); thirty-five (4%) were

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<sup>82</sup> See the reporting of 'Street Occurrences' in the newspaper *Gazeta de Notícias* for the year 1883. Also read Chapter Two.

property owners; eleven (1%) worked for the imperial government<sup>83</sup>; two were carpenters, and two were the employees of a construction company.

The location of business owners' domiciles and workplaces and their relationship toward *ganhadores*' residences maps the concentration of capital versus the labor force in Rio (Table 1, Appendix Chapter One). The human geography of immigrant and African *ganhadores* as well as guarantors in Rio reflected the effects of the shift from slave to free labor regarding housing and work in the latter half of the nineteenth century. Most guarantors lived in Candelária, which was the commercial parish with the highest concentration of wealth in downtown Rio<sup>84</sup>, while only a small percentage of *ganhadores* lived there. Many business owners lived in houses that included shops on the ground floor. It was also common for *fiadores* to rent and work in market stalls in the nearby Praça do Mercado and Praça das Marinhas. From there they distributed their goods by hiring street-vending *ganhadores*, who traveled throughout the city and its residential neighborhoods. São José housed the highest concentration of *ganhadores* – data that is consistent with the 1850s and 1860s. In fact, São José was the parish where, according to available documentation, the majority of immigrant *ganhadores* lived. São José was one of Rio's oldest neighborhoods and was infamous for being crowded, poor, and dirty.<sup>85</sup> The other parishes where

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<sup>83</sup> The State-employed guarantors were four civil servants, six policemen or military officials, and one judge.

<sup>84</sup> Nogueira da Silva, *Negro na rua*, 148.

<sup>85</sup> Most of São José, including the Morro do Castelo, was demolished during the urban renewal of the early twentieth century to give way to urban reforms that merely dislocated the poor to the outskirts of the city. See Teresa Meade, *"Civilizing Rio": Reform and Resistance in a Brazilian City, 1889-1930*. (University Park: The Pennsylvania State University Press, 1997). Mauricio de Almeida Abreu, *Evolução urbana do Rio de Janeiro* (Rio de Janeiro: Prefeitura do Rio de Janeiro, 2006 [1987]).

most *ganhadores* lived were Sacramento and Santana. African Mina workers preferred to live in Santana, rather than Sacramento or São José, which was considered “the true African citadel of the second half of the nineteenth century.”<sup>86</sup> In comparison to other central urban parishes, such as Sacramento, São José, Candelária, and Santa Rita, Santana was the parish that generally had the lowest number of slaves in the first half nineteenth century, and after Sacramento the largest free population.<sup>87</sup> Census figures are indicative of the probability that relationships in Santana among freed and enslaved Africans before 1850 set the foundation for the “African citadel” of the second half of the nineteenth century.

Although immigrants who became *ganhadores* were entering an urban slave system, it was certainly African free *ganhadores* whose experience most resembled the culture of slavery. Although license registrations do not include age, it is likely that most African vendors were older than other groups and had been working the longest on the city’s streets, as was the case of one African who specified he was 60 years old when he solicited a free *ganhador* license. As in slavery, many free Africans worked for men who produced a particular product, such as beer or bread, which they later sold on street or delivered to households and businesses. Of the 187 African *ganhadores*, 39 (20%) were possibly ex-slaves who continued to maintain labor and even domestic relationships with their ex-masters. Most African *ganhadores* were Mina, but it became less of a practice toward the end of the nineteenth century for authorities to note the African

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<sup>86</sup> Gomes and Soares, “‘Dizem as quitandeiras...’” 13.

<sup>87</sup> Nogueira da Silva, *Negro na rua*, 48-49, 55.

“nation” of workers in official documents. Of the *ganhadores* known to be African in 1879, 62 were Mina, 6 Cabinda, 5 Congo, 2 Moçambique, 2 Benguela, 1 Angola, 1 Mangué, and 1 Cassangê. When authorities observed that a particular *ganhador* needed a license to work as a porter (*carregador*), an occupation usually associated with slave labor, applicants tended to be African men, but some Portuguese immigrants were also porters.

Africans whose last names were the same as the corresponding *fiador* are a strong indicator that they may have been the guarantor’s slave at some point, even if living in separate houses.<sup>88</sup> The African *ganhador* Caetano de Mendonça, for example, lived on the Rua Princesa dos Cajueiros 96 in Santana, while his *fiador* the Marques de Mendonça lived on Rua Alfandega 40 in Candelária. One license registration does specify the *fiador* stating to be the *ganhador*’s ex-master: Sebastião Martins de Azevedo was a businessman who lived on Rua Visconde de Itauá 23 in Candelária and sponsored the Brazilian-born ex-slave Martins Azevedo, who also carried his master’s last name, but lived on his own on Rua São Pedro 143 in Sacramento. Of the African *ganhadores* who were possibly ex-slaves, 9 (23%) lived in the same residence as their guarantor. José Gomes of the Congo nation was a porter and probably the ex-slave of Augustinho Leopoldo de Souza Guimarães, as both *fiador* and *ganhador* lived in a house on Rua do Rezende 90A in Santo Antônio. Three African Mina men named João, Pedro, and Júlio Felix lived on Rua Lourenço 58 in Santana, sharing the same residence as their *fiador* and possible ex-master. Several African *ganhadores* requested

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<sup>88</sup> In Brazilian cities it was common for masters to allow male urban slaves to live in a separate household, usually renting a room. João José Reis, *Slave Rebellion in Brazil: the Muslim Uprising of 1835 in Bahia*, Trans. Arthur Brakel (Baltimore: Johns Hopkins University Press, 1993).

licenses in a group and these tended to live in the same house or to be sponsored by the same *fiador*.

Only one woman is registered as the guarantor of an African *ganhador*. Leoparda was a midwife (*parteira*) who sponsored Manoel Feliz Veloso, whom she described as “very loyal” (*muito fiel*). They lived in separate residences, but this may also be the example of a possible former master-slave relationship that endured in freedom. It was very common for license registrations involving Africans to include statements from the *fiador*, such as the *ganhador* “is very loyal,” or “is well accustomed and well behaved” (*pessoa de bons costumes e de conduta afiancada*), or “[the *fiador*’s name] is responsible for the behavior of this free black man” (*responsabiliza-se pela conduta do preto livre*). Not surprisingly, these words did not appear at all in the license registrations of immigrant men since it was a language associated with slavery, as newspaper ads regarding the sale of urban slaves illustrated throughout the nineteenth century. Overall, although both African descent and immigrant *ganhadores* required official guardianship, legitimizing access to free labor was harder for Afro-Brazilians than Europeans.

Following Brazilian *ganhadores* (i.e., licenses in which nationality was not listed), Portuguese men were the largest immigrant group (24%) to request licenses. Some *fiadores* who sponsored Portuguese immigrants also sponsored free African *ganhadores*. In July 1879, Domingos Machado, a businessman on Rua do Rosario 116 in Candelária, sponsored both Ernesto Frederico do Nascimento, a 40-year-old Portuguese immigrant, and the African Mina, named

Luis. Given that Luis did not have a last name is indicative of his ex-slave status. It was common for Portuguese immigrants to state that they were requesting a license “as a means for earning a living and supporting the family,” as was the case of Manoel de Oliveira Cardoso, who worked for a shopkeeper who sold dry and wet goods (*negociante de secos e molhados*). A significant number of Portuguese men (55/187, 29%) solicited licenses along with a partner, who was either a relative or a friend, and oftentimes a household member too. Many Portuguese immigrants lived in urban tenements, in the parish of São José. The numbers of Italian and Spanish *ganhadores* in license requests were similar, representing 4.8% and 4.4% respectively. Considering these low percentages vis-à-vis the higher number of Spaniards and especially Italians migrating during this period, it is likely that the majority chose to remain unlicensed, or went into some other line of work.<sup>89</sup> A small number of Italians (7/37) requested licenses with a partner, a rate that was considerably higher among Spanish *ganhadores* (12/34). According to the license registrations of 1879, Italians preferred to settle in the parishes of Santana and Santo Antônio, while Spaniards tended to reside in Santo Antônio and São José, the latter being heavily populated by Portuguese *ganhadores*. As opposed to Spanish and Portuguese immigrants, who migrated to Brazil earlier in the nineteenth century, Italians coming from poor rural backgrounds increasingly set foot on Brazilian shores in the late nineteenth and early twentieth century. Whereas Portuguese and Spaniards had been settling in

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<sup>89</sup> The police records from the municipal House of Detention, analyzed in the next chapter, will further discuss this transition.

São José, in the 1870s, Italian immigrants had few options but to live among Rio's most pronounced underprivileged group in the "African citadel" of Santana.

As stated earlier, Candelária was the parish that housed most small businesses and guarantors who sponsored and/or employed *ganhadores*. Among the businessmen who were also guarantors (298/757, 39%), twenty-seven were owners of dry and wet goods shops, mostly located in the parish of São José; ten owned bakeries (*donos de padaria*); another ten owned a warehouse of some sort (*armazém roupas, madeira ou manutenção*); eight owned *casas de pasto*, or small diners; four owned *botequins*; six worked in a kiosk (*kiosque*), selling items such as lottery tickets, cigarettes, and coffee; six brewed beer (*fabricantes de cerveja*); five were tavern owners (*taverneiros*); two owned a business (*de compra e venda*) that sold cheese, ham, tobacco, perfume, and small kick-knacks (*queijo, tocinho, fumo, perfumaria, armarinho*); one was in the coffee industry and another the owner of a pharmacy. Similar to the urban slaveholders, most *fiadores* were Brazilian and Portuguese businessmen, the latter being known for monopolizing Rio's commercial sector and inspiring violent anti-Portuguese sentiment among Brazilian workers.<sup>90</sup> The Englishman John Crashley, a businessman who lived on Travessa do Ouvidor, expressed good written skills in Portuguese when sponsoring a *ganhador*, which indicates he had probably been residing in the city since the earlier half of the century. Italian *fiadores* are absent from licenses. This demonstrates that most Italians experienced upward social mobility in the twentieth century. Like Italians, most Spaniards who appeared on

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<sup>90</sup> Gladys Sabina Ribeiro, *A liberdade em construção: identidade nacional e conflitos antilusitanos no Primeiro Reinado* (Rio de Janeiro: Reluma Dumará, 2002); *Mata Galegos: os portugueses e os conflitos de trabalho na República Velha* (São Paulo: Editora Brasiliense, 1989).

license requests were *ganhadores* and not *fiadores*, but records indicate that some of them became successful entrepreneurs, having settled in Rio earlier in the century. For example, Vicente González Pinto sponsored three Spanish *ganhadores*, and all four shared residence on Rua do Lavradio 67 in the parish of Santo Antônio.

In August 1879 Bartolomeu Perez, a Spanish shopkeeper of dry and wet goods, sponsored two Spanish immigrants, one of them to specifically work as a porter. Other license registrations from 1879 show that Bartolomeu Perez also sponsored an African *ganhador* from Moçambique and four more whose nationality was not noted. Bartolomeu Peres reappears in four license registrations from 1886 in which he sponsored *ganhadores* who were probably Brazilian. Three of these *ganhadores* shared the same address as Bartolomeu, which was also the location of the grocery store. Apparently Bartolomeu enjoyed a successful entrepreneurial life since he sponsored several *ganhadores* throughout almost a decade, and never moved or changed the location of his shop. This case is an alternative view to Portuguese commercial monopoly in Rio, as a Spanish shopkeeper employed African, Brazilian, and immigrant *ganhadores* who were simultaneous actors in a transitional labor culture founded on patron-client relations that connected the slave past and the prospect of freedom.

João da Cunha is the classic example of a Portuguese entrepreneur who was also a property owner (*proprietário*). He owned a well-established grocery shop that bought and sold cheese, pork, tobacco, and other goods. In July 1879 he sponsored four Portuguese and one Spanish *ganhador*, and on a different day two



Spaniards who lived in a hostel on Rua da Ajuda. He sponsored no African-descended workers. All *ganhadores* worked as deliverymen and most likely sold products on the street that originated from his shop, like the Africans *ao ganho* depicted in Debret's *Tobacco Vendors*. João da Cunha specifically hired the Spaniard José Ramos Sanchez to work as a *ganhador* with a cart (*carreta*), who would distribute goods throughout the city. João da Cunha had no history of sponsoring African or Brazilian *ganhadores* since by 1879 immigrant labor was probably cheaper and easier to employ. Interestingly, owners of bakeries, who amounted to ten, hired more Brazilian than immigrant labor (7:3), which illustrates the bread industry's connections to local labor and the urban slave economy.<sup>91</sup> However, a complaint that a number of bakery owners filed with municipal authorities in 1861 demonstrates that some bakery owners tended to hire free rather than enslaved men to deliver or sell bread on the street, as they requested the required vending license be waived. These bakery owners, of a middling urban class, argued that because they could not afford slaves, they had to employ free men, and thus could not afford the cost of a vending license in addition to the salaries they paid.<sup>92</sup>

Other small shopkeepers like bakers were owners of *botequins*, kiosks, taverns, and *casas de pasto* (popular restaurants). The following illustrates the diversity and types of commercial activity that connected the world of street vending with formal commercial networks in downtown Rio. Rodrigo de Souza Ribeiro headed a *botequim* in the Praça das Marinhas and sponsored one

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<sup>91</sup> Leila Duarte, *Pão e liberdade: uma história de padeiros escravos e livres na virada do século XIX* (Rio de Janeiro: Mauad; FAPERJ, 2002).

<sup>92</sup> AGCRI, 58-4-36, Comércio de pão 1841-1907, p. 34.

Portuguese and two Brazilian *ganhadores*, the former living in São José and the latter in the parish of Sacramento. Domingos de Souza ran *kiosque 114* in Largo da Carioca, Sacramento, and sponsored two Spaniards and one Portuguese *ganhador*. José Joaquim headed a *kiosque* in Candelária and sponsored Francisco Coelho da Motta to “make baskets throughout the city” and “earn a living by carrying [and selling] goods in open baskets over his head.” Another kiosk worker in Praça Dom Pedro II sponsored two Portuguese men. Seven *fiadores* were owners of *casas de pasto* who employed Portuguese and Brazilian *ganhadores*. One tavern owner sponsored three Portuguese men who all lived on Travessa do Manoel 8 in São José, while two other tavern owners sponsored Brazilians. Finally, five *fiadores* brewed beer, of which four sponsored Brazilian *ganhadores*, three living in Rua do Príncipe 10 in the parish of Santa Rita. As described earlier, one *fiador* sponsored an African Mina to carry and sell beer, and they both lived in the same house on Rua dos Arcos in Santo Antônio – a relationship that most likely originated in slavery.

Authorities continued to issue licenses throughout the 1880s while the policing of *ganhadores* increased. Only a total of fifty-six licenses that were issued in 1880-1886 remain as evidence (Tables 2, 3, and 4, Appendix Chapter One). Toward the mid-1880s, the State took on responsibilities that had previously fallen on civilian guarantors, or *fiadores*.<sup>93</sup> As opposed to 1879, Italians were the largest immigrant group in the 1880s, and in general more immigrants than Brazilians and Africans combined requested *ganhador* licenses during this period. Half of the licensed Italian *ganhadores* lived in Santana,

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<sup>93</sup> AGCRI, 44-1-30, *Ganhadores livres*.

which had been mainly an African parish. At this time, many African workers were moving to other neighborhoods known as Praça Onze and Gamboa, responding to changes in housing and work opportunities. The large number of European immigrants settling in downtown Rio and employer preference for immigrant workers displaced African labor to peripheral neighborhoods. For example, tavern owners were the most common guarantors in the 1880s and sponsored a significant number of Italian *ganhadores*. Most businessmen still lived in the parish of Candelária (5/9), but only one had a business in Praça das Marinhas. Nine of them sponsored six Brazilians, two Italians, and one Portuguese *ganhador*. Of this group, one *fiador* sponsored three Brazilian *ganhadores* on the same day. They all lived on Rua Visconde de Itaboraá 17 in Candelária, which indicates the ongoing practice of workers taking residence at the workplace, which was also the *fiador*'s house.

In the 1880s, changes in State regulation regarding *ganhadores* reflected the imminent end of slavery and the transition from private to public – patron to State – administration of street workers in Rio. The one African, of the Congo nation, who requested a license in 1886, did not have or need the guardianship a *fiador*. 1886 was the year when policy toward *ganhadores* changed regarding the process of license registrations. Before soliciting a license from the municipal government, *ganhadores* now had to register first with the police. Upon registration *ganhadores* received a number (e.g., “*matriculado na polícia sob o número 188*”), which they then presented to the town council in order to receive a license. Such registration number with the police substituted the figure of the

*fiador*. In the 1880s the police, as historian Martha Abreu observes, took entire control over cultural and economic activities that traditionally took place on the street, such as religious festivities, which previously the municipal government had administered.<sup>94</sup> The few *ganhador* license registrations from 1886 demonstrate that the shift from municipal to police regulation of street behavior marked the last decades of slavery and foreshadowed certain legal changes and attitudes toward street commerce of the early post-abolition period and the First Republic.

### *Conclusion*

The transformation of the world of street commerce during the last decades of slavery sheds light on how abolitionist policy affected municipal laws regulating urban labor and market relations. Stricter enforcement of licensing requirements for free *ganhadores* in 1879 was in line with the legal restrictions that the 1871 Free Womb Law established to facilitate monitoring the movement of the free population. On the one hand, the sponsorship that was required for free *ganhadores* to obtain a license was reflective of gradual abolitionism in Brazil, which legally attempted to maintain private patron-client relations that had originated in slavery. On the other hand, in centers of urban slave society, such as Rio, the State assumed the responsibility of the overseer when it came to policing work that was performed outside the master's household, and this was particularly the case for street vending and marketeering. Thus, the substitution of the

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<sup>94</sup> Martha Abreu, *O Império do Divino: festas religiosas e cultura popular no Rio de Janeiro, 1830-1900* (Rio de Janeiro: Editora Nova Fronteira S.A., 1999).

guarantor, or *fiador*, by the police in *ganhador* licensing procedures after 1885 demonstrates not a loosening but a tightening of patron-client relations that specifically originated in urban slave society, and which the Sexagenarian Law of 1885 attempted to prolong as well. The shift to free labor and eventually the final abolition of slavery in 1888 shortened the distance between State surveillance and urban labor, increasing the responsibility of the police, and decreasing the responsibility of private patrons or employers, toward ensuring a well-behaved working population on the streets of Rio.

The changing structure of the *ganho* system during this transitional period reflected general gradual abolitionist policy at the municipal level, while the *ganho* system, like street vending more generally, shifted from market relations dominated by slaveholding and enslavement to an economic system that organized slave *and* free labor under one (*ganho*) system. The licensing requirements for free *ganhadores* established in 1838 were based on the emerging numbers of free and freed workers of African descent on Rio's streets. The passing of gradual abolitionist laws, starting in 1850, and especially after the 1871 Free Womb Law, created pull factors for Europeans to migrate to Brazil. With the subsequent influx of poor Europeans, who typically regarded street vending as the first opportunity to enter commercial networks and earn a living, laws regarding free *ganhadores* became especially concerned with immigrant workers. The massive licensing of free *ganhadores* that took place between July and August of 1879 demonstrates that the policing of street labor was as much (or

more) influenced by the growing numbers of immigrant street workers as it was by the presence of free people of African descent.

Municipal regulation of street labor created a particular Atlantic experience of freedom that in Rio was conditioned by legacies of slavery and new migratory flows stimulated by the transition to free labor. In having to solicit “black *ganhador* licenses” and following municipal procedures that submitted Europeans to dependent relations with patrons, employers, and the State, white immigrant workers participated in an Atlantic experience of freedom that was not only connected to the international political economy established on new principles of free labor, but to the local legal practices of an urban slave society that organized free and slave street labor under one *ganho* system. By 1882, municipal authorities had diminished distinctions between the fines incurred by slave and free *ganhadores*, which was reflective of how slavery and freedom had been structurally organized under one system, first as a foundation of urban slave society, and second as a basis for the gradual and smooth transition to free labor.<sup>95</sup> In the latter half of the century, street peddlers who were enslaved and free *ganhadores* of African and European descent were structurally and experientially between slavery and freedom, as they negotiated with patron guarantors, police authorities, and consumers who were habituated to the slave and African origins of Rio’s street commerce.

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<sup>95</sup> Posturas da Câmara Municipal, 1870 (Rio de Janeiro: Eduardo e Henrique Laemmert, 1886). This publication includes amendments from the 1880s; in particular, “Sobre o serviço de ganhador,” March 1882, p. 24.

## Chapter Two

“*Que possa cada um carregar a sua cruz:*” Enslaved and Free Street Vendors in a Policed Workplace, 1868-1888\*

The 1868 inaugural edition of *O Trabalho* opened with a mission statement in which it claimed to be, at last, the first newspaper to speak in the name of Brazilian workers.<sup>1</sup> The newspaper was “filling this lacuna,” which the authors argued was marked by the representative absence of the working class in Brazilian nation building and in the development of diverse industries.<sup>2</sup> Sympathizing with the abolitionist cause, *O Trabalho* was shedding a “fraternal light on free labor, obscured by centuries of slavery.”<sup>3</sup> As a print vanguard, *O Trabalho* aimed to be a force consolidating the diverse Brazilian working classes, helping “unoccupied field hands, so many uncultivated skills, [and] so many unhappy [workers]” steer clear of “the ignorance and vagrancy that steal from the [power of] labor to increase with lamentable permanence the growing statistics of crime.” Almost two decades after the prohibition of the trans-Atlantic slave trade and two decades before the final abolition of slavery, the free labor ideology expressed in this proletarian newspaper was widely inclusive in its conceptualization of the worker – “[a]rtists, industrial workers, artisans, merchants, laborers of all types from the rudest to the most delicate and

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\* “May each person bear their cross.” Translation is mine.

<sup>1</sup> “O Trabalho,” *O Trabalho*, 11 May 1868.

<sup>2</sup> As discussed in the Introduction and Chapter Four, street commerce was seen by many entrepreneurial elites as an urban “industry” that required rationalization.

<sup>3</sup> “O Trabalho,” *O Trabalho*, 11 May 1868.

complicated thinker, all producers, and, finally and especially, exploited agricultural workers.” Not surprising was the newspaper’s statement that unused labor power not only resulted in “ignorance and vagrancy,” but in criminal activity as well.

In many Atlantic port cities and urban centers throughout the Americas the poor were far from being “idle,” as thousands labored hard for subsistence through scavenging, peddling, and other creative survival strategies. It was elite anxieties over the transition from slave to free labor and the possible loss of property and power that discursively transformed many types of work performed by the poor, especially those dependent on the urban street economy, into manifestations of pathological behavior, such as vagrancy and public disorder. Regular wage work became the opposite of slave labor, but this practically excluded many of the labor activities performed by the urban poor, which were shaped by slave labor. Thus, anti-vagrancy laws and policing targeted at preserving the social order of slave society inevitably came to interfere with the labor practices of the urban poor that had previously been regulated, to a certain extent, by commercial and municipal laws. In addition, the debate over the situation and prospect of free/freed workers and discussions of escalating crime increasingly occupied newspaper pages. The newspaper, in the latter half of the nineteenth century, played a particular role in displaying the changing landscape of “the street.” Police arrests of petty thieves, interventions in illegal gambling, and regulation to restrict illegitimate trade were discussed virtually on a daily basis in newspaper columns reporting remarkable events of street life.



The transformation in the perceptions and status of street vending was hardly immediate or total. Rather than unconditional support for the policing of society, journalists expressed ambivalent and ironic attitudes toward the issue of social control and often depicted Rio police as ineffective or irrational. A newspaper column titled “Street Occurrences” (*Ocorrências das Ruas*), which was published at least weekly in the Rio newspaper *Gazeta de Notícias*, listed a series of incidents between police officials and the urban poor, including street peddlers, on a given day. The public’s fascination with criminality and even prison life was also emerging in Rio at the turn of the century<sup>4</sup>, perhaps leading to the placement of the column “Street Occurrences” on the front page. Humor and witty remarks often tinted journalists’ views, sometimes in favor of the police or the detainee. For example, the incident on 4 March 1883 between the Portuguese Antônio José da Fonseca and an ironsmith, the former intending to sell to the latter a horse for the modest amount of 20\$000, attracted such journalistic attention.<sup>5</sup> The writer(s) of “Street Occurrences” mocked the “idiot” ironsmith for not accepting such a bargain, who “furthermore was a bad person” since he notified the police that the horse was stolen (*O ferrador foi tão toto, que não aceitou o negócio! E ainda foi tão mal, que foi denunciar o Fonseca á polícia*). As a result the police arrested them all: the Portuguese seller, the horse, and the ironsmith – which inspired the ironic remark, “Well done, Mr. Ironsmith!” (*Ora, o Sr. Ferrador!*) Another event described two Englishmen selling smokes in the

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<sup>4</sup> Marcos Luiz Bretas, “What the Eyes Can’t See: Stories from Rio de Janeiro’s Prison’s,” in *The Birth of the Penitentiary System: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, ed. Ricardo Salvatore and Carlos Aguirre (Austin: University of Texas Press, 1996).

<sup>5</sup> “Ocorrências das Ruas,” *Gazeta de Notícias*, 4 March 1883.

port area of the city at eight thirty at night, when they were arrested in flagrante for selling stolen goods.<sup>6</sup> The column concluded that “definitively, the freedom of commerce has ended in this country!” (*[d]ecididamente acabou-se a liberdade de commercio neste pais!*) Critiquing the limitations the police imposed on the free market and on the freedom of vendors to participate in it, the columnists expressed their opinion that street commerce was unduly regulated by police.

While newspaper columns like “Street Occurrences” portrayed the uneven landscape of a waning urban slave society, the classifieds section illustrated the shifting needs of urban elites and middling classes who, for economic or other reasons, preferred to hire free workers for street labor that had traditionally been done by slaves. Slave-for-hire advertisements that had previously dominated classifieds sections were virtually non-existent by the 1880s. Throughout the nineteenth century, newspapers had supported the system of slavery, acting as a medium for men and women to buy or hire slaves. With the imminent end of slavery, however, newspapers became a means for hiring free labor, including street vendors. For example, newspapers advertised searches for free male peddlers, “white or of color,” to sell food stuffs and other goods on the street. But the classifieds genre still used nomenclature from the slave period, such as requiring workers to be “loyal” (*que sejam fiéis*).<sup>7</sup> An ad searching for a “boy or an old black woman to sell sweets in the neighborhood Botafogo” (*um menino ou uma preta velha para vender doces no bairro de Botafogo*) revealed, in the juxtaposition of two different types of sweets peddlers, certain changes caused by

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<sup>6</sup> Ibid., 23 January 1883.

<sup>7</sup> “Precisa-se,” *Gazeta de Notícias*, 19 January 1880.

the gradual transition to free labor. The former, a child<sup>8</sup>, was possibly indicative of the shift to free labor and the latter, an aging *preta*, was a legacy of slavery.<sup>9</sup> Through both the classifieds section and the column narrating street occurrences, the press illustrated the shifting landscape of a society in transition from slave to free labor.

This chapter examines enslaved and free workers who participated in street commercial activities and came into contact with the police in a variety of settings. The analysis is based upon a reading of newspapers and police arrest and detention records from the municipal House of Detention (Casa de Detenção). The registry entries of the House of Detention illustrate that the temporary imprisonment of street peddlers usually resulted from alleged violations of the Criminal Code of 1830 rather than infractions against commercial and municipal laws related to system of *ganho*. Large books recorded the daily movement of enslaved and free detainees in and out of the Casa de Detenção, noting information such as the date, place and reason for arrest, domicile, nationality, age, civil status, occupation, skin color, literacy, and certain physical traits. This chapter analyzes the entries of individuals specifically involved in street commerce, correlating variables such as gender, skin color, nationality, age, occupation, and reason for arrest with the status (slave or free) of detainees. Together with the reading of “Street Occurrences,” this data reveals particular

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<sup>8</sup> The use of the term *menino* indicated the child’s free status whereas the term *molequinho/a* generally referred to slave children; Katia M. de Queirós Mattoso, *To Be a Slave in Brazil, 1550-1888* (New Brunswick: Rutgers University Press, 1986), 56-58, 70.

<sup>9</sup> “Precisa-se,” *Gazeta de Notícias*, 19 January 1880.

tensions between different types of street policing, motivated by the enforcement of the criminal code and/or commercial regulation.

Although street commerce involved important State/municipal regulations (hence the requirement of licensed *ganhadores*), the increased policing that resulted from the growth of the urban slave population in the first half of the nineteenth century<sup>10</sup> and the growth of the free black and immigrant population in the second half of the century shows that participants in street commerce were eventually more vulnerable to police surveillance of criminal rather than commercial activity. On the one hand, the municipal government attempted to regulate street commerce by formalizing informal relationships of the *ganho* system through licensing procedures. On the other hand, increased policing along with the criminalization of certain street behaviors as established by the Criminal Code of 1830 was transforming the “workplace” for street vendors and establishing the groundwork for the marginalization of street commerce. The detention of street vendors between 1868 and 1888, who were poor foreign immigrants and free and enslaved men and women of African descent/origin, reveals a structural and experiential transition to free labor that included immigrant and Afro-Brazilian workers who shared the condition of poverty.

Recent historical study on nineteenth-century Rio de Janeiro has established that there are connections and shared experiences – of labor, organization, and collective action – between slave struggles for freedom and the

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<sup>10</sup> Leila Mezan Algranti, “Slave Crimes: The Use of Police Power to Control the Slave Population of Rio de Janeiro,” *Luso-Brazilian Review* 25, no. 1 (Summer 1988): 27-48.

strivings of urban wage-workers.<sup>11</sup> A social history of labor that includes such connections and shared experiences is crucial for understanding working-class formation in the transition from slavery to freedom. In many Brazilian cities, slaves, former slaves, foreign immigrants, and the racially-mixed poor shared urban spaces such as the factory, the street, and the *cortiço* (urban tenement), and this intensified with the transition to free labor and the population growth of the second half of the nineteenth century.<sup>12</sup> In 1850, the prohibition of the trans-Atlantic slave trade caused significant population shifts as slaves were transported from urban areas and the Northeast to especially the coffee plantations of the Southeast. In the world of Rio street commerce, scholars have identified 1850 as the year when urban slave labor was directed toward transportation and freight services in the city, resulting in the substitution of slave labor by migrant and free wage labor in other lines of work.<sup>13</sup> Though a trend in this direction may have been taking shape, the argument of labor substitution of one group for another obscures the fact that in Rio, like in many other Atlantic port cities, slave and free wage workers – African, black, mulatto, white, and immigrant – composed all

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<sup>11</sup> Marcelo Badaró Mattos, "Trabalhadores escravizados e livres na cidade do Rio de Janeiro na segunda metade do século XIX," *Revista do Rio de Janeiro* 12 (jan-abril 2004); Flavio Gomes and Antônio Luigi Negro, "Alem de senzalas e fábricas: uma história social do trabalho," *Tempo Social, revista de sociologia da USP* 18 (April, 2006).

<sup>12</sup> Luiz Felipe de Alencastro, "Proletários e escravos: imigrantes portugueses e cativos africanos no Rio de Janeiro, 1850-1872," *Novos Estudos* 21 (1988): 30-56; Aluzio Azevedo, *O cortiço* (New York: Oxford University Press, 2000[1890]); Jaime Rodrigues, "Ferro, trabalho e conflito: os africanos livres na fábrica de Ipanema," *História Social*, no. 4/5 (1996/1997): 29-42; Artur José Renda Vitorino, "Escravidão, proletários e a greve dos compositores tipográficos de 1858 no Rio de Janeiro," *Cadernos AEL* 6, no. 10/11 (1999).

<sup>13</sup> Badaró Mattos, "Trabalhadores escravizados e livres na cidade do Rio de Janeiro na segunda metade do século XIX," 234. Luiz Carlos Soares, "Os escravos de ganho no Rio de Janeiro Século XIX," *Revista Brasileira de História* 8 (mar./ago., 1988).

together the poor working class, sharing similar material conditions, survivals, and struggles “to scrape by.”<sup>14</sup>

Historians focusing on the diversity of labor in urban centers of the Atlantic have explored the lives of the enslaved alongside free workers, arguing that the history of slavery and free labor should not be artificially divided by the misperception that free labor – erroneously treated as synonymous with (white) immigrant labor – replaced African (black) slave labor. In the case of Brazil, the long-standing model based on substitution has led to bipolar historical analyses separating Brazilian social and labor history during and after slavery. Brazilian historians Antônio Luigi Negro and Flávio Gomes, in particular, advocate a “new” social history that analyzes the experience of slavery alongside other forms of compulsory work (free and/or wage-based). They argue that this experience included Africans, Brazilians, indigenous people, and foreign immigrants at the end of the nineteenth century, often working in spaces other than plantations or factories.<sup>15</sup> In the historiographical vein that argues that “slavery was less of a labor regime and more of a property regime,” US historian Seth Rockman puts “diverse workers into the same story” in his study of early republican Baltimore, claiming that class was a shared material condition rather than a shared consciousness, identity, or politics.<sup>16</sup> In this light, this study shows that street commerce in Rio was the socio-economic practice of certain poor residents of the city where slaves and immigrants, slave and free wage labor, shared not only the

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<sup>14</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2009).

<sup>15</sup> Gomes and Negro, “Alem de senzalas e fábricas: uma história social do trabalho,” 220.

<sup>16</sup> Rockman, *Scraping By*, 11.

same historical stage but also poverty, struggle for survival, and informal social networks.

Several historians have noted that throughout the nineteenth century the Brazilian State became more involved in matters that traditionally concerned the “private” authority of masters over slaves.<sup>17</sup> As a result, many urban slaves used the State’s legal apparatus against their masters to fight for freedom.<sup>18</sup> In fact, slaves not only influenced Brazilian civil legislation, but also played a fundamental role in the legal process of dismantling slavery.<sup>19</sup> However, State surveillance of the enslaved urban labor and the State’s ability to legally intervene in and disrupt the order of slaveholders’ homes placed many slaves under the gaze of the police and the threat of State punishment and detention. The arrest and imprisonment of both slave and free vendors in the House of Detention reflected “attitudes and practices of the system of repression [that] were transferred smoothly to the nonslave lower classes and persisted.”<sup>20</sup> Specifically, the idea that slaves and the free lower classes merited punishment and not rehabilitation to “correct” criminal behavior was crucial for the maintenance of slave society.

Historian Alexandra Brown argues that “[j]ails were intended to serve as repositories of detention rather than places where prisoners would be adequately

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<sup>17</sup> Algrant, *O feitor ausente*; Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-century Rio de Janeiro* (New York, 1988), Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-Century City* (Stanford, 1993); Marilene Rosa Nogueira da Silva, *Negro na rua: A nova face da escravidão* (São Paulo: Editora HUCITEC, 1988).

<sup>18</sup> Sidney Chalhoub, *Visões da liberdade: uma história das últimas décadas da escravidão na corte* (São Paulo: Companhia das Letras, 1990), Keila Grinberg, *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX* (Rio de Janeiro: Relume, Dumara, 1994).

<sup>19</sup> Keila Grinberg, “Slavery, Liberalism, and Civil Law,” in *Honor, Status, and Law in Modern Latin America*, ed. Sueann Caulfield, Sarah C. Chambers, and Lara Putman (Durham: Duke University Press, 2005), 122.

<sup>20</sup> Holloway, *Policing Rio de Janeiro*, 231.

punished or reformed. [...] The framers of the [1830] criminal code did not seek to transform free prisoners through the penitentiary model that focused on reflection and moral re-education.”<sup>21</sup>

This chapter seeks to explore whether State surveillance over inappropriate or “criminal” street behavior vis-à-vis the enforcement of commercial regulation was indicative of a particular shift in legal and police culture at the end of slavery. How did street vendors of different nationalities, race, age, and gender experience this transitional moment? How was the experience of slavery and freedom in the world of street commerce redefined by different interactions with the police? What possible effects did this have on the practice of street commerce? Detention during this period, some historians would argue, was not a strategy to deter crime, but a public demonstration of power. It seems that Rio journalists satirizing street life were indeed attuned to such displays of power. In their writings, columnists seemingly defended peddlers who were the victims of police abuse, communicating an attitude of social justice that portrayed individuals as holding the right to earn a living, to “bear their cross,” even if through informal or illegal street commercial transactions. Street commerce was thus at the interstices of the underground, the criminalized street behaviors, and the economy of subsistence, which was a central and public aspect of city life that many residents practiced and defended.

### *Street Peddler Demand and Regulation in a Carioca Newspaper*

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<sup>21</sup> Alexandra K. Brown, "A Black Mark on Our Legislation!: Slavery, Punishment, and the Politics of Death in Nineteenth-Century Brazil," *Luso-Brazilian Review* 37, no. 2 (2000): 103-104. Also see Bretas, "What the Eyes Cannot See."



Richard Wade's pioneering study of slavery in antebellum US Southern cities identified newspaper advertisements as important indicators of changes in urban slave labor, particularly the demand for hirelings, or slaves-for-hire, known in Brazil as *escravos de aluguel*.<sup>22</sup> By the early of the 1880s, the classified sections of the Rio newspaper *Gazeta de Notícias* advertised the demand for black or white free workers or *ganhadores*, even though the latter term rarely appeared in print. The demand for domestic labor continued to express a primary interest in men and women of African descent/origin, with a preference for females in the areas of child and house care, such as maids, cooks, and *amas de leite* (wet nurses), and for males as cooks, butlers, and general domestic service. Ads seeking to purchase or hire slave labor had decreased significantly by the 1880s, as employers sought to hire free workers in notices that reflected the transitional historical moment from slavery to freedom. For example, many employers requested that a street vendor be protected by guardianship (*aficançado*), be loyal (*fiel*), and of good conduct (*boa conduta*), while promising a good salary (*um bom salário*).<sup>23</sup> Common descriptors of dependable workers in slave-for-sale or slave-for-hire advertisements persisted for non-slave workers. License requests for free *ganhadores* also reflected such language, illustrating a system that structured street labor based on similar treatment toward enslaved and free workers.

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<sup>22</sup> Richard Wade, *Slavery in the Cities of the South, 1820-1860* (New York: Oxford University Press, 1964), 43. In the slaving Atlantic World the press was an agent that "tied together" print, consumerism, and the experience of slavery, as slavery and newspapers "grew together," especially helping consolidate the slave order in cities. See, Robert E. Desrochers, "Slave-for-Sale Advertisements and Slavery in Massachusetts, 1704-1781," *The William and Mary Quarterly*, Third Series, *Slaveries in the Atlantic World* 59, no. 3 (2002): 623-664.

<sup>23</sup> "Precisa-se," *Gazeta de Notícias*, 1883.

Newspaper ads in the early 1880s primarily expressed an interest to employ street vendors for the sale of sweets, pastries, fruits, vegetables, ice-cream, and cigars and cigarettes. The press itself also placed ads in the classifieds section to hire vendors to sell gazettes and newspapers on the street.<sup>24</sup> Demand for child labor was especially prominent for the sale of sweets, smokes, and flowers, following perhaps certain patterns from the slave period or influenced by the very low remuneration paid to children. Employer preference for young boys of “good conduct” (*menino* or *pequeno de boa conduta*) reflected a language reminiscent of slave times, but since free womb emancipation had been proclaimed in 1871, none of the ads sought *molequinhos/as*, or other terms used to specifically describe enslaved children.

Newspaper ads usually listed an address where those seeking work could make further inquiries with potential employers. These ads demonstrate that the culture of street commerce was as much shaped by a formal structure, involving employers, newspapers, and peddlers, as informal arrangements that many times created the terms of employment. A classifieds entry from 19 January 1880, looking for a free white or colored (*branco ou de côr*) male to work on a small farm (*chácara*) and sell fruits on the street, illustrated such formal and informal dynamics, in this case marked by the commercial network between rural/suburban and urban Rio that street vending helped establish.<sup>25</sup> Interested men would inquire at a shop (*venda*) on Rua Visconde de Itaúna 213, in the heart of the commercial parish of Candelária. The shop likely sold goods produced in the

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<sup>24</sup> For example, on 11 February 1881, the Rio newspaper *O Bonde* advertised that it was looking for “vendors [to distribute] this newspaper.”

<sup>25</sup> “Precisa-se,” *Gazeta de Notícias*, 19 January 1880.

*chácara*, while peddlers maximized the owner's profits by also selling these products on the streets – a typical practice of the *ganho* system, reaching urban and peripheral neighborhoods.

Newspaper classifieds of the 1880s also reflected other attributes of the *ganho* system as it shifted to accommodate free labor while maintaining certain features reminiscent of slavery. For example, paternalistic language appeared in ads, showing that patron-client relations continued to shape labor culture. An April 6, 1883, ad announced an opening for a peddler of sweets (*balas*), that was “well-paid” (*paga-se bem*) and specifically “overlook[ed] skin color” (*não se olhando a côr*).<sup>26</sup> In eliminating the weight of skin color, employers were perhaps in line with changes brought on by the imminent end of slavery, in which the slave (*preto*), associated with black skin, was discursively erased. Further, the dramatically shifting cityscape of street commerce, including more (European) immigrants than African descended people at this time, transformed street vending that had previously been associated with Africans, like the street selling of sweets. Maybe the employer “overlook[ing] skin color” was stating that the sweets peddler did not necessarily have to be African descended, as had been the case, or maybe the ad reflected sincere equal treatment toward blacks and whites. The employers, living and/or working near the Largo da Carioca, claimed that the vendor would be “treated like a family member” (*trata-se como pessoa de família*). The *ganho* system was based on a formal arrangement as the employer or guardian assumed responsibility over the free worker during the process of municipal licensing. But in this case, the labor agreement between employer and

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<sup>26</sup> Ibid., 6 April 1883.

*ganhador* formalized the relationship of dependency. However, advertisements for work in street commerce by this time rarely used the term *ganhador*, which perhaps reflected the waning of the *ganho* system or employer avoidance in recalling certain aspects of urban slave society since other language (i.e., treatment like a family member) was available for the continuance of patron-client relations.

While newspaper classifieds portrayed the formal side of employment in street commerce, the weekly column “Street Occurrences” (*Ocorrências das Ruas*) that appeared in the *Gazeta de Notícias* illustrated events and behaviors that situated street commerce that bordered illegality. Meriting report and appearance in the almost daily newspaper column were acts of petty thievery, public disorder, homicide, slave suicide, transportation accidents, gambling, and illegal buying and selling on the street. On the one hand, columnists discussed peddlers who were detained by policing authorities for violating municipal laws regarding street work regulation. On the other hand, columnists noted several events in which peddlers were detained for violations established by the Criminal Code of 1830. The newspaper listings of street occurrences in the decade leading up to final abolition exemplify a culture of policing over street work that was influenced by both municipal and criminal law.

The most frequently reported street occurrence was theft (*furto*), whether the police arrested individuals for stealing or for selling stolen goods. As Seth Rockman has described for the case of the Atlantic port city of Baltimore, “officials knew that the underground economy in clothing, household goods, and

even foodstuffs provided every incentive for needy people to engage in theft.”<sup>27</sup>

The city of Rio was no exception. In addition to goods stolen to be resold in stores and in pawnshops, many objects the police suspected to be stolen were sold on the street, resulting in the arrest and detention of peddlers. Slave vendors selling miscellaneous objects on the streets were usual suspects, as was the case with the *preto* João who was arrested on Rua do Cotovelo for selling a piece of cashmere clothing (*uma peça de casimira*), a parasol (*um chapéu de sol*), and eight metal spoons. Because João was unable to give the police an explanation regarding the origin of the objects he was selling, he was arrested. The police confiscated his goods and hours later the owner of a shop on Rua de Dom Manoel 4 appeared at the precinct to recover his possessions. Theft leading to informal street vending is also exemplified in the arrest of Inocêncio Candido de Oliveira on 12 February 1883. The resident Antônio Madeira accused Inocêncio of stealing (from his home?) a pair of earrings. Upon arrest, Inocêncio confessed he was guilty, stating he no longer possessed the earrings, which he had sold for 1\$ to the owner of the tavern on Travessa do Costa Velho 3.

Many individuals arrested for theft were identified by the police, and also by columnists, as “known” thieves or cat burglars (*gatunos conhecidos*).

Felisberto Antônio de Lemos Castro, for example, was a “known thief, drunkard, and vagrant” who was arrested for selling supposedly stolen chairs on the street.<sup>28</sup>

In addition, several columns discussed the street sale of stolen poultry – a frequent street occurrence that often involved peddlers of different ethnicities. Portuguese,

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<sup>27</sup> Rockman, *Scraping By*, 186-7.

<sup>28</sup> “Ocorrências das Ruas,” *Gazeta de Notícias*, 11 April 1883.

Chinese, and men of African descent, for example, were arrested for selling stolen chickens on the street, which sometimes they had taken from a house or a backyard (*quintal*). Stealing fruits and vegetables from markets or grocers that were later resold on the street was another way for slaves and free people to get by in the makeshift economy of street commerce. The police even caught a couple of men crawling into a kiosk late at night and planning to leave it empty.<sup>29</sup> Writers narrating street occurrences did so in ways that sometimes elevated known or anonymous thieves to mythical status, indicative of public interest in stories of crime. Nonetheless, writers showed that there was indeed nothing mythical in the crudeness of being poor, as suicide attempts by slaves, homeless people living in carts, disoriented newly arrived immigrants, inter-racial violence, or being run over by a tram car (*bonde*) and hospitalized in the Santa Casa da Misericórdia were common daily occurrences as well.

In addition to anecdotal remarks, columnists in 1883 added their views of how certain street incidents reflected the larger situation of freedom and the free market. As stated earlier, they noted how the policing of streets could easily trespass certain boundaries, leading journalists to claim that “definitively, freedom of commerce is finished in this country.” During the same year, the subdelegate (*subdelegado*) of the second precinct of the parish of Santana became a recurring character in the columns of the *Gazeta de Notícias*, one who journalists represented as either among the few really implementing municipal law or as an authority figure over-regulating street work. The parish of Santana included the streets surrounding the infamous Campo de Santana, a landscaped

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<sup>29</sup> Ibid., 20 May 1883.

square that served as a hangout for *capoeiras*, a workplace for laundresses, peddlers, and kiosks owners, a meeting place for social and romantic encounters, and a site of popular resistance.<sup>30</sup> Santana was a heavily populated, commercially active, and bustling area of central Rio. As opposed to police authorities in other parishes, columnists observed that the subdelegate of the second precinct in Santana was particularly stringent about imposing municipal laws regarding street work and commerce.

The “Street Occurrences” printed on the 4 March 1883 edition of the *Gazeta de Notícias* was entirely dedicated to the unusual consistency of law enforcement in the parish of Santana.<sup>31</sup> Municipal law dictated that individuals transporting goods (*carregadores* or *ganhadores*) were not allowed to walk on sidewalks (*passaios*). Rather, they had to use the middle of the street so as not to disturb pedestrians. The column’s writer satirized that in all parishes, and even in the first precinct of Santana, individuals could carry what they wished “on their heads, backs, in bags, trunks, tables (*taboleiros de quitanda*);” they could even carry their “mothers-in-law.” But in entering the second district of Santana, the columnist claimed, it was “the law to carry the *sogra* in the middle of the street – sorry, the cargo,” or individuals would be fined 4 *réis*. The cumbersome transportation of heavy loads and, perhaps more so, the weight of the law were apparently equivalent to the burden of a mother-in-law. Highlighting the uneven application of municipal legislation in different parts of the city, the newspaper

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<sup>30</sup> Brasil Gerson, *História das Ruas do Rio de Janeiro* (Rio de Janeiro: Editora Souza, 1954).

<sup>31</sup> “Ocorrências das Ruas,” *Gazeta de Notícias*, 4 March 1883.

was concerned about inconsistent application, as it seemed to be a matter of all or nothing:

Either other police officers follow the law or may the *subdelegado* of the second precinct of the parish of Santana allow, like in all other areas [of the city], that each person bear their cross, not their mother-in-law, on their backs.

[Que outros Srs. Subdelegados cumpram o que manda a lei ou que o Sr. subdelegado do 2º distrito de Santana deixe que alí, como em toda parte, possa cada um carregar a sua cruz, não a sua sogra, ainda não a sua carga as costas.]

Clear, however, was the newspaper's acknowledgment that street workers, regardless of the law, had the universal right to work (*como em toda parte*), to earn a living, and to "bear their cross" (*carregar a sua cruz*) and not the weight of the law. Shifting the transportation of goods from sidewalks to the center of streets rationalized urban space, a project that many elites and newspapers supported. But the abuse of law enforcement in the second district of Santana, journalists argued, was an additional burden that should not interfere with workers getting by in an already precarious street labor environment.

Furthermore, the reporters of "Street Occurrences" remarked that the accumulation of fines imposed on an individual upon arrest in the second district of Santana was quickly enriching the municipal government. Throughout the year of 1883, the subdelegate of Santana was notorious for fining tavern, grocery and snack-bar (*botequim*) owners, illegal gambling houses (*casas de jogo*), individuals in tenements of low reputation (*casas de zungú*), and unlicensed street vendors.



All these fines “exalted the treasury of the municipality.”<sup>32</sup> For example, on 6 March 1883, João da Rosa, Maria Benedita and Maria da Conceição were arrested by the subdelegate for selling rotten meat from a street table, along with several other men who were carrying produce on *passeios* rather than the middle of the street. Monies from fines were subsequently remitted to the municipal treasury, a “millionaire” by now on account of the subdelegate of Santana.<sup>33</sup> But it was not only monetary remuneration; the subdelegate “was doing more for the municipal government than the councilors (*vereadores*) themselves!”<sup>34</sup>

Police influence on the world of street commerce went beyond the physical enforcement of the law, creating to a certain extent a culture of self-discipline, as reflected in the “Street Occurrence” printed 12 February 1883.<sup>35</sup> In this case, the *ganhador* André Joaquim Fernandes turned in to the urban guard of the second precinct of Santana a basket full of vegetables. André had been hired by another individual to transport such a basket from the market to Largo de São Domingos. Once he reached his final destination, André did not find his employer, so he decided to take the basket to the police. There are other several street occurrences in 1883 that illustrate conscientious street workers turning in others’ possessions or taking injured people to the police. But most street occurrences described illicit behavior, such as peddling without a license, selling watered-down milk, walking the streets with an unlicensed milk cow, or selling rotten meat. The confiscation of spoiled meat from vendors was in fact a habitual

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<sup>32</sup> Ibid., 12 March 1883.

<sup>33</sup> Ibid., 8 March 1883.

<sup>34</sup> Ibid., 7 March 1883.

<sup>35</sup> Ibid., 12 February 1883.

street event. The fine for selling spoiled meat was considerably higher (30\$) than other fines, resulting in much resistance on behalf of vendors who would claim their meat was “perfect.”<sup>36</sup> While the newspaper columns “Street Occurrences” depicted peddlers as either violating municipal laws or involved in acts of theft, the arrest and detention records of the Casa de Detenção illustrate peddlers, in general, were more vulnerable to police enforcement of criminal law than to commercial regulation.

#### *Enslaved and Free Vendors in the Casa de Detenção*

The subdelegate of the second district of Santana, who so captured the attention of newspaper columnists in 1883, arrested a diverse group of individuals on February 26 for transporting heavy loads on the city’s sidewalks.<sup>37</sup> The arrest of the Italian Francisco Capero, the Portuguese José Francisco, the free black woman Januaria, and of two enslaved men, Silvestre and João, property of Rodrigues & Custodio and Francisco Souto respectively, resulted in fines totaling 20\$ (4\$ per individual). While these fines were remanded to the municipal treasury, the individuals themselves were most likely remitted to the Casa de Detenção, or the municipal House of Detention. The individuals arrested reflect the diversity of the street-vending population in the years preceding the abolition of slavery. Furthermore, two enslaved men, one free black woman, and two immigrants from Southern Europe were equally vulnerable to the surveillance of the infamous subdelegate. The police regulated many aspects of street commerce

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<sup>36</sup> Ibid., 10 March 1883.

<sup>37</sup> Ibid., 26 February 1883.

and targeted a population that was enslaved and free, native and foreign, African- and European-born. However, not all “Street Occurrences” described the social profile of detainees as did the registry entries of the Casa de Detenção. The last section of this chapter illustrates the profile of detained slave and free street sellers in the decades leading up to abolition, preceded by a brief examination of the police as a State apparatus in Rio de Janeiro between 1860 and 1888.

The first institution of confinement in Latin America was the House of Correction (Casa de Correção) in Rio de Janeiro, opened in 1834 according to the panoptical model, for the correction of “unruly slaves” and convicted criminals. Correction, however, translated into corporal punishment rather than the reform and rehabilitation of detainees.<sup>38</sup> Built in the peripheral district of Cidade Nova [Map 2, Appedix Chapter Two], construction of the penitentiary center was never completed. The first wing was inaugurated in 1850 as the Casa de Correção, and the second wing built some years later, became the Casa de Detenção.<sup>39</sup> Historian Thomas Holloway argues that the “introduction of modern bureaucratic institutions gave traditional elites new mechanisms for coping with the pressures from below that were the social consequences of peripheral capitalism and the legacy of slavery.”<sup>40</sup> An important characteristic of the Rio police State apparatus was the relativistic and arbitrary application of the law concerning public order, or the wide application of the law against disorder and any threat to the social order

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<sup>38</sup> Carlos Aguirre and Ricardo Salvatore, “Birth of the Penitentiary System in Latin America: Toward and Interpretive Social History,” in *Birth of the Penitentiary System in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, ed. Carlos Aguirre and Ricardo Salvatore (Austin: University of Texas Press, 1993), 9. Also see, Brown, “‘A Black Mark on Our Legislation’: Slavery, Punishment, and the Politics of Death in Nineteenth-Century Brazil.”

<sup>39</sup> Bretas, “What the Eyes Can’t See: Stories of Rio de Janeiro’s Prisons,” 104.

<sup>40</sup> Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-Century City* (Stanford: Stanford University Press, 1993), 16-17.

of slavery. In a slave society with a growing population of poor free people of color this implied “the perversion of the liberal concept” of freedom, which translated into “equal but inferior.”<sup>41</sup> According to Holloway, “the establishment and development of the urban police system were a necessary precondition for the transition from slavery to the free labor regime,” and an outlet for coercively resolving the consequences of the paradox of slavery and liberalism and thus cope with an incomplete modernity.<sup>42</sup>

The weekly Rio newspaper *O Artista*, announcing on its front page that it sympathized with abolitionist and artisan associations, published a “chronicle” on 21 April 1883 depicting the living conditions at the Casa de Detenção.<sup>43</sup> Naming the detention center on Rua do Conde d’Eu a “holy house” for criminals (*santa casa de detenção e correção*), analogous to the Santa Casa da Misericórdia for the infirm poor, the chronicle’s author described the detention center as a source of “satisfaction and contentment” for the chief of police and ministers of justice. The author’s ironic comparison of the detention center with a hospital run by a religious order only emphasized that the former was not a place for healing and rehabilitation. Instead, it was a “lugubrious living space, ruled by arbitrariness and despotism, where victims had no recourse to appeal to higher authorities.” Certain hygienic “comforts,” which the journalist believed were detainees’ rights, “were not observed”: “[f]or example, [...] nutrition was appropriate for a leprous dog.” Between ten and twenty men shared small cubicles where they slept like “sardines in a can.” They were “crammed onto the granite seawith a simple

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<sup>41</sup> Ibid., 6.

<sup>42</sup> Ibid., 289.

<sup>43</sup> “Crônica,” *O Artista*, 21 April 1883.

blanket that served as both mattress and cover.” This blanket, the writer noted, was actually “an enigma for the detainee,” since as a floor mattress it was cold like granite, but as a cover it was overwhelmingly hot. According to the author, the enigma was connected to the despotic nature of “power, [which] had such bizarreness.” Other power imbalances were reflected in the fact that minors, or “novices of vice,” were intermixed with “the *dungas* of vice and crime.” The latter further lured the former into the world of crime, thus hampering any chance for rehabilitation.

Although rehabilitation was unlikely, the chronicle concluded with the claim that detainees, who also included enslaved individuals, were nonetheless citizens. Consequently, the State had the obligation to feed and house detainees if it expected them to rejoin society as “useful citizen[s] for the nation.” The author did not make distinctions between free and enslaved detainees, but considering the newspaper’s abolitionist sympathies, the term “citizen” probably did not exclude slaves. Reminding the State of its responsibility toward the formation of citizens, even in detention centers, is a telling claim that not only reflected elite concerns with reforming penitentiaries, but also the discursive connection between marginality and citizenship as not mutually exclusive. While the chronicle’s author viewed detainees as citizens, it was also possible that detainees considered themselves persons with rights. Still, detainees were in a particularly confined and liminal space. The criminalization of certain behaviors, such as quarrels, drunkenness, and homelessness that were part of life on the street, affected in turn survival strategies and economic practices like peddling. As

described decades later by another chronicle writer, the detention center or prison was “where the streets sometimes end,” gradually marginalizing street vending and vendors in the transition from slave to free labor.<sup>44</sup>

The registry entries of the municipal House of Detention thus provide insight into “where the streets end,” according to the particular historical context of the last decades of slavery. Furthermore, the detention center, holding both enslaved and free peddlers of different ethnicities, becomes a unique historical site for examining “the same story,” to borrow Rockman’s phrase, of the diverse working population in Rio street commerce.<sup>45</sup> Street vendors were mostly charged with public disorder, vagrancy, or the suspicion of being a fugitive slave. As Holloway noted for mid-nineteenth century Rio, public disorder was by far the main reason for arrest and detention in police jails, but never a motive for reported crime. Crimes against persons and property were frequently reported and although public order “did not jeopardize people or property, [it] was illegal and unacceptable.” Ensuring public order was a police matter that involved detention, rather than judicial action and the court system, as means for correction and maintenance of the social order of urban slave society.<sup>46</sup>

The examination of the following arrest and detention records elaborates the dialectics of slavery and freedom in the world of street commerce, from the perspective of penal law and based on the correlation of enslavement and freedom

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<sup>44</sup> “Where the streets end” originally appeared as a newspaper chronicle in 1904, becoming a chapter in João do Rio’s *A alma encantadora das ruas*, first published in 1908. See Bretas, “What the Eyes Can’t See: Stories of Rio de Janeiro’s Prisons,” 113.

<sup>45</sup> Rockman, *Scraping By*, 10.

<sup>46</sup> Thomas Holloway, “Punishment in Nineteenth-Century Rio de Janeiro: Judicial Action as Police Practice,” in *Reconstructing Criminality in Latin America*, ed. Carlos A. Aguirre and Robert Buffington (Wilmington: SR Books, 2000), 101-103.

to certain demographic profiles as well as specific criminal charges. This analysis draws from a sample of 523 men and women, drawn from a selection of “books” from the House of Detention (*livros da Casa de Detenção*) between 1868 and 1883.<sup>47</sup> The House of Correction was the usual destination for slaves who were arrested, but with the overcrowding of this center and the closing of the *calabouço* (slave dungeon) in 1874, many slaves were sent to the House of Detention.<sup>48</sup> Still, according to the registry entries, most detainees were free individuals. Virtually all detainees who identified themselves as participants in street commerce were illiterate. Table [5] below displays the variety of street commerce occupations as well as the number of men and women, slave and free, in each occupation:

Table 5: Vending occupations, 1868-1883

Occupation	Total #	Slave (or suspect)	Free	Male	Female
Ganhador/a (slave or free hireling)	131	47	84	128	3 (one enslaved)
Quitandeiro/a (greengrocer)	119	57	62	72	47
Mascate (street peddler)	37		37	37	
Mascate de livros (peddler of books)	1		1	1	
Lustrador/Engraxate (shoe shiner)	65	9	56	65	
Limador (knife-sharpener)	12		12	12	
Amolador (grinder)	1		1	1	
Funileiro (tin-products seller)	32		32	32	

<sup>47</sup> These books, known as “Livros da Casa de Detenção,” are in the Arquivo Público Estadual do Rio de Janeiro (APERJ). The books that make up this sample are listed by number: 3956; 4059; 4052; 3989; 4042; 5436; 5454; 3965; 5418; 3957; 3969; 5419; 4312.

<sup>48</sup> Holloway, *Policing Rio de Janeiro*, 231.

Volante (peddler)	2		2	2	
Vendedor de flores (flower vendor)	2		2	2	
Vendedor de café (coffee vendor)	5	1	4		5
Vendedor de peixe (fish vendor)	11		11	11	
Vendedor de galinhas/ Pombeiro (chicken vendor)	8		8	8	
Vendedor de bilhetes (lottery ticket vendor)	15		15	15	
Vendedor de água (water vendor)	1		1	1	
Vendedor de jornais/gazetas (newspaper seller)	15		15	15	
Vendedor de doces/balas (sweets vendor)	30	26	4	28	2 (enslaved)
Vendedor de folhas (vegetable vendor)	20		20	20	
Vendedor de açúcar (sugar vendor)	1	1		1	
Vendedor de carne (meat vendor)	1	1		1	
Vendedor de ervas (herbs vendor)	3		3	3	
Vendedor de carvão (charcoal vendor)	1		1	1	
Vendedor de leite (milk vendor)	1		1	1	

Detainees who were slaves increasingly entered the House of Detention in the latter half of the nineteenth century as the House of Correction became overcrowded. In the sample analyzed, more than 20% (108/523) of detainees in the House of Detention were slaves, and an additional fifteen individuals were suspected to be enslaved although they claimed to be free. Authorities identified



all of them as unmarried and illiterate. Female slaves were 37% (41/108) of enslaved detainees and 7% of all detainees in the sample. Most female slaves were between the ages of 40-59, followed by 20-39, while only four women were between 60 and 71. The registry entries show that urban masters continued to own a considerable number of young female slaves despite slavery's decline. More than half of female slaves were "natural subjects" of Africa (23/41, 56%) and *pretas* (blacks) between the ages of 40 and 71. Imperial authorities used the term "natural born" (*súbdito natural de*) to define origin, as influenced by monarchical notions of homeland and opposed to the Republican notion of "nationality" after 1890. Women of the Mina "nation" – an ethnic label – comprised the majority of female slaves, approximately 74% (17/23). Women identified Congo, Angola, and Bengela were smaller in number. Occupation-wise, all African slave women were *quitandeiras* while one was a *ganhadora* and another a vendor of sweets (*doceira*). Younger female slaves tended to be Brazilian, 56% being born in Bahia, 22% in Rio de Janeiro, and 22% in other Brazilian states, such as Pernambuco, Maranhão, and Ceará. Most slave women were "black" (*pretas*) while 38% were racially mixed, four being mulatto (*pardas*) and three having mixed African and indigenous heritage (*fulas*). Like their African counterparts, racially-mixed and Brazilian-born women were *quitandeiras*, except for one *doceira* and one street knife sharpener *limadora*.

Enslaved men were 63% of the detained slave population and almost 13% percent of the total sample. Given their greater presence, vis-à-vis slave women, age diversity was higher, ranging between 12 and 81. Like their female

counterparts, however, the majority of detained male slaves were between 40 and 69 years of age, followed by younger slaves (20-39 years), older slaves (70-81), and finally a few younger than 20. These numbers indicate that some slaveowners were still in possession of young and older (male and female) human property, despite slavery's decline. A little over 50% (34/67) of enslaved men were born in Africa and the rest were born in Brazil. Authorities labeled most as Mina slaves (20/34), while a smaller number of African *súbitos naturais* pertained to the Bengela, Mozambique, Congo, Angola, and Cabinda nations. Authorities noted skin color as well, and practically all enslaved men were *pretos* (90%, 60/67) while a few were *pardos*, *cabras*, and *fulas*. More than half of slave men were *ganhadores* (35/67) while only 22% (15/67) were *quitandeiros*, a much smaller portion than women. Arrested and detained slave *ganhadores* tended to be born in Africa. Detained African slaves, in general, tended to be *ganhadores* and *quitandeiros*, reflecting the vulnerability of these groups who worked on the street and were thus under the gaze of the police.

Upon arrest, all except for three slaves gave authorities the names of their respective owners. It was protocol for authorities to contact masters, who were responsible for paying fines. Sometimes masters asked the police to arrest a slave who merited punishment. Most slaveowners were male (70%), but the presence of female slaveowners was still significant. Mistresses tended to own more female (19) than male slaves (12), the former working as *quitandeiras* and the latter as *ganhadores* or shoe-shiners. Altogether, mistresses owned slaves who were born in Africa or Brazil, in a near 1:1 ratio. Male slaveowners owned more

enslaved men (54) than women (22), the former worked in a variety of street commerce occupations and the latter being mostly *quitandeiras*. As opposed to mistresses, men had the capital to own a higher percentage of African-born men and women (40/74, 54%), compared to Brazilian-born slaves. Thus, the slave *ganho* system was primarily male-centered and its workforce predominantly African. As historian Sandra Lauderdale Graham observed, many mistresses in Rio belonged to middling classes and earned a living through slave-owning practices that often bordered on illegality.<sup>49</sup> This is a possible explanation for the low number of detained female slaveowners, as many deliberately circumvented State power and tended to own few slaves (mostly of Brazilian rather than African origin).

A total of eleven men and one woman whom the police suspected to be slaves for not having liberty documents or being *pretos* wandering the city after curfew (*fora de horas*) claimed to be free. These individuals did not provide authorities with an owner's name. They did, however, provide a domicile as proof of residence and freedom, most of them claiming to live in the parishes of Santana and Santo Antônio [Appendix Chapter Two, Table 8]. Most were born in Africa were middle-aged and worked as *ganhadores*. One of them, a 40-year old African Mina *ganhador*, was married, but did not provide a domicile. The only woman in this group, a 50-year old single female Mina *quitandeira*, also did not give a domicile. This absence perhaps reflected the withholding of information

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<sup>49</sup> Sandra Lauderdale Graham, "Slavery's Impasse: Slave Prostitutes, Small-Time Mistresses, and the Brazilian Law of 1871," *Comparative Study in Society and History* 33, no. 4 (1991): 669-694.

that would reveal slave status, or was perhaps more indicative of the social instability of being poor, free, and African.

Since the House of Detention officially held free individuals, of 523 detainees 380 were free men and ten were free women. Free men were 73% of all detainees, virtually all illiterate. Married men, who were 14% (54/38) of the sample, were mostly thirty-something years old and pursued a variety of street vending activities. Generally, they were Southern Italian immigrants between the ages of 22 and 60 from Naples and Cozenco. They worked as *mascatas*, *engraxates* (shoeshine), *quitandeiros*, and *funileiros* (producers and sellers of tin supplies), mostly living in the parish of Santana, which was known to be primarily inhabited by people of African descent. It should be noted that four married men, between the ages of 30 and 65, were born in Africa and resided in São José – an area traditionally populated by immigrants. Two of them were *ganhadores*, one was a *quitandeiro*, and another a *mascate*. The *mascate* was a thirty-year old man, who perhaps identified himself to authorities as a *mascate* rather than a *ganhador* because it implied greater status or wealth. Brazilian married men (6/54) were either born in Rio de Janeiro or Northeastern states, such as Bahia and Pernambuco. Only two of these were white, a newspaper vendor and knife-sharpener, while three were mulatto *ganhadores*, and one was a black shoe-shiner. The profile of these married peddlers illustrates that street commerce was important to sustenance beyond the individual, while African and non-African families lived in the same parish and shared similar urban spaces.

However, the majority of free male detainees were unmarried (83%, 315/380) and only eight were widows. The social profile of male widows was significantly more diverse than married men, possibly an indication that street commerce was a handy survival outlet for different types of aging men. Male widows were mainly between 50 and 60 years of age, of diverse ethnic backgrounds (Afro-Brazilian, Spanish, Italian, and Portuguese), and worked in diverse street vending activities, while married men tended to be Italian immigrants. Most single men were born in Brazil (146/315), many in the city of Rio (69/146), in the state of Rio, and in the Northeast. Table [6] below illustrates the diversity of the street vending population that was unmarried, followed by an analysis of occupations, reasons for arrest, and different social profiles.

Table 6: Origins of male vendors, 1868-1883

Brazil	146
Portugal	66
Italy	38
Spain	9
Africa	37
France	8
China	4
Uruguay	3
Paraguay	1
Peru	1
Belgium	1

Brazilian vendors who were born in the city of Rio (69/146) tended to be young men, many of them in young adulthood, racially-mixed (48%) and black (42%). Although some Brazilian-born single men were *quitandeiros*, *ambulantes*, and *ganhadores*, most of them were actually shoe-shiners (43%). This group was mostly composed of free black men, residing throughout the city, but mostly in

the parishes of Santana and Sacramento. White and racially-mixed unmarried men born in Rio tended to occupy other lines of street commerce, while blacks born in Rio were predominantly *engraxates* or *lustradores*. Brazilians born outside of the city Rio (107/146), who were also mostly young men, engaged in vending occupations rather than shoe-shining. Over one-third of these men were racially-mixed *ganhadores*. Another one-third of Brazilians born outside the city were street vendors of products such as sweets, vegetables, and newspapers. Thus, it seems that shoe-shining was part of a particular network of Brazilian blacks who were native *cariocas*, an occupation rarely practiced by foreigners.

Unmarried Southern European immigrants were the next significant population represented in the sample of detainees. As the above table shows, Portuguese men were the majority, followed by a considerable number of Italians and a smaller number of Spaniards. Single Portuguese men tended to be young, many times below the age of twenty, and to migrate from diverse rural areas, towns, and cities in Portugal. The cities of Lisbon and Porto were the place of birth of many Portuguese peddlers. Portuguese immigrants in the sample resided in the parishes of São José, Sacramento, and Santa Rita and practiced a variety of vending activities, including *ganho* labor. Portuguese *ganhadores* tended to be young men in their twenties and thirties – the age group that was typically migrating from the Iberian Peninsula and the Islands. Unmarried Italian men were mostly young immigrants from the province of Cocenza. They engaged in a variety of vending activities and mostly settled in the parish of Santana, popularly known as “little Africa.” A few Italians were *ganhadores* and shoe-shiners while

most were street vendors of products such as lottery tickets and vegetables. A few identified themselves as *mascates*. Single Spanish immigrants were a minority, but most of them came from the northwestern Atlantic coast of the peninsula or the Canary Islands. They were above the age of 30, *ganhadores*, street sellers, and *mascates*; one was a shoe-shiner.

Unmarried men who were born in Africa made up 11% of the sample including single male detainees. This group of African men tended to be of diverse ethnic backgrounds (Angola, Bengela, Cabinda, Casange, Monjolo, Moange, Moçambique). While the presence of Minas is not as notable as among slave detainees, their numbers were still significant. Free and unmarried African detainees were mostly between 40 and 70 years of age, living in several parishes, with the highest concentration in Sacramento (and not Santana). A significant number (18/37) were *ganhadores*. *Quitandeiros*, who tended to be Minas, were an important presence. Unmarried foreign immigrants from China, France, Belgium and South American countries were also participants in the world of street commerce. French men were young immigrants who mostly identified themselves as *mascates*. Chinese immigrants were usually labeled by authorities as dark-skinned *morenos* and were all vendors of fish. This is in line with popular and caricatured perceptions of Chinese peddlers, as reflected in the illustration by Raul Pederneiras (Image 6, Appendix Chapter Two). A few foreign South American immigrant peddlers identified themselves as *ganhadores*, indicative of the *ganho* system's significance in organizing non-black free street labor during this transitional era.

To sum up, the fact that *ambulantes* (peddlers) tended to be free and immigrant, *ganhadores* African and racially-mixed slaves and free people, and shoe shines free Brazilian blacks illustrates the ethnic texture of street commerce. More *ganhadores* of African origin and descent were arrested by the police for violations of the criminal code than for being unlicensed. At the time, as the first chapter demonstrates, municipal authorities were more concerned with licensing foreign immigrant than Brazilian or African *ganhadores*. Is this an indication that authorities more focused on supervising the population of color through policing and criminal law rather than street labor (*ganho*) regulation? In addition, the diversity of parishes does not mirror the usual African versus immigrant description of Rio human geography during this period. But arrest records are not an absolute representation of reality as evasion strategies from the police may have been higher in the African parish of Santana.

The above paragraphs have provided a social profile of enslaved and free detainees whom authorities noted to be participants in some aspect of Rio street commerce. The next paragraphs are organized around the reasons for arrest and detention, focusing on slave versus free differences, occupation, and urban geography. Although women are included in the sample, they will be discussed in more detail toward the end of the chapter. A variety of street commerce participants were arrested for either violations of the Criminal Code of 1830 or municipal law regarding street labor and commerce. The difference between these two reasons for arrest and detention is an important indicator of shifting official attitudes toward street commerce. While most detainees were held for



violations of the Criminal Code, several instances in which peddlers were detained for lacking a *ganho* license speak of vulnerabilities and changes in the regulation of street commerce and the policing of streets. Table [7] illustrates the types and frequency of arrests according to slave and free, male and female detainees:

Table 7: Reasons for arrest according to male/female, slave/free status, 1868-1883

Reason for arrest	Total number	Slave (or suspect)	Free	Male	Female
Runaway slave	55	55			
Curfew violation	1	1		1	
Per request of master or judge	3	2	1	3	
Vagrancy	157	5	150	153	2 (one enslaved & one free)
Begging	1	1		1	
Capoeira	40		40	40	
Disorder	143	35	107	121	21
Theft	39	1	38	37	2 (one enslaved & one free)
Inebriation	77	52	25	64	12
Physical offenses	27	1	26	27	
Use of illegal weapons	4		4	4	
Disobedience	21	17	3	11	9
Municipal Infraction	5	5		5	
Unlicensed <i>ganhador</i>	34		34	34	
Military desertion	1		1	1	
Obscene behavior	11	6	5	5	6
Found in <i>casa de zungú</i>	8	2	6	6	2 (enslaved)

The next section examines street commerce occupations, reasons for arrest, and other social profile variables, with a focus on the most common street occupations represented in the sample. For example, *ganhadores* and *quitandeiros* were a significant portion of detainees. Shoe-shining and knife-sharpening was also common activity among many peddlers. However, street vendors selling a variety of products compose the majority of detainees in the sample.

A total of 105 street vendors (*vendedores volantes, ambulantes*) sold food and other consumer products like tin household utensils and lottery tickets. A slight majority of these *vendedores* were arrested for vagrancy (33/105), followed by disorder (31/105), *capoeira* (23/105), and drunkenness (13/105). Most food vendors sold sweets (*doces, balas*). This group of men and women was approximately 50% black and 50% white; only four were slaves, of which two were women. Disorder and vagrancy were the most common motives for arrest. Peddlers who sold leafy greens (*vendedores de folhas*) were also a considerable number of food vendors on the street. This group tended to be white, male and immigrant, mostly arrested for vagrancy and theft. In general, reported theft was more common among immigrant whites than African or Brazilian blacks and mulattos. A number of *vendedores de folhas* were arrested along with another person. In general, group arrests (two or more people) tended to involve individuals of the same color, and if white, immigrants. People who sold lottery tickets on the street (*vendedores de bilhetes*) were a significant number of the detainees. They were all immigrants from Portugal, Italy, or Spain, except for

one *fula* migrant from the state of Minas Gerais. Although some types of games were illegal, such as the *jogo do bicho* or fraudulent lotteries, most *vendedores de bilhetes* were arrested for vagrancy, disorder, drunkenness, and *capoeira*. A significant number of newspaper sellers (*jornaleiros*), who tended to be white or black young boys, were also arrested, especially in the parish of Sacramento.

Fish vendors were a conspicuous sight on Rio's streets. Many of them were enslaved as evidenced by registered *ganho* licenses in the nineteenth century. Conversely, fish vendors held at the House of Detention were free and not slave men. They were primarily white immigrant, and some racially-mixed Brazilian, detained mostly for physical offenses rather than vagrancy or disorder. Perhaps a higher number of fish vendors in the House of Correction were charged with vagrancy and disorder, since most slaves were detained there rather than the House of Detention. Another common line of street work performed by urban slaves was the sale of poultry. However, the sample from the House of Detention shows that chicken vendors (*pombeiros*) detained by the police were mostly European immigrants, with a few blacks and one mulatto. Disorder and vagrancy tended to be the causes for the detention of immigrant *pombeiros*. Considering the frequent mention in "Street Occurrences" of the arrest of individuals who were selling stolen fowl on the street, it is surprising that no individual in the sample from the House of Detention was held because of theft. Probably the sale of stolen chicken on the street was a frequent event that was resolved upon arrest and other forms of immediate punishment or correction characteristic of the slave period that did not involve detention. Coffee vendors, also traditionally slave

*ganhadores*, were mostly Portuguese in the sample, detained for theft and physical offenses against authorities and passersby. One coffee vendor, however, was detained under suspicion of being a runaway slave. Selling herbs on the street was also traditionally done by slaves, but the *vendedores de ervas* in the House of Detention were free racially-mixed men, arrested in the city center.

Many immigrants were *funileiros* selling tin household items that they sometimes made themselves and then sold on the street. Disorderly behavior was the most common cause of arrest, followed by vagrancy, drunkenness, and theft in commercial districts. For example, five Italian *funileiros* were arrested together for theft in the parish of Santana. Most of them were from Naples and also shared housing on Rua São Pedro in Sacramento. Still, a noteworthy number of *funileiros* were free and racially-mixed men born in the city of Rio. Another group of street vendors who tended to be immigrant (Italian, Spanish, Portuguese, and French) like *funileiros* were the *mascates*. *Mascates* usually sold valuable materials like fabrics, silver, gold, and porcelain, and were thus of a higher status than regular street peddlers. Still, detention records illustrate that *mascates* were commonly arrested for vagrancy and theft, like *ganhadores* or other peddlers. Furthermore, a number of them were detained for not having met the terms of labor (*termo de ocupação*) that officially forced first-time detainees charged with vagrancy to find employment within fifteen days of their release.

*Ganhadores* of African, European, and Brazilian origin were mostly free men and more than half of the slave detainees. The usual reasons for the arrest of *ganhadores* were vagrancy and public disorder, occurring 29% and 19% of the

times respectively. Also common was for *ganhadores* to be arrested for more than one violation that included vagrancy, disorder, inebriation, and sometimes physical offenses. The men in this group tended to be arrested alone except for one who was detained with four women laundresses, an incident that is discussed further below. All *ganhadores* detained for vagrancy were free men working in the parishes of Santana, Sacramento, São José, Santo Antonio, and Espírito Santo. These men were mostly *brancos* (21/38), many of them born in Portugal. Black *ganhadores* (10/38) detained for vagrancy and disorder tended to be free African-born men of diverse ethnic backgrounds. While most *ganhadores* arrested for vagrancy tended to be white, those arrested for disorder and/or inebriation (20/131) tended to be black. A significant number of *ganhadores* were detained as suspect runaway slaves (17.5%, 23/131). These men were usually born in Africa and arrested in Santana, which was consistent with the public notion that this part of the city was “little Africa.” However, only one *ganhador* was detained for *capoeiragem*, and he was Portuguese.

Shoe-shining was the fourth most frequent street occupation represented in the sample from the House of Detention, and, as stated earlier, a common line of work among male blacks and mulattos born in the city of Rio. The arrest of *engraxates* and *lustradores* occurred throughout several urban parishes, especially in the city center. Disorder, which many times included disobedience toward authorities or inebriation, was the most common reason for the arrest of this group of men (20/65), followed by vagrancy (19/65). It is not surprising that some shoe-shiners were arrested for *capoeiragem* (9/65), which was a frequent reason for the

arrest of Brazilian blacks. A few shoe-shiners were detained along with other men and had a record of re-incidence. Many individuals who sharpened knives on the city's street (*limadores*) were also Brazilian-born blacks and mulattos, arrested for vagrancy and disorder. One of them, a slave born in Rio de Janeiro, was arrested for theft in the parish of Sacramento.

Women vendors, in general, are considerably outnumbered by men in surviving archival documents like police records and municipal licenses.<sup>50</sup> There is, however, evidence that slave and free African female vendors were the target of State policing and disciplining measures in the city of Rio, measures which increased with the gradual application of anti-slavery laws. As a consequence of greater State regulation over street labor, between August and July of 1879 approximately 750 free *ganhadores* obtained licenses, but only one of them was a woman, of Brazilian origin. The registry entries from the House of Detention provide better insight into the lives of female vendors, who were seemingly more vulnerable to police surveillance through the enforcement of the criminal code rather than street commerce regulation through *ganho* licenses.

Of the 41 enslaved female vendors detained, 37 were *quitadeiras*, 2 specifically sold sweets, and 2 were all-purpose street laborers. Authorities noted that over 80% (31/37) of enslaved *quitadeiras* were *pretas*, and 50% of them were Mina (16/31). A significant number of black *quitadeiras* (7/31) were

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<sup>50</sup> Maria Isaura Pereira de Queiroz, "Viajantes, século XIX: negras escravas e livres no Rio de Janeiro," *Revista do Instituto de Estudos Brasileiros* 28 (1988): 53-76; Maria Odila da Silva Dias, "Nas Fímbrias da Escravidão Urbana: negras de tabuleiro e de ganho," *Estudos Econômicos* 15 (1985): 89-109; Soares, "Os escravos de ganho no Rio de Janeiro século XIX," p. 116; Cecília Moreira Soares, "As Ganhadeiras: mulher e resistência em Salvador no século XIX," *Afro-Ásia* 17 (1996): 57-71.

slaves originally from the state of Bahia, which is reflective of the internal slave trade between Bahia and Rio de Janeiro. Additionally, a considerable number of free women from Bahia, who were vendors, domestic servants and laundresses, were also imprisoned in Rio's detention center. This is indicative of the large migration of free blacks from Bahia to Rio de Janeiro throughout the nineteenth century, which was formative of black women's experience with freedom in the city of Rio. Most enslaved female vendors were arrested by authorities because they were considered *fugidas*, or runaway slaves. Authorities suspected certain women were runaway slaves because their physical appearance corresponded to a newspaper advertisement or because they did not have the appropriate license or permission to work or be let alone on the street. Other reasons for arrest were disobedience toward masters or State officials, inebriation, public display of behavior considered immoral and obscene, and vagrancy, which usually led authorities to suspect the slave had escaped.

The aforementioned were also common reasons for the imprisonment of free female street peddlers, but the most frequent incident that caused free black women to be arrested was what authorities considered to be public disorderly behavior. All free black women vendors who were arrested for public disorder in the two decades preceding abolition were *quitandeiras* between 28 and 48 years of age. Half of them were Mina women and the other half were Brazilian women born in Rio de Janeiro or Bahia. The number of vagrancy charges among detained free women vendors before abolition was very low and virtually non-existent when compared to men, shedding light on the possibility that vagrancy

was by nature male. Some slave and free women were arrested for prostitution, which authorities noted as participation in obscene, sexual, or immoral behavior. Behavior that authorities labeled as “disorderly” were sometimes acts of resistance on behalf of *quitandeiras*, mostly of African origin, slave and free. Conflict between *quitandeiras* and legal officials reflected a daily struggle over urban space since the eighteenth century.<sup>51</sup> *Quitandeiras* selling food stuffs on the city’s streets and corners resisted not only the police but also residents, who would submit complaints to the municipal government along with small business owners.<sup>52</sup> Thus, complaints about the lack of hygiene and noise pollution that *quitandeiras* created became, for elites and officials, threats to the social order and decorum of urban slave society.

During the slave period, a particular group of free African *quitandeiras* were vendors of *angú*, a fried mixture of manioc flower and meat typically sold to street laborers. Jean-Baptiste Debret depicted vendors of *angu* as African women who would set up their stands around six o’clock in the morning until two o’clock in the afternoon (Image 7, Appendix Chapter Two).<sup>53</sup> Vendors of *angu* were usually located near the port area and surrounded by vendors of fish and vegetables. These locations became such popular spaces of socialization that the term *angu* developed into the term *yungú* or *zungú*, which came to define “African” households in the nineteenth and early twentieth century that rented

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<sup>51</sup> Flávio Gomes and Carlos Eugênio Líbano Soares, “‘Dizem as quitandeiras...’: Ocupações e identidades étnicas em uma cidade escravista: Rio de Janeiro, século XIX.” *Revista do Arquivo Nacional, Rio de Janeiro*, v. 15, n. 2 (2002): 3-16.

<sup>52</sup> AGCRJ, 49-1-33, Queixas e reclamações 1880-1889, p.7.

<sup>53</sup> Jean-Baptiste Debret, *Viagem Pitoresca e Histórica ao Brasil* (Rio de Janeiro: Editora Itatiaia, 1989 [1834]).



living space to blacks. Fearing slave resistance and organizing, urban authorities in Rio criminalized gatherings at *casas de zungú* (Afro-Brazilian residences).<sup>54</sup>

The prison entries of Rio's detention center reveal that participants in *casas de zungú* were not just African, but Brazilian whites and mulattos as well.

Regardless of race or gender, most people in *casas de zungú* were urban workers involved in some aspect of street commerce. Thus, the social origins and maintenance of *casas de zungú* were strongly linked to street commerce, in particular to female vendors and *quitandeiras* of the slave period.

The sample of detainees from the House Detention shows that five out of seven arrested for being in a *casa de zungú* were slaves, two of them being mulatto and black *quitandeiras* born outside the state of Rio. The men found in *casas de zungú* were *quitandeiros*, *lustradores*, and one *ganhador*. They were Brazilian mulatto and African. Those who were taken to the House of Detention had mostly been arrested in the parish of Sacramento, but *Gazeta's* "Street Occurrences" indicates that the subdelegate of the parish of Santana was also quite involved in regulating *casas de zungú*. For example, he arrested "eleven individuals of suspicious reputation" in a *casa* on Rua do General Pedra, where "they customarily spent the night for 200 réis per bed."<sup>55</sup> The owners of the house were fined for not having the proper rental license. That same week, the same subdelegate and several inspectors made arrests in other *casas de zungú* as well as gambling houses. For example, the *pretos* Lázaro and Luzia were arrested for having a "fortune-telling house" (*casa de dar fortuna*) on Rua de São

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<sup>54</sup> Carlos Eugênio Líbano Soares, *Zungú: rumor de muitas vozes* (Rio de Janeiro: Arquivo Público do Estado do Rio de Janeiro, 1998).

<sup>55</sup> "Ocorrências das Rua," *Gazeta de Notícias*, 26 March 1883.

Cristovão, where the police also confiscated 63\$ in silver, three blades, and a tin box with several knick-knacks.<sup>56</sup>

The registry entries of the Municipal House of Detention reveal that individuals had been arrested and detained in Rio for working on the street without a *ganho* license. These detentions apparently occurred only during the days of 23, 24 and 28 August 1883, in the parish of Santana, perhaps in response to municipal pressure on the police that month to enforce street regulation and discipline.<sup>57</sup> Read against the newspaper's "Street Occurrences," these detention records further support the notion that in 1883 the subdelegate of the second district of parish of Santana was highly committed to the enforcement of municipal law regarding the use of commercialized urban spaces, such as the street or the *casa de zungú*. On the one hand, newspaper columns illustrate that *ganhadores* were arrested on the street and forced to pay fines. On the other hand, the registry entries show that individuals were arrested *and* held at the House of Detention, for periods that spanned from one day to three weeks. As discussed in the previous paragraphs, detainees were charged with violations of the 1830 Criminal Code rather than municipal infractions. According to the registry entries, it was only the *ganhadores* arrested in the parish of Santana who were detained for municipal infractions, whether because they were carrying weights on *passaios* or because they had no *ganho* license, rather than for violations of the criminal code.

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<sup>56</sup> Ibid., 18 March 1883.

<sup>57</sup> APERJ, Livro 3969, Casa de Detenção.

This is indicative of a shift from the regulation of street commerce via municipal law to the regulation of street commerce via criminal law. Precedents for this shift, however, came about with the creation of the Urban Guard in 1866, which was abolished in 1885 because of their excessive abuse of power and use of weapons. According to Holloway, the primary focus of the Urban Guard was the threat of public disorder, “whether real or potential.”<sup>58</sup> Thus, people were arrested “for behavior that was neither a crime nor an infraction of ordinances, such as individuals found carrying objects or packages, which by reason of quality or condition of such individuals [made] them suspect. It was not a crime to carry a package in public, but if it appeared to a patrolling guard that a certain type of person should not be carrying a certain package, the culprit would be subject to arrest.” By 1883, *ganhadores* were detained because of the municipal infraction of being unlicensed, but they were arrested and detained as if they had violated the criminal code. The free *ganhadores* were not arrested, punished or fined on the street like many others, but rather they were arrested *and* held for days at the detention center. Furthermore, the reason for the detention of these *ganhadores* was at first (23 August) described as “not having a license” (*andar ao ganho sem licença*), and later (24, 28 August) as “vagrancy and not having a license” (*vadiagem, andar ao ganho sem licença*). Such nomenclature readily transformed the unlicensed *ganhador* into a vagrant and thus a violator of the criminal code. Having a license meant the *ganhador* was marked as a formal

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<sup>58</sup> Holloway, “Punishment in Nineteenth-Century Rio de Janeiro: Judicial Action as Police Practice,” 104. For a detailed description of the formation and abolition of the Urban Guard read the Chapter Six in Holloway’s *Policing Rio de Janeiro*.

worker by the State, an act that was met with a significant measure of resistance in mid-nineteenth century Salvador, where free African *ganhadores* strove against compulsory pin-wearing, which they claimed was a mark of slavery.<sup>59</sup> Remaining “unmarked” by not having a license was perhaps how many *ganhadores* interpreted freedom (from patrons, ex-masters, or the State), but vagrancy laws aimed to subject free workers of color to employers and thus prevent the movement of “unattached” (and potentially subversive) people of color. Thus, lacking formal proof of employment, like a *ganhador* license, was a criminal violation based on the notion of vagrancy as a method of control over slave and free labor.

The detention of unlicensed-*ganhadores*-turned-vagrants was not an experience particular to certain ethnicities or skin colors. Reading the House of Detention registry entries against the newspaper columns reveals the diverse types of individuals that the subdelegate of Santana arrested. Because of the brevity of the genre of “Street Occurrences,” columnists did not tend to describe individuals in detail. In contrast, the registry entries not only reveal that thirty-three free men were arrested between August 23 and 28 in Santana, but they also provide a social profile. For example, the *ganhadores* arrested in Santana were twenty-four white men, eight blacks, and one mulatto. This information supports the remarks made by municipal officials during this period, stating that immigrants had flooded the city’s streets and it was thus necessary to enforce stricter *ganho* regulation.<sup>60</sup>

Most whites were Southern European immigrants. Sixteen were Italian men,

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<sup>59</sup> João José Reis, “The Revolution of the Ganhadores’: Urban Labor, Ethnicity, and the African Strike of 1857 in Bahia, Brazil,” *Journal of Latin American Studies* 29, no. 2 (1997): 355-393.

<sup>60</sup> See Chapter One.

mostly from Naples and Cozenca. Six *ganhadores* were Portuguese, single, and twenty-something, except for one 60-year old. There was one young Spaniard from Pontevedra. There were five Brazilians, four who were all *pretos* except for one *pardo*. They were all born outside the state of Rio, except for one. Four blacks were born in Africa, two of them being Mina. These African workers were considerably older than their Brazilian and European counterparts.

### *Conclusion*

While some scholarship has established a relationship between contemporary police brutality in Brazilian cities and the legacy of State punishment and repression of slaves, the implications of the urban police in the nineteenth century affected economic practices, specifically working and selling on the street, as well. Peddlers, *ganhadores*, porters, shoe-shiners, and knife-sharpeners – slave and free – were more vulnerable to police enforcement of the criminal code than municipal ordinances governing the system of *ganho* and regulating street commerce. Moreover, unlicensed street workers could be charged for violating both the criminal code and municipal *ganho* laws, as exemplified by the group of free *ganhadores* who were arrested in August 1883 in the parish of Santana and later held at the House of Detention. Unlicensed *ganhadores* turned vagrants or *quitandeiras* struggling to sell on the street, these cases demonstrate the porous line between street economic practices of survival or subsistence and behaviors that authorities constructed as vagrant or disorderly.

It was the on-the-ground conflation, during the period of the gradual transition to free labor, between real street economic practices of the poor and the discursive construction of criminality that redirected street commerce toward a particular path of marginalization. This precedent was set by police surveillance, part of a State apparatus responding to elite anxieties about the transition to free labor. As described by one columnist in “Street Occurrences,” the high number of police arrests involving street peddlers was violating the very principles of the free market. While many abolitionist liberal elites would have agreed with such a statement in 1883, the significant number of arrests and detentions of peddlers for vagrancy and disorder tells us the dominant political elites did not define the free market in terms of universal freedom of movement and freedom to work. Market regulation, the law, and policing measures established the contours of freedom, and in the supervision of street commerce it was policing measures, more so than market regulation, which limited the freedoms and future freedoms of peddlers.

The year 1883, a time of frequent arrests in the parish of Santanta and practically the eve of abolition, represented a tenuous historical moment for street commerce. On the one hand, individuals who worked and sold on the street were subject to increased and harsher policing and enforcement of the criminal code. While Holloway mostly examined structural and discursive changes shaping police practices in nineteenth-century Rio de Janeiro, this chapter provides insight into how peddlers themselves experienced these shifts as a consequence of the transition to free labor. We also saw, the rise in police arrests resulted in some press commentaries on the unjust limits the State imposed on the “free” market

and on street peddlers. As one columnist argued, each person who worked on the street, regardless of the law, had the right “to bear his or her own cross.” In other words, each person had, above all, the right to work and earn a living. Although the writers of “Street Occurrences” agreed that labor regulation was necessary, over-policing was an infringement on the right to work, as exemplified in the arrest of many street peddlers. The tenuous and transitional historical moment of imminent abolition positioned street commerce *near* a crossroads between criminality and urban labor market regulation, but the experience of the police as the overseer of urban labor had already set strong precedents pushing street commerce toward a path of marginalization shaped by constructions of criminality.

## Chapter Three

### Citizenship and Street Commerce Regulation in the Early Republic, 1890-1902

In 1889, the year following the abolition of slavery, a military coup with positivist and liberal articulations established the First Republic. While Rio's slave population on the eve of abolition was down to 9%, the new republic aimed to transform a society coming out of three centuries of slavery. Even though formerly enslaved men and women were officially recognized as citizens, exclusionary bases for full political citizenship established in the imperial law of 1881 remained, dividing men into active/voter and passive/non-voter citizens – a differentiated citizenship, as James Holston argues.<sup>1</sup> The literacy requirement itself placed the majority of working and racially-mixed Brazilians under passive citizenry while the Penal Code of 1890 became a State instrument for the policing and disciplining of the post-abolition workforce and the entrenchment of differentiated and unequal notions of citizenship. In the early years of the First Republic, many street vendors interacted daily with the new republican legal system, the police, and judicial courts. While arrest and detention resembled previous policing methods, court records illustrate new ways in which peddlers acted as individuals and citizens vis-à-vis the law. In their social interactions with the police, court officials, neighbors, friends, family, and urban communities,

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<sup>1</sup> The 1881 electoral reform abolished indirect elections and established new conditions for citizenship. A voter or citizen was born/naturalized in Brazil; at least 21 yrs. old; male; free; hold a minimum income (Rs.200\$000); and be literate. James Holston, *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil* (Princeton: Princeton University Press, 2007).



many participants of street commerce experienced everyday forms of citizenship, constricted by systemic hierarchies yet articulated and negotiated in courtrooms.

While street selling persisted after 1890 as a space of economic activity for poor city dwellers of diverse ethnic and national backgrounds, new forms of stratification replaced old forms, influencing the gradual marginalization of street commerce and vendors. The exclusionary citizenship the First Republic maintained situated most of the urban poor in the liminal space some historical anthropologists have designated as “quasi-citizenship.”<sup>2</sup> Concretely, it was from positions of differentiated citizenship that street vendors experienced a new legal culture of street discipline, framed by ideas of criminality rather than unlawful commercial activity. Police detention and court records for this period illustrate elite apprehension over inappropriate and illegal street behavior rather than improper vending practices. While street labor regulation via municipal ordinances and/or criminal law was reshaping street commerce in the late slave period, the shift from the former to the latter became evident in the early republican period. In other words, the target of republican disciplinary policies was criminality and not illicit or improper commerce. Consequently, it was as individuals and as citizens, more so than commercial agents per se, that many street vendors charged with violating Articles of the 1890 Penal Code justified their public and private behaviors. However, popular experiences of street discipline and citizenship were not necessarily determined by the legal system’s unilateral and vertical relationship with “the people.” The judicial processes

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<sup>2</sup> Olívia Maria Gomes da Cunha and Flávio dos Santos Gomes, ed. *Quase-cidadão: histórias e antropologias da pós-emancipação no Brasil* (Rio de Janeiro: Fundação Getúlio Vargas, 2007).

involving peddlers and other members of the popular classes illustrated a street culture shaped by racial tension and socio-economic displacement that court decisions not always reinforced, thus participating unevenly in the broader marginalization of street commerce.

### *Street Commerce and the Penal Code of 1890*

The Penal Code of 1890 officially replaced the Criminal Code of 1830 as an instrument for rehabilitating post-slave society and disciplining a new population of free workers. Various branches of the State apparatus, such as the police and the judiciary system, used the law as a mechanism of social control, embedding ideas about civil and moral behavior in everyday practices.<sup>3</sup> Street vending per se was not a criminal activity inscribed into the Penal Code, unlike vagrancy, public disorder, gambling, and certain forms of begging.<sup>4</sup> Similar to the late slave period, however, it was through the aforementioned criminal law violations that many street vendors experienced formal mechanisms of State social control. Furthermore, ideologies of labor, race, and gender surrounding the transition from slavery to freedom shaped legal and popular belief systems, marking the quotidian activities of street vendors as well as their interactions with law officials.<sup>5</sup> It was in these social relationships, exchanges, and overlapping of popular and legal belief systems, not always predictable, that street vendors

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<sup>3</sup> Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M Joseph, ed., *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham: Duke University Press, 2001), 13.

<sup>4</sup> Amy Chazkel, "Laws of Chance: Urban Society and the Criminalization of the *Jogo do Bicho* in Rio de Janeiro, Brazil, 1880-1941" (PhD diss., Yale University, 2002).

<sup>5</sup> Sidney Chalhoub, *Trabalho, lar e botequim: o cotidiano dos trabalhadores no Rio de Janeiro da Belle Époque* (São Paulo: Brasiliense, 1986).

experienced the conditions of citizenship. Both horizontal interactions among members of the popular classes and vertical interactions between judicial officers and street vendors shaped court negotiations and judges' decisions, illustrating that citizenship was a process, and not an entity, that was uneven and multidirectional.

Activities criminalized as misdemeanors that involved certain uses of urban space and the street included begging, inebriation, illegal gambling, *capoeiragem*, vagrancy, and public disorder. According to the records of the municipal House of Detention (Casa de Detenção), being just an unlicensed peddler or *ganhador* on no account could lead to detention after 1890 – unlike the slave period. It was rather the violation of an Article of the 1890 Penal Code that led to arrest and detention. Although *ganho* licenses continued to be required for selling on the street, police enforcement likely negotiated fines with unlicensed peddlers on the street. In 1883, the police had already set the precedent of detaining unlicensed *ganhadores* for vagrancy, as was frequently the case in the parish of Santana that year. Thus, it is possible that many vendors detained for vagrancy and/or public disorder, which were the most common reasons for arrest according to records from the Casa de Detenção, were also unlicensed or violating other norms of *ganho* service, although these reasons were not noted in the registry entries of the detention center. Perhaps this omission was indicative of the decline of acceptability of *ganho* labor, as was the case with public begging, which was formally separated from street commerce with the end of slavery.

Throughout the nineteenth century disabled slaves begging on the streets were a common sight and a form of *ganho* labor imposed by many slaveowners.<sup>6</sup> Begging as a type of street work disappeared with the decline of slavery, but endured as a means to survive urban poverty. On the one hand, republican law protected beggars incapable of work because of physical and/or mental disabilities. On the other hand, beggars whom authorities considered capable of work were imprisoned. Interestingly, the 1890 Penal Code criminalized both begging and inebriation under the same section, but in contrast to begging, inebriation was a common reason for arrest among many peddlers in the House of Detention, some whom authorities noted as “habitual drunks,” or repeat offenders.

The criminalization of begging was part of the larger re-conceptualization of vagrancy after the abolition of slavery. In fact, public disorder, *capoeiragem*, gambling, drunkenness, and homelessness were all manifestations of vagrant behavior and motives for detention. The Criminal Code of 1830 had established in Article 295 the relationship between vagrancy and compulsory labor as a form of punishment and discipline for “unoccupied” free workers. Throughout the imperial period, vagrancy laws had reflected the monarchy’s concern with organizing and orientating the *prata da casa*, or free laborers, towards units of production.<sup>7</sup> Prison labor from eight to twenty-four days for those convicted of vagrancy was technically the beginning of rehabilitation. However, historians have demonstrated that in Imperial Rio de Janeiro punishment or detention rarely

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<sup>6</sup> Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987).

<sup>7</sup> Jorge Prata de Sousa, “A mão de obra de menores escravos, libertos e livres nas instituições do Império,” in *Escravidão: ofícios e liberdade*, ed. Jorge Prata de Sousa (Rio de Janeiro: APERJ, 1998).

involved rehabilitation.<sup>8</sup> In 1890, Article 399 of the penal code criminalized vagrancy while a subsection of laws described the spectrum of behaviors considered to be “vagrant.” In court individuals were usually found guilty of vagrancy if they lacked proof of residence, a labor contract, or an employer’s testimony, which was also the case for many detained *capoeiras*. Another section of Article 399 specified minors between the ages of 14 and 21 would be held in labor-intensive disciplinary centers. As in 1830, integration into the workforce followed punishment for vagrancy. The difference after 1890 was that individuals detained for vagrancy signed a legal statement (*termo de tomar ocupação*), which declared they would be employed within fifteen days of release from prison – a legal and social contract that further enforced State disciplinary policies.

Specifically, individuals not having a “profession, trade, means to earn a living, domicile,” or “making a living through illegal occupations” or “morally offensive” behavior were criminalized as vagrants.<sup>9</sup> Many individuals held at the Casa de Detenção stated as their occupation “street vending” (*volante, ambulante, vendedor, or ganhador*) or simply “worker” (*trabalhador*) to avoid vagrancy charges.<sup>10</sup> Moreover, declaring that one was a street vendor may have added leverage to just being a *trabalhador*, increasing the chances of avoiding vagrancy charges. But many who claimed to be street sellers were still charged with vagrancy and forced to sign the *termo de tomar ocupação*. Street vending was

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<sup>8</sup> Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-Century City* (Stanford: Stanford University Press, 1993).

<sup>9</sup> Código Penal de 1890, <http://www6.senado.gov.br/legislacao/ListaTextoIntegral.action?id=50260> (accessed 1 October 2006).

<sup>10</sup> Flávio dos Santos Gomes, Carlos Eugênio Líbano Soares, and Juliana Faria Barreto, *No labirinto das nações: africanos e identidades no Rio de Janeiro, século XIX* (Rio de Janeiro: Arquivo Nacional, 2005), 165.

thus an ambiguous occupation. On one level, authorities could view it as insufficient or informal work, enforcing the *termo de tomar ocupação* on many alleged street vendors. On another level, many street commerce participants viewed themselves as formal workers, declaring with specificity different types of vending as their occupation. The latter was not unrealistic in the urban labor culture – the *ganho* service – of nineteenth-century Rio, but the former was indicative of the decline of elite acceptability of street selling as formal (post-abolition) work.

*The Street and ‘a República que não foi’*

Although the passing of the Golden Law in 1888 created the popular image of the Braganças – the Brazilian royal family – as the emancipator of slaves, the following year republican propaganda claimed that the “dynastic, hypocritical, and false” abolitionism of the Empire “compromised the future of the black race.”<sup>11</sup> By emphasizing the ongoing “miserable, unhappy, and vulnerable” condition of former slaves, who republicans claimed had been abandoned by abolitionist reformers, republican propaganda advocated the true rehabilitation of ex-slaves. This rhetoric acknowledged the “black race” as “intimately linked to [the] Nation, who had established [the country’s] material base and opulent treasures.” Republicans promised to educate and incorporate the “black race” into the national workforce.<sup>12</sup> But rehabilitation became a matter of discipline and punishment, affecting individuals who hustled on Rio streets to

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<sup>11</sup> Antônio Silva Jardim, “Treze de Maio,” *Gazeta de Notícias* Rio, 13 May 1889, in *Propaganda Republicana, 1888-1889* (Rio de Janeiro: Fundação Casa Rui Barbosa, 1978), 353-354.

<sup>12</sup> *Ibid.*, 354.

earn a living. As Amy Chazkel reminds us, echoing historians Martha Abreu and Sidney Chalhoub, “the draconian, anti-popular politics of the First Republic is, in part, the legacy of the Republican’s regime’s attempts to justify its own policies by pointing out the weakness and ‘supposed intolerance of the monarchical regime’ that preceded it.”<sup>13</sup> Ironically, many Afro-Brazilians working on the streets of the capital city continued to identify themselves as monarchists well into the twentieth century. Observing the tattoos of figures who hustled the central streets of Rio, writer João do Rio noted in 1904, “the mermaid encourages talk, the cobra serpent attraction, the fish signifies agility in water, the anchor and star [represents] the sailor, the arms of the republic or the monarchy [represent] political orientation. By the number of royal crowns that I saw, almost all [street] folk are monarchists.”<sup>14</sup> Perceptions of republican “anti-popular” politics and popular monarchist tendencies notwithstanding, the judicial elite of the First Republic and the popular classes, as this chapter demonstrates, exchanged notions of citizenship in courtrooms that allowed for the construction of the republican hegemonic project.

The political climate surrounding the new republic involved reflections about modern citizenship in a nation coming out of a dark slave past. In 1881, the French biologist Louis Couty (1854-1884; resident in Brazil 1876-1884) wrote the

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<sup>13</sup> Martha Abreu, *O Império do Divino: festas religiosas e cultura popular no Rio de Janeiro, 1830-1900* (Rio de Janeiro: Editora Nova Fronteira S.A., 1999); Sidney Chalhoub, *Cidade febril: cortiços e epidemias na corte imperial* (São Paulo: Companhia das Letras, 1996); Amy Chazkel, "Beyond Law and Order: The Origins of the *Jogo do Bicho* in the Republican Rio de Janeiro," *Journal of Latin American Studies* 39 (2007): 535-565, [footnote 55].

<sup>14</sup> João do Rio, *A alma encantadora das Ruas* (São Paulo: Companhia das Letras, 1997 [1908]), 109. Original quote: “a sereia dá labia, a cobra atração, o peixe significa ligeireza n’água, a âncora e a estrela o homen do mar, as armas da República ou a Monarquia a sua compreensão poética. Pelo número de coroas da Monarquia que eu vi, quase todo esse pessoal é monarquista.” Translation is mine.

widely quoted “*o Brasil não tem povo*” (Brazil has no “people”), claiming that he did not see “the organized masses composed of small farmers and the industrial proletariat, which in civilized countries constitute the base of wealth,” and also constitute the mass electoral base capable of transforming government.<sup>15</sup> Couty’s observation was later encapsulated in the term “*bestializados*” by the republican abolitionist Aristides Lobo (1838-1896), who witnessed the proclamation of the First Republic in 1889. Lobo saw in the Brazilian people, who witnessed the overthrow of the monarchy *bestializados* (bestialized), an apathy and ignorance toward politics. However, as José Murilo de Carvalho contends, “it is worth asking whether this *perceived* inexistence of the people (*o povo*) is more a consequence of the type of people or citizenry sought after” rather than an inherent anomie of the people.<sup>16</sup> It was a matter of time for emerging ideas of differentiated citizenship to find an ally in criminology, which viewed criminal behavior as a function of anomie, transforming the “apathetic crowd” into the “dangerous crowd.” Criminal law emerged as an important constituent in the hegemonic structuring of differentiated post-abolition citizenship. “Dangerous” or “apathetic” individuals were often victims of street police violence, but this did not entirely silence possibilities for negotiating citizenship in other political arenas, such as courtrooms. After 1890, individual understandings of citizenship traveled between the street, the detention center, the courtroom, and the prison, contributing to the hegemonic structuring of the republican legal system.

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<sup>15</sup> José Murilo de Carvalho, *Os Bestializados: o Rio de Janeiro e a República que não foi* (São Paulo: Companhia das Letras, 1987), 66-67.

<sup>16</sup> *Ibid.*, 68-69. Emphasis and translation is mine.



In studying the construction of “inclusively inegalitarian citizenship” and the historical uses of citizenship in Brazil since 1881, political anthropologist James Holston argues “citizenship is a measure of difference and a means of distancing people from one another. It reminds people of what they are not – even though paradoxically, they are themselves citizens – and defines citizens as others.”<sup>17</sup> According to Holston, the Brazilian State created “differentiated citizenship” based on a “gradation of rights” that shaped and regulated political, social, and civil spheres and legitimized different treatment for different types of citizens. This hegemonic process qualified and normalized personal and collective notions of citizenship based on social differences, such as education, property, race, gender, and occupation. Hence, the popular use of the term “*cidadão qualquer*” to mean “a nobody,” or an anonymous “citizen” with no formal identity rooted in family, labor, or community relations – yet still an individual and still a citizen. Holston’s argument of “differentiated citizenship” provides a useful theoretical context for what Olívia Gomes da Cunha and Flávio dos Santos Gomes have recently defined as the “almost-citizen” (*quase-cidadão*), which from the perspective of historical anthropology describes the status of the post-abolition working poor in Brazil and the problems generated by the new structure of “freedom.”<sup>18</sup> In light of Holston’s argument, it is therefore not surprising that these Brazilian scholars would choose to discuss the marginal status of the post-abolition poor using the term “citizen” (*cidadão*), qualifying

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<sup>17</sup> Holston, *Insurgent Citizenship*, 5.

<sup>18</sup> Cunha and Gomes, ed. *Quase-cidadão*.

marginality as “almost-citizenship,” since the process of marginalization occurred within the framework of citizenship building.

Cunha and Gomes argue that both Afro-Brazilians and the working poor in general experienced freedom after slavery as a provisional condition. However, the editors of *Quase-cidadão* are careful to note that the provisional condition of liberty was not a manifestation of permanent, pathological marks or slave legacies (in contrast to the Fernandes thesis), but rather it was in this “provisional dimension” that men and women experienced and redefined multiple meanings of freedom and citizenship.<sup>19</sup> In this vein, Holston’s notion of “differentiated citizenship” is also not a manifestation of a pathological “dysfunctional citizenship” or “incomplete modernity,” but the basis for an “inclusively inegalitarian citizenship” that is hegemonic.<sup>20</sup> In defining the post-abolition poor as “almost-citizens,” Cunha and Gomes speak to this uneven inclusiveness. Their framework seemingly focuses more on the “almost” than the “citizen,” discussing a process in which full citizenship remains historically incomplete for undemocratic rather than pathological reasons.

Although women and men who were poor, Afro-Brazilian, immigrant, or working-class could still be formally citizens, they experienced citizenship according to legal social categories that differentiated them according to the

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<sup>19</sup>Ibid., 7-15. The editors of this book discuss liberty and its multiple meanings as a concept that was constantly redefined not only by slaves, ex-slaves, Africans, and Afro-Brazilians, but by the entire working population in Brazil and the poor in general. As historian Thomas Holt first notes, and what the editors of *Quase-cidadão* emphasize as a crucial question for the study of “people of color” in postemancipation societies is the question of *liberty for what?* Thomas Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: Johns Hopkins University Press, 1992).

<sup>20</sup>Holston, *Insurgent Citizenship*, 14. Also see, Barbara Weinstein, “Developing Inequality,” Presidential Address, American Historical Association Annual Meeting, Washington, DC, January 2008, in *The American Historical Review* 113 (February 2008):1–18.

“discursive and contextual construction of citizenship.”<sup>21</sup> Focusing on discourse and context, Holston argues that popular interactions with the judiciary system, whether in courts or detention centers, reflected acts (rather than the absence) of citizenship. This chapter explores street vendors’ experience with legal categories that established a structure for differentiated citizenship, such as the application of vagrancy or public disorder laws. Although many detainees were foreign immigrants who participated in street commerce, lacking official Brazilian citizenship, they still contended with a legal culture that treated them as *citizens* of a foreign nation. Racially-mixed, African, European, Middle-Eastern, and Asian vendors reproduced in street commerce an economy of subsistence and survival which republican legal culture inscribed with notions of vagrancy and other forms of illicit behavior, shaping freedom and free labor as contingent categories.

The city of Rio, as other global cities “with their concentration of the nonlocal, the strange, the mixed, and the public,” was the stage for what anthropologists James Holston and Arjun Appadurai have termed “the tumult of citizenship.”<sup>22</sup> European immigrants entered an urban economy in transition and Brazilians of African descent contended with shifting structures of labor relations. As in other lines of work, immigrant labor displaced black labor, but this was not the sole result of intrinsic disadvantages or prejudice toward the urban black population. This chapter illustrates that both Afro-Brazilians and European immigrants participated in “the tumult of citizenship” that redefined urban space as the stage and strategy for new labor and social relations. As Holston argues,

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<sup>21</sup> *Ibid.*, 13.

<sup>22</sup> Arjun Appadurai and James Holston, ed. *Cities and Citizenship* (Durham: Duke University Press, 1999), 2.

"trafficking in public space is a realm of modern society in which city residents most frequently and predictably experience the state of citizenship."<sup>23</sup> Afro-Brazilians and European immigrants "trafficked" the city as street vendors, an occupation that for many was indeed constitutive of citizenship and participation in the public sphere. But it was as vagrants, *capoeiras*, drunkards, thieves, or public agitators that legal authorities treated many vendors as "others," illustrating that the process of street commerce marginalization was connected to the hegemonizing construction of differentiated citizenship and criminality.

At the turn of the century, street commerce was a dynamic urban economic and diasporic practice maintained by both native and immigrant workers, who provisioned city residents with basic goods. Although street vendors were part of the general structural shift in Brazilian labor relations that was racialized and exclusionary, post-abolition labor relations were not simply a process that substituted black for white, national for immigrant workers.<sup>24</sup> By the early twentieth century, street commerce was a quintessential aspect of Rio's diasporic experience, encompassing workers of African, Southern European, Asian, and Middle Eastern descent who altered the face of street commerce in the transition to free labor. Scholars of urban Latin America identify the historical period of 1870 to 1930 as "the dawn of modern urbanization" as cities became important sites in the making of modern citizens.<sup>25</sup> Street commerce thus

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<sup>23</sup> Holston, *Insurgent Citizenship*, 15.

<sup>24</sup> Antonio Luigi Negro and Flávio Gomes, "Além de senzalas e fábricas: uma história social do trabalho," *Tempo Social*, 18, no. 1 (2006).

<sup>25</sup> Ronn Pineo and James A. Baer, ed. *Cities of Hope: People, Protests, and Progress in Urbanizing Latin America, 1870-1930* (Boulder: Westview Press, 1998). The authors state "[t]he historical period in question witnessed a twenty-fold increase in world trade, the emergence of

provides a lens not only for the study of post-abolition labor, but for the “making of modern citizens,” as racially and culturally diverse groups competed for urban space, work, and representation.

The profile of a sample of street vendors detained in the municipal House of Detention, and the legal records available for some who were later processed in court, illustrate the social and cultural dimensions of street commerce and the particular circumstances of popular citizenship in the early post-abolition period. The different court cases examined in this chapter shed light on certain slave legacies and experiences of labor, race, sexuality, and childhood that made up the world of street commerce at the turn of the century. The criminal and court records available for this period present a social history of labor that does not separate immigrant and (ex)slave experiences, but analyzes both as connected, shared, and formative of urban working-class political culture in nineteenth-century and early twentieth-century Brazil.<sup>26</sup> At the end of the nineteenth century, little or nothing indicated that street commerce and urban development were incompatible, but the gaze of republican criminal law was on the street<sup>27</sup>, a political outlook that certainly changed the future of street commerce.

### *Street Commerce and Municipal Politics in Transition*

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new technology and transportation, and the transition from “shared communal concerns” to an urban culture of individualism,” 8; Appadurai and Holston, ed. *Cities and Citizenship*, 1.

<sup>26</sup> Marcelo Badaró Mattos, “Trabalhadores escravizados e livres na cidade do Rio de Janeiro na segunda metade do século XIX,,” *Revista do Rio de Janeiro* 12 (2004); Gomes and Negro, “Além de senzalas e fábricas.”

<sup>27</sup> Maria Tereza Chaves de Mello, *A República consentida* (Rio de Janeiro: Fundação Getúlio Vargas, 2007).

Recent scholarship has contested classical interpretations that denied popular political participation in the establishment of the First Republic. Examining the political culture of *carioca* intellectuals and workers in the 1880s and political articulations that occupied cafés, snack bars, and streets, historian Maria Thereza Chaves de Mello argues that most Rio residents did not witness the political transition from empire to republic as *bestializados*, but rather as participants who *consented* to the republic the opportunity to rule the nation.<sup>28</sup> Republican propaganda and conversations among Rio residents in the 1880s were a manifestation of the “mental disposition” toward a “new democratic and scientific culture,” and the passing of certain laws at the end of imperial rule, such as the abolition of slavery in 1888, mirrored the climate of outwardly inevitable political change.<sup>29</sup> Thus, the transition from one political structure to another was not a mere substitution or imposition, which was also the case with shifting municipal policies of the time regarding street commerce. As this section illustrates, certain participants of street commerce actively engaged with the politics of transition, resisting and accommodating shifts in municipal ordinances and dialoguing with municipal officials.

The rationalization of urban space, labor, and time along with the licensing of sellers and the regulation of product-distribution were aspects of street commerce’s involvement with the politics of transition that shaped municipal legal culture. In particular, the rationalization of urban space, labor, and time were points of contention, not because of worker resistance toward

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<sup>28</sup> Chaves de Mello, *A República consentida*.

<sup>29</sup> *Ibid.*, 10.

rationalization but because political elites and certain workers held different views about the nature of rationalization. For example, keeping businesses closed on Sundays was a topic widely discussed in Rio newspapers, as politicians in power claimed it was fundamental for modern Christian nations.<sup>30</sup> In 1887, the monarchy had established a new sabbatarian law obligating businesses to close on Sundays and holidays while permitting food markets, bakeries, and street peddlers to operate until one o'clock in the afternoon.<sup>31</sup> Such measures to rationalize space and labor under the dictum of Christian nationhood were contested by certain commercial groups in the republican period, who expressed group-specific understandings of adequate work schedules and rest.

On 2 November 1890, the Commercial Society of Wet and Dry Goods Retail Dealers (*Sociedade da União Comercial dos Varejistas de Secos e Molhados*) approached municipal officials to request that dry-and-wet-goods stores remain open on Sundays until noon. They argued that Sunday, the day “which the capitalist, the public functionary, the worker, the artisan, and the field-worker have off [was] exactly the busiest, most profitable day for the retail dealer (*comerciante varejista*).<sup>32</sup> *Varejistas* evoked the “individual liberty” and “democracy” that the republic allegedly honored, disdainfully recalling the commercial monopoly they had to tolerate under the Empire. The dealers requested special consideration in order to remain open on Sundays, “like

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<sup>30</sup> *Diário do Rio de Janeiro*, 1878; Fabiane Popinigis, *Proletários de casaca: trabalhadores do comércio carioca, 1850-1911* (Campinas: Editora da Unicamp, CECULT, 2007).

<sup>31</sup> AGCRJ, 59-2-2, Gêneros Alimentícios 1887-1890 – Requerimento e mais papeis de Morris N. Kohn, administrador da Empresa Ambulante Doméstica – e de Jeronymo Maximo Romano – sobre carrocinhas higienicas para condução de generos alimenticios e cadeiras de engraxantes, 7-9

<sup>32</sup> AGCRJ, 5-1-27, Comércio varejista 1890.

pharmacies and hotels.” Bakeries were another commercial enterprise that requested to be open until noon on Sunday and holy saints’ days, but for different reasons. Bakeries were interested in shortening hours since the law of 1887 had not adjusted their work schedule on Sundays or holiday, remaining open well beyond one o’clock in the afternoon. Many bakery owners claimed that their work schedule had to end at noon on Sundays and holidays. In 1890, the board of directors of the Bakers Protective Society (Diretório da Sociedade Protetora dos Empregados de Padaria e Classes Auxiliares), with headquarters on Rua São Pedro 226 in the parish of Candelária, called attention to the “twenty-five hour workload of bakeries”, in which “many workers do not sleep, and many quit their job just to be able to sleep.”<sup>33</sup> Decent working hours that would also allow bakeries to stay open on Sundays and holidays was a recurring issue that remained contentiously unresolved into the twentieth century as bakery owners and municipal officials negotiated schedules.

In addition to the rationalization of labor and time, the commercial use of space preoccupied municipal officers desiring to modernize the distribution of food in the city. For example, a law passed in 1892 required men who delivered bread to households and sold bread on the street to carry weight scales, or they would be fined 30\$000. Furthermore, in 1896, due to the large number of delivery men detained on the street for not having a vending license, and subsequent complaints from bakery owners, the municipal council passed a law differentiating men who delivered bread to households from street vendors. The former could carry bread on the street without a license, but the latter had to be

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<sup>33</sup> AGCRI, 58-4-36, Comércio de pão 1841-1907.



licensed. Another municipal ordinance from 14 December 1900 stated that bread baskets had to be covered at all times for hygienic reasons, or authorities held the right to confiscate the basket and fine the vendor. The issue of hygiene in the bread industry was of importance to both municipal authorities and many bakery owners, who reprimanded the “anti-hygienic” bread sold on the streets of Rio (Image 8, Appendix Chapter Three). Expressing concern over stricter hygiene regulation in 1902, the *Sociedade Protetora dos Empregados de Padaria* submitted a list of the “anti-hygienic” bakeries that the municipal government needed to oversee.<sup>34</sup> Although at the turn of the century municipal officials and business owners often agreed on methods of hygiene regulation, the regulation of bread vendors through licensing was a contentious issue as many bakery owners who hired peddlers to sell on the street resented having to pay for licenses.

The bread industry’s relative acceptance of rationalization, favoring the regulation of hygiene but not of street vendors, was also indicative of the pressure and popular demand for basic goods during a time of inflation and food shortage. Street vendors certainly facilitated the distribution of basic food stuffs. Meat and wine were other food staples which the city’s population “lacked,” according to a letter that “representatives of the people” (*representação popular*) formally submitted to the mayor in 1892.<sup>35</sup> The letter argued that basic needs were unmet because of food shortages and ongoing bad business practice. The authors of the letter even defended the acts of robbery committed by the “desperation” of urban

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<sup>34</sup> Ibid., pp. 148-9.

<sup>35</sup> AGCRJ, 59-2-8, Gêneros alimentícios 1892, Representação popular dirigida ao Prefeito contra a exploração do comércio e carestia de gêneros alimentícios; 59-2-10, Gêneros alimentícios 1892, Representação popular sobre a carestia de gêneros com os pareceres do Intendente Julio Silveira Lobo e o advogado da Intendência Municipal Dr. João Capistrano Bandeira Mello.

residents. They claimed that inflation had turned basic necessities into luxuries, which the “hungry mouths of the working class, the proletariat, the public functionary, and all of those not blessed by fortune” could not afford. Arguing that the State had to take care of the *salus populi* of the city and put an end to existing monopolies and abuses, “popular representatives” stated that “violating people’s right to liberty through the exploitation of hunger” (*explorar com a fome de um povo o respeito à liberdade*) dishonored the most sacred liberty of all, “the freedom to live.” The subsequent lowering of food prices because of pressure from below (and lower freight costs due to railroad expansion) was an important accomplishment of the Campos Salles administration, establishing some socio-political stability between 1898 and 1902.<sup>36</sup>

While popular pressure urged State control over rising inflation, and business owners and municipal authorities supported hygienic reform, the issue of vending licenses continued to reflect popular anxieties surrounding the regulation of street commerce. In 1890, José Vaz de Abreu, who managed mobile vending posts that sold cigars and cigarettes next to the church of São Gonçalo, in the Praça da Aclamação, revisited the municipal council with a license he had recently purchased. Abreu was concerned that the license he had purchased did not specify the number of vending posts (*varejos*) he intended to set up in the Praça da Aclamação. Abreu stated that he desired by all means to avoid future

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<sup>36</sup> Eulalia Maria Lahmeyer Lobo, *História do Rio de Janeiro: do capital comercial ao capital industrial e financeiro*, vol. 2 (Rio de Janeiro, 1978), 472 and 487.

legal problems, thus returning to the municipal council to ensure the licensing of two *varejos* so that “nothing would happen to me.”<sup>37</sup>

Abreu most likely represented a minority of concerned street vendors as many peddlers continued to overlook licensing requirements. For example, due to the large number of street booksellers, a municipal ordinance passed in 1891 declared the Bible as the only book permitted to be sold on Rio streets. According to municipal officials, the sale of books other than the Bible represented a “for-profit” enterprise that required a license valued between 10\$000 and 25\$000.<sup>38</sup> While authorities were more lenient with food vending, goods that were not basic necessities, such as books, were less appropriate for street vending. Municipal ordinances such as the above attempted to eliminate most booksellers from the street, indicative of shifting attitudes toward what represented appropriate street selling. The force of customary practice, however, was stronger than municipal efforts and street booksellers were predominant into the twentieth century.<sup>39</sup>

Municipal policy attempting to establish appropriate street commerce particularly addressed the issue of lottery-ticket vending. During the slave period, enslaved and free peddlers, or *ganhadores*, were not allowed to sell lottery tickets, which could only be purchased at licensed venues, such as snack bars, kiosks, and

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<sup>37</sup> AGCRJ, 58-4-28, Comércio de fumo 1831-1903.

<sup>38</sup> AGCRJ, 58-4-43, Comércio de livros 1848-1891; Alessandra El Far, *Páginas de sensação: literatura popular e pornográfica no Rio de Janeiro (1870-1924)* (São Paulo: Companhia das Letras, 2004).

<sup>39</sup> João do Rio, *A alma encantadora das ruas* (São Paulo: Companhia das Letras, 1997 [1908]). Also see, El Far, “Os mercadores de livros e a leitura das ruas” in *Páginas de sensação*.

even private households.<sup>40</sup> It was only after 1889, under republican rule, that individuals were able to purchase licenses to sell lottery tickets on the street. For example, in 1895 the Lotto Brasileiro licensed all of its street vendors in 1895.<sup>41</sup> Concerned about new official attitudes toward lottery vending, some men, such as João Alves Teixeira did on 8 March 1892, sought to promptly renew their licenses to continue selling tickets on the street. During the early First Republic many vendors solicited licenses just to sell lottery tickets while others applied for licenses to sell a variety of products, such as lottery tickets, alcoholic beverages, cigars, and cigarettes, in places like kiosks and *botequins*. But a large number of unlicensed peddlers still roamed the city streets.

The significant presence of lottery peddlers in the streets, on trams, and even in government buildings raised ambivalence toward how to regulate this line of commerce. For example, after legalizing the street sale of lottery tickets, on 14 June 1890 the municipal council resolved not to grant further licenses. Still, municipal records reveal that several lottery peddlers received licenses after June 1890. In fact, a municipal officer reviewing a license request made 14 June 1890 concluded that he “saw no inconvenience in ignoring the new law.”<sup>42</sup> Licensing requirements had less to do with the issue of illicit gambling and more with the bothersome presence of lottery sellers, who were virtually around every corner of the nation’s capital. On 9 July 1890, a resident of the parish of Candelária

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<sup>40</sup> In 1841, municipal authorities prohibited the street, ambulatory sale of lottery tickets claiming that it would only push slaves toward gambling. AGCRJ, 46-2-3, Loterias e bilhetes de loterias 1841-1856, pp. 9-13. For licensing of private businesses and households selling lottery tickets, AGCRJ, 46-2-6, Jogos, Rifas e Loterias, 1848-1850; 46-2-7, Loterias, jogos e rifas 1885-1886.

<sup>41</sup> AGCRJ, 45-2-49, Jogos, Rifas, e Loterias 1895-1913.

<sup>42</sup> AGCRJ, 46-2-4, Loterias e bilhetes de loterias 1874-1895, p. 14.

requested that neighborhood police suppress the daily abuse of lottery vending in the narrow Beco das Cancelas, where peddlers hustled illegal lottery tickets from other Brazilian states and even other countries.<sup>43</sup> The police, however, placed blame on insufficient municipal enforcement of the law. In 1896, the chief of police complained to the mayor that municipal authorities were lenient toward lottery peddlers. He called attention to the copious vendors who “infested the hallways and rooms of the municipal building,” being a “detriment to the law, since the one place where the law should be severely applied, ignore[d] it.”<sup>44</sup> In 1900, the regulations for lottery vendors, which included *jogo do bicho* peddlers, continued to be lenient.<sup>45</sup> In a letter dated 29 May 1900, a municipal officer “recommended” the mayor the proper execution of the 1895 and 1897 decrees which prohibited illegal lottery-ticket vending, which especially occurred on Sundays. *Jogo do bicho* vendors in turn were fined 200 *milréis*, which is what Joaquim Barbosa paid in March 1901 for selling tickets on Rua do Chile.<sup>46</sup>

As municipal authorities had ambivalent attitudes toward certain types of vending in the early post-abolition years, it was rare for peddlers to be held in detention for being unlicensed. Although the police may have stopped and even arrested unlicensed peddlers, who would then have to pay a fine, it seems such negotiations took place before detention, possibly on the street itself. In contrast, the arrest *and* detention of many peddlers occurred through the enforcement of the Penal Code of 1890 even though street commerce itself was not defined as illegal

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<sup>43</sup> Ibid, p. 17-18.

<sup>44</sup> AGCRJ, 46-1-47, Loterias 1890-1899, p. 20.

<sup>45</sup> AGCRJ, 45-2-30, Jogos 1874-1911, p. 121. Amy Chazkel, *Laws of Chance: The Jogo do Bicho and the Making of Urban Public Life* (Durham: Duke University Press, Forthcoming).

<sup>46</sup> AGCRJ, 45-2-30, Jogos 1874-1911, p. 125.

or criminal activity. Considering that city residents suffered the consequences of food shortages and price inflation, street commerce likely intensified as an alternative way to access basic goods. This may have influenced authorities to make fewer arrests on the grounds of commerce and more detentions on the grounds of criminality. A reading of the Casa de Detenção entries after 1890 illustrates that street commerce was alive and well while the criminalization of vagrancy, public disorder and other forms uncivil behavior, rather than illicit commerce, mostly determined the detention of peddlers.

#### *Street Vendors in the Casa de Detenção*

The remaining sections of this chapter examine immigrant vendors, who were legally non-Brazilian citizens, and Brazilian vendors (who were citizens), and their respective individual experiences with a rationalized criminal justice system. During the late slave period, immigrant and (mostly Afro-) Brazilian street vendors who participated in the *ganho* system collectively contended with a structure of free labor that originated in urban slave society. Whereas *ganho* licenses and policing regulated street labor during the slave period, republican law transformed the State regulation of street commerce into a matter of discipline and punishment. Consequently, many peddlers who were held at the municipal House of Detention were later processed in court because of vagrancy, public disorder, or theft. Variables distinguishing diverse social backgrounds such as race, gender, age, and national origin influenced vendors' experiences with street police and in court. Before examining particular court cases, the following social

profiles of peddlers at the Casa de Detenção illustrates the diversity of the street selling population, and tendencies in the motives leading to their arrest and temporary stay at the detention center.

The numerous registry entries of individuals in the House of Detention provides the most inclusive view of the population engaged in various activities related to street commerce in Rio since there is no comprehensive record of street-vending licenses granted after 1886.<sup>47</sup> Policing authorities tended not to arrest peddlers because they lacked a vending license or practiced inappropriate vending behavior, but rather because they were involved in some activity that violated the 1890 Penal Code. The following analysis is based on a sample of 317 detention entries of arrested male and female individuals who declared their occupation to be related to some aspect of Rio street commerce during 1890-1902.<sup>48</sup> Many of the individuals who were arrested were later processed in court and court records are available for some of them. The following prison entries illustrate the human cityscape of street commerce while the court records discussed later are a window on experiences of citizenship and the socio-cultural lives of individuals who participated in Rio's street economy at the turn of the century.

According to the sample analyzed for the 1890-1902 period, 295 of the prisoners were male and 22 were female. The average street vendor was illiterate,

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<sup>47</sup> For further description of the Casa de Detenção records see, Carlos Eugênio Líbano Soares, Flavio dos Santos Gomes, and Juliana Faria Barreto, *No laberinto das nações: africanos e identidades no Rio de Janeiro, século XIX*, (Rio de Janeiro: Arquivo Nacional, 2005), 150-151.

<sup>48</sup> The books containing the prison entries from the Casa de Detenção are located in the Arquivo Público Estadual do Rio de Janeiro (APERJ). The books used in my sample are listed by number: 5453; 4322; 3960; 3982; 5415; 3972; 4317; 4218; S/N Homens 6/2-4/19/1895; S/N Homens 26/4-21/6/1897; 317; 063; 5414; 5413; 6333; S/N 20/1-27/2/1898; S/N Mulheres 1898-1899; 907; S/N Menores de 21, 1892-1896. A significant number of registry entry books are further available for this period, which undoubtedly would make the total number of detained street vendors larger.

non-married, white, Southern European and male between the ages of 18 and 49.

Only 65 individuals declared themselves as married, of which three were women.

The following table displays by age and marital status the sample of detainees.

Table 9: Age and marital status, 1898-1902

<i>Age</i>	<i>12-17</i>	<i>18-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50-59</i>	<i>60-69</i>	<i>70-89</i>
Individuals	12	158	76	39	18	7	6
Married	0	17	32	8	5	2	1

Within the small percentage of married men (20%), Italian males between 18 and 39 years of age were the majority. A considerable number of married Italian men came from Cocenzo and Salerno, possibly with their young Italian wives, and many who were in their mid-twenties worked as street shoe-shiners. A small number of Portuguese migrated to Brazil already wedded, or married in Brazil, while Brazilians tended to be unmarried. The gender, nationality, and marital status of street peddlers in this sample illustrates that at the end of the nineteenth century street commerce was an established sector of the urban economy absorbing young migrants “making the Americas” and interested in securing a better future for themselves, their spouses, and/or their families. The significant presence of unmarried Brazilian peddlers suggests that natives, once married, perhaps searched for other lines of work that created more economic and social stability for themselves and possibly their family.

Approximately 60% (195/317) of detained peddlers were immigrants, for the most part born in Italy, Portugal, or Spain. A few vendors migrated from France, Switzerland, Germany, and Russia, and from other American republics such as Argentina, Chile, and Bolivia. During this period, Syrians, Lebanese, and



Turks were also migrating in considerable numbers to Brazil, and authorities tended to group them under the generic ethnic label “Arab” (*árabe*) The table below summarizes the national origin<sup>49</sup> of the sample of detained peddlers:

Table 10: Origin of peddlers, 1898-1902

Rio de Janeiro, Capital City	24
State of Rio de Janeiro (excluding the capital)	33
Brazil (except state of Rio de Janeiro)	55
Africa	13
Portugal	50
Spain	16
Italy	92
France	2
Switzerland	1
Germany	3
Russia	2
“Arab”	10
Buenos Aires	3
Chile	2
Bolivia	1

Most detained African vendors, as defined by authorities, were “Mina” and *quitandeiros* (greengrocers). A smaller number of African men and women were vendors of sweets (2) and only one identified as a *ganhador*. Specific vending occupations are further discussed below according to variables such as race, gender, nationality, and the reason for detention. The numbers above illustrating nationality hints at the process of ethnic and racial displacement, which a closer look at the variety of occupations further illustrates. In addition to national origin,

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<sup>49</sup> In contrast to the registry entries of the slave period discussed in Chapter Two, in which imperial authorities categorized nationality as the “subject” of a certain nation (*súdito natural de*), the registry entries under republican law labeled nationality as *naturalidade*, or natural of a certain nation.

authorities noted skin color – reflective of certain “polysemic discourses” regarding subjectivity and race.<sup>50</sup>

In addition to name, age, sex, domicile, occupation, literacy, reason for arrest, and the place (street and/or parish) where a certain violation took place, a description of physical traits, such as facial features, hair type/color, height, clothing, and skin color (*côr*), completed the registry of an individual’s entrance into the House of Detention. As during the slave period, early republican authorities used skin color to demarcate racial difference. Given that the majority of vendors were Italian and Portuguese, it is not surprising that “white” (*branco*) is the most frequent category for color. Some men from Italy, Spain, and Portugal, however, were classified as dark-skinned (*moreno*) – a label that did not necessarily imply racial mixture. Similar to the color tone of a *moreno*, but usually implying racial mixture between white and black, *pardo* was the category that described most Brazilian mulattoes. Other terms in the registry entries that indicated racial mixture were *fula* (African and indigenous) and *acaboclado* (“having indigenous traits”). During the slave period, the terms *preto* and *escravo* were mostly synonymous, *preto* usually being an African-born slave. The sample includes more *pretos* than African *pretos*, as *preto* came to define all Brazilian blacks. After “whites,” “blacks” were the second largest group of street peddlers in the sample, as the table below displays. The recodification of ethnicity and skin color throughout the transitional period of the late nineteenth and early twentieth century sheds light on changing attitudes toward race that in the 1890s

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<sup>50</sup> Cunha and Gomes, *Quase-cidadão*, 10.

were still tied to physical traits that eventually came to racialize and essentialize certain classes in Brazil.<sup>51</sup>

Table 11: Skin color, 1898-1902

Preto (Black)	Fula (Black & Indigenous)	Moreno (Dark- skinned)	Pardo (Mulatto)	Acaboclado (with Indigenous traits)	Branco (White)
45	7	22	28	2	210

As stated earlier, the 317 individuals were not all strictly street vendors, but were active in Rio’s street urban economy. For example, *quitandeiros*, who not only sold vegetables from a *tableiro* or *barraca* (table or market stall) on the street, but could also run *casas de quitanda*, or small vegetable stores, are included in the sample. In addition, *engraxadores*, or shoe-shiners, *funileiros*, or producers and vendors of tin household utensils, *limadores*, or knife-sharpener, and *ganhadores* also participated in the urban street economy. In contrast to the *ganhador* licenses, which generally did not specify the line of work, the records from the House of Detention differentiate the “occupations” that made up the post-abolition urban street economy, as the table below illustrates. We are able to capture the street-vending landscape of the early post-abolition years from these criminal records, which are not an arbitrary source, but one that reflects a regulation of the street vending population based on changing attitudes toward criminality.

Table 12: Occupations, 1898-1902

Quitandeiro (greengrocer)	83
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<sup>51</sup> In 1890, according to Sam Adamo, blacks and mulattoes composed 44.5% of the prison population while in the 1890 census they made up 31.9% of the population – indicative of the high imprisonment of Afro-Brazilians shortly after the abolition of slavery. Sam Adamo, “The Broken Promise: Race, Health, and Justice in Rio de Janeiro, 1850-1940,” 205 (Dissertation, Columbia University, New York, 1983).

Vendedor de doces (sweets vendor)	36
Mascate (peddler)	34
Funileiro (vendor of aluminum household products)	33
Engraxate (shoe shiner)	21
Vendedor de folhas (vendor of vegetables)	17
Vendedor de jornaes (newspaper street seller)	16
Vendedor de balas (sweets vendor)	15
Vendedor de bilhetes (lottery-ticket street peddler)	14
Vendedor ambulante (steet vendor, peddler)	13
Ganhador	8
Vendedor de peixe (fish vendor)	5
Vendedor de fazendas (fabrics vendor)	5
Limador (knife- sharpener)	4
Vendedor de pão (vendor of bread)	4
Vendedor de aves (vendor of 'birds', poultry)	2
Vendedor de flores (flower street seller)	1
Vendedor de gazetas (newspaper, magazine, pamphlet vendor)	1
Vendedor de carvão (charcoal vendor)	1
Vendedor de fructas (fruits vendor)	1
Vendedor de cerveja (beer vendor)	1
Vendedor de cigarros (cigar and cigarette street seller)	1
Vendedor de roupa (vendor of clothing)	1

The next paragraphs discuss occupations in street commerce according to age, skin color, nationality, gender, and marital status. Men and women between 18 and 29 years of age were the most active age group in street commerce. Within this group, *ambulantes*, or peddlers selling the various products listed above were most common (76), followed by *quitandeiros* (29), *funileiros*, *mascates* (17), *engraxates*, *ganhadores* (3), and *limadores*. Among street peddlers between 30 and 39 years of age, *mascates* (9) and *ganhadores* (3) were the most prevalent. Among individuals between 40 and 49 years of age, *quitandeiros* and street vendors were equal in number. As the age of individuals increased (50-89), so did the number of *quitandeiros*, while the number of street vendors decreased, perhaps indicating the relative stability and fixed location that characterized the activity of some *quitandeiros*. Among individuals between 70 and 89 years of age were four African “Mina” men, one “Mina” woman, and one Brazilian *preto* from Sergipe. All “Minas” were *quitandeiros* who were married and detained for disorderly behavior (*desordem*). This illustrates that the aging African population in Rio was not typically composed of single African individuals detached from familial and economic structures. The one African descent migrant from Sergipe was unmarried and a vendor of flowers. Being 70 years old and *preto*, the vendor from Sergipe may have been part of the internal forced migration of enslaved people from the Northeast to Southeast coffee plantations after 1850. Aging in an occupation related to street commerce was not a uniform experience, as the process of marginalization into more “informal”

aspects of street vending may have been one of the few “resources” for African descended people, while other Africans prospered as greengrocers.<sup>52</sup>

The registry entry books currently available listing detained women are very few. According to the sample, women were *quitandeiras* (12), vendors of sweets (6), and *mascatas* (4). Most female vendors were also born in Brazil. Ten out of the twenty-two women (45%) were born in the state of Bahia and were either *quitandeiras* or vendors of sweets – common occupations among many *bahianas* of the early twentieth century.<sup>53</sup> African “Mina” and Portuguese women were also *quitandeiras* while “Arab” women were exclusively *mascatas*. In contrast to the slave period, *mascatas* after 1890 tended to be associated with “Arab” or “Turkish” immigrants. Eight out of the 22 women (34%) detained were *pretas* who were either *quitandeiras* or vendors of sweets. *Morenas* and *pardas* in the sample were also *quitandeiras* or street vendors; *fulas* were *quitandeiras* or vendors of sweets, and “white” women were *mascatas* or *quitandeiras*. This gender perspective of street commerce shows the racialization of certain occupations, such as *mascatas* being associated with “Arab” nationalities (and no longer Portuguese or Brazilian), and vendors of sweets or vegetables being Afro-Brazilian.

Occupations according to nationality further demonstrate the process of racialization of certain types of street vending. Most Italians were either *quitandeiros* (36%) or street vendors (37%) of vegetables, sweets, newspapers, fish, and lottery tickets. Quite a few were *engraxates*, who were not minors but

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<sup>52</sup> João do Rio, “Negros Ricos,” *Gazeta de Notícias*, 13 May 1905.

<sup>53</sup> Roberto Moura, *Tia Ciata e a pequena África no Rio de Janeiro* (Rio de Janeiro, 1983).

men between the ages of 20 and 50. One Italian defined himself as a *ganhador*, a formal occupation that was very common among European immigrants during the last two decades of slavery, which formally disappeared as a slave occupation yet endured in informal patron-client relations. Portuguese immigrants were mainly vendors of sweets, chicken (*pombeiros*), materials (*fazendas*), newspapers, milk, *quitandeiros*, and *funileiros*. Many Brazilian men were also *funileiros*, but it was a practice more common among Portuguese immigrants. *Funileiros* made tin domestic products, such as funnels and cookware, which were commonly sold on Rio's streets by the *funileiros* themselves (Image 9, Appendix Chapter Three). Spanish immigrants mainly worked as sellers of newspapers, bread, sweets, and fruit. Brazilian vendors were mostly from the state of Rio de Janeiro, 42% being born in the city of Rio de Janeiro. Approximately 50% of all Brazilian vendors were born outside the state of Rio, in the Northeastern states of Bahia, Pernambuco, Ceará, and Sergipe. Like their female counterparts, it was common for male migrants from Bahia to be *doceiros* (vendors of sweets). Brazilian immigrants also sold vegetables, lottery tickets, or worked as *quitandeiros*. Vendors born in the city of Rio mostly sold sweets and vegetables, while many were *engraxates* and to a lesser extent *quitandeiros*. Given the higher number of European immigrants on Rio's streets, it is not surprising that these immigrants tended to be widespread in all vending activities whereas Brazilian, and especially Afro-Brazilian, peddlers tended to dominate the sale of sweets and vegetables.

All racial groups included a significant number of *quitandeiros*. *Pretos* were mainly *quitandeiros* and vendors of sweets. *Branco*s engaged in a variety of

street-vending activities, especially sweets, newspapers, lottery tickets, and vegetables. Many were also *mascates*, *funileiros*, and *engraxates*. Vendors defined as *fula* were few in number, but mostly sold sweets or materials (*fazendas*) on the street. *Morenos* and *pardos* were mainly vendors of sweets and vegetables as well as *funileiros*. A significant number of *morenos* were *engraxates*, and less commonly *quitandeiros* and vendors of sweets. Individuals who claimed to be *ganhadores* were all male. Half of the *ganhadores* were Brazilian, while a small number of Spaniards, Italians, Portuguese and Africans continued to exercise the *ganho* profession. *Ganhadores* were 55% *pardos* or *morenos*, 35% white, and 10% African. During the last decades of slavery the majority of licensed *ganhadores* were “white” immigrants, whereas in the 1890s this group tended to specify their line of work within street commerce and not identify with the *ganho* system. Thus, detention records illustrate the rapidly changing *ganho* service, which Africans predominated during most of the nineteenth century, being displaced by (European) immigrants in the 1870s and 1880s, and which Brazilians came to prevail at the turn of the century.

The reasons why vendors were arrested on the street reveal the vulnerabilities faced by the vending population after abolition. According to the detention entries, most arrests took place in the parishes of Santana, São José, Sacramento, and Candelária. Although this information is not available for all entries, a small number indicates that most arrests took place during the day, between seven o’clock in the morning and five o’clock in the afternoon, for



reasons usually unrelated to the practice of street commerce as the table below indicates:

Table 13: Reasons for arrest, 1898-1902

Desordem (disorder)	134
Vadiagem (vagrancy)	61
Ofensas físicas (physical offense)	35
Gatuno (catburglar)	44
Furto (theft)	15
Embriaguez (inebriation)	24
Jogador (gambling)	9
Uso de arma (use of weapon)	2
Actos sexuais (inappropriate sexual behavior)	11
Espancar um menor (physical abuse, spanking of a minor)	3
Defloramento (sexual violence toward a virgin)	1
Capoeira	8
Jogo do bicho (illegal lottery peddling)	3
Falencia fraudulenta (manslaughter)	2
Assignar termo (unsigned labor contract after vagrancy charges)	3
Desertor (army deserter)	1
Desobediência a autoridade legal (disobedience toward legal authority)	1
Homicídio (homicide)	1
Lenocínio (pandering)	2
Pagar fiança (pay bail-out charges or bail jumping)	1
Prison transfer	2
Praticar espiritismo (illicit religious practice)	1
Para ser extraditado (to be extradited)	1
Unknown	7

The four main violations for which vendors were arrested are (in order): disorderly behavior (*desordem*), vagrancy (*vadiagem*), theft (*furto/gatuno*), and

physical violence (*ofensas físicas*). A significant number of vendors were imprisoned for more than one charge, which usually included disorderly behavior, vagrancy, inebriation, and theft. *Desordem* and *embriaguez* were more common reasons for imprisonment than *vadiagem* among Africans. Vagrancy rates were highest among Brazilians followed by foreign immigrants. Brazilians also had the highest number of incidents involving disorderly behavior and theft. The number of individuals arrested for physical violence was greatest among foreign immigrants and considerably lower in other groups. Thus, it was public disorderly behavior more than vagrancy charges that associated many street vendors with criminalized behavior. Vagrancy implied not having work and street vending was a justifiable occupation in most instances.

Disorderly behavior and vagrancy frequently led to arrest regardless of skin color or national origin. The practice of *capoeira*, or *capoeiragem* was a common reason for arrest among *morenos* and *pardos*. Physical violence was most common among or between whites and mulattoes. *Pretos* were detained mainly for disorderly behavior, vagrancy, and illegal sexual acts. On 18 April 1893, ten women were arrested for participating in an orgy in a house on Ilha do Governador. Such inappropriate sexual behavior was legally considered an infraction rather than a criminal violation. All of the women were released within days of their detention and imprisonment. Eight of the women were *pretas*, in addition to one *fula* and one *parda*. Four women were originally from the state of Bahia, three women from the city of Rio, and one from Ceará. Authorities noted only one African-born “Mina” woman. Five of the women were vendors of

sweets (all *pretas* and one *fula*), three were laundresses (*lavadeiras*), and one was a *quitandeira* (the “Mina” African woman). All were unmarried women between the ages of 22 and 50, living in the parishes of São José or Candelária. This incident on Ilha do Governador reflects the social networks present among black and racially-mixed women in the early post-abolition period. On the one hand, these networks were reminiscent of the slave period, considering the occupations urban black women exercised in nineteenth-century Rio, and, on the other hand, reflective of the status of Afro-Brazilian women in the early twentieth century. The prison entries of the Casa de Detenção reveal a small number of female vendors, which is indicative of shifting gender patterns and ideologies of labor. On the one hand, bourgeois-gender ideology identified women’s work in the household, as a wife or a domestic servant.<sup>54</sup> On the other hand, economic necessity and popular ideologies influenced the gender division of labor among poor workers of European and African descent.<sup>55</sup> Still, many Afro-Brazilian women continued to engage in vending practices that originated in the slave period, such as the selling of homemade sweets on street corners.<sup>56</sup>

### *The Tumult of Citizenship in Post-Abolition Rio*

While the previous section discussed the social profile of detained individuals involved in street commerce, this section focuses on the quotidian life of peddlers and experience of citizenship. The disciplining role of the State

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<sup>54</sup> Olivia Maria Gomes da Cunha, “Learning to Serve: Intimacy, Morality, and Violence,” *Hispanic American Historical Review* 88, no. 3 (2008): 455-491.

<sup>55</sup> George Reid Andrews, *Blacks and Whites in São Paulo Brazil, 1888-1889* (Madison: The University of Wisconsin Press, 1991).

<sup>56</sup> Karasch, *Slave Life in Rio de Janeiro*; Moura, *Tia Ciata e a pequena África no Rio de Janeiro*.

produced a variety of court records that demonstrate how street workers were charged with violations of the 1890 Penal Code.<sup>57</sup> These court records organized by city district, or *processos de pretorias criminais*, describe everyday manifestations of popular citizenship in the world of street commerce at a time of political and labor-related transitions.<sup>58</sup> As Holston contends, circulating in public spaces such as the street was where city residents often experienced the “tumult of citizenship.” In the case of Rio, popular citizenship also surfaced during times of political agitation in the early republican years. Working with court records reveals that race, gender, and age were important variables that shaped street commerce and experiences of citizenship. However, individual’s positions in street commerce, marked by race, gender, and age, did not predetermine their status as individuals or citizens vis-à-vis the judicial system or the courts. Cunha and Gomes discuss the synonymous “almost-equal” as a means toward “understanding how and through what discursive, social, and historical processes, men and women whose social status is conditioned by a combination of legal status, social origin, and physical appearance are seen and see themselves

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<sup>57</sup> See the archival collection “Processos de pretorias criminais” in the Arquivo Nacional, Rio de Janeiro. The *processos* are organized according to the police districts, or *circumscrições policiaes* or *pretorias criminais*, that divided the city of Rio. Each *circumscrição* or *pretoria* was headed by a delegate (*delegado*) who worked under the chief of police (*chefe de polícia*) and overlooked inspectors (*inspetores*) and *pracas*, or low-rank police soldiers (*soldados de polícia*), who policed the district’s streets; Marcos Luiz Bretas, *A guerra das ruas: povo e polícia na cidade do Rio de Janeiro* (Rio de Janeiro: Arquivo Nacional, 1997), Chapter Two.

<sup>58</sup> I want to thank Mary Ann Mahoney’s commentary of the AHA panel, “Legacies of Slavery and Problems with Freedom during the Age of Emancipation” and the paper, Patricia Acerbi, “An Atlantic Experience of Freedom: Afro-Brazilians, Immigrants, and the World of Street Commerce in Rio de Janeiro, 1890-1902” presented at the AHA Annual Meeting: Uneven Developments, January 2008. I also want to thank Elizabeth Kuznesof’s commentary of the Berkshire Conference panel, “Timing the Market: Reconceptualizing the Periodization of Female Labor History during Slavery and Freedom in 19<sup>th</sup> Century Brazil,” organized by Kari Zimmerman. Patricia Acerbi, “Women, Street Vending, and the Transition to Free Labor in Rio de Janeiro, 1860-1910,” paper presented at 14<sup>th</sup> Berkshire Conference on the History of Women: Continuities and Changes, June 2008.

as *equals*.” The authors argue that “liberty does not sum up to a legal category,” and the legal texts explored in this section reflect the “vicissitudes of the experience of liberty” as the “‘rights’ of the almost-equals are shaped by ongoing interpretations of freedom,” which were performed not only in courts but in other social dimensions of vendors’ lives as well.<sup>59</sup>

A case from the 8<sup>th</sup> *pretoria criminal* illustrates authorities’ position toward vagrancy, minors, and the practice of capoeira (*capoeiragem*) as well as the social culture surrounding kiosks (*quiosques*) and young *jornaleiros* (newspaper boys) at the end of the nineteenth century (Image 10, Appendix Chapter Three). The working-class socializing that took place around kiosks often provoked suspicion of criminal activity and hence became a site of regular police surveillance. Scholar Pedro Vasquez observed photographs taken by Marc Ferrez that documented the changes in the Dom Pedro II square, which after 1890 became known as Praça XV de Novembro. In pre- and post-1890 photographs of this city square, one sees the illustrious kiosks that appeared at the end of the Paraguayan War in 1870 and formally remained on Rio streets until 1911. Vasquez analyzed other sources of the era to describe kiosks as “somewhat unhygienic places where ‘*cachaça*, bread and coffee, fried codfish, sardines, and other delicacies’ were sold, as well as lottery and numbers game tickets, always with ‘customers leaning about, spitting, dirtying the ground and talking pornography’.”<sup>60</sup> A different photograph, taken by Augusto Malta in 1905, reveals that kiosks were also a frequent meeting place for young *jornaleiros*

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<sup>59</sup> Cunha and Gomes, *Quase-cidadão*, 13-15.

<sup>60</sup> Pedro Vasquez, *Fotógrafos no Rio de Janeiro: Victor Frond, George Leuzinger, Marc Ferrez e Juan Gutierrez* (Rio de Janeiro: Dazibao, 1990), 22.

(Image 11, Appendix Chapter Three), as the court record below illustrates.<sup>61</sup>

Before discussing this court record, additional details about kiosks illustrate their shaping of street life and commerce, on one level being a central aspect of *carioca* popular culture and on another a liminal space that bordered the social underworld.

Kiosks gradually disappeared with twentieth-century urban reforms, but a surviving chronicle by writer Luis Gastão Escagnolle Dória (1869-1948) provides a description of their brief life and history – a locus of social interaction in the world of street commerce that resembled outdoor *botequins* (snack-bars).<sup>62</sup> In Dória’s words, kiosks represented modest, open-air *botequins* that “never lacked flies,” or people, “who for only a few *vintems* never starved to death.” Contrasting ordinary Rio kiosks to the exotic kiosks of Asia and the “civilized” kiosks of Paris, Dória described this particular landmark of his native city as “popular and prosaic.” According to the author, during the last decade of monarchical rule kiosks sprung up throughout the city and functioned as “democratic utilities,” attracting around their circumference a diverse spectrum of “social types.” With time kiosks developed into two kinds: those frequented by the upper class and those frequented by the lower class in poorer areas of the city. Dória remembered that the kiosks on Rua Primeiro de Março and Praça da Constituição (today’s Praça Tiradentes) specifically sold lottery tickets, while the kiosks of Campo de Aclamação and Praça da República near the train station were the most popular in character.

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<sup>61</sup> Museu Histórico Nacional, Augusto Malta, MT 7/2.

<sup>62</sup> Escagnolle Dória, “Kiosques”, *Revista da Semana*, Anno XXVI, No 32, 1 de Agosto de 1925. In smaller Brazilian cities, such as Belem, kiosks survived throughout the twentieth century.

Dória described kiosk owners (*donos de quiosque*) as physical extensions of the kiosks themselves, as some men were clean and friendly while others were rude and dirty. The *donos de quiosques*, or men who worked in kiosks, were not owners but renters while kiosks were a profitable business for the businessmen who owned them. In 1882, the Companhia Industrial Fluminense gained monopoly over all 119 kiosks that existed in Rio. Nine years later, in 1891, Camilo da Silva obtained a twenty-year monopoly over all of Rio's kiosks. It remains unclear what the company's or Silva's role was in franchising out or supplying kiosks with goods since monopolistic enterprises were tied to municipal regulation. For example, according to Dória, *donos de quiosque* paid 400 *mil-réis* in rent to the municipal government and not the company. With the establishment of the First Republic, regulation toward kiosks became more stringent. They were no longer allowed to sell newspapers, books, pamphlets, flowers, sweets and fruits, but still sold cheese, cigarettes, cigars, coffee, refreshments, lottery tickets, alcohol, and odds and ends.

A possible outcome of this new commercial regulation toward kiosks was the increase in police surveillance that could result in arrests having little relation to street commercial activity. One July morning in 1893, a popular *café quiosque* of the Praça da República became the site where six young men and minors were arrested for vagrancy and the practice of *capoeira*, and charged for violating Articles 399 and 402 of the Penal Code.<sup>63</sup> The supposed leader of the group, the minor José Martins, risked a double sentence of four to twelve years in prison because he was also accused of carrying a blade and thus violating Article 404,

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<sup>63</sup>AN, OR 128, 8ª Pretoria Criminal, José Martins (1895).

which specifically targeted armed *capoeiras*. The incident brought together various individuals involved in the street economy of Rio, showing the legal vulnerability of a certain sector of the urban working poor, which included many children. The records of the *Casa de Detenção* sporadically included minors as the Instituto de Menores of the Casa de Correção (or the Juvenile Institute of the House of Correction, across the street from the House of Detention) was the more common destination for many street children who were targets of State rehabilitation programs. The registry entries discussed earlier show that *capoeiragem* was only 2% of the reasons for detention (8 incidents), a low number that perhaps illustrates that many street arrests did not result in detention. All the arrests of *capoeiras* in the detention center were individual-based. However, historian Carlos Eugênio Líbano Soares has identified that group arrests involving young *capoeiras*, such as the one in the Praça da República, were quite usual.<sup>64</sup>

According to the police inspector whose precinct overlooked the Praça da República, José Martins was playing *capoeira* with a blade and at the same time threatening passersby. The inspector stated that “other known vagrants and *capoeiras*” were also involved until a police soldier (*praça*), who had been called upon by “a citizen” claiming to have been harassed by the *capoeiras*, went to the *café quiosque* of the Praça da República and arrested them all. With the help of other *praças* and “citizen agents” (*cidadão agentes*), or individuals who enjoyed the privilege of becoming involved in public legal matters because of their higher

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<sup>64</sup> Carlos Eugênio Líbano Soares, *A negrada instituição: a capoeira no Rio de Janeiro, 1850-1890* (Rio de Janeiro, 1994).



social status<sup>65</sup>, José Martins and a group of minors and workers who were passing by were arrested for the illegal practice of *capoeiragem*. Individuals associated with the practice of *capoeira* in the early post-abolition period were, on the one hand, criminalized and marginal citizens, and, on the other hand, feared and respected in the underworld of political corruption, especially when it came to securing the outcome of city elections.<sup>66</sup> However, the minor José Martins and “other known vagrants and *capoeiras*” arrested that July morning seemed far from the political underworld.

Most of the children and young men arrested claimed to have been “hanging out” by the *café quiosque* and to have been misidentified as *capoeiras*. Antônio da Rocha – Portuguese, thirteen years old, illiterate, and a construction worker (*pedreiro*) – claimed that he was walking across the Praça da República when he was unexpectedly arrested. Giacomo Martins – Italian, nine years old, and a *jornaleiro* – was at the kiosk when he saw the first arrest take place and seconds later he was also put under arrest. Zeferino Henrique – Brazilian, twenty-one years old, and a sailor – was walking across Praça da República when he saw a group playing *capoeira*, followed by several *praças* arresting people, including his friend and himself. Zeferino argued that he did not personally know the *capoeiras*, affirming he was not a vagrant, but an “honest worker.” Manoel Rodrigues de Sousa – Brazilian, twelve years old, illiterate, and a carpenter – was

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<sup>65</sup> Bretas, *A guerra das ruas*. It is important to note that as a result of republican notions of citizenship, police officers began to use the title “citizen” within a liberal framework that enforced the law according to context and individualist decision-making; see Thomas Holloway, *Policing Rio de Janeiro*, 244.

<sup>66</sup> Maya Talmon-Chvaicer, *The Hidden History of Capoeira: A Collision in the Brazilian Battle Dance* (Austin: University of Texas Press, 2007).

near the *café quiosque* when he was arrested without motive, arguing that he was also not a *capoeira*, vagabond, or a friend of the accused. The supposed leader of the group, José Martins – Brazilian, eighteen years old, illiterate, a newspaper vendor, and a resident of the nearby Rua dos Arcos, argued that he was “killing time” by the *café quiosque* and selling the morning newspaper, when he was then suddenly arrested with the others. José Martins declared to have never played *capoeira* and explained the blade was a working tool that helped him distribute newspapers. Antônio Francisco de Oliveira – Brazilian, eighteen years old, illiterate, and a bread deliveryman – was passing in front of the kiosk on his way to the laundress when he was arrested at the same time as others whom he claimed no to know. Antônio de Souza – Brazilian, eighteen years old, illiterate, and domestic servant (*copeiro*) – was walking toward the *bonde* (tram) stop when he was arrested. Like the other men in the group, he insisted that he was not a vagrant, but an honest man who lived off his work. While most remained in the House of Detention or Correction for days, the minors Arthur Cardoso and Manoel Rodrigues de Sousa were bailed out by their parents.

In court Antônio da Rocha, Jacomo Martins, and Antônio de Sousa declared that they indeed had been near a group that was playing *capoeira*. However, Zeferino’s testimony identified José Martins as drinking coffee and not practicing *capoeira*. The three available witnesses who appeared in court were low-ranking police officers, and due to a conflict of interest and lack of evidence, the judge ruled in favor of the accused. The fact that the police arrested a number of innocent passersby shows the type of people who authorities easily identified

as vagrants, while working minors and young men of diverse racial backgrounds matched the profile of a young *capoeira*. During the second half of the nineteenth century, the practice of *capoeira* became less “African,” as its practitioners came to include many creoles and immigrants.<sup>67</sup> Imperial law had dictated that suspects of *capoeiragem* would be imprisoned. Physical traits such as wearing a hat, carrying knife, or walking *gingando* (a distinct a *capoeira* move) were common indicators to help police identify *capoeiras*. Using the prison entries from the *Casa de Detenção*, Líbano Soares concluded that minors of ages 10-15 were 12% of Rio’s *capoeiras*. Considering this low percentage the author contends that perhaps this age group could count on the lenience of authorities, since men of ages 16-20 made up 65%.<sup>68</sup> Another aspect that reflected continuity from the imperial period was the high concentration of *capoeiras* in the *freguesia* of Sacramento, especially in the Campo de Santana, known as the Praça da República after 1890.

In addition to the practice of *capoeira*, the nineteenth-century *ganho* system was also in transition, but unlike *capoeira*, it was disappearing in practice. Only rarely did individuals arrested on the street identify themselves as *ganhadores*, but the term appeared in police arrest and detention records as late as 1905.<sup>69</sup> Furthermore, municipal law continued to recognize *ganho* service as formal work into the twentieth century.<sup>70</sup> The enduring self-labeling that pushed many men to describe themselves as *ganhadores* possibly carried more legitimacy

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<sup>67</sup> Líbano Soares, *A negrada instituição*.

<sup>68</sup> Carlos Eugenio Libano Soares, "A capoeira escrava no Rio de Janeiro, 1863-1882," in *Escravidão: ofícios e liberdade*, ed. Jorge Prata de Sousa (Rio de Janeiro: APERJ, 1998).

<sup>69</sup> APERJ, Livro da Casa de Detenção, S/N Homens, 1905/1906 11/10/1905-21/2/1906.

<sup>70</sup> Boletim da Intendência Municipal, 1906 (Rio de Janeiro: Typ. Rua Sete de Setembro, 1906).

than the generic term *trabalhador*, which was widely used by detained unemployed individuals in order to avoid vagrancy charges.<sup>71</sup> The following court record from the 10<sup>th</sup> *pretoria criminal* does not show the explicit use of the term *ganhador*, but it does illustrate a street commerce culture shaped by *ganho* service and patron-client relations. In fact, the individual detained for stealing live birds to sell as poultry resorted in his defense to the legitimacy of *ganho* labor relations, or patron-client relations.

On a winter morning in 1899 Antônio José da Silva was arrested for selling stolen chickens and turkeys to a Portuguese *quitandeiro*, owner of a *casa de quitanda*.<sup>72</sup> As historian Seth Rockman notes for the case of Baltimore in the early U.S. Republican period, an underground economy in foodstuffs and other household necessities “provided every incentive for needy people to engage in theft.”<sup>73</sup> According to the court record, Antônio was not formally a *ganhador* or a street vendor, but a construction worker (*pedreiro*). Certain aspects of Antônio’s street vending that day, however, are reminiscent of *ganho* service. José da Costa Fernandes, the Portuguese *quitandeiro*, was detained for buying stolen poultry. After several complaints of stolen poultry in the parish of São Cristóvão, the birds had been found “in the *quintal* of the *casa de quitanda* on Rua São Luiz Gonzaga 21.” José, a married and illiterate *quitandeiro*, 42, stated that at six in the morning he bought twelve healthy-looking chickens for 36 *mil-réis* from a black

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<sup>71</sup> Carlos Eugênio Líbano Soares, “Os últimos malungos: moradia, ocupação e criminalidade entre libertos africanos, 1860-1900,” in *No labirinto as nações: africanos e identidades no Rio de Janeiro, século XIX*, ed. Carlos Eugênio Líbano Soares, Juliana Barreto Farias, Flávio dos Santos Gomes (Rio de Janeiro: Arquivo Nacional, 2005).

<sup>72</sup> AN, 7C 111, 10<sup>a</sup> Pretoria Criminal, Antônio José da Silva (1899).

<sup>73</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2009), 186-7.

individual without a beard and wearing a jacket. According to José's testimony, the black seller had stressed that the meat was not stolen but belonged to his *patroa* (female boss), "who ordered him to sell it on the street." Two days before the arrest, the *quitandeiro* had also bought two turkeys for 46 *mil-réis* from the same man, who was trying to sell them for 50 *mil-réis*, "as the *patroa* ordered." However, suspecting that Antônio José da Silva was selling stolen poultry, the *quitandeiro* asked a neighbor to keep an eye out for "a black man selling birds," and if he appeared, to call the police.

The following day, hoping to sell three chickens and one turkey to the same Portuguese man, Antônio José da Silva knocked on the door of the *casa de quitanda*. Immediately, the watchdog neighbor, Oscar Martins da Costa, went to fetch a police officer who was in the vicinity. The officer arrested both José and Antônio. Oscar claimed not to know the vendor Antônio, but he stated his neighbor José was a good head of family (*um bom chefe de familia*), an honest man of exemplary behavior incapable of knowingly buying stolen goods. The neighbor's remarks were part of a larger pattern, as the historical study of Baltimore's urban poor illustrates: "the ideal of the patriarch also figured in the petitions of criminals seeking early release from prison or relief from fines."<sup>74</sup> José was able to resort to both patriarchal honor and socio-economic status to avoid prison time. The day following his detention, José's friends, who were also *negociantes*, bailed him out. In the meantime, the original owners of the stolen birds, Antônio Francisco dos Santos Rosa and Vicente de Carvalho Neves, had come to hear of the case through neighborhood gossip. They went to the police,

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<sup>74</sup> *Ibid.*, 161.

and Vicente was able to get two turkeys back. The Portuguese *quitandeiro*, José, never objected to retuning the birds to the original owners.

The court record mentions that Antônio José da Silva confessed to selling stolen poultry when he was first arrested, even though the legal system found him innocent for lack of evidence. The discrepancy of Antônio's declarations throughout sheds light on what might have been a conscious manipulation of symbols and values associated with the *ganho* system, which he hoped would legitimize him in the face of authorities (officials and respected citizens) who were calling him a thief. Antônio, who was a black man according to José, eventually revealed that he had purchased the birds from a *mulatinho*, reducing this person's identity to his physical appearance (small mulatto). This was perhaps Antônio's strategy to transfer the responsibility of theft onto the *mulatinho*, but protecting him at the same time as he explained to authorities that he did not know the *mulatinho*'s place of residence. According to Antônio, both had routinely met at Largo de Pedregulho for the commercial exchange. Antônio then carried the live birds in a covered basket (*cesto*), and once sold, the *mulatinho* paid Antônio his share. However, at first Antônio chose to legitimize his position by declaring that he was following orders and selling birds that belonged to his *patroa*, "*que havia mandado vender.*" Such a statement resonated with the *ganho* service of the nineteenth century. Perhaps it benefited the black vendor to claim he was working under the protection of a *patroa*, although the actual existence of such a *patroa* remained obscure. Nonetheless, claiming the existence of a patron-client relation associated the black vendor with legitimacy

as well as illustrated the persistence of the legacy that regarded “unattached” black men as distrustful or dangerous. The identity of the putative *patroa* was never revealed, but given that Antônio was an 18-year-old illiterate *pedreiro*, who nobody bailed out, reflects that he was probably not working for a *patroa*. Although Antônio was a young man, he was still old enough to be familiar with old practices of urban slave society that could protect blacks from intrusive State authority.<sup>75</sup>

While the case above is reflective of certain racialized commercial activities that some would consider typical of Rio, such as the Portuguese shopkeeper and black *ganhador*, by the late nineteenth century it was not exceptional to see people of African origin managing *casas de quitanda*. Just as vending licenses and detention records illustrate the multicultural and racial diversity of street peddlers, the same holds true for *quitandeiros*, who, in addition to street peddling, worked much of the time in fixed rather than ambulatory markets. In 1895, a *casa de quitanda* on the Rua da Gamboa 121 – an area which became known in the twentieth century as “little Africa” – was the site of an altercation between an African *quitandeiro* and a *pardo* (mulatto) cart driver

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<sup>75</sup> Domestic service was another area of work conditioned by urban slave practices and targeted by State disciplinary policies aiming to regulate domestic labor. Scholars have focused on the tension between private and public authority (master-servant versus State-worker) under imperial and republican rule. Specifically, positivist republicans in 1890 “took a stance against the invasion of the private domain in the name of “professional freedom;” they contended that behavior and relations restricted to private realms should remain beyond state control.” See Olívia Maria Gomes da Cunha, “Learning to Serve: Intimacy, Morality, and Violence,” *Hispanic American Historical Review* 88, no. 3 (2008): 455-491; p.481. For a discussion of this issue under imperial rule see Sandra Lauderdale Graham, *House and Street: The Domestic World of Servants and Masters in Nineteenth-century Rio de Janeiro* (New York: Cambridge University Press, 1988).

(*carroceiro*) and his stepson.<sup>76</sup> The *quitandeiro* was Pedro Miguel Augusto, a man born in Africa who was then sixty years old, unmarried, and illiterate. According to a sixteen-year-old Spanish resident of Rio, who witnessed the dispute, a boy had entered the shop to buy an apple for one *tostão* (a few cents). Moments later, the boy hastily returned requesting to exchange the apple because it was rotten. If the exchange for another apple was not possible, the boy wanted his money back. The *quitandeiro* refused to take back the apple, and the young boy left only to return with his stepfather, the cart driver Firmino Felix de Sousa, a 34-year-old *pardo* who was also illiterate and born in the state of Minas Gerais. When the *quitandeiro* refused to give the boy's stepfather another apple or the one *tostão*, Firmino grabbed another apple from the table stand and ran out with his stepson. Immediately, the African *quitandeiro* chased after them with a wooden stick, "injuring them with blows to the head."

As a consequence, Pedro was arrested and imprisoned for physically attacking and injuring another person. Although disagreements between buyers and sellers were often settled with violence, the fact that Pedro "physically offended" Firmino and his step son took precedence, according to the law, over the fact that Firmino had stolen an apple from Pedro's store. Here, the application of republican law put greater value on personhood than property, and beating rather than stealing was superior punishable behavior.<sup>77</sup> Under Imperial law the

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<sup>76</sup> AN, OR 189, 8ª Pretoria Criminal, Pedro Miguel Augusto (1895).

<sup>77</sup> An insightful comparison is the case of petty vendor, Felipa Galdos, in Arequipa, Peru, who accused the child of a merchant of stealing fruit. The father responded by striking Felipa with a stick, which broke her arm. In court, the merchant was fined to cover Felipa's medical expenses. Republican law honored personhood over property, but because Felipa was a woman, the fiscal ordered her to apologize for her provocative behavior, which was habitual. Sarah Chambers, *From*



opposite could have been the case, as authorities tended to value property over persons and to focus on the chronological and causal order of events, which would have penalized theft before beating. The fact that Pedro was an African whose skin was darker than the mulatto Firmino may have been a disadvantage for Pedro and thus influenced the manner in which both Firmino and Pedro – people of modest means – decided to deal with their conflict, regardless of the law. But the disciplinary action of the court was less based on race and more on the punishment of the offender who corporally beat Firmino and his stepson, a minor. Court discipline against corporal beatings was frequent in the early republic as a measure to repair the legacy of slavery.

The next case also illustrates the legal problems of a physical offender and *quitandeiro*, whose immigrant status and lack of Brazilian citizenship possibly forced him to take freedom and destiny into his own hands. One summer afternoon in 1890 Salvador Cascardo, 29-year-old Italian from Cocenzo, was selling corn to passersby on the corner of Rua Conde d’Eu and Paula Mattos when he physically attacked Antônio Joaquim de Almeida.<sup>78</sup> A witness claimed that Salvador was carrying two wicker baskets, typical of *quitandeiros* (Image 12, Appendix Chapter Three), when Antônio Joaquim was coming back from the beach. The victim, Antônio Joaquim, explained that he had stopped “to exchange some words” with the Italian *quitandeiro* when he was attacked by Salvador with a wooden stick for no reason. Salvador did not deny this violent dispute, but argued that Antônio Joaquim was unwilling to pay for corn he had just bought.

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*Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780-1854* (University Park: Pennsylvania State University Press, 1990), 210.

<sup>78</sup> AN, OT 4, 9ª Pretoria Criminal, Salvador Cascardo (1890).

However, Antônio Joaquim claimed that the Italian *quitandeiro* was forcing him to buy. Salvador was consequently imprisoned for committing a physical offense, but unlike the African *quitandeiro* in the case above, he was able to gather 200 *mil-réis* that temporarily bailed him out on 21 May 1890. However, eleven months after his release, when officials revisited the case, they noted that Salvador could not be found because he had moved, according to neighbors. Changing residence and thus “disappearing” was a common strategy for many who wanted to avoid future imprisonment when trial was imminent. In light of a judicial system that incriminated public corporal beatings, too reminiscent of slavery, it is not surprising that the Italian *quitandeiro* chose his freedom though it meant evading the law and risking deportation.

Racialized commercial activity on Rio streets was not only in transition, but it was also connecting different spheres of labor that were “restructuring patriarchy” in the shift from slavery to freedom.<sup>79</sup> In urban slave society, the slave-owning elite perceived the “house and the street” as necessarily separate from each other, while free and enslaved workers treated such boundaries as permeable.<sup>80</sup> In particular, the commercial and social interactions between female domestic servants and male street workers typically connected “the house and the street,” but after 1890 this relationship was being redefined according to republican notions of honor, discipline, and sexuality. In the words of the jurist Viveiros de Castro, “the conquest of civilization” was equal to “the victory of moral ideas over the brutality of instincts,” which resulted from “the vices of

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<sup>79</sup> Susan K. Besse, *Restructuring Patriarchy: The Modernization of Gender Inequality in Brazil, 1914-1940* (Chapel Hill: The University of North Carolina Press, 1996).

<sup>80</sup> Lauderdale Graham, *House and Street*.

slavery” and the “sexual temperament” of Brazilians due to climate, heavy foods, and racial mixture.<sup>81</sup> Martha Abreu contends that turn-of-the-century jurists, such as Viveiros de Castro, believed that although legal codes had progressively "conquered civilization" by defending women's honor with increasing precision, the social and demographic transformation following the abolition of slavery made it necessary to reinvigorate the civilizing campaign. The creation of a society of “disciplined” and “honest” workers was linked to sexual politics and notions of honor.<sup>82</sup> Just as the post-abolition workforce could be rehabilitated, honor could be restored through the “repairing of damages.”<sup>83</sup>

The following “deflowering” (*defloramento*) case from the parish of Sacramento exemplifies popular and working-class ideologies of race and sexuality as well as the social and commercial interactions between “the house and the street” that influenced the “restructuring of patriarchy” in post-abolition Rio.<sup>84</sup> As the State became responsible for managing public morality, the 1890 Penal Code criminalized *defloramento* as an act of seduction, deceit, or fraud. Article 266 stated that it was a criminal act to violate a person’s honor (*pudor*) through violent or threatening means in order to satiate lascivious urges or as a result of personal lack of morality. Seduced underage women and many over 20

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<sup>81</sup>Sueann Caulfield and Martha Abreu Esteves, "50 Years of Virginité in Rio de Janeiro: Sexual Politics and Gender Roles in Judicial and Popular Discourses, 1890-1940," *Luso-Brazilian Review* 30 (Summer 1993): 47-74.

<sup>82</sup> Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham, 2000). Caulfield uses Berenice Brandão’s interpretation that “the 1890 penal code was one of the several important legal instruments for disciplining the labor force and disseminating a positive ideology of work” to develop the notion of honor in the First Republic; p. 49.

<sup>83</sup> *Ibid.*, 41. Also see, Nancy Leys Stepan, *The Hour of Eugenics: Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1991).

<sup>84</sup> The verb “to deflower” was an innovation of the 1830 Penal Code, emphasizing the material element of the crime (lacerated hymen) that “deflowered” the woman. Caulfield, *In Defense of Honor*, 34-35.

resorted to Article 266 in order to repair their honor (and many times their family's honor) either through marriage or imprisonment of the deflowerer. If men did not marry the women they had "deflowered," they risked one to six years in prison. According to the sexual culture of the time, seduction, deceit, and fraud usually took the form of an unfulfilled "marriage promise" that led to many cases of *defloramento*.<sup>85</sup>

The relationship between José Rodrigues dos Santos, a Portuguese milk vendor, and Maria Rosa Grugel, a *mulata* domestic worker, blossomed a decade after the abolition of slavery.<sup>86</sup> José was one of the many Portuguese immigrants who flooded Rio's streets during the second half of the nineteenth century, participating in the world of street commerce as a milk vendor. In fact, the two vendors of milk in the sample drawn for prison entries of the *Casa de Detenção* were of Portuguese origin as well. Maria Rosa was a 23-year-old *mulata* and a domestic worker for the Montenegro family, who lived on Rua Riachuelo in the parish of Santo Antônio. The court record indicates that Maria's employers rented her (*estando alugada*), which is reminiscent of the terms used for *ganhadores* and *escravos de alugel*. The *mulata* Maria Rosa lived with her father in Terra Nova, a neighborhood in the peripheral parish of Inhaúma, and commuted to work each day. Thus, certain living and working conditions of non-residential domestic servants endured from urban slave society as did the social networks that connected different workers in an employer's household. In light of

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<sup>85</sup> Ibid., 39. Caulfield notes that before the 1930s, only a few number of jurists disputed Viveiros de Castro's insistence that a marriage promise was the sole criminal means of deflowering an honest woman. It was not until political changes of the 1920s that a broader movement appeared to redefine sexual honor and the "anachronistic crime of deflowering" of the nineteenth century

<sup>86</sup> AN, OR 683, 8ª Pretoria Criminal, José Rodrigues dos Santos (1898).

this community, individual honor was linked to the honor of the family and a group of people, as Maria Rosa's *defloramento* came to involve family, friends, neighbors, and co-workers.

On 4 April 1898, Maria Rosa Gurgel went to the police to declare that José Rodrigues dos Santos had deflowered her, violating Article 266 of the Penal Code.<sup>87</sup> Four months had gone by since the night when José “seduced” and promised to marry Maria Rosa. José delivered milk daily to the Montenegro family and courted Maria Rosa, giving her a bottle of milk to take home everyday. One December evening in 1897, Maria felt that she was coming down with a cold and told José who had come to see her at the end of a day's work that she was going back to her father's house. José agreed to accompany her, and Maria accepted “in good faith” (*na melhor boa fe*), but noticing that it was getting dark quickly, and that she was a long way home, changed her mind and decided to return to her *patrão*'s house. José suggested that since it was late it was not convenient to go back to the Montenegro residence. Rather, he offered to take her to a family's house he knew, where she could rest in a room. Maria agreed, only to find herself later alone in a room with José. Maria claimed that José deflowered her in that room, and later, “on his knees,” asked her to marry him. Maria agreed to marry José, and on New Year's Day 1898 they received her father's blessing.

Four months later Maria Rosa was living with José in a rented room but remained unmarried. Her father, co-workers, and neighbors were well aware of this situation, and they all testified to convince the judge that it was necessary to

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<sup>87</sup> Ibid.

repair the damage that José had caused Maria and her family. Caulfield and Abreu note that it was very common for friends and family of deflowered women to become allies in court in order to defend the honor of individuals, families, and communities. On the one hand, honor was public and behavioral, based on good conduct; and on the other hand, honor was private and a physical matter, based on virginity. Procópia, the 23-year-old cook; Amelia, the 23-year-old maid; and Venancio, the 28-year-old *copeiro* at the Montenegro residence, all testified in favor of Maria Rosa. They emphasized her “good conduct” and “innocence,” and the fact that she had always been employed by the Montenegro family. Both Amelia and Venancio stated that they knew why José did not want to marry Maria, which was not because of her age, but her skin color. They themselves did not expect a Portuguese man to marry a *mulata de cor parda*, reflective of everyday post-abolition race relations.

The day before Maria went to the police José had been looking for her and was told by Procópia that she had traveled to Bahia to see some relatives. Maria returned that afternoon and argued with José about his intentions to marry her. She claimed that living together was not enough, and had come to distrust José’s marriage promise. She revealed to him her suspicion that he was not interested in marrying a *mulata* because he was Portuguese and white. These words articulated a conventional gendered discourse of race, gender, and honor that continued to reverberate under republican rule. According to Abreu, popular songs of the turn of the century would cite the old adage that “the white woman is for marriage, the *mulata* is for f . . . ing (*foder* – fuck – or fornicate), and the black woman is for

work.”<sup>88</sup> José unashamedly declared to the judge that he did not intend to marry Maria because of her race – she was *parda* – rather than her age. Impervious to and perhaps even offended by the Portuguese immigrant’s racial preference, the judge sentenced José to six years in prison for violating Article 266 of the penal code. This case of an inter-racial sexual relation between a Portuguese milk vendor and a *mulata* domestic servant, who was *alugada*, illustrates how racism was present in the gender and working-class politics of everyday life yet could be absent in court rulings. The judge chose to discipline the immigrant’s racist and sexually offensive behavior, and not the *mulata*’s sexuality.

While sexual crimes were likely to be underreported, setting boundaries on street behavior through charges of public disorder was the most common reason for the arrest and detention of street vendors of all racial backgrounds – 43% according to the sample registry entries discussed earlier. Inebriation and vagrancy often accompanied charges of disorderly behavior, but *desordem* alone tended to be the primary reason leading to detention. The following case in which playful behavior was identified as causing disorder illustrates the enforcement of discipline over punishment over a group of immigrant peddlers. On the night of 13 August 1902 three Portuguese sellers of brooms (*vassoureiros volantes*) were imprisoned for disorderly behavior, which they claimed was part of a joke (*brincadeira*). The three men were drunk, on the corner street of Rua dos Inválidos and Rua do Lavradio, when they were arrested. They had been

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<sup>88</sup> Quoted from Martha Abreu, “*Mulatas, Crioulos and Morenas: Racial Hierarchy, Gender Relations, and National Identity in Postabolition Popular Song (Southeastern Brazil, 1890-1920)*” in *Gender and Slave Emancipation in the Atlantic World*, ed. Pamela Scully and Diana Patton (Durham: Duke University Press, 2005). As the author contends, this idea was popularized by Gilberto Freyre in the 1930s.

discussing where to have the next round, but one of them desired to go home. The two friends started to tease the latter for not wanting to hit the next *botequim*, going a little too far and hurting him physically. “It was a joke rather than disorderly behavior,” one of the accused stated.<sup>89</sup> All three Portuguese men were bailed out by fellow Portuguese *negociantes*. When the case was revisited, the judge agreed that the accused men had been playing around, and decided to absolve them. Although innocent, their behavior was not exemplary and the time spent in prison had not been in vain, establishing a minimum enforcement of discipline that aimed to entrench ideas about proper civil street behavior.

### *Conclusion*

The political shift introduced by republican rule placed many vendors in new “legal contact zones” with the State.<sup>90</sup> While Rio police had more concern over the regulation of inappropriate street behavior than street commercial activity, court judges expressed mixed attitudes toward discipline. Uncertain evidence and the protection of personhood over property shaped some judges’ decisions above what might have been expected racist attitudes. In the legal contact zones of courtrooms, streets, and the conversations that took place between offenders, defendants, victims, witnesses, family, friends, and community members, notions of appropriate public, private, and civil behavior was the result of a process of exchange involving urban officials and residents,

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<sup>89</sup> AN, OI 767, 5ª Pretoria Criminal, José Maria da Costa (1902).

<sup>90</sup> For a discussion on the concept of “legal contact zones” see Gilbert M. Joseph, “Preface” in *Crime and Punishment in Latin America*, ed. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Durham: Duke University Press, 2001), x-xi.



and influenced by both systemic-hierarchical and popular-horizontal relations. In this way, citizenship was the common hegemonic language, created by political liberals and redefined by subordinate groups and authority figures in everyday forms of legal and social dialogue, contributing to differentiated notions of citizenship. Early republican legal and police culture regarding street public order centered more on the regulation of the individual than commerce (or the market) as vendors negotiated with the law primarily as individuals/citizens and secondarily as commercial agents or workers. Republican rule cemented the gradual shift from the State regulation of street commercial activity to the regulation of individual vendor behavior – a process that originated in the late slave period yet came to fruition with the hegemonic construction of republican citizenship. In the transition to free labor, the individual or laborer took precedence over the market, as it was political and not economic liberalism that was dramatically transforming society with the elimination of the slave.

Whereas the procedure to obtain and regulate vending licenses was still municipal legislation to control street labor during the early First Republic, disciplinary policies toward criminality ostensibly took precedence over street commercial regulation, leading to particular experiences of citizenship, freedom, and free labor.<sup>91</sup> Originating in the late slave period, the shift in authorities' focus

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<sup>91</sup> It is not until 1906 that the municipality publishes in the *Boletim da Intendência Municipal* a comprehensive description of street commerce regulation including *ganhadores*, *mascates*, and other types of street vendors. In 1901, municipal law established guidelines for the regulation of *mascates*, and in 1903 starts to prohibit certain types of street vending. Regulation of street commerce, as reflected in the published *boletim* summarizing municipal law between 1894 and 1902, was primarily concerned with prohibiting peddlers from selling on the street with live animals, such as milk cows and fowl, as well as selling lottery tickets. My examination of early republican municipal law was interrupted in June 2006, when archivists and librarians at the

from the regulation of street commerce to the policing of (Brazilian- and foreign-born) individuals on the street created police and criminal records that provide a window on the lives of street vendors in the early post-abolition period. On the one hand, peddlers were part of a persistent street urban market economy of subsistence and survival that was not illicit yet was vividly transforming with the transition from slave to free labor. On the other hand, many street vendors were marked by new criminal and legal categories, restricting individual experiences of freedom and possibly creating an urban underclass based on the association of street vending with criminality. Legislation regarding criminal behavior rather than illicit commercial activity created the groundwork for the marginalization of street commerce, but this was an uneven development not always enforced by judicial processes and the courts, and shaped by popular notions of citizenship.

Police and municipal records of the latter half of the nineteenth century demonstrate that Afro-Brazilian peddlers were displaced by the significant numbers of foreign immigrants participating in street commerce. However, displacement did not amount to simple a process of substitution. Post-abolition labor and racial segmentation certainly influenced future black marginalization into twentieth-century informal economies, yet a number court cases reveal the treatment of both poor, white immigrant and black street laborers in similar legal terms. Just as the street legal culture of urban slave society regulated free and enslaved labor under one *ganho* system, informally naming all street workers regardless of color and slave/free status as *negros de ganho*, the 1890 Penal Code

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AGCRJ decided not to release these legal records for research because of their deteriorating and precarious condition.

recreated the uncertain condition of liberty for both black and white street sellers who shared similar material conditions. Comparing new policing methods following the establishment of the Penal Code of 1890 as a possible alternative to *ganho* regulation, and viewing the liminal status of *negros de ganho* as precursors of “almost-citizens,” or a foreshadow of differentiated citizenship, conceptualizes the transformation of street commerce in the transition from slave to free labor as an uneven process marked by citizenship building, criminality, popular culture and the formal restructuring of labor.

A shared historical stage, city streets expressed the varied tumults of citizenship, becoming the particular site where discipline and popular resistance constituted “new kinds of citizens,” as Holston argues. Specifically, “[c]ity streets combine new identities of territory, contract, and education with ascribed ones of race, religion, culture, and gender. [...] In this process, cities become both the site and the substance not only of the uncertainties of modern citizenship, but also of its emergent forms.”<sup>92</sup> In this vein, the uneven displacement of street vendors of diverse racial backgrounds, based on popular and legal notions of street behavior, resulted in articulations of discipline and resistance constitutive of the “almost-citizen” – a term that according to Cunha and Gomes does not equate liberty and citizenship to a legal status, but to an experience in which conflict and struggle toward ascribed legal and cultural notions are expressions and understandings of freedom and citizenship. In addition to the economic needs that pushed peddlers to sell on the street, popular notions of being an honest worker, a good head of household, an honorable woman, or participant in

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<sup>92</sup> Holston, *Insurgent Citizenship*, 23.

leisurely street constituted experiences of citizenship and the culture of street commerce.

Holston's argument that many members of nineteenth- and twentieth-century working classes "became new citizens not primarily through the struggles of labor, but those of the city" is exemplified through the court cases involving street vendors and their interactions with the police. In "legal contact zones" with the police and judiciary system, street vendors were individual citizens, and potential criminals, more than sellers or workers on the street. Thus, the minor José Martins, to be found next to the *café quiosque* in the Praça da República, had a blade that for him was a working tool to unpack and distribute newspapers, but that authorities interpreted as the traditional weapon of *capoeiras*. It was through struggles of public order and appropriate behavior and the ensuing exchanges with police and legal authorities that a number of street sellers and individuals who shared their social milieu experienced formal citizenship. The eventual and relative success of whites over blacks as being less marginalized by the racial segmentation of labor and society was a process made uneven, in part, through the sometimes unpredictable participation of the judicial system and the popular classes in citizenship building, which in turn made consensus building possible.

## Chapter Four

### Toward a “Humanitarian and Hygienic” Street Commerce: Vending Technology and the Transition to Free Labor in Rio de Janeiro, 1885-1909

The gradual transition from slave to free labor, culminating in the final abolition of slavery in May 1888, dramatically altered the commercialized urban spaces in Rio de Janeiro. In slavery’s destruction, street corners, alleys, and market squares were filled with street vendors of diverse ethnic backgrounds, such as African, Italian, Spanish, Portuguese, Syrio-Lebanese, Asian, and Brazilian. Street-vending practices, dating back to the height of urban slavery in the mid-nineteenth century, endured given their importance in distributing basic goods to urban residents of all social classes. Peddlers continued to ply their wares in the Brazilian capital’s streets as enslaved vendors had done throughout the 1800s. However, post-abolition political discourse framed certain types of street commerce and behavior as a drag on progress, an undesirable legacy of slave times. In turn, a number of scientists and entrepreneurs sought to rationalize street-vending methods by introducing new technologies to reform rather than eliminate street commerce. While on the one hand urban authorities policed Rio streets to eliminate certain “uncivil” and “criminal” aspects of street commerce (e.g., vagrancy, public disorder, inebriation, and petty theft), the rationalization of street vending through new technologies, on the other hand, reflected authorities’ hopes in the “industrial” potential of street commerce, which certain elite groups

at the turn of the century persistently advocated as fundamental to the well-being of the urban population.

This chapter further examines the transition from slavery to free labor and from monarchy to republic, from the perspective of the scientific knowledge that envisioned a new world for street commerce. Vending technology in this scientized discourse was the “catalyst of modernity” that liberated street commerce from its slave past.<sup>1</sup> Ideologies of free labor, public health, and industrial development found expression in the patents that inventors of street-vending vehicles and accessories solicited from the State. The chapter illustrates how some inventors proposed “humanitarian” working conditions, which claimed to emancipate the street vendor, and “hygienic” working conditions, which cleansed street-vending practices from legacies of slavery. In this way, inventors were transforming street commerce into a modern industry. Such scientized discourse sought to erase the slave past, and thus the slave, African, or black vendor. For example, the images that often accompanied patent requests depicted the average street peddler as a young adult who was male and white. Although the archetypal street vendor that inventors illustrated was neither African nor female, these remained actors in the world of street commerce.<sup>2</sup> Thus, the rationalization of street commerce was explicit in technological innovation and implicit in racial and gender terms.

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<sup>1</sup> Walter Goebel and Saskia Schabio, ed. *Beyond the Black Atlantic: Relocating Modernization and Technology* (New York: Routledge, 2006), 5.

<sup>2</sup> Flavio dos Santos Gomes, Carlos Eugênio Líbano Soares, and Juliana Faria Barreto, *No labirinto das nações: africanos e identidades no Rio de Janeiro, século XIX* (Rio de Janeiro, 2005); Tiago de Melo Gomes and Micol Siegel, "Sabina's Oranges: The Colours of Cultural Politics in Rio de Janeiro, 1889–1930," *Journal of Latin American Cultural Studies* 11 (2002): 5-28; Monica Pimenta Velloso, "As tias bahianas tomam conta do pedaço: espaço e identidade cultural no Rio de Janeiro," *Estudos Históricos, Rio de Janeiro* 3 (1990): 207-228.

The time period this chapter captures, 1885-1909, was a historical moment of great transitions, continuities, and ruptures in Brazilian history, particularly marked by tensions between slavery and modernity. The passing of the Golden Law, 13 May 1888, and the proclamation of the Republic, 15 November 1889, officially parted from the past of slavery and monarchy. Abolitionism, political individualism, and natural law united a new generation of educated political elites, commonly known as *bacharéis*<sup>3</sup>, advocating political and economic liberalism as well as the development of other industries that would lessen Brazil's dependence on the agro-export economy. Still, the landed elite continued to have a strong foothold in the political scene throughout the First Republic, and some scholars claim it was not until the Revolution of 1930 that power shifted to the hands of other, non-oligarchic political elites.<sup>4</sup> Nonetheless, the turn of the nineteenth century was a profound transitional age of shifting power and labor relations. In the world of street commerce this was experienced, on one level (i.e., the actual street), through the changes brought on by the Penal Code of 1890, and, on another level (i.e., scientized discourse), through proposed shifts in street vending practices and technology. This chapter focuses on the latter.

The scientized language of patent requests describing new vending technologies remained consistent throughout 1885-1909, despite important political ruptures and social transformations marked by the end of slavery in

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<sup>3</sup> A *bacharel* was a university graduate. The First Republic of 1889-1930 is popularly known, among other names, as the *República dos Bacharéis* since most presidents were law school graduates from the University of São Paulo.

<sup>4</sup> Boris Fausto, *A Revolução de 1930: historiografia e história* (São Paulo: Brasiliense, 1972).

1888, the birth of the Republic in 1889, and the banning several forms of street commerce in 1903. In fact, the unifying element in the political and scientific discourses of this transitional age concerning street commerce and free labor was the erasing of the slave legacy. The consistency of vending technology patent requests illustrates that reformist attitudes toward street vending were influenced by abolitionist discourse regarding the removal of the legacy of slavery without sacrificing street vending itself. Patented vending technologies reflected a positive view on peddlers' commercial uses of urban space that not all elites shared, as demonstrated in the development of municipal ordinances in 1903 that outlawed certain types of street vending. While some political elites in this transitional age favored the elimination street commerce all together, other scientifically-minded elites preferred instead to erase the slave mark and modernize street vending, in their view a compatible industry with post-abolition urban development.

Between 1885 and 1909 at least thirty men of science – engineers, physicists, industrialists, and military officials – sought to patent inventions that would transform vending methods deemed “filthy” and backwards. During this period, more than thirty inventors deposited copies of patent requests in the repository of the Arquivo Público, but the State granted approximately only thirty patents in the area of vending technology.<sup>5</sup> These men created applied

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<sup>5</sup> The patent requests discussed in this chapter are from the Arquivo Nacional's collection, *Privilégios Industriais*, which are available only for 1875-1919 – a period of great technological innovation in Brazil reflecting a variety of perspective regarding post-slave modernity. The Arquivo Nacional, known as the Arquivo Público do Imperio in the nineteenth century, as an important actor in the processing of patent requests. The Arquivo Público was the place where individuals registered and deposited a copy of all patent requests (*privilégios industriais*) submitted to the State throughout the nineteenth century, but in 1889 the management of patents



technologies claiming to sanitize transactions between seller and consumer, and to improve working conditions as special features provided new comforts for the street vendor. One inventor in 1889, for instance, specifically described his design as “humanitarian and hygienic” because it protected food from dust, heat, and disease, and was able to transport heavy loads without overburdening the peddler (Image 13, Appendix Chapter Four).<sup>6</sup> At this time, the European term “hygiene” was a reference to germ rather than miasma theory of disease. In Brazil, although germ theory was prevalent, aspects of miasma theory still influenced the use of the term “hygienic.” The preoccupation over the sanitizing of street commerce also expressed “tropical” concerns, such as the prevention of diseases generated by spoiled foods overexposed to the sun and high summer temperatures of the city of Rio.<sup>7</sup> Concern over the “humanitarian” aspect of street commerce reflected Brazilian free labor ideology that dignified the manual laborer in a country that had been a slave society since colonial times.<sup>8</sup> Abolitionist elites, in particular, believed that the labor culture of slavery even

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was transferred to the Ministério de Agricultura, Comércio e Obras Públicas as a result of the work overload and lack of personnel at the Arquivo Público. Other than the latter, there is not a significant shift in patent processing between the years 1875 and 1910, despite the shift from monarchy to Republic. According to the Law of 24 August 1830, Article 2 and Paragraph 4, the imperial government “concede privilégio ao que descobrir, inventar ou melhorar uma indústria útil e um prêmio ao que introduzir uma indústria estrangeira e regula sua concessão.” During the period 1875-1910, the patent applicant deposited a copy of the patent request in the Arquivo Público while another copy was submitted to the Ministério da Indústria, Viacão e Obras Públicas (MIVOP) through the Sociedade Auxiliadora da Indústria Nacional in order for the patent to be approved and accepted. After the approval of a particular patent, the Arquivo Público was notified, thereafter stamping the copy of the patent request with the acceptance number given by MIVOP.

<sup>6</sup> AN, Privilégio Industrial (PI) 0380, Paulo Vieira de Sousa.

<sup>7</sup> Julyan Peard, *Race, Place, and Medicine: The Idea of the Tropics in Nineteenth-Century Brazilian Medicine* (Durham: Duke University Press, 2000).

<sup>8</sup> The term “humanitarian” could also be understood as the promotion of decent working conditions that aimed to increase productivity, such as the improvement of vendor mobility on Rio streets through vending technology that promised physical comfort.

deprived non-slave workers from the fruits of free labor – a dialectic between free labor and subjectivity that was spiritual, honorable, dignifying, and liberating.<sup>9</sup>

The discursive use of the term “humanitarian,” or *humanitário*, had origins in nineteenth-century Brazilian abolitionist discourse.<sup>10</sup> In 1863, the Brazilian abolitionist Joaquim Nabuco, during a self-imposed exile in London, wrote the treatise *O Abolicionismo*, published in Brazil in 1883. In this work, he used the term *humanitário* to qualify progress, political and Christian rights, and patriotism.<sup>11</sup> Six years later, in 1869, the Humanitarian Society for Abolition was established in Rio, modeled after British anti-slavery societies, whose members were known as “humanitarians.” Furthermore, upon his death in 1882, the Brazilian press described the abolitionist Luiz Gama (1830-1882) in similar terms: “no one could have equally borne his *humanitarian* burden.”<sup>12</sup> Anti-slavery politics were thus humanitarian, but more importantly, abolitionists argued, since slave labor dehumanized the worker and non-slave labor was humanitarian. In 1884, campaigning in Recife for a seat in the Parliament, Nabuco used anti-slavery rhetoric to appeal to the free urban working-class

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<sup>9</sup> Joaquim Nabuco, *Campanha Abolicionista no Recife: Eleições de 1884* (Recife: Fundação Joaquim Nabuco, Editora Massangana, 1988). Also see Patricia Acerbi, “Abolishing Slavery and Emancipating the Urban Working Class: Joaquim Nabuco and Free Labor Ideology in Brazil, 1870-1888,” *Creating Identity and Empire in the Atlantic World, 1492-1888*, An Interdisciplinary Conference, University of North Carolina at Greensboro, paper presentation (2004).

<sup>10</sup> Brazilian abolitionist discourse was evidently influenced by British abolitionism, which defined anti-slavery as a humanitarian campaign. Brazilian abolitionist Joaquim Nabuco epitomizes the influence of British abolitionism in Brazil, writing the treatise *O Abolicionismo* in London in 1863, and still partaking in the Atlantic “humanitarian” anti-slavery struggle months after the passing of the Golden Law in Brazil. See, Charles Martial Allemand-Lavigner, *Crusade against the slave-trade: oration ... at the meeting of the Anti-Slavery Society held in Prince's Hall London, Tuesday, July 31<sup>st</sup>, 1888* (London, LSE Pamphlets, 1888).

<sup>11</sup> Joaquim Nabuco, *Abolitionism: The Brazilian Antislavery Struggle*. Trans. & ed. Robert Conrad (Urbana: University of Illinois Press, 1977, [1883]). Emphasis is mine.

<sup>12</sup> James H. Kennedy, “Luiz Gama: Pioneer of Abolition in Brazil,” *Journal of Negro History* 59, no. 3 (July, 1974): 255-267. Kennedy quoted from Antônio Manoel Bueno de Andrade, “A Abolição em São Paulo,” *Revista do Arquivo Municipal*, Vol. LXXVII (junho-julio, 1941), 263.

electorate, exalting the transformative, humanist power of free labor.<sup>13</sup> The term *humanitário* implied the erasure of the slave in labor relations. However, as historian Dale Graden concludes, “[p]olitical and economic reform are seldom inspired solely by humanitarian concern or progressive thought. Instead, they often emerge in response to social pressures that make the continuation of existing policies or practices untenable.”<sup>14</sup> In this vein, many seeking patent requests deemed Rio vending practices unsustainable and archaic, using the term “humanitarian” to obliterate the slave while illustrating street vendors in their designs as white and European descended. The discursive whitening of street commerce reflected broader trends in the transition to free labor that favored (white) immigrant labor over (black) national workers.<sup>15</sup>

Although the inventions discussed in this chapter were patented, these do not seem to have transformed everyday street-vending practices in the long run.<sup>16</sup> Still, the patent requests provide an opportunity to examine certain discourses of modernity, technology, free labor, and urbanization from the perspective of the local scientific and industrialist elite. The capital invested in the physical creation of street-vending vehicles and patent-request applications

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<sup>13</sup> Joaquim Nabuco, “Reformas Sociaes!” *Campanha Abolicionista no Recife: Eleições de 1884* (Recife: Fundação Joaquim Nabuco, Editora Massangana, 1988). Also see the speech “Escravidão e Trabalho.”

<sup>14</sup> Dale T. Graden, “An Act ‘Even of Public Security’”: Slave Resistance, Social Tension, and the End of the International Slave Trade to Brazil, 1835-1856,” *Hispanic American Historical Review* 76, no. 2 (1996): 249-282. Important to note is that British and Brazilian humanitarian anti-slavery sentiment in the middle of the nineteenth century was linked to hopes of expanding markets for British and Brazilian exports.

<sup>15</sup> George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison: University of Wisconsin Press, 1991), Thomas Skidmore, *Black into White: Race and Nationality in Brazilian Thought* (Durham: Duke University Press, 1993).

<sup>16</sup> See footnote 2 for a description the processing of patents. The patent requests discussed in this chapter had been assigned a number that indicated they had been accepted and approved by the MIVOP.

illustrates that street commerce was not antithetical to industry or to the project of modernity. The volumes of patent requests at the turn of the century show the particular economic sectors that were in expansion during a period of significant urban transformation in Rio. Specifically, rapid population growth with the gradual ending of slavery<sup>17</sup> increased the need for street commerce to distribute basic goods and services to urban residents. Throughout this period, commercial activity and entrepreneurial wealth was concentrated in central Rio, but an increasing number of residents settling on the outskirts of the city transformed and expanded the geography of street commerce. Many vending vehicles invented at this time were especially designed for traveling on rough roads in order to serve the emergent peripheral or suburban working-class population. Other inventions were created for the distribution of Brazilian “tropical” goods, such as sugar cane juice and Afro-Brazilian sweets, shaping the design of apparatuses in new ways.

One inventor in particular, Morris N. Kohn, was at the forefront of technological innovation, proposing a variety of projects, from water pumps that transported ocean water from the Guanabara Bay to the city’s hills (*morros*) to an unyielding campaign that attempted to gain monopoly over all street-vending methods used in the city of Rio.<sup>18</sup> Although Kohn, as well as other inventors of

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<sup>17</sup> Teresa Meade, *“Civilizing Rio”: Reform and Resistance in a Brazilian City, 1889-1930* (University Park: The Pennsylvania State University Press, 1997). In 1872, Rio’s population of 228,745 was 16% slave, 53% Brazilian-born free/d people, and 30% free foreigners. By 1906, the population had grown to 805,335 and migrants were a majority: 29% were foreign-born Portuguese and 26% were other foreign-born immigrants and native-born migrants from the countryside.

<sup>18</sup> Kohn’s year of birth and death remains unknown to the author. The most reliable published source identifies Kohn’s presence in late Imperial Brazil, a time when “several of his inventions were honored with the presence of Emperor Dom Pedro II.” It is after 1891 when Kohn, “the entrepreneur of so many innovations during Imperial Brazil, becomes annoyed with deferred patent requests and disappears from Brazil, returning probably to his native country, the United

the time, did not explicitly define in medical terms his use of the term “hygiene,” the sanitizing vending methods he proposed aimed to prevent disease through germ-infested foods and generate a healthy urban population. His inventions also protected food from dirt and miasmatic contamination.<sup>19</sup> It is important to note that this was an era in which a significant number inventors sought to patent “hygienic houses, hygienic beds, hygienic cigarettes, hygienic liquid pumps, hygienic pillows, hygienic coffins, as well as hygienic ships” that sanitized passengers from potential contamination by disease before descending into a port.<sup>20</sup> “Hygienic” was word of the day. Furthermore, “humanitarian” concern over the working conditions of the peddler, although racialized, reflected a local free labor ideology that viewed street vending as modern and civilizing.

#### *Morris N. Kohn and the Changing World of Street Commerce*

Morris N. Kohn, a mechanical engineer from Hartford, Connecticut, and a resident of Rio since the 1870s, founded a company that specialized in crafting street-vending instruments, such as handcarts, portable tables, and shoe-shining chairs.<sup>21</sup> Kohn promoted his “hygienic” vending technology in a tenacious campaign to gain a monopoly over street vending in Rio. He repeatedly called upon the municipal government to enforce the exclusive use of his “hygienic” handcarts and portable tables, which would obligate all street peddlers to abandon

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States.” See Egon Wolff and Frieda Wolff, *Judeus nos primórdios do Brasil-República: visto especialmente pela documentação no Rio de Janeiro* (Rio de Janeiro: Edição da Biblioteca Israelita H. N. Bialik, Centro de Documentação, 1979), 67-69.

<sup>19</sup> The focus on improving the general health of the urban population may have had a eugenic undertone.

<sup>20</sup> As described in the introduction to the collection of patent requests in the AN; see footnote 2.

<sup>21</sup> AN, PI 087, Morris Kohn; AN, Junta Commercial, Morris N. Kohn, Livro 100, Reg. 20952, pp. 175-177.

old methods and purchase Kohn's models. Both imperial and Republican administrations rejected Kohn's plan for monopoly, resolutely arguing that it went against the principles of the free market. Nevertheless, Kohn's presence in Rio illustrates an urban landscape being remade by technological innovation as much as by discourses of labor, law, and the apparatus of social control.

Morris N. Kohn migrated to Brazil at the time when Emperor Dom Pedro II was seeking foreign intellectual capital to help modernize Brazil.<sup>22</sup> For example, in 1875, Kohn and a business partner, the U.S. citizen James Walter Graham, obtained a patent for the legal introduction of chemical-based fire extinguishers into Brazil.<sup>23</sup> Participants of the 1875 National Exhibition in Brazil noted, "[i]n the short span of time that [Kohn] has been residing [in Brazil], he has worked incessantly to endow the country with new and beneficial industrial utilities. Already a holder of three patents, all a result of his fertile imagination and genius, an inventive mind, briefly he will introduce to Rio de Janeiro an improvement of the utmost importance."<sup>24</sup> Four years later, Kohn was living in the heart of Rio's commercial center in a house on the Rua da Alfândega. As a resident of central Rio, Kohn soon became acquainted with the importance of street commerce in distributing basic goods to the urban population. Before fully committing himself to the reformation of street commerce, in 1879 Kohn

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<sup>22</sup> Kohn's relationship with Dom Pedro II allowed him to create electric and telephone systems in different areas of Brazil, as well the fabrication of beds, known as the *camas patente*, designed to meet working-class needs. Kohn was a versatile inventor and solicited patents for a variety of technologies unrelated to street commerce, which can be found in the PI collection at the AN. Also see, Wolff and Wolff, *Judeus nos primórdios do Brasil-República*, as well as Egon Wolff and Frieda Wolff, *D. Pedro II e os Judeus* (Rio de Janeiro, Edição da Biblioteca Israelita H.N. Bialik, 1983).

<sup>23</sup> AN, Livro 673, Reg. 14656.

<sup>24</sup> *Catálogo. Exposição Nacional, 1875* (Rio de Janeiro, Typographia e Lithographia "Carioca", 1875). I thank Teresa Cribelli for this reference.

partnered with Carlos Martins da Silva, a resident of the neighboring city of Nitéroí, with whom he established a business that rented and sold chairs, cases, and accessories to shoe shines, who were as conspicuous as peddlers on Rio's streets.<sup>25</sup> The Shoe Shiner's Company (*Empresa de Engraxadores*) was Kohn's formal introduction into the world of urban street labor. Scientific creativity and capitalist ambition became further consolidated in the Domestic Street-Vending Company (*Empresa Ambulante Doméstica*, or EAD), which Kohn specifically created in 1887 for the technical and hygienic improvement of street commerce in Rio.

In a letter Kohn wrote in 1887 from the EAD's headquarters on Rua Sete de Setembro, he explained to municipal authorities the purpose and objectives of his enterprise. Primarily, the EAD was committed to "the industrial improvement and perfection" of street commerce, which Kohn believed could not be done without State support.<sup>26</sup> Kohn discussed street vending as an industrial practice that largely characterized Rio's commercial culture, proposing to modernize it through a monopoly that in effect contradicted the doctrine of the free market. "[F]ilthy tables, market stalls, and other frightening sights" made up the everyday practice of street commerce while Kohn claimed he had the solution to such hygienic problem – an offer the municipal government could not ignore since it

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<sup>25</sup> AN, Junta Commercial, Morris N. Kohn, Livro 100; Reg. 20952, pp. 175-7. In 1879, Kohn and Silva obtained an official license for their company, Empresa de Engraxadores. Silva was the treasurer-manager who provided the business's start-up capital (R\$5:000\$000) while Kohn was the scientific mind who designed shoe-shine boxes (*caixas engraxadoras*) and accessories. The patent allowed the Empresa de Engraxadores to distribute materials for nine years, at which time the company could renew its license if Kohn became responsible of one-third of the business's investments.

<sup>26</sup> AGCRJ, 59-2-2, Gêneros Alimentícios 1887-1890 – Requerimento e mais papeis de Morris N.Kohn, administrador da Empresa Ambulante Doméstica – e de Jeronymo Maximo Romano – sobre carrocinhas higiênicas para condução de gêneros alimentícios e cadeiras de engraxates.

would “greatly benefit the capital city.” Kohn requested legal permission to station approximately twenty “hygienic handcarts” from which vendors would sell fruits, sweets, vegetables, coffee, and refreshments in several locations of the commercial parishes of Candelária and São José. Kohn claimed that the handcarts technologically improved and sanitized street-vending practices, ensuring public order and the healthy nutrition of the populace. He specifically chose locations for handcarts that would not disturb passersby and also be under the jurisdiction of parish police officers. In the letter he specified that handcarts would be immediately removed from the street once a product was sold out, or at least by two o’clock in the afternoon since most goods were perishable and thus a threat to public health if overexposed in the heat and sun.

State support ensuring EAD’s exclusive monopoly over all vending technology, Kohn argued, was crucial for the harmonious operation of a modernized street commerce. While Kohn desired that all peddlers in central Rio be legally forced to sell goods by using only handcarts and tables manufactured by the EAD, the State remained ambivalent toward Kohn’s agenda. In 1888, four months before the abolition of slavery, Imperial municipal officials interested in sanitizing street commerce approved Kohn’s request for “hygienic handcarts,” which would be able to operate in the proposed locations, “but never to the exclusion of other vendors, as that would constitute favor towards one company, or a hateful monopoly.” In response, Kohn defended that it was a “hygienic obligation” for municipal authorities to substitute the old system of “filthy vending tables” with the EAD’s new models. He also argued that by not



supporting the EAD municipal funds would suffer great economic loss while trying to solve public health problems caused by a backward street-vending economy.

Independently of but perhaps motivated by Kohn's entrepreneurial ambitions, Imperial municipal officials and the Commission on Health and Marketplaces (*Comissão de Saúde e Praças*) "urgently" addressed the sanitation of street commerce in order to approve "efficient measures that guaranteed the healthy condition of food that street vendors sold to the public."<sup>27</sup> Reflecting miasma and germ ideas of contagion, the Commission argued that "street vendors travel the streets and roads of the municipality, stationing themselves in public squares, street corners, etc., without protecting their products from sun rays, rain, dust, insects, disease, poison, and infectious animals, while commercial transactions take place with such defects being visible to buyers." In a meeting with the Commission for Health and Markets in the Imperial Palace on 28 July 1887, the councilor Cândido Alves Pereira de Carvalho passed a law dictating that as of September of that year all street vendors had to sell meat, vegetables, fish, and other perishable goods on new handcarts that substituted old vending tables and baskets. Infractions would result in a fine equal to that charged for lacking a street-vending license, about 30\$000 (30 *mil-réis*).<sup>28</sup> In addition, new regulations were established for street commerce on Sundays and holidays. While the law forced most commercial businesses to close on Sunday, food markets, bakeries,

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<sup>27</sup> AGCRJ, 59-2-2, Gêneros Alimentícios 1887-1890, "Acta da 19ª Seção Ordinária em 28 de julho de 1887.

<sup>28</sup> 20 *mil-réis* equaled approximately 1 U.S. cent. Código de Posturas da Ilustríssima Câmara Municipal 1870 (Rio de Janeiro: Eduardo e Henrique Laemmert, 1870).

and street peddlers were able to sell their products until one o'clock in the afternoon.<sup>29</sup> Such restrictions on the commercial uses of urban space, especially targeting street vendors, were a result of the transition from slavery to free labor aiming to regulate workers on Rio streets and rationalize street commerce in general.

The Proclamation of the Republic on 15 November 1889 did not interrupt Kohn's campaign for monopoly. In fact, although the founding of the Republic implicated the institutionalization of political and economic liberalism, formally a more liberal structure than the Empire, Kohn may have viewed the transition from Empire to Republic as an opportunity rather than an obstacle to monopoly. On 29 December 1889 Kohn approached Republican municipal officials and the Department of Hygiene with all the documentation he had collected in previous years to continue advocating for monopoly and the superior quality of his street-vending apparatuses.<sup>30</sup> Although Republican authorities stated that Kohn's "hygienic handcarts seemed not much different from those currently in use," they recognized the need for sanitized models. This time Kohn compared his handcarts to "those used in the United States, Belgium, Holland, France and other European countries concerned with public health." The appeal to forms of street commerce found in "civilized" European and North American countries reflected a transnational circulation of technical knowledge cast for local purposes. Kohn also proposed to reintroduce an improved model of shoe-shining chairs, which he

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<sup>29</sup> AGCRJ, 59-2-2, Gêneros Alimentícios 1887-1890 – Requerimento e mais papeis de Morris N.Kohn, administrador da Empresa Ambulante Domestica – e de Jeronymo Maximo Romano – sobre carrocinhas higienicas para conducao de generos alimenticios e cadeiras de engraxantes, pp. 7-9.

<sup>30</sup> Ibid.

claimed was much more elegant and efficient than the ones currently in use (Image 14, Appendix Chapter Four).

On 21 May 1890, Kohn transferred complete ownership of the EAD to a new business partner, Jeronimo Máximo Romano, perhaps under the impression that a Brazilian, rather than a foreigner, would have a better chance at negotiating with the newfound republic in authority. Kohn continued to be a partner in the company, but as an engineer and not an entrepreneur. Romano picked up where Kohn left off, seeking a State license that would grant him a twenty-five-year monopoly over street-vending technology. As during the Imperial period, the Republican municipal government continued to be the agency that regulated street commerce, and thus the EAD was proposing to pay the municipality 3,600 *mil-réis* annually in exchange for monopoly rights. The term “hygienic” continued to emphasize that Kohn had designed handcarts, tables, and shoe-shining chairs according to current standards of public health. In 1890, Republican officials reinstated the 1887 municipal law that declared “meat, vegetables, fish, poultry, and other goods sold by street vendors would cease to be transported in baskets or tables, and had to be transported by vendors pushing handcarts, which municipal officials would have to approve first according to quality and appropriateness.” In 1890, Republican authorities also renewed the EAD’s business license, but they adamantly rejected, like their Imperial counterparts, the “hateful” twenty-five-year monopoly, the monetary contribution of 3,600 *mil-réis*, and the proposition that all vendors were to use materials exclusively made by Kohn.

In addition to negotiating with municipal officials regarding the EAD's monopoly over vending technology, Kohn also pursued legal patents for technologies that promised to modernize street commerce in Rio. In 1885, for example, he submitted his first patent request for "hygienic handcarts" (*carros higiênicos*), claiming that his handcarts guaranteed "comfortable, dynamic, and easy transportation" of goods such as fish, meat, milk, fruit, and vegetables.<sup>31</sup> In addition to hygienic features, the vehicle included an umbrella, a foldable table, weighing scales, and an icebox to preserve food. Kohn understood the visual aspect of street vending and consumer products, highlighting that his handcarts could be painted in certain areas for advertisements. Along with street peddling, shoe shining was a significant part of street work in nineteenth- and twentieth-century Rio. Two years later, in January 1887, Kohn sought to patent a "simple, clean, and elegant" model for shoe-shining chairs (*cadeiras de engraxate*), which would "greatly improve the current system" in use.<sup>32</sup> The chair included basic components, such as drawers for brushes, rags, and shoe polish, yet had additional features like a comfortable sitting pillow for the shoe shine, an umbrella to protect the customer from the rain and sun, a niche where newspapers could be stacked for sale, and other sections "destined for the sale of objects."

An incident that took place on a busy commercial street of central Rio shows the occasional tenuous co-existence between peddlers and shoe shiners, which the use of Kohn's chairs would help resolve. On 16 May 1885, thirteen residents of the parish of Candelária came out in defense of the Italian shoe shiner

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<sup>31</sup>AN, PI 6410, Morris Kohn. Most patent requests included manual designs of the invention. None are available for Kohn as he photographed his creations. See Appendix Chapter Four, Image 2.

<sup>32</sup>AN, PI 9032, Morris Kohn.

João Lucas. Lucas was an *engraxate* who worked on the bustling Rua Primeiro de Março and was constantly pestered by Agostinho Carmo, a vendor of refreshments who positioned himself right next to Lucas' chair. Lucas' customers had been the victim of Carmo's irritating behavior and thus submitted a complaint to municipal authorities. All thirteen men who signed the petition had witnessed Carmo "get too close with his handcart to the chair, throw water in their direction as he cleaned out drinking glasses, and use obscene language" that particularly disturbed customers.<sup>33</sup> Indeed street peddling and shoe-shining could be competitive to the detriment of potential customers. Kohn designed a special shoe-shining chair that had the capacity to accommodate both shoe-shining and vending activities. Using Kohn's chair, the shoe shiner would be able to sell other products, such as newspapers and refreshments, perhaps avoiding hostile situations such as the above, while keeping customers satisfied. Furthermore, a devise such as the *cadeira de engraxate*, which had the potential of mitigating such public disorder, would particularly interest municipal authorities desiring to rationalize the commercial uses of urban space. As discussed earlier, most shoe shiners were also Brazilian-born blacks and reforming the shoe-shining culture of Rio streets with new methods probably had racial implications, considering the general trend in patent requests to erase the slave mark.

In 1887, the same year Kohn requested a patent for the shoe-shining chair model, he submitted an application for "portable and hygienic containers and tables" (*caixas e tableiros portáteis e higiênicos*).<sup>34</sup> Both models were

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<sup>33</sup> AGCRJ, 49-1-33, Queixas e reclamações 1890-1899, pp. 131-132.

<sup>34</sup> AN, PI 0270, Morris Kohn.

specifically built for the sale of meat, fish, vegetables, and sweets, and each model differed in its design according to product. Emphasizing that there was “nothing more important for the hygienist than the clean distribution of food,” Kohn argued his invention “eliminated all the grave inconveniences” of traditional street-vending methods, which exposed food to “decay, decomposition, and corrosion.” Both tables and containers were made out of zinc and had openings for ventilation, a sun umbrella, and “comfortable” accessories, especially a head piece that could be used “to facilitate transportation when carried on the vendor’s head.” The hygienic handcarts, tables, containers, and the shoe-shining chairs illustrate that Kohn was in tune with on-the-ground vending practices. Like other inventors and men of science of his time, Kohn had a resourceful creative mind that accommodated the many physical aspects of street peddling in new technologies.

In December 1887 Kohn solicited another patent for “fire-resistant kiosks” (*quiosques a prova de fogo*). Kiosks were another prominent aspect of street life in Rio at the turn of the century, formalizing street commerce that was fixed and not ambulatory. Kiosks were traditionally made out of wood, but Kohn proposed a model that would be made out of zinc, which would protect them from the hazards of electrical wiring and potential fires. Many kiosks remained open at night, functioning as street cafés and snack bars where primarily the working class socialized (Image 15, Appendix Chapter Four). At a time when many European and North American cities were fireproofing, kiosks that were fire-resistant could appeal to municipal officials in Rio. Since kiosks were generally

made out of wood and used electricity, the probability of fire was high. Also important, kiosks were vulnerable to street rioting, as exemplified by the Vintém Riot of 1880, which resulted in the deliberate damage of public and private properties.<sup>35</sup> Reminiscing about nineteenth-century kiosks in Rio, writer Escragnolle Dória noted in a 1925 magazine publication that one night a group of university fine-arts students jokingly decided to move a kiosk to another location. The following morning the owner was shocked to find his kiosk standing across the street.<sup>36</sup> Thus, kiosks were the site of both popular leisure and social unrest. Given their fragile structure, Kohn thought it necessary to modernize them by making them sturdier and less vulnerable to everyday disasters.

A scientific, creative, and entrepreneurially driven mind, Kohn was undoubtedly one of Rio's most prolific inventors at the turn of the century. He was one of the first men of science to apply for State patents focusing on street-vending technologies in the 1880s, and his tenacious and unique campaign to gain monopoly over vending apparatuses reflected that he was cognizant of fellow competitors. The next section examines diverse street-selling vehicles and appliances that other inventors sought to patent, which further illustrate street commerce as central to urban industry and development at the turn of the century. Inventors consistently favored a modernized street commerce even though some political elites preferred its eradication.

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<sup>35</sup> The 1880 Vintém in Rio was sparked by an increased tram tax happened because of unjust "tram tax." Saundra Lauderdale Graham, "The Vintém Riot and Political Culture: Rio de Janeiro, 1880," in *Riots in the Cities: Popular Politics and the Urban Poor in Latin America 1765-1910*, ed. Silvia M Arrom and Servando Ortoll (Wilmington: SR Books, 1996).

<sup>36</sup> Escragnolle Dória, "Kiosques," *Revista da Semana*, Anno XXVI, no. 32, 1 August 1925.

*Patenting “Humanitarian and Hygienic” Street-Vending Technology*

Patent requests proposing new street-vending technologies are dated between 1890 and early 1909, but many inventors stated in their reports that they had been in the application process for at least fifteen years, some since the 1870s. Many requests dated in the late 1880s, 1890s, and early 1900s are hence, not surprisingly, similar in the presentation of new vending technologies. Although the latter decades witnessed important political shifts, such as the abolition of slavery and the birth of the Republic, patents proposing new vending technologies between 1885 and 1909 illustrate a particular discursive consistency. This continuity in patent language illustrates that the idea of modernized street peddling was very much a product of an era and ideology of transition – from slave to free labor – shaping both the final years of slavery and the first decades after abolition in 1888. To illustrate that such patents belong to an era of transition from the 1870s to the 1900s, this section examines vending technologies according themes and comparable uses between similar vending technologies (e.g., the sale meat, sweets, or sugar cane juice), and not necessarily according to chronological order. Some inventions were created in the slave period or in the late nineteenth century, but (re)entered the patenting process in the early 1900s. However, the overall language and content of the requests themselves rarely changed. Still, the time it took several inventors to patent their creations, having to negotiate with different administrations, is indicative of the tumultuous turn from monarchy to republic. A small, distinct group of inventors



did emerge during the capital city's belle époque in the early twentieth century, aesthetically influenced by the Parisian modernity adopted by Passos administration. This occurred simultaneous to emerging laws prohibiting and regulating certain aspects of street vending. It is perhaps not a coincidence that only a few years after crackdown on street vendors in 1903, inventors offering new vending technologies seemingly ceased to solicit patents.

The variety of street-vending vehicles, accessories, and improvements that inventors designed spoke of the socio-economic needs of a growing urban population and emerging concerns over public health, the supply and efficient transportation of basic goods to residents, and urban development. On paper, street vending was becoming modern, humane, and sanitized, from kiosks that were fire-resistant to diverse models of hygienic handcarts and tables designed to comfortably transport poultry, eggs, meat, fruits, vegetables, sweets, refreshments, and baked goods to Rio's urban and suburban populations. By the twentieth century, however, technology had not become the catalyst modernizing all forms of street peddling.<sup>37</sup> Still, nineteenth-century inventors, if only on paper, attempted to provide technical solutions at a time when food shortage and inflation inhibited adequate food distribution to and nutrition of the urban populace.<sup>38</sup> The amount of intellectual capital invested in the production of new street-vending technologies demonstrates that street commerce, at the turn of the

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<sup>37</sup> Everardo Backheuser, "Comércio ambulante e ocupações de rua no Rio de Janeiro," *Revista Brasileira de História*, Ano VI, No. 1 (janeiro-março, 1941). According to this scholarly article, twentieth-century street commerce in Rio had changed little from nineteenth-century practices.

<sup>38</sup> Eulalia Maria Lahmeyer Lobo, *História do Rio de Janeiro: do capital comercial ao capital industrial e financeiro*, 2 vols., vol. 1 (Rio de Janeiro: IBMEC, 1978). Inflation surrounding the price of food was connected to the fall of coffee prices, Brazil's major export product at the time, in the international market in 1893, resulting in the revalorization of coffee through Brazilian government intervention in the market in 1906, also known as the Convênio de Tautabé.

century, was not dispensable or anti-modern. Rather, contemporaries perceived street commerce as one more urban industry that had to be developed. This is an ideology that would change as early twentieth-century Rio municipal policy came to regard street commerce as “backwards” rather than “industrial.”

“Hygienic” was the consensual term that inventors repeatedly used to legitimize the uses and advantages of their vending technologies. The level of scientific sophistication varied according to the inventor. For example, the word “hygienic” described simple trays that attached to household windows or doors, for people to street sell from the comfort of their homes, and it also qualified meticulously engineered vending apparatuses and vehicles.<sup>39</sup> In addition, concern about the physical comfort of the street peddler often accompanied the preoccupation over hygiene. In 1889, the Brazilian Paulo Vieira Souza, a resident of Rio, requested a patent for the “Auxiliary Handcart” (*Carro Auxiliar*). Unlike others of its kind, this handcart was capable of transporting heavy materials. A hand-drawn design accompanying the patent request illustrates the physics behind the handcart’s capability to adjust to changes in weight and the center of gravity through the operation of a suspension system that cushioned the handcart from jolts and collisions. Souza explained, “The handcart is endowed with handles and legs connected to a mobile axis that adjusts the center of gravity in order to facilitate the transportation of any weight with proper equilibrium and without tiring the vendor. And so, the invention is humanitarian and hygienic.”<sup>40</sup> The supportive physical capabilities of the “Auxiliary Handcart,” facilitating the

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<sup>39</sup> AN, PI 1190, Antônio Silveira de Souza.

<sup>40</sup> AN, PI 0380, Paulo Vieira de Sousa.

work of the street peddler, are what made it “humanitarian” – an evocative abolitionist term, as discussed earlier. But like many inventors, Souza used the word “hygienic” as self-evident, without further explanation of what it exactly meant. In 1891, Manoel Moreira Dias submitted a patent request that was based on a similar idea. Although it was not a handcart, the accessory named “Illapso,” could be added to any handcart (Image 16, Appendix Chapter Four). This “auxiliary” apparatus also adjusted the center of gravity to ensure equilibrium, allowing any handcart to carry heavy loads of weight faster and prevent accidents, as peddlers and carts often collided on crowded streets, “not only damaging produce, but oftentimes the street vendor as well.”<sup>41</sup> Personhood was as important as property.

Physical comfort was a special concern for street sellers who used their shoulders to balance large fiber baskets, which usually carried fruits and vegetables, on a wooden bar. In 1897, Artur Augusto Azevedo was the first man to introduce a neck apparatus that evenly distributed weight on peddler’s shoulders (Image 17, Appendix Chapter 4).<sup>42</sup> Azevedo’s model seems to have been a precursor to what Manoel Antonio Guimarães later introduced as the “Hygienic Street Peddler” (*Vendedor Ambulante Higiênico*).<sup>43</sup> Both Azevedo and Guimaraes wanted to improve the “inconvenient system of baskets” that vendors traditionally used to transport fresh produce (Image 18, Appendix, Chapter Four). The “Hygienic Street Peddler” was specifically “designed to substitute the traditional system of baskets that vegetables and fish vendors use,” which “left

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<sup>41</sup> AN, PI 0838, Manoel Moreira Dias.

<sup>42</sup> AN, PI 8478, Artur Araujo.

<sup>43</sup> AN, PI 3312, Manoel Antônio Guimarães.

much to desire in regards to hygiene, as goods were easily bruised and spoiled,” in addition to hurting vendors’ necks and shoulders. Guimarães added to the traditional bar from which baskets hung a device that rested the peddler’s shoulders while opening and closing around the vendor’s neck (Image 19, Appendix Chapter Four). The key piece that ensured comfort for the street peddler was a pillow positioned under the device, protecting the nape of the neck and shoulders. Guimarães claimed that the “Hygienic Street Peddler” was so effective it could even withstand the weight of three or more baskets.

Many inventors created vending vehicles to market goods that were particularly Brazilian, such as sweets, sugar cane juice, and other consumer products that residents of the capital city enjoyed. Fresh sugar cane juice was perhaps Brazil’s most popular cold refreshment since colonial times, and people of diverse social backgrounds especially enjoyed it during the hot summer months. In 1822, the French painter Jean-Baptiste Debret depicted a manual sugar mill, or *engenhoca*, that produced sugar cane juice (Image 20, Appendix Chapter Four). Debret’s painting illustrates urban slaves at work in Rio, but this type of manual sugar mill could also be found on rural plantations and in small towns throughout Brazil. In cities, it was common for street peddlers to sell sugar cane juice off trays, serving it in drinking glasses. By 1888, the French citizen and resident of Rio Antônio Jaques Junot identified the advantages in fusing both systems – the manual sugar mill and street vending – into one, creating what he named the "Mobile Sugar Mill" (*Engenho Locomóvel*).<sup>44</sup> The patent request states that the “Mobile Sugar Mill” was “made to mill sugar anywhere in the city

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<sup>44</sup> AN, PI 9110, Antônio Jaques Junot.

in order to supply juice to people on streets, plazas, and in residential or suburban areas” (Image 21, Appendix Chapter Four). Sugar cane was crushed manually, using the traditional rotation method of the wooden apparatus, mounted on a handcart – hence the name “Mobile Sugar Mill.” Junot explained that since sugar cane juice fermented rapidly, his apparatus was prepared to freshly squeeze cane juice on the spot and sell it to the street customer. Cane juice “always reached the hands of the consumer before fermentation occurred [...] being always fresh.” A second patent request in 1893 by Carlos Augusto de Castro e Silva proposed a similar invention. Castro e Silva named his vehicle the “Ambulatory Sugar Mill” (*Engenho Ambulante*), which was animal-driven and also made out of wood. As opposed to milling the sugar cane manually, Castro e Silva’s vehicle systematically connected the mill’s rotation to the carriage’s wheels. As a result, carriage movement and cane squeezing occurred simultaneously. He argued that street vendors “could now take advantage of the warm season, when consumers sought cheap refreshments.” The latter reflected the commoditization of sugar cane juice as well as urban public space.

Baked goods such as bread and pastries, as well as candy and other sweets, were other popular items in street commerce. Owners of bakeries traditionally relied on male workers who delivered fresh bread to private households and businesses. Men who delivered bread also often informally sold it on the street to passersby – a practice that created tension between the police and bakers throughout the second half of the nineteenth century and early

twentieth century.<sup>45</sup> In contrast to other foodstuffs, the bread and meat industry in Rio experienced dramatic transformation, reflecting concerns about public health especially during the administration of mayor Francisco Pereira Passos (1903-1906), who implemented reforms that affected almost all aspects of urban life, such as housing, commerce, and food distribution. A year after the end of the Passos administration, the municipal government established that closed baskets or special vehicles imported from France were the only means for the “hygienic distribution of bread” (Image 22, Appendix Chapter Four).<sup>46</sup> In 1907, many bakery owners complained that the law was a great imposition on their economic freedom and that they needed at least sixty more days to purchase the French-built carriage for bread distribution.<sup>47</sup> Forcing bakeries to immediately adopt the French carriage, bakery owners revealed in their complaints an anxiety surrounding an accelerated modernity, which overlooked the realities of daily life. Some bakers emphasized that they could not meet the “time exigencies” that the municipal government was imposing on them, and they asked for “tolerance” from officials. As we have seen, there were numerous alternatives to imported European technology, evidenced in Brazilian patent requests that reflected a local understanding of modernity. However, in this case, political elites in 1908 favored an imported modernity as opposed to local methods, claiming that “[they]

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<sup>45</sup> AGCRJ, 58-4-36, Comércio de pão 1841-1907, pp. 34, 170-171. In 1895, the town council officially declared that delivering bread was not street commerce or mobile business (*negócio ambulante*) in order to address disgruntled bakery owners and the issue that many deliverymen were detained by the police. Dec. Leg. No. 410 de 8 de Junho de 1897, Código de Posturas: Leis, Decretos, Editais e Resoluções da Intendencia Municipal do DF. Compilação feita por ordem da prefeitura, pela repartição do Archivo Geral. Prefeito Dr Henrique Valladares. (Rio de Janeiro: Typographia Mont’Alverne. Rua do Ouvidor 82, 1894).

<sup>46</sup> AGCRJ, 59-1-32, Comércio de pão 1895-1913, pp. 26, 31-32, 35-36.

<sup>47</sup> *Ibid.*, p. 35.

did not find the means to obtain such vehicle [in Brazil] and thus had to order it from a French factory, which was not able to deliver the vehicle immediately since it was necessary to create a model that was elegant, portable, and suitable for the distribution of bread in Rio.”

Many inventors seeking patents at the turn of the century created different types of boxes and containers that promised to sanitize and improve the sale of sweets – to this day, a popular Brazilian street food.<sup>48</sup> Starting in 1892, and for the next fifteen years, Odilo Lorenzo sought to patent the “Perfected Box for the Sale of Sweets” (*caixa aperfeiçoada para venda de doces*), which was made out of glass, wood and metal – an “invention destined for the street peddler of sweets.” It was “a light, elegant, and hygienic apparatus with fitting compartments and good ventilation that protected [goods] from dust and other unsanitary things.”<sup>49</sup> Throughout the nineteenth century urban enslaved peddlers sold sweets directly off trays or tables, but in the 1880s sweets were starting to be displayed in tables with a glass covering that shielded goods from dust and insects, as often seen today on Rio’s streets (Image 23, Appendix Chapter Four). In 1908 a resident of the city of São Paulo, Joaquim Ferreira Mendonça, resubmitted a patent request that had also been in the application process for fifteen years.<sup>50</sup> His design specifically consisted of middle glass layers, which he claimed further protected sweets from dust and insects (Image 24, Appendix Chapter Four).

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<sup>48</sup> AN, PI 4743, Projeto de uma caixa para doces, 1907 (desenho).

<sup>49</sup> AN, PI 4773, Odilo Lorenzo.

<sup>50</sup> AN, PI 8226, Joaquim Ferreira Mendonça, p. 53.

The Brazilian industrialist F. Paulo de Freitas had been trying to patent a “new system of containers for bakeries, street vendors, and other ambulatory businesses” for fifteen years before submitting another request in 1909.<sup>51</sup> The containers were made of “wood, zinc, or an impermeable material” that covered the inside. The two opposite sides of the container were made out of glass and could slide open in order to place a variety of products that “suited bakers and street vendors.” The containers guaranteed hygiene and the preservation of food, and were “easy to carry and set up without the help of another person and without sacrificing one’s health” since transportation did not demand “the constant effort of muscles and tendons.” In addition, Freitas submitted a patent request for a “system of (mobile or fixed) feet and doors applicable to containers and baskets that bakeries and other ambulatory businesses generally used.”<sup>52</sup> Instead of resting containers and baskets directly on the ground, small wheels, or “feet,” provided not only easier transportation, but protection from street grime. Freitas stressed that the street vendor could work “without the auxiliary help of a second person” and without being “forced to frequently stop and rest because of fatigue or physical exhaustion.” His invention not only prevented food from spoiling, but also “preserv[ed] the health of the vendor.” Thus, the containers contributed to both public hygiene and the personal health of the street worker since, on the one hand, they ensured hygienic selling and consumption as they were impermeable to miasmatic street dirt, and, on the other hand, they supported the physical health of the peddler.

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<sup>51</sup> AN, PI 5377, F. Paulo Freitas.

<sup>52</sup> AN, PI 7959, F. Paulo Freitas.



In 1909, three Brazilian residents of Rio who were public functionaries submitted an application to patent a special type of vending container, which they had designed fifteen years before. They named the invention, "Double Turning Box" (*Caixa Dupla Giratória*), which consisted of two parallel box shelves that were connected through a bar that rested on the vendor's shoulders and thus "facilitated transportation" (Image 25, Appendix Chapter Four).<sup>53</sup> The compartmentalization of each box depended on the product sold, as the device was "capable of carrying knickknacks, fish, meat, bread, sweets, fruits, and more." The vending utility could be made out of wood or metal, the box shelves rotated when settled on the floor, and there was even space for placing advertisements. The creators stated that the invention was a "symmetrical apparatus, clean and elegant, reflective of hygiene and order." In sum, the device "offered advantages with regard to aesthetics, comfort, and hygiene." It allowed for the "transportation of double the usual weight, as it distributed weight evenly without straining the vendor, who was now able to preserve a natural posture" when walking. The inventors argued that current vending methods were not comfortable, goods for sale were unorganized and poorly displayed, fish overexposed, and meat sat on filthy wooden tables covered with flies. They also claimed that in 1909 public hygiene officials were still not penalizing fish street vendors for not covering their products, calling attention to the fact that "when a fish vendor passes by we are all forced to cover our noses with a handkerchief because of the putrid smell fish-water emanates, also causing the deterioration of fish." Moreover, "because of poor posture street vendors were injuring their

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<sup>53</sup> AN, PI 5501, Artur Pitágoras Toval Conrado, Jose Werneck Massena, Manoel José de Lacerda.

respiratory, renal, and cerebral-spinal systems, along with their ligaments.” The “Turning Double Box,” they argued, would solve all problems related to public health, which included the health of the vendor.

Municipal officials in Rio frequently addressed public health concern surrounding the consumption of fresh meat (*carne verde*), which was also present in the patent requests for certain inventions. Municipal records of the time illustrate the constant reformulation of laws regarding the required hygienic conditions of the Santa Cruz slaughterhouse (*matadouro*) in the parish of Engenho Velho.<sup>54</sup> Between 1883 and 1898, Augusto Magalhães de Barros Vasconcelos sought to patent a vehicle that guaranteed the safe and clean transportation of meat from the slaughterhouse and chilled meatpacking room as well as other perishable goods, such as vegetables, fish, and eggs, in a portable icebox that he named, "Refrigerator Excelsior" (*Frigorífico Excelsior*).<sup>55</sup> Vasconcelos specifically engineered the refrigerator-carriage "Excelsior" in order transfer meat from the meatpacking plant in São Diogo, which would then be sold retail to private homes and shops. The main obstacle that the refrigerator-carriage overcame, according to Vasconcelos, was the summer heat, which accelerated the deterioration of meat. “Refrigerator Excelsior” guaranteed the “safe and efficacious nutrition” of Rio’s residents. The refrigerator-carriage was made of three boxes, iron or copper, that could hold twenty kilos of ice and calcium

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<sup>54</sup> Código de Posturas da Ilustríssima Câmara Municipal 1870 (Rio de Janeiro: Eduardo e Henrique Laemmert, 1870); Francisco Agenor de Noronha Santos, *As freguesias do Rio antigo* (Rio de Janeiro: Ed. O Cruzeiro, 1965).

<sup>55</sup> AN, PI 2158, Augusto Magalhães de Barros Vasconcelos e Guimarães Rovira.

chloride, the latter being a chemical that helped keep temperatures as low as 10 degrees Celsius (Image 26, Appendix Chapter Four).

In 1890, Carlos Freire Vilhalba Alvim and Jorge Alberto Vinhon created a mobile butcher shop (*açougue volante*) “in order to serve all suburban parishes” and allow residents to buy meat by weight.<sup>56</sup> Their vehicle was another apparatus that would replace the “filthy” tables that customarily sold meat, which the municipal government had then illegalized. The ambulatory meat store stood on four wheels, was animal-driven, and had all the necessary appliances, such as a marble cutting board, hooks for hanging meat, knives, and even a small basin for hand-washing (Image 27, Appendix Chapter Four). The vendor had the option of remaining seated in the carriage while serving customers, while a small pull-out staircase facilitated getting into and out of the carriage. Physically, the ambulatory meat store looked like a nineteenth-century animal-driven tram (*bonde*). Additionally, Vilhalba and Vinhon created an apparatus that was capable of hooking up to tramways, turning public transportation into another possible site for street commerce. A year later, in 1891, Benedito Novella e Silva sought to patent another ambulatory meat store with similar features, also engineered to distribute meat among the suburban population (Image 28, Appendix Chapter Four).<sup>57</sup> In 1896, Manoel Alves Lobo introduced as well a similar model, with the distinction that one or more air fans inside the carriage whirled in connection to the carriage’s wheel rotation. Between 1889 and 1904, Antonio Ferreira da Silva sought to patent a special container made out of zinc for

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<sup>56</sup> Carlos Freire Vilhalba Alvim created other inventions such as handcarts and accessories; AN, PI 0623, Carlos Freire Vilhalba Alvim and Jorge Alberto Vinhon.

<sup>57</sup> AN, PI 0811, Benedito Novella da Silva; AN, PI 1622, Manoel Alves Lobo.

selling meat parts (*miúdos*) on the street.<sup>58</sup> The patent requests concerning vehicles, containers, and accessories that sold meat were particularly emphatic in highlighting the hygienic qualities of the invention.

The patent requests of the turn of the century demonstrate that transporting food into the suburbs and improving commercial interchange between the suburban population and the city center was an important public and political matter. In 1886, José de Freitas Pinheiro sought to patent handcarts that he had designed for street vendors (*carros de mascateação*) who specifically desired to sell their products in the suburbs, or the peripheral neighborhoods of Rio. The inventor contended that it would greatly benefit the suburban population, which had difficulty buying basic goods since many had to walk long distances to the main market square in Candelária, pay inflated prices, or rely on a small number of suburban vendors. The proposal argued that the handcarts were a “useful invention [...] practical and industrial,” filling the void that existed in the city’s suburban commerce, and a “great convenience for all working poor.”<sup>59</sup> Another patent request in 1891 addressed the need to bring basic goods into suburban Rio via improved street commerce. Pedro Antônio Fagundes, inventor of the “Fagundes System” (*Sistema Fagundes*), described the deteriorating effect of Rio’s hot tropical climate on meat. He was hence proposing a system that was “a clean and fresh carriage” capable of transporting meat to suburban households, substituting the “filthy and uncomfortable handcarts that to this day have been of

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<sup>58</sup> AN, PI 3696, Antônio Ferreira da Silva Porto.

<sup>59</sup> AN, PI 0208, José de Freitas..

deplorable service to the city” (Image 29, Appendix Chapter Four).<sup>60</sup> Fagundes engineered a cooling system that promised to keep meat fresh, cold, and clean as it was transported from the city center to suburban households. Blinds protected meat from the rough and dusty ride to the suburbs, and the inside of the carriage had all the necessary amenities, such as scales and cutting boards (Image 28, Appendix Chapter Four).

Many other inventions such as the above were designed to keep meat fresh, considered a basic food staple for family consumption. In 1898, for example, Benigno Riva and José Stockmeyer designed a carriage that was “made with all the principles of good hygiene [and] ready to sell everything that was necessary for the daily nutrition of the family.”<sup>61</sup> The inventors claimed that their carriage presented “a great advantage for housewives, who could save time by easily choosing fresh meat from the comfort of their home, while not having to worry about the lack of domestic help.” Other turn-of-the-century patent requests for vending vehicles that transported basic household goods clearly attempted to connect urban and suburban street commerce, while solving the problem of undersupply in suburban Rio. These new vending technologies were adapting to the shifting urban and suburban populations of Rio that resulted from post-abolition rural-urban migrations. The suburban areas in Rio at the turn of the century mainly included the northern parishes of Inhauma, Irajá, Jacarepaguá, and Guaratiba, popular known as the *sertão carioca*, or the “backlands of Rio.” Population growth stimulated urban development to the extent that a book was

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<sup>60</sup> AN, PI 783, Pedro Antônio Fagundes.

<sup>61</sup> AN, PI 7117, Benigno Rios José Stockmeyer.

published in 1936 by the Instituto Histórico e Geográfico Brasileiro titled *O sertão carioca*, examining the various social, cultural, and economic aspects of the suburban periphery. The author, Magalhães Correa, dedicated two chapters of the book to rural street vendors as well as urban and suburban vendors.<sup>62</sup> However, the 1936 publication of *O sertão carioca* demonstrates that Rio's suburbs remained peripheral and mostly relied on rural and suburban vendors to furnish households with foodstuffs.

Just as inventors were concerned with supplying families with basic goods, some vehicles and accessories were specifically created to provide food to urban workers. In 1891, Victorino de Silveira Sousa Filho and João José Lopes Júnior created a type of backpack for the transportation of liquids, including soups, such as meat broth, and cold drinks, such as sugar cane juice (Image 30a, Appendix Chapter Four).<sup>63</sup> In their patent request, Sousa and Lopes specified that their invention would take such liquids to “all port warehouses and workplaces” in order to deliver “healthy nutrition that reenergizes and strengthens workers involved in manual labor.” They asserted that “if the worker must spend one or two nickels (*tostões*) on ice-cream, soups, or beverages, the device ensured the adequate conservation of temperature for street vending and healthy nutrition and energy renewal that was lost in hard labor.” Sousa and Lopes also created carriages to transport soup and refreshments to workers of Rio's port area (Image 30b, Appendix Chapter Four). Such preoccupation with the health and nutrition of workers was part of a free labor ideology that dignified the non-slave free

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<sup>62</sup> Magalhães Correa, *O sertão carioca* (Rio de Janeiro: Edição do Instituto Histórico Brasileiro, 1936).

<sup>63</sup> AN, PI 6245, Victorino de Silveira Sousa Filho, João José Lopes Júnior.

worker. In Sousa and Lopes' request as well as other proposals that guaranteed the physical comfort of street peddlers, manual labor was not described, directly or indirectly, as demeaning or analogous to slavery, but rather as one more component of Rio's urban industry.

Technical solutions for a modern street commerce also included advertising, automatic vending machines, and motorized vehicles. The multiple features that characterized many of these inventions reflected street commerce as a versatile activity that often went beyond the sole exchange between seller and consumer. Speed, advertising, and the aesthetic display of goods were qualities of street vending that transformed urban space, and in particular the street, into a site where consumer goods were moved by a new modern, visual experience.

Whereas sound characterized older forms of street vending, as peddlers' catchy lyrics captured the attention of passersby, some inventors of the turn of the century emphasized not only the technical but the visual allure of their vending vehicles. Itinerant vending technologies were thus an important element in the new commercial uses of urban public spaces after the abolition of slavery, as more mobile free workers occupied the streets as consumers.

In 1891, Cateyson Desthur and Sérgio Compaheiro submitted a patent request for an invention they had created at least fifteen years earlier. They named it "Portable Billboard" (*Portacartazes*), and it was designed to display advertisements on the move, or that were not fixed to one location.<sup>64</sup> Desthur and Compaheiro had already done work in the field of advertising that used building walls and tramways to promote different products. This time they were proposing

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<sup>64</sup> AN, PI 0789, Cateyson Desthur, Sergio Compaheiro.

to take advertisements to the streets of Rio by using “advertising men” (*homens-anúncio*), who would carry on their body a type of billboard (*taboleta*) made out of wood or metal.<sup>65</sup> Another name for these human billboards was “sandwich-men” (*homens-sandwich*), as the billboard rested over the shoulders of the individual’s body, allowing men to walk through the crowded streets that characterized central Rio. The inventors claimed that the billboard was “light-weight and very easy to transport,” without disturbing public transit. They proposed that “sandwich men” could also wear “the uniform of the company they were working for to call more attention to themselves,” and ads could be “creatively painted in order to increase profits.” Special lighting features also allowed *homens-sandwich* to function at night. The use of sandwich-men was a common advertising strategy in European capitals like Paris and London. They were a representative figure of commodity society, Walter Benjamin argued, as poor workers in mediocre uniforms advertised products of bourgeois consumer culture.<sup>66</sup> Years later, in 1906, J.E. Coelho de Magalhães fused street vending and advertising in the vending vehicle he named the “Pan-American Cart” (*carrinho especial denominado Pan-Americano*).<sup>67</sup> An umbrella able to display advertisements characterized this invention, which was also designed to sell refreshments (Image 35, Appendix Chapter Four). The vehicle included an

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<sup>65</sup> Ibid.

<sup>66</sup> On Parisian sandwich-men Walter Benjamin writes, “You have seen them passing our streets, emaciated and shabby in their long grey coats and under their caps with polished visors. Let us speak in all frankness: I am scarcely a partisan of the job. Typically, neither the dignity of publicity nor that of man ends up increased by these pitiful processions.” Susan Buck-Morrs, “The Flâneur, the Sandwichman and the Whore” in *Walter Benjamin and the Arcades Project*, ed. Beatrice Hanssen (London: Continuum, 2006), 42.

<sup>67</sup> AN, PI 8567, J.E. Coelho de Magalhães.



icebox, a small basin for washing drinking glasses, fixed Chinese lanterns, iron wheels, and an umbrella to protect liquids from the sun.

In August 1891, Valdemar Flor Kathiessen, a naturalized Brazilian citizen who made watches and clocks in the city of Rio, submitted a request to patent an automatic vending machine that he named ‘Automatic Vendor’ (*Vendedor Automático*).<sup>68</sup> The purpose was to facilitate the sale of small objects especially in train stations and other locations in which people, who are in a hurry, “cannot waste time buying small objects of necessity like cigars, cigarettes, etc.” from a street vendor. The Automatic Vendor released the product after the individual inserted a coin in the appropriate opening (Image 31, Appendix Chapter Four). Flor Kathiessen mentioned that although there were other automatic vending machines in the city, though unreliable, his model was of superior quality and did not delay transactions because of malfunction or poor engineering, and thus was not subject to the “irregularities of other services.” The Automatic Vendor represented the larger process of mechanization of labor that substituted humans with machines, for greater and faster commodity production.<sup>69</sup> While this vending device replaced the worker with a machine, it could be argued that many of the technologies aiming to rationalize street commerce transformed peddlers into pseudo-vending machines, estranging them from their labor. The transition from slavery to freedom implied the mechanization of labor even at the level of street commerce, and “humanitarian” labor conditions also expressed elite desires for greater productivity. Similar to Britain’s abolitionists, many Brazilian

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<sup>68</sup> AN, PI 0898, Valdemar Flor Kathiessen.

<sup>69</sup> Karl Marx and Frederick Engels, *The Economic and Philosophical Manuscripts of 1844 and the Communist Manifesto*, trans. by Martin Milligan (New York: Prometheus Books, 1988).

“humanitarians” were after all new industrialists supporting the rise of industrial capitalism.

Bringing this section to a close, the following vending vehicles were particular to Rio’s early-twentieth-century Parisian belle époque. In 1902, Alferez Manoel Antonio Guimarães, a military official who lived in Rio, sought to patent several vending vehicles that could transport a variety of goods.<sup>70</sup> Following the principles of “homogeneity, hygiene, simple elegance, and sturdiness,” the vehicles were light-weight for individuals to push. Each vehicle was ornately decorated to advertise the specific product it was selling (Image 32, Appendix Chapter Four). Guimarães emphasized the elegant quality of the carriages’ appearances, which was on par with the aesthetics of the belle époque. At this time, Parisian style and French culture greatly influenced various aspects of urban culture in Rio. In 1906 Francisco Falconi, an Italian industrialist who was a resident of Rio, requested to patent the “Yvonne Cart” (*Carreta Yvonne*), which was built for street vendors to sell flowers, fruits, sweets, and other objects of petty commerce. The montage-like structure consisted of a miniature reproduction of the Eiffel Tower on top of a compartmentalized box that rested on top of a tricycle (Image 33, Appendix Chapter Four).<sup>71</sup> The street vendor pedaled the tricycle or a small motor could be attached, while the reproduction of the Eiffel Tower evoked a popular symbol of progress and Western modernity.<sup>72</sup> In

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<sup>70</sup> AN, PI 3284, Manoel Antônio Guimarães.

<sup>71</sup> AN, PI 4518, Francisco Falconi.

<sup>72</sup> The Eiffel Tower was built in 1889. Walter Benjamin uses the Eiffel Tower to describe the principle of montage, a form of commentary on a modernity that is rational, minutely measured, and constructive. Susan Buck-Morrs, *The Dialectics of Seeing: Walter Benjamin and the Arcades Project* (Cambridge: MIT Press, 1993 [1989]), 74-77.

1906, Augusto Fernandes Carreira created a street-vending vehicle that could also run with a motor as well as animal power. The capability of this vehicle was greater than the “Yvonne Cart” as it could transport larger volumes such as bread, pastries, trinkets, toys, which would all be displayed in a window (*vitrina*). The inventor called this vehicle “Window-shop Carriage” (*Carro Vitrine*) (Image 34, Appendix Chapter Four).<sup>73</sup> Articles for sale on display intended to capture the mobile gaze of consumers passing by, which a few decades later Walter Benjamin argued was a crucial experience of modern urban living. In the early twentieth century, street selling was adapting to a new type of consumer, epitomized in the “shopper, committed to making window-shopping capitalism’s favorite pastime,” and in the “flâneur as city stroller, window-shopper and ponderer of modernity.”<sup>74</sup>

### *Conclusion*

The repository of *privilégios industriais* shows that *all* patent requests regarding street commerce are dated between 1885 and 1909. The fact that vending technology was particularly developed during this period sheds light on tensions between slavery and modernity, rational and “informal” or “backward” street commerce. Patent language illustrated a transnational experience of technological progress that was similar to Western narratives of modernity yet adapted to local urban conditions. Creative turn-of-the-century vending technology reveals the changing roles of and attitudes toward street commerce and people selling on the street. The attempt to rationalize street selling through

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<sup>73</sup> AN, PI 4526, Augusto Fernandes Carreira.

<sup>74</sup> Esther Leslie, “Ruin and Rubble in the Arcades” in *Walter Benjamin and the Arcades Project*, ed. Beatrice Hanssen (London: Continuum, 2006), 91.

technical innovation demonstrates that a number of Rio elites, during the transitional years from slavery to free labor and the early post-abolition period, viewed street commerce as constitutive of urban and industrial development. Evidencing a local expression of modernity, some inventors modeled their designs based on foreign influences, such as Parisian-style handcarts and carriages, but ultimately created vehicles and apparatuses appropriate for local purposes and the changing environment of a post-slave urban society, marked by the large influx of European immigrants and rural to urban internal migrations.

Highlighting the “humanitarian and hygienic” qualities of vending technology, inventors were in dialogue with a free labor ideology that attempted to distance street commerce from certain slave legacies. The emphasis on promoting peddler physical comfort and sanitized vending conditions implicated a break from the slave past, when enslaved or free street sellers worked under inhumane and “filthy” conditions. Propositions for new vending technologies erased the enslaved peddler in favor of a reformed free peddler, analogous to abolitionist discourse erasing and replacing the slave for the free worker. Underlying patent discourse was a racialized view of the street vendor as illustrated in the designs that often accompanied the written reports of patent requests. Not one street seller depicted in patent designs showed African or female characteristics. At the turn of the century, the archetypal peddler according to inventors was seemingly a thirty-something European (white) male, an image that did not correspond to the reality of the streets. However, it was

certain archaic vending practices and peddlers – and not street vending per se – that were dispensable because of their connections to slavery.

Street vending, like other forms of urban labor present in Rio under slavery, such as factory work, was subject to the process of rationalization that characterized modern urban renewal. At the end of the nineteenth century, street commerce shifted from being a fundamental aspect of Rio urban slave economy to becoming part of the “free market” municipal officials ardently defended against Kohn’s monopolistic ambitions. Political elites desired the renewal of street commerce target issues of sanitation, efficiency, aesthetics, and the wellbeing of vendors. In their view, remodeling street vending and peddlers could only contribute to a balanced free market. In Brazil, nineteenth-century understanding of liberalism was based on a dialectics of “ideological filtering” and “contemporization” in which Western ideologies were redefined to fit Brazilian slave society.<sup>75</sup> Although Alfredo Bosi uses the latter terminology to explain how political elites resolved the paradox of laissez-faire liberalism and the continuation of slavery, it is still relevant to think of Brazilian modernity after abolition as “corporative” and not “out of place” – in other words, a product of de facto decision-making enveloped in Western ideology.<sup>76</sup> On the one hand, officials approved rational measures that forced vendors to use particular types of vending instruments, such as “hygienic handcarts” or French-imported bread carriages, which would in fact limit vendors’ preferences and options in a free market. On the other hand, officials rejected Kohn’s campaign to gain monopoly

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<sup>75</sup> Alfredo Bosi, “A escravidão entre dois liberalismos”, in *Dialética da colonização* (São Paulo: Companhia das Letras, 2005 [1992]), 211.

<sup>76</sup> *Ibid.*, 383.

over vending technology in Rio, claiming it was a “hateful” practice that went against the “principles of the free market.” The paradox thus continued to be alive and well as the limiting of individual liberties, such as a street peddler being unable to choose his or her own vending method, coexisted with laissez-faire ideology.

The perceptive and material importance of street commerce was linked to its function in distributing basic goods to urban residents, a custom that although archaic in form had the potential of being modern, aesthetically pleasing, and to satisfy local needs. Although this view, reflected in many patent requests, may have been progressive, it nonetheless spoke of a process of exclusion inherent in rationalization and characteristic of conservative attitudes toward street vending that developed in the twentieth century. Discursively, rational street-vending methods were associated with peddlers who were male and white, whereas archaic forms of street selling were innately racialized and a slave legacy. The tension between the desire to rationalize street vending and customary practices that favored a more “informal” street-vending economy, including the possible preferences of many participants for whom rationalization would mean a loss of autonomy, was shaping a historical moment on the verge of dramatic urban renewal in the twentieth century. Still, far from extinction, street commerce seemingly headed toward technological evolution at the turn of the century. Street vending was adjusting to Rio’s post-slave conditions. The number of inventions guaranteeing comfortable and humane conditions for street peddlers reflected Republican efforts to transform labor conditions inherited from the slave

period. But the technological transformation of street commerce remained mostly an idea on paper, if not a racially latent process of rationalization, as potential for change was dampened by the urban reforms of the early twentieth century that illegalized many forms of street vending in 1904.

In the transnational context, the rationalization of street commerce in Rio as expressed through patent requests was a process of “ideological filtering” and “contemporization” in which ideas of Western modernity – science, industry, and urban development – were recreated locally to improve the quality of basic urban services, such as food distribution and consumption. Although many inventors (some of them foreign residents in Brazil) fashioned their vehicles or even defended their projects according to European principles, the pragmatics that justified the physical functions of many inventions were grounded in everyday aspects of urban life in Rio, such as the easy mobility of peddlers through city-center streets or the capacity of certain vehicles to reach peripheral, suburban neighborhoods. Street commerce was a malleable economy capable of serving the needs of a rapidly growing populace that overcrowded city center tenements and gradually settled in and expanded the outskirts of the city. Street selling – rational and informal, immigrant and African – was undoubtedly a transnational, diasporic experience. The patent requests reflect an attempt to assuage and formalize transnational tensions in the human and methodological aspects of street commerce by addressing local concerns and perhaps nationalize the

transnational.<sup>77</sup> More specifically, many of the proposed changes in vending technology reflected “tropical” concerns, such as the deterioration of food stuffs due to the sun and heat or the distribution of cold sugar cane juice during the hot summer months, which would have been similar in other Atlantic port cities like Salvador, Recife, and Havana.<sup>78</sup>

In conclusion, on one level, the vending technology discourse during the transitional era that characterized the shift from slave to free labor further consolidated the importance of street selling in the economy of the capital city, ideally removing the slave past yet not the practice of selling on the street as such. On another level, the on-the-ground experience of the discursive erasure of street commerce’s slave past was the de facto displacement of black street vendors with white immigrants. The designs depicting white vendors that were annexed to patent requests illustrated the erasure of the slave, and at the same mirrored the changing landscape of actual peddlers on the street. Both the discursive erasure and the de facto displacement of certain street vendors were aspects of the uneven transition from slavery to freedom that shaped the turn of the century.

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<sup>77</sup> Goebel and Schabio, ed. *Beyond the Black Atlantic*. The authors suggest a redefining and expansion of the ‘Black Atlantic’ by “question[ing] fashionable concepts of the transnational by returning to the local and the national.”

<sup>78</sup> I want to thank Dr. David Sartorius for this particular insight placing vending practices with a broader “tropical” Atlantic setting and the History Graduate Student Association Colloquium.



## Chapter Five

### “*Ficar o Rio Sem Ambulantes?*” Street Behavior, Urban Space, and Property in Twentieth-Century Peddling\*

Accused of being a vagrant, Moleque (“Kid”) identified himself as a *ganhador* to the authorities who detained him in the Casa de Deteno on 9 October 1904.<sup>1</sup> Moleque’s official name was Salustiano da Cruz. He was a twenty-four-year-old unmarried, illiterate man from the northeastern state of Bahia. Along with other personal data, the registry entry recorded skin color (*cor*) rather than race (*raa*), identifying Salustiano as black (*preto*). He was put under arrest for vagrancy in Santana, the parish traditionally known as “Little Africa.” Five months earlier he had been arrested in Morro da Providncia, popularly known as Morro da Favela – Rio’s first *favela*. In both cases, Salustiano was arrested, detained, and processed in court with another individual also accused of vagrancy. Policemen and witnesses described Salustiano and his partner as notorious pickpockets and vagrants (*gatunos e vagabundos conhecidos*), who did not have formal residence or employment, and “bum around and disturb whoever they find.” Salustiano, in particular, had had various stays in the Casa de Deteno, which according to the court document further proved his inherent vagrant behavior. Salustiano had earned the street-name Moleque Estafa perhaps because he was known to trick people for money. The meaning of *estafa*,

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\*“Will Rio be left without peddlers?” Translation is mine.

<sup>1</sup> AN, OR 3553, 8<sup>a</sup> Pretoria Criminal, Salustiano Cruz (1904); APERJ, Livro da Casa de Deteno S/N, Homens, 25/7/1904-20/10/1904.

however, also suggests “fatigued” or “exhausted” in Brazilian Portuguese. It was reoccurring arrests of the early twentieth century that were indeed “wearing out” peddlers labeled vagrants. Exasperated peddlers resisted accusations of vagrancy and other labels that questioned their civic membership as workers and citizens. Even if peddlers engaged in theft, their crimes were emblematic of the inequalities and limited labor opportunities in post-abolition Rio during an unstable political climate that recognized street commerce’s economic value and at the same time desired its disappearance.

When Salustiano was first arrested in the Morro da Favela for vagrancy, the court sentenced him to twenty-two and a half days in prison, after which he would have fifteen days to become employed or face re-imprisonment. Declaring that he was a “working man” (*homem trabalhador*) with a fixed domicile – two characteristics that many detainees understood as key to avoiding vagrancy charges<sup>2</sup> – did not work in Salustiano’s favor. Such strategies remained ineffective five months later when unemployed Salustiano was put under arrest in Santana for vagrancy. On this occasion, Salustiano claimed to be a *ganhador*, an occupation that carried more legitimacy than appealing to the general category, *trabalhador*. To prove formal residency, Salustiano stated that he rented a room on Rua da Saúde although he was behind on rent (500 *réis* per day). Houses renting rooms (*casas de cômodos*), mostly located in the infamous *cortiços* and a frequent target of sanitationist policies, were part of the *modus vivendi* of the

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<sup>2</sup> Carlos Eugênio Líbano Soares, “Os últimos malungos: moradia, ocupação e criminalidade entre libertos africanos, 1860-1900,” in *No labirinto as nações: africanos e identidades no Rio de Janeiro, século XIX*, ed. Juliana Barreto Farias, Carlos Eugênio Líbano Soares, and Flávio dos Santos Gomes (Rio de Janeiro: Arquivo Nacional, 2005), 106-149.

majority of the city's working poor in the early 1900s (Image 36, Appendix Chapter Five).

A “Turkish” woman claimed to own the *casa de cômodos* that Salustiano identified as home. She testified that it was not his habit to sleep there and explained that consequently she had rented out the room to someone else. She argued that she “did not allow just anybody (*qualquer individuo*) to rent.” Describing Salustiano as *qualquer indivíduo* and an undesirable tenant recalls James Holston’s discussion of the term *cidadão qualquer* – “a nobody,” or an anonymous “citizen” with no formal identity rooted in family, labor, or community relations.<sup>3</sup> In the “legal contact zones” (i.e., the detention center, the courts) that Salustiano shared with the police and judicial authorities, he negotiated the terms of his legal subjectivity. Aware of the worker-vagrant dichotomy that characterized dominant labor ideology during and after slavery, Salustiano emphasized he worked, even if *ao ganho*. Perceived as a vagrant and not a worker, however, the judge sentenced the *ganhador* to imprisonment and forced labor in the penal colony of Dois Rios.<sup>4</sup>

A migrant possibly from the city of Salvador, Salustiano likely knew how to earn a living as a *ganhador*.<sup>5</sup> However, the legitimacy and number of *ganhadores* had been declining after slavery ended in Rio, making a last appearance in police detention records in 1905. Antônio José da Cruz, the

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<sup>3</sup> James Holston, *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil* (Durham: Duke University Press, 2007), 5. See Chapter Three, 9.

<sup>4</sup> Myrian Sepúlveda dos Santos, “Os Porões da República: a colônia correcional de Dois Rios entre 1908 e 1930,” *TOPOI* 7, no. 13 (jul-dez. 2006): 445-447. Built in 1903 off the coast of Rio, “Dois Rios” on the island of Ilha Grande was created to contain the “undesirable” citizens of the First Republic.

<sup>5</sup> João José Reis, “De olho no canto: trabalho de rua na Bahia na véspera da abolição,” *Afro-Ásia* 24 (2000): 199-242.

individual who identified himself as a *ganhador* in 1905, was another *preto* from Bahia. Both Antônio and Salustiano had possibly worked *ao ganho* on the streets of Salvador, migrating to Rio only to find economic opportunity in that line of work.<sup>6</sup> Reminiscent of slave practices, it was such “undesirable” individuals that policies of urban renewal in the early twentieth century attempted to erase from Rio’s streets. It is not a coincidence that the police and subsequently the courts took Salustiano off the streets the same year that Francisco Pereira Passos (mayor of Rio, 1902-1906) prohibited many forms of street selling in the nation’s capital.

The court record on Salustiano da Cruz reveals a number of practices that anthropologists and historians have recently explored to discuss issues of race, citizenship, and labor in post-abolition Brazil.<sup>7</sup> The formal erasing of the slave past, inaugurated by the burning of slave-trade documents in 1889<sup>8</sup>, was aggressively pursued as policy during the administration of Mayor Pereira Passos. Olivia Maria Gomes da Cunha argues that the erasing of the slave past produced the construction of the modern archive in the early twentieth century. While the body politic would continue to be marked by anxieties about skin color and race, extinguishing the slave past led to new imaginings of the republic as “the archive

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<sup>6</sup> APERJ, Livro da Casa de Detenção, S/N Homens, 1905/1906 11/10/1905-21/2/1906.

<sup>7</sup> Amy Chazkel, "Social Life and Civic Education in the Rio de Janeiro City Jail," *Journal of Social History* 42, no. 3 (2009): 697-731; Olívia Maria Gomes da Cunha, *Intenção e gesto: Pessoa, cor e a produção cotidiana da (in)diferença no Rio de Janeiro* (Rio de Janeiro: Arquivo Nacional, 2002); Olívia Maria Gomes da Cunha and Flávio dos Santos Gomes, ed. *Quase-cidadão: histórias e antropologias da pós-emancipação no Brasil* (Rio de Janeiro: Fundação Getúlio Vargas, 2007); James Holston and Arjun Appadurai, ed. *Cities and Citizenship* (Durham: Duke University Press, 1999).

<sup>8</sup> Robert Slenes, “Escravos, cartórios e desburocratização: o que Rui Barbosa não queimou será destruído agora?” *Revista Brasileira de História* (1985): 166-196.

incorporated a utopic nation: itemized, classified, and selected.”<sup>9</sup> An “undesirable” citizen, Salustiano was classified as a “notorious pickpocket and vagrant,” although charges were against vagrancy and not theft, providing authorities with socially constructed evidence. Salustiano’s “several entries” in the Casa de Detenção not only demonstrated the persistence of State classification, but a particular type of “civic education.”<sup>10</sup> Historian Amy Chazkel argues that recurring encounters with the police allowed detainees in Rio’s Casa de Detenção to learn the formal and informal logic of the law and thus negotiate the terms of civic membership. Cunha’s historical-anthropological approach portrays a seemingly effective State that developed tools of social control (e.g., the police archive, anthropometric techniques) while Chazkel sheds light on the extralegal dynamics on which formal law also rested. The rituals of “social branding” after arrest (e.g., physical and medical examinations, gathering of personal data, fingerprinting, etc.) were sites of repression as well as inadvertent teaching moments to learn the language of civic membership.<sup>11</sup> Thus,

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<sup>9</sup> Cunha, *Intenção e gesto*, 27-28. The move toward social classification and nation building was already present in 1870, with the creation of the General Directorate for Statistics and subsequently the first general census of Brazil in 1872. Also, according to Mara Loveman, it was no coincidence that the first census came out after the end of the Paraguayan War and a year after the Free Womb Law of 1871 – a time “when the Brazilian political elite was busy ‘thinking the state and thinking the nation’.” The ensuing shift at the turn of the century concerning the national origin of individuals rather than their educational level reflected attempts at erasing the slave past. Loveman observes that the 1871 census included the “color” query, which was absent from the censuses of 1900 and 1902. However, she argues that these were not attempts at downplaying (or erasing) the African-descended population, but rather indicative of anxieties surrounding race, social stigma, and the scientific view that census participants would not be honest about their origins. Addressing these anxieties, the introduction to the 1920 census made a racialized argument of national progress through whitening. See, Mara Loveman, “The Race to Progress: Census Taking and Nation Making in Brazil (1870-1920),” *Hispanic American Historical Review* 89, no. 3 (2009): 435-470.

<sup>10</sup> Chazkel, “Social Life and Civic Education in the Rio de Janeiro City Jail.”

<sup>11</sup> Chazkel borrows the term “social branding” from Cunha’s *Intenção e gesto*.

after repeated detentions and court processes, Salustiano continued to emphasize he was “a working man with a home.”

Cunha and Chazkel are part of a larger body of literature examining early twentieth-century Republican politics and working-class experiences in Rio.<sup>12</sup> While Cunha seeks to uncover police structures and practices that grew stronger with racialized techniques of classification, producing social (in)difference, Chazkel argues that individuals acquired and negotiated ideas of civic behavior. A penal purgatory for the ambiguously criminal, “[t]he Casa de Detenção,” Chazkel observes, “made possible the existence of a category of criminality with lower penal stakes and ambiguous juridical standing.”<sup>13</sup> Negotiation, ambiguity, and ambivalence stand in contrast to the mechanisms of social control argued in much of the literature on State-society relations during the First Republic, in which scholars either described the emergence of the republic as capitalist, bourgeois, and powerful, or as weak, unstable, chaotic, and “carnivalized.” According to this dichotomy, subaltern agency was conceived as either resistance to the mechanisms of social control or limited to the popular cultural terrain (e.g., carnival) and thus not strong enough to destabilize formal politics. As Sueann Caulfield has suggested in her own work, the behavior and attitudes of the *carioca* working class “reveal both their acceptance of many of the upper classes' social

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<sup>12</sup> José Murilo de Carvalho, *Os bestializados: o Rio de Janeiro e a República que não foi* (São Paulo: Companhia das Letras, 1987); Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000); Sidney Chalhoub, *Trabalho, lar e botequim: o cotidiano dos trabalhadores no Rio de Janeiro da Belle Époque* (São Paulo: Brasiliense, 1986); Teresa Meade, *"Civilizing Rio": Reform and Resistance in a Brazilian City, 1889-1930* (University Park: The Pennsylvania State University Press, 1997).

<sup>13</sup> Chazkel, "Social Life and Civic Education in the Rio de Janeiro City Jail," 51.

ideals and their inability or refusal to uphold these ideals in the social milieu they belong to.”<sup>14</sup>

The cultural and ethnic diversity of the early twentieth-century *carioca* working class was particularly explored in Sidney Chalhoub’s pioneering study, *Trabalho, Lar e Botequim* (1986). In contrast to studies about São Paulo’s immigrant working class, which tended to generalize the urban and industrial experience of post-abolition Brazil, Chalhoub exposed a social and cultural history of post-slave labor in Rio that discussed immigrant alongside Brazilian experiences. As discussed earlier, historians Antônio Luigi Negro and Flávio Gomes emphasize that slaves and immigrants, slavery and wage labor, shared the same historical stage and were both equally formative of collective twentieth-century working class experiences in Brazil.<sup>15</sup> The authors argue that the long-standing transition model based on substitution has produced problematic binaries that defined Brazilian social and labor history. The transition from empire to republic was not a simple governmental replacement, and neither did white, European immigrant labor substitute the “docile” and “brutalized” Afro-Brazilian labor force.<sup>16</sup> A recent study of factory workers in Rio argues, for example, that racism was not enough to exclude black workers from industrial labor, who

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<sup>14</sup> Sueann Caulfield, "The Making of the Carioca Working Class: Social History of Rio de Janeiro during the First Republic," *Luso-Brazilian Review* 28, no. 2 (1991): 99-105. Also see, *In Defense of Honor*.

<sup>15</sup> Antônio Luigi Negro and Flávio Gomes, "Além de senzalas e fábricas: uma história social do trabalho," *Tempo Social, Revista de Sociologia da USP* 18, no. 1 (2006), Flávio dos Santos Gomes, *Experiências atlânticas: ensaios e pesquisas sobre a escravidão e o pós-emancipação no Brasil* (Passo Fundo: Editora Universidade de Passo Fundo, 2003).

<sup>16</sup> Negro and Gomes, "Além de senzalas e fábricas," 231.

worked alongside European whites.<sup>17</sup> In this case, nationality was a greater factor than race or skin color in the shaping of class lines, as Brazilians of different backgrounds held low-skill positions. Still, European nationality was associated with whiteness and Brazilian nationality with racial mixture or blackness.

Acknowledging the racialization of citizenship, historian Brodwyn Fischer examines the shared history of the working poor in twentieth-century Rio. For Fischer, the common denominator uniting the diverse poor is a “poverty of rights,” a concept that, she argues, intentionally goes beyond an analysis of fragmented identities (i.e., class-conscious workers, Afro-descendants, foreign immigrants, women) in order to historicize “the poor.”<sup>18</sup> Terms like *povo*, *trabalhadores*, *miseráveis*, and *marginais* (the people, the workers, the miserable, and the marginal), which Fischer discusses, reflect the post-abolition process of differentiated citizenship that Holston argues in his work. This process, however, did not completely disenfranchise the urban poor, who had “rights of poverty.”<sup>19</sup> Fischer contends that central to the urban poor’s survival and negotiation of “poverty rights” was the category of citizenship, as twentieth-century legal codes provided more political mobility for the urban poor than nineteenth-century patronage. Fischer thoroughly intertwines the histories of post-abolition urbanization and citizenship in Rio as crucial for the negotiation of poverty rights. She contends that urban citizenship was based on the interlocking of legal and

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<sup>17</sup> Hildete Pereira de Melo, João Lizardo de Araujo, and Teresa Cristina de Novaes Marques, “Raça e nacionalidade no mercado de trabalho carioca na Primeira República: o caso da cervejaria Brahma,” *Revista Brasileira de Economia* 3, no. 57 (2003): 535-568.

<sup>18</sup> Brodwyn Fischer, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford: Stanford University Press, 2008), 2-3.

<sup>19</sup> *Ibid.*, 2-3.



extralegal structures and practices that empowered not only the poor but the political elite as well.<sup>20</sup> Informality (e.g., living in a *favela* or working as an *ambulante*) was thus critical for the pursuit of poverty rights. A perceived absence of rights or a “poverty of rights” thus fueled hope in legal justice, even though this meant living with the uncertainty of whether “the rule of law [would] ever grant them [the poor] more than a poverty of rights.”<sup>21</sup>

This chapter discusses the ambiguous and ambivalent legislation targeting street vendors in the early twentieth century as well as peddlers' responses, illustrating the dialogic relationship between legal and extra-legal practices that in/formalized street commerce. Initiated by Pereira Passos in 1902 and followed by the plan proposed by Alfred Donat Agache in 1920, the dramatic urban transformation of Rio resulted in the forced relocation of the urban poor to the semi-rural periphery and the city's *morros*, or hills. During the early decades of the twentieth century, municipal legislation illustrated how political elites remained ambivalent toward street commerce, aiming to eliminate many vending practices in 1904, yet in 1924 establishing detailed regulation that accommodated customary vending practices and the population's needs for basic goods. The ambivalence was a result of interlocking legal and extralegal worlds of street commerce that allowed for its persistence in urban market relations and through which vendors struggled to be recognized as legitimate workers and citizens.

### *Street Commerce and Urban Transformation in Rio*

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<sup>20</sup> Ibid., 305-312.

<sup>21</sup> Ibid., 315.

The urban reform and intensified policing of the First Republic continued to portray the ambiguity of street commerce regulation that the last decades of slavery had witnessed. Initiating the “era of demolitions” that attempted to destroy the colonial and slave past of the capital city, the Passos reforms rationalized urban space, habitation, transportation, and sanitation through measures that only widened the gap between the affluent and the poor.<sup>22</sup> Scholarship has portrayed Pereira Passos as an authoritarian technocrat – a presidentially appointed mayor who suspended the municipal council for nearly his entire term – while limited suffrage allowed only 20% of Rio’s population to vote.<sup>23</sup> The demolition of popular housing and neighborhoods in central Rio relocated much of the urban poor to the city’s periphery, creating space for the construction of boulevards and neoclassical buildings. Passos was indeed “a tropical Haussmann” and his reforms forever transformed the city. Public health was at the core of urban planning and medical discourse, still influenced by dated miasma theory, justified intervention in “germ centers,” such as the poor, crowded neighborhoods that dotted the city. The poor and working classes met State intervention with resistance, seeing it as public intrusion in the private matter of household and family living. The Revolt of the Vaccine in 1904 epitomized the

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<sup>22</sup> Jaime Larry Benchimol, *Pereira Passos: um Haussmann tropical: a renovação urbana da cidade do Rio de Janeiro no início do século XX* (Rio de Janeiro: Biblioteca Carioca, 1990); Oswaldo Porto Rocha, *A era das demolições: cidade do Rio de Janeiro, 1870-1920* (Rio de Janeiro: Prefeitura da Cidade do Rio de Janeiro, Secretaria Municipal de Cultura, Departamento Geral de Documentação e Informação Cultural, Divisão de Editoração, 1983).

<sup>23</sup> Caulfield, “The Making of the Carioca Working Class: Social History of Rio de Janeiro during the First Republic.”

strong disagreement between popular and State ideas about living conditions in Rio.<sup>24</sup>

In 1901, a year before Pereira Passos' appointment, municipal officials were already taking steps toward revising the regulation of street commerce. The Decree 830 of 31 October 1901, concerning the activities of licensed *mascatas*, taxed vendors according to product sold. In contrast to nineteenth century municipal law, which identified *mascatas* as vendors selling superior products (e.g., fabrics, porcelain, silverware), the decree of 1901 defined *mascatas* as ordinary *vendedores ambulantes*. Street vendors were also defined as *negociantes ambulantes* (mobile entrepreneurs) in legal language, indicative of their formal status in 1901. The decree stated that vending licenses were not transferable and had to be worn while at work in a place visible to the public eye. Furthermore, *mascatas* were “absolutely prohibited within the zone of the Federal District,” which relegated them to the semi-rural periphery of the city. Licenses and fines could not exceed the cost of 200\$, which was contingent on the value of the product sold. The decree aimed to tax the commercial activity of *ambulantes suburbanos* in the growing and unregulated periphery of the city while limiting such activities to that area.<sup>25</sup>

The Passos administration maintained the above, elevating license fees to 1000\$, while laws regarding *ganhadores* remained unchanged since 1886. The decline of workers *ao ganho* did not motivate significant legal revisions, but enough individuals still worked *ao ganho* that a law from 1886 was better than

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<sup>24</sup> Meade, *Civilizing Rio*.

<sup>25</sup> Magalhães Correa, *O Sertão Carioca* (Rio de Janeiro: Instituto Histórico e Geográfico Brasileiro, 1936).

nothing. The reprinting in 1902 of measures concerning “the service of the *ganhador*” portrays *ganhadores* as mainly transporters of small *cargas* (loads) while street sellers were *ambulantes* or *mascates*. Legal language no longer associated street selling with the *ganhador*, a term of slave origins, but rather with the *ambulante* and *mascate*, traditionally free persons. Such linguistic shifts reflected efforts to erase the slave past. Required registration with the police and the lower cost of licenses suggests that *ganhadores* were formal workers of a lower socio-economic status, living in the shadow of the slave origins of their occupation.<sup>26</sup> Despite this legal distinction between *vendedores ambulantes* and *ganhadores*, however, street vendors in general labored in the shadow of slavery.

In the early 1900s, Rio was the leading industrial center of Brazil, as São Paulo would only emerge as the industrial hegemon in the 1920s. Still, much of the working class, according to historian Jaime Benchimol, made a living through some form of street commerce, frequently associated with the various and equally numerous artisanal occupations.<sup>27</sup> Pereira Passos rigorously implemented measures to regulate petty commerce through methodical licensing. As had been the case of the 1880s revisions of *ganho* labor, Decree 394 passed in February 1903 aimed to dissolve patronage in street commerce. Vending licenses were not transferrable, and the new decree only allowed for the licensing of vending vehicles, such as carts and mobile tables, that would be directly used by vendors and not third parties.<sup>28</sup> Shopkeepers hiring vendors for the sale of foodstuffs also

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<sup>26</sup> Boletim da Intendência Municipal, Diretoria Geral do Interior e Estatística, Outubro-Dezembro 1901 (Rio de Janeiro, 1902).

<sup>27</sup> Benchimol, *Pereira Passos*, 280.

<sup>28</sup> *Ibid*, 281.

were required to have two licenses, their own and that of the vendor. *Mascates* and *vendedores ambulantes* continued to be restricted to selling outside the Federal District in 1903.<sup>29</sup>

In addition to the physical transformation of urban space, Pereira Passos targeted the reformation of “old customs” (*velhas usanças*). In the first six months of 1903, new municipal ordinances aimed to alter economic practices, forms of leisure, and customs profoundly rooted in the social and cultural fabric of the city, such as carnival, but antithetical to elite notions of urban bourgeois culture.<sup>30</sup> In the words of Pereira Passos, “I started prohibiting the street sale of meat parts (*miúdos*), displayed on tables and surrounded by the continuous flight of insects, such a repugnant spectacle. At the same time, I abolished the rustic practice of milking cows on the street, spectacles of waste that nobody, certainly, would qualify as virtuous of a civilized society. [...] I also ordered the immediate extinction of thousands of dogs that wander the city giving it the repugnant appearance of certain Oriental cities. [...] I have put an end to the plague of lottery peddlers who pester people with infernal loud voices, turning the city into a gambling house. Much of my preoccupation has [also] gone into the extinction of public begging, punishing false beggars, and preventing real beggars from exposing their miseries on the street...”<sup>31</sup> In this statement, peddlers of certain types (fresh meat and milk), beggars, vagrants, and dogs were conceived as being

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<sup>29</sup> The policing of *ambulantes* due to violations of space (rather than occupation) during periods of urban renewal was not uncommon to the Americas as Pablo Piccato illustrates for the case of Mexico City. Pablo Piccato, “Urbanistas, Ambulantes, and Mendigos: The Dispute for Urban Space in Mexico City, 1890-1930,” in *Reconstruction Criminality in Latin America*, ed. Carlos A. Aguirre and Robert Buffington (Wilmington: SR Books, 2000), 113-148.

<sup>30</sup> Maria Clementina Pereira Cunha, *Ecos da folia: uma história do carnaval carioca entre 1880-1920* (São Paulo: Companhia das Letras, 2001).

<sup>31</sup> Benchimol, *Pereira Passos*, 277-8

of as the same “repugnant” kind. In the interest of public order, street vendors were like vagrant dogs or beggars. “Old practices” that reflected a poverty of means were discursively represented as lacking bourgeois qualities rather than work opportunities. The Passos reforms and hygienic practices aimed to discipline all urban classes, but the burden was heaviest on the poor.

An excerpt from the American novelist Frank Carpenter’s travel book, *Round About Rio* (1884), provides a glimpse of the *velhas usansas* Passos sought to abolish.<sup>32</sup> A curious, voyeuristic event for the United States-born Carpenter: “A waterman with his cart – that is, a barrel of water upon two wheels – next attracted attention and Stacy’s sympathy was aroused at seeing this barefooted aquarius tugging at the shaft by the side of his faithful friend and servant, the mule, to help him what little he could. After the waterman, in logical sequence, came the milkman with his perambulating dairy. He was leading his cow by a rope tied around her horns, and she in turn was dragging her calf, an overgrown hulk of a yearling, by a cord running from the end of her tail to the head of her pampered infant; it is a theory among these milkmen that the cow will not “give down” unless the calf is present to butt and fumble with his muzzled snout while the dairyman is pursuing his task. Both the calf and the cow hung back stubbornly and wavered as they walked, so that the three formed a procession which, though attenuated, was by no means inconsiderable, and they effectively cleared sidewalk, driving Robinson and Stacy again into the street. These had the

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<sup>32</sup> Frank De Yeax Carpenter, *Round About Rio: A Novel* (Chicago: Jansen, McClurg, 1884), 178-9. Charles Granville Hamilton described this work “as fiction, but it is primarily a travel book with a thin sugar-coating” in “English Speaking Travelers in Brazil, 1851-1887,” *Hispanic American Historical Review* 4, no. 4 (Nov., 1960): 533-546.

curiosity to watch the milkman until he came to the door of a customer, when he unslung his cup and milked it full, the calf meanwhile interfering with dumb protestations, thrusting his boot-leg muzzle into the tantalizing fluid, while the cow quietly ruminated, probably wondering how it was that this child of hers could drink so much without getting fat.”

The ban on public milking for the street sale of cow milk took effect in 1903 along with other measures to sanitize the provisioning and sale of dairy products.<sup>33</sup> Another problem for authorities, which also resulted in the arrest of several milk vendors, was the sale of watered-down milk. Although public milking would have helped prevent the sale of watered-down milk, municipal officials sought to eliminate, for hygienic and aesthetic reasons, cows roaming city streets. Municipal efforts to ban cows from the street had met the resistance of milk sellers since at least 1851, and concerns about milk quality and sanitation were consistent in town council meetings throughout the nineteenth century.<sup>34</sup> By 1912, municipal law prohibited the use of milk tanks (*tanques*), which had come to substitute cows in door-to-door sales, and dictated all milk to be sold in glass bottles.<sup>35</sup> Milk vendors also resisted this new law in 1912, a struggle which became news in the press as well as a cause taken on by the larger vendors’ union, União Protetora de Vendedores Ambulantes. “Always accompanied by their lawyer,” milk vendors collectively addressed the mayor, met with the director of Public Health, and also sought the support from the press in order to stop the ban

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<sup>33</sup> Ibid.

<sup>34</sup> José Alípio Goulart, "Alguns dados sobre o comércio ambulante do leite no Rio de Janeiro do século XIX," *Revista do Instituto Histórico e Geográfico Brasileiro* 263 (1954).

<sup>35</sup> “Leiteros Ambulantes,” *Correio da Manhã*, 22 January 1912.

on *tanques*.<sup>36</sup> The points of contention milk vendors raised, beginning in the nineteenth-century, was the lack of support from officials to facilitate the transition into new vending and sanitation methods as well as the severe increase of penalties. Lack of municipal support and customer demand thus pushed most vendors to sell milk through traditional means and risk financial penalties.

Another concern present throughout nineteenth- and twentieth-century discussions of street commerce reformation was the sale of meat parts, or *miúdos*. Alongside milk regulation, the prohibition on the display and sale of red meat parts (*miúdos de rezes*) on street tables also took place in January 1903. The next year, an amendment allowed for the street sale of *miúdos* until ten o'clock in the morning, as long as peddlers transported meat in closed containers on their head, in carts, or in compartmentalized zinc boxes to ensure cleanliness. These changes also applied to the sale of poultry, which along with other products continued to be restricted to outside city limits. Since the city had no means of effectively providing meat to urban residents, other than through street vendors, a significant number of vending technologies appeared at this time claiming to sanitize and modernize meat distribution between the city center and the growing periphery. Prohibiting the street sale of meat in central areas was impossible given customary practice and economic needs during a period of recession. The exacerbation of poor living conditions and the lack of municipal initiative to improve vending methods with new technologies demanded the preservation of traditional forms of urban food distribution and consumption.<sup>37</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Benchimol, *Pereira Passos*, 278.



Another major problem for municipal authorities was the widespread peddling of (legal and illegal) lottery tickets throughout the city's public buildings, streets, trams (*bondes*), *botequins*, and even private homes. Selling lottery tickets on the street was banned throughout the nineteenth century in order to prevent slaves from acquiring wealth, and toward the late 1880s authorities permitted lottery sales on the street under the condition of regulation.<sup>38</sup> As a result, lottery and *jogo do bicho* peddling increased dramatically, especially during the first decade of the Republic.<sup>39</sup> Lottery vendors, who were virtually everywhere, were in the eyes of the municipal government just like vagrants roaming through market squares, rail stations, upper-class neighborhoods, and even government buildings. In police arrest records they consequently made frequent appearances.

During this period of new legislation and heightened awareness of inappropriate vending practices, Pereira Passos emphasized the regulatory role of the police. The licensing of and punishment of unlicensed vendors via police regulation was explicit in town council correspondence (*circulares*) with the police.<sup>40</sup> Ideas of public health justified street commerce as a site for the police to regulate. In 1903, the Passos reforms gave vendors up to fifteen days to register with the police their tools and vehicles used for the transportation of goods. According to Benchimol, hygienic measures also prohibited shops from

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<sup>38</sup> AGCRJ, 46-2-3, Loterias e bilhetes de loterias 1841-1856: Vários papéis referentes a concessão de licenças para venda de bilhetes; cauções e fianças; rifas e bilhetes; e proibição de venda, por mercados ambulantes, de bilhetes.

<sup>39</sup> Amy Chazkel, "Beyond Law and Order: The Origins of the *Jogo do Bicho* in the Republican Rio de Janeiro," *Journal of Latin American Studies* 39 (2007): 535-565.

<sup>40</sup> Benchimol, *Pereira Passos*, 279.

displaying goods on outdoor balconies, which the police would be in charge of inspecting on a regular basis.

The town council also targeted kiosks, which they considered highly unsanitary and aesthetically hideous, extensively fining the company holding monopoly over most kiosks in Rio (the Companhia de Quiosques) for violations of hygiene. Eventually, Passos ordered the destruction of all kiosks, but without much success. This popular landmark persisted well into the 1920s, with a considerable amount of support from a segment of the upper-class which sought to preserve the tradition of *quiosques* as uniquely *carioca*.<sup>41</sup> Other customary practices of economic subsistence and survival also became a relentless target of the Passos reforms. For example, households were not allowed to cultivate the traditional food and herbs garden known as the *fundo de quintal*. The prohibition of these small urban gardens as well as the banning of porters (*cargueiros*), who carried produce from suburban rural producers to urban consumers, became a great obstacle for residents in need of food. Most residents cared less about the aesthetic presentation and distribution of food that concerned political elites. Thus, in the years following 1903, negotiations likely took place between recalcitrant residents and the town council, resulting in the revision of street commerce regulation to address consumer needs and new measures in 1905.

One way in which the Passos reforms addressed consumer needs in a variety of neighborhoods was through the construction of local markets (*feiras livres*). In fact, the most elaborated changes in municipal legislation regarding food distribution were new laws that applied to “*feiras e mercados livres*.”

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<sup>41</sup> Escagnolle Dória, “Kiosques,” *Revista da Semana*, Anno XXVI, no. 32, 1 August 1925.

However, as the photograph of the Largo do Capim in 1909 illustrates, old marketeering practices, such as the sale of manure in the city's plazas, persisted (Image 37, Appendix Chapter Five).<sup>42</sup> Nonetheless new markets throughout the city, in urban and suburban locations, were unveiled in ceremonies that involved the mayor, town council officials, and the *pedra fundadora* ("foundational rock") that accompanied inauguration ribbon cutting. Most illustrious was the inauguration of the grand, wrought-iron Municipal Market in 1909 (Image 38, Appendix Chapter Five), and the photography of Augusto Malta also shows the ceremonial importance of smaller markets.<sup>43</sup> In the early 1900s, new markets replaced informal marketeering in Praça da Harmonia, Praia de Botafogo, Tijuca, Vila Isabel, and Copacabana.<sup>44</sup> These constructions were possible because of the federal government's relationship with the Brazilian Cold Storage and Development Company Ltd., a London outfit that won exclusive rights over the sale of cooling storage technologies in Brazil. This multinational relationship created the local Companhia Mercado Municipal do Rio de Janeiro, which funded the building of the Municipal Market.<sup>45</sup>

As Pereira Passos delineated what would constitute proper uses of urban space and commercial activity, restricting most peddlers to the *zona suburbana*, municipal ordinances, as stated earlier, empowered the police to further crack down on inadequate street vending, begging, and vagrancy. The town council

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<sup>42</sup> Largo do Capim earned its name in the 19<sup>th</sup> century as it was where *capim de Angola* (manure) was sold. The market remained "open-air" until 1943, when it was covered with a metallic roof.

<sup>43</sup> AGCRJ, Fotografias, Augusto Malta.

<sup>44</sup> Benchimol, *Pereira Passos*, 283; Samuel Gorberg and Sergio A. Fridman, *Mercados no Rio de Janeiro, 1834-1962* (Rio de Janeiro: S. Gorberg, 2003).

<sup>45</sup> *Ibid.*, 284.

prolonged the hours of police work into the night, as they argued it was then when most infractions took place.<sup>46</sup> This was a time when the police gained judicial power to be exercised on the street in order “to compensate for the vagueness of the law with respect to petty crimes.”<sup>47</sup> New laws passed under Pereira Passos concerning street commerce were not, however, vague. Despite specific legislation, peddlers continued to be arrested and detained for violations of the Penal Code of 1890 rather than for municipal infractions regarding commercial activity. The revised regulation of street commerce and the subsequent empowerment of the police did not alter the policing methods toward vendors that were prevalent in the previous century. Issues of licensing and fines continued to be resolved on the street, without arrest or detention, while vagrancy, public disorder, and other penal code violations were the main reason why many peddlers experienced detention. In the hundreds of arrests and detentions examined for this period, not a single peddler was detained for a municipal infraction concerning street vending (or for not carrying a vending license).

The Passos reforms gave way to an important turning point in the policing of *carioca* society in 1906-1907, lasting until 1913, and the worker-vagrant dichotomy became fundamental to practices of criminal identification. The creation of the Gabinete de Identificação da Polícia Civil in 1907 aimed to perfect the identification methods of criminal behavior.<sup>48</sup> The contingent meaning of vagrancy, varying according to situation, allowed for the police to punish diverse

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<sup>46</sup> Boletim da Intendência Municipal, Diretoria Geral da Polícia Administrativa, Arquivo e Estatística, “Posturas e Leis Circulantes e Editais da Polícia Militar” (Rio de Janeiro, 1903).

<sup>47</sup> Chazkel, “Social Life and Civic Education in the Rio de Janeiro City Jail,” 56.

<sup>48</sup> Berenice Brandão, *A polícia e a força policial no Rio de Janeiro* (Série Estudos PUC/RJ, 1981), 253; Cunha, *Intenção e gesto*.

street behaviors deemed antisocial.<sup>49</sup> Historian Marcos Bretas observes that “the difficulty in creating efficient demarcations between workers and vagrants generated mistakes in [the process of] identification, which had repercussions in the press and in the protests filed with foreign consulates, in a city where a good portion of the population was foreign born.”<sup>50</sup>

Bretas discusses a telling example in his analysis of police and society in early twentieth-century Rio. A newspaper article in *A Notícia*, 27 July 1903, condemned the “bad service” of the policeman who arrested the newspaper seller José Maria in the parish of São José. At the police station, José Maria was “classified by the inspector as a *gatuno conhecido*.” Accusing street sellers as notorious pickpockets was a convenient police method, according to the article. The author defined the opportune category of *gatunho conhecido* as a “worn-out label” (*estafada chapa*).<sup>51</sup> This critique spoke to the repeated, unjust arrest of peddlers for unfounded or vague reasons, as was the case with Moleque Estafa, or Salustiano da Cruz, which opened this chapter. Word-playing with the term *chapa*, the metal tag that distinguished and was to be worn by licensed vendors at all times, the author of the newspaper articles argued that such a label of legitimacy was useless in the face of police officers who disregarded municipal law and only enforced criminal law, to the point of abusing labels such as “vagrant” or *gatuno conhecido*. José Maria was held at the police station until

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<sup>49</sup> Cunha, *Intenção e gesto*, 32.

<sup>50</sup> Marcos Luiz Bretas, *A guerra das ruas: povo e polícia na cidade do Rio de Janeiro* (Rio de Janeiro: Arquivo Nacional, 1997), 101-102; Marcos Luiz Bretas, *Ordem na cidade: o exercício cotidiano da autoridade policial no Rio de Janeiro, 1907-1930* (Rio de Janeiro: Rocco, 1997).

<sup>51</sup> Quoted in Bretas, *A guerra das ruas*, 103-104. Newspaper article from the police archive, AN, GIFL, Caixa 6C137; *A Notícia*, 24 July 1930.

nine o'clock at night, when an incoming night-shift officer recognized him as a newspaper seller, describing José Maria as a "serious and well-mannered boy, in no way a thief or a pickpocket." The incorrect classification of an individual had its consequences, and in this case the policeman who carried out the arrest was suspended for eight days.

Examining the regulatory relations between the State, police, and the urban poor in Rio, Bretas and Fischer argue that negotiation was possible because of interlocking formal and informal practices that created the foundation for poor people's citizenship.<sup>52</sup> The passing of revised and elaborate legislation regarding street commerce regulation in 1924 was indicative of the entrenching power of customary practice and vendor resistance, as the enforcement of criminal or municipal law did not disrupt widespread vending activities. Throughout the first decades of the twentieth century, peddlers who were arrested, detained, and processed in court contested "worn-out labels" and used the language of citizenship to argue that they were legitimate members of civil society. Resistance to informal and abusive police practices also became collective in the voices raised by the vendors' official union in 1912-1913. The evaluation of police arrest, detention, and court records for the period of 1903-1925 does not capture directly the informal practices of justice administration on behalf of the police, but court records provide insight into how citizens resisted the outcomes of police arrest. An informal code of behavior coexisted with formal legal codes, and while the latter excluded the majority of the population from full citizenship

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<sup>52</sup> Ibid., 115.

rights (e.g., voting rights), the former, as Bretas, Chazkel, and Fischer argue, became the means for the urban poor to fight for justice.

### *Arrests*

The arrest of vendors by Rio police during the first decades of the twentieth century illustrates the shifting post-abolition cityscape of street commerce and particularly sheds light on ethnic and racial variations that spoke of differentiated experiences of civil membership. Vending occupations connected to particular ethnic and racial groups tended to experience different policing practices. Arrest records also illustrate that certain selling and buying activities were considered “illegal” if involving stolen goods or prohibited lottery tickets, but most vending activities carried out by peddlers were not technically “illegal commerce.” As the police gained judicial power, the street became a site for the immediate administration of justice, which Brazilians have colloquially termed the “street court” (*tribunal de rua*) – a concept that implies authoritarian policing practices where legal recourse is not an option for individuals. Scholars have identified the latter as a twentieth-century development that was exacerbated by military rule in the latter half of the century. In the early 1900s, the administration of justice was generally a three-step process, involving first the police, second the detention center, and third the courts.<sup>53</sup> Arrest records reflect the vulnerabilities peddlers faced on the street as the regulatory role of the police toward street commerce and behavior increased.

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<sup>53</sup> The Casa de Detenção remained open until 1969.

This section analyzes “Police Occurrences” (*Ocorrências Policiais*) related to the arrest of 150 individual peddlers between 1903 and 1925. In creating an archive, the police collected personal data (e.g., names, nationalities, domiciles, professions, schooling, physical characteristics), the reason(s) for arrest, and legal consequences (e.g., imprisonment, medical examination, complaint investigation).<sup>54</sup> The arrests occurred in areas of the city’s commercial center, the parishes of São José, Santa Rita, and Santana, and the surrounding working-class neighborhoods of São Cristovão and Gamboa. Between 1890 and 1906, as a result of urban renewal policies, the population of the city’s center decreased 50% while the population in neighboring parishes, such as São Cristovão, increased 100% and the population in semi-rural, peripheral parishes 200%.<sup>55</sup> In the *cidade negra* of the nineteenth century, the parish of Santanta was Rio’s “Little Africa,” but by the following century this community had moved to the northern but still central district of Gamboa.

Gamboa was an Afro-Brazilian neighborhood in the early twentieth century that developed as a result of the destruction of city-center housing as well as increased post-abolition migration from the countryside and particularly the state of Bahia. The area was famed for being the home of Bahian women (*tias bahianas*), especially near the popular Praça Onze, which many musicologists

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<sup>54</sup> The database “Ocorrências Policiais” is available at the University of Campinas’ Research Center for the Social History of Culture (Centro de Pesquisa em História da Cultura, CECULT). The database is a select copy of records from the repository in Rio’s Secretaria de Polícia Civil.

<sup>55</sup> Maurício de Almeida Abreu, *Evolução urbana do Rio de Janeiro* (Rio de Janeiro: Prefeitura da Cidade do Rio de Janeiro, Secretaria Municipal de Urbanismo, Instituto Municipal de Urbanismo Pereira Passos, 1987), 87.



claim to be the cradle of samba.<sup>56</sup> Among the most prominent was Tia Ciata (Hilária Batista de Almeida, 1854-1924), a peddler of sweets, whose home became the locus of cultural and musical festivities that brought together *cariocas* of different social classes. As arrest and detention records demonstrate, sweets sellers were commonly Afro-Brazilian, and in the case of *bahianas* such as Tia Ciata, they might become popular enough to gain the respect of lower-, middle-, and upper-class customers, who often protected them from the police.<sup>57</sup>

The striking transformation of the human and physical geography of the city further developed street-level commercial networks and in particular links between urban and suburban vending. Peddlers were everywhere, transporting goods between the city center and the semi-rural periphery, and known by residents to specialize in the sale of certain products with specific vending locations and strategies.<sup>58</sup> Given their virtual omnipresence, it is not surprising that police records show that peddlers were vulnerable to arrest on the street and construction sites, as well as in snack-bars, shops, underground gambling houses, entertainment centers, factories, and rooming houses, such as *casas de cômodos*. Streets were, predictably, the most common place for arrest, followed by *botequins*. Perceiving low-end *botequins* as a liminal extension of the street, police officers routinely entered them in order to arrest individuals for vagrancy, inebriation, illegal gambling, and/or illegal commerce. The social world of

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<sup>56</sup> Roberto Moura, *Tia Ciata e a pequena África no Rio de Janeiro* (Rio de Janeiro (FUNARTE, 1983), Monica Pimenta Velloso, "As tias bahianas tomam conta do pedaço: espaço e identidade cultural no Rio de Janeiro," *Estudos Históricos, Rio de Janeiro* 3, no. 6 (1990): 207-228.

<sup>57</sup> Moura, *Tia Ciata e a pequena África do Rio*.

<sup>58</sup> Correa, *O Sertão Carioca*.

peddlers often involved spending time at the *botequim* as well as *quiosques*, a type of outdoor *botequim*.

According to the police records examined for the period 1903-1925, vagrancy and physical conflict were considered crimes against the common good (*crime contra a fé publica*) or crimes against public order (*crime contra a segurança/tranquilidade*). Theft, another common occurrence leading to the arrest of many vendors, was a crime against property (*crime contra a propriedade*). A small number of peddlers were also arrested for crimes of passion/honor (*crime contra a honra/família/pudor*) and homicide (*crime contra a vida/pessoa*). Although these crimes were unrelated or loosely related to street commerce, they still reflect vulnerabilities that vendors faced on the street as formal regulation of street commercial activity remained uneven. A few vendors were arrested for participating in “illegal commerce,” an activity that was related to the violation of property rights and the disruption of public order. Individuals selling stolen good and/or lottery tickets were frequently arrested for illegal commerce, while other vending practices were not considered illegal.

More peddlers were arrested than detained, so Police Occurrence registry entries provide greater detail about the vending landscape and peddler types than records from the detention center. It is interesting to note that the rate of arrests among different types of vendors did not correspond to the increased policing of a certain type of street commerce because of municipal regulation in the early 1900s. For example, the Passos reforms particularly drafted new municipal ordinances regarding the activities *mascatas*, lottery ticket vendors, meat vendors,

milk vendors, and bread vendors, yet their numbers were amongst the lowest in arrest records. Street sellers of milk, who were mainly Portuguese-born men, were mostly arrested between 1905 and 1910 in the district of Tiradentes. But not once was a *leitero* arrested for selling milk directly from the cow or from tanks, and only once for selling watered-down milk. Theft, disorder, vagrancy, and inebriation were often the reasons for the arrest of these vendors. Meat vendors, who were also mainly Portuguese, were in contrast arrested for the unsanitary condition of *miúdos* they were selling. Bread deliverymen continued to be arrested for suspicion of illegally selling on the street.

The formally synonymous categories of *mascate* and *vendedor ambulante*, discussed earlier, were not the same in everyday life. While few *mascates* were arrested, this was not the case for *ambulantes*. *Mascates* continued to be mainly Syrio-Lebanese men, with some exceptions, while *ambulantes* were all of Brazilian or Southern European origin, especially Italian-born. The policing of either group did not reflect new measures of commercial regulation. Instead, arrests of peddlers reflected nineteenth-century patterns. For example, *quitandeiros*, or vegetable vendors, were the most often arrested alongside *ambulantes*, followed by shoe shines, newspaper sellers, and vendors of sweets. An insignificant number of women appear in arrest records, reflecting the ongoing pattern that police did not tend to detain women. While the arrest of male peddlers took place throughout the city, women were in turn primarily arrested in Santana, a heavily policed parish since at least the 1880s. Prostitution was not a

common reason for the arrest of female peddlers, indicating the weak or non-existent relationship between street vending activities and the sale of sex.

While *quitandeiros* were mostly Italian immigrants, Afro-Brazilians and African-born men also tended to work as vegetable sellers. The few women who were arrested were *quitandeiras*, from Portugal and Bahia. Vendors of sweets were also commonly African-descended men and women, especially migrants from the states of Bahia and Minas Gerais. Eventually the *bahiana* in Rio became known for selling sweets on the street, to the extent that representations of the state of Bahia in *carioca* press depicted a woman from Bahia with her *caixa de doces* (Image 39, Appendix Chapter Five). A significant number of licensed *doceiros* were arrested for physical conflicts and disorder. As part of the collection of data, police officers noted license numbers and the officially registered *caixas* used for the sale of sweets. Physical conflict and public disorder were usually the reasons why *doceiros* were arrested. In arrest records, there is no explanation as to how these incidents related to the selling of sweets, but a court record discussed further below provides some insight. Along with *quitandeiros* and *doceiros*, newspaper sellers were frequently arrested. *Jornaleiros* tended to be Italian or Brazilian men, many of them children. It was common for minors selling newspapers to be arrested for fighting, or small *brigas*, amongst themselves.

To a lesser extent, other kinds of street sellers, such as vendors of biscuits, sugar cane juice, beer, bread patties (*empadas*), herbs, knick-knacks, jewelry, gloves, nougat, fish, and wood, were also arrested during this period. They

tended to be white Brazilians born in the city of Rio. Afro-Brazilians were among these sellers, but not as prevalent as in the vending occupations of *quitandeiros* and *doceiros*, which had higher incidences of arrest. Shoe shines, a common occupation among African-descended *cariocas*, were also frequently arrested for vagrancy and public disorder, such as getting on *bondes* without paying. At the *delegacia*, police officials confiscated all belongings that accompanied individuals and Afro-Brazilian vendors did not tend to have valuable objects on them. In contrast, Syrio-Lebanese *mascates*, Portuguese *leiteros*, and Italian peddlers owned some valuables, such as timepieces, and carried around amounts of cash that other vendors did not.

Individuals whom the police arrested for “illegal commerce” were not necessarily street vendors by occupation, and street vending was not necessarily the activity defined as illegal. Most arrests took place on the street (*via pública*), but several also took place in *botequins*, *casas de cômodos*, and entertainment centers in the parishes of Santana and Sacramento (Tiradentes). Male, literate, and Portuguese was the general profile of those involved in illegal commerce. Although a few peddlers were arrested for illegal commerce, most had fixed employment in other lines of work. Literacy rates in this group were higher than among street vendors, who were primarily illiterate.

The following examples illustrate what constituted illegal commerce in the eyes of the police. Police officers tended to penalize one-on-one informal sales in commercial establishments as it often involved stolen goods. For instance, a hospital worker was buying a stolen “Liberty” cigar (made in the local factory

Souza Cruz) from an individual in a *botequim* when they were both caught in flagrante during a routine inspection. In Tiradentes, two box office workers were arrested for illegally selling theater tickets. Accusations of illegal commerce were particularly common against lottery vendors, who were likely to be selling *jogo do bicho* or other illegal lottery tickets. In addition, selling at night what would be considered legitimate during the day made peddlers vulnerable to arrest. Such was the case of the Portuguese *doceiro* selling sweets in Tiradentes after ten o'clock at night. Lottery peddling and selling at night were specific activities of street commerce that thus became "illegal." But the array of vending practices in other areas, despite specific municipal legislation, were absent from the categorization of illegality.

Although selling without a license was not technically "illegal commerce," which mainly referred to stolen goods or *jogo do bicho* sellers, other vending activities were the object of police regulation. The most targeted group was unlicensed lottery vendors. Other individuals were put under arrest for carrying licenses that were not theirs or in someone else's name. One incident shows that a peddler stole another's license. But police officers seemed most concerned with arresting unlicensed *carregadores*, or street transporters of goods. Individuals continued to be arrested for transporting and selling in "inadequate locations" although these were not specified. In 1913, a newspaper article revealed what could become an "inadequate location." Exemplifying why peddlers had the right to strike as a result of increased fines and over-policing, the journalist explained, "Every time a municipal guard runs into a *quitandeiro* who is selling in one

location for an extended period of time, he will fine the seller 10\$. The *quitandeiro* would then pay the fine or not... This is a calamity and street vendors are right in protesting.”<sup>59</sup> This example illustrates that having a license did not exempt vendors from police perceptions of space violation. Licenses were specifically used to regulate vendors selling lottery tickets, but licensed and unlicensed participants in other areas of commerce were similarly subject to the unpredictability of the police, who could turn a blind or put them under immediate arrest. Arrest records illustrate that African-descended vegetable and sweets sellers as well as shoe shines were commonly arrested, and their presence, as discussed below, was particularly prominent in the municipal detention center.

### *Detention*

After being held at the *delegacia* most peddlers were then sent to the Casa de Detenção. While police arrest records show a diversity of vending occupations, the registry entries from the Casa de Detenção demonstrate that certain types of peddlers were more vulnerable to detention than others. Vending practices deriving from nineteenth-century urban slave society were particularly susceptible, especially during the first decade of the century. During the years 1903-1922 and in a sample of 429 detainees, the most representative groups of peddlers detained were the broadly-defined *vendedores ambulantes* (79), *quitandeiros* (75), *engraxates* (74), and *vendedores de doces/balas* (34). Although European immigrants were a significant presence in all three groups, African-descended Brazilians were most active in these vending occupations.

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<sup>59</sup> “Ficará o Rio sem ambulantes?” *A Noite*, 8 January 1913.

The detention of *vendedores ambulantes* increased overtime, becoming more prevalent between 1910 and 1920. Over 50% of *quitandeiros* were Southern European immigrants, but vagrancy charges were higher among blacks and mulattoes than whites. Shoe shiners (*engraxates*), as in the previous century, were mostly black and mulatto. Black *cariocas* who were detained continued to be prevalent in this line of work. Brazilian migrants from Minas Gerais, Bahia, and São Paulo also tended to become shoe shiners in contrast to other vending practices, indicative of the difficulties Afro-Brazilians faced in an urban market that had been flooded by European immigrants. Vendors selling sweets (*doces* and *balas*) were not detained as often as *quitandeiros* and *engraxates*. Vagrancy charges for vendors of sweets was common regardless of skin color, indicating that the vending occupation itself (i.e., selling sweets), rather than the type of sweets seller, was one that police officers associated with vagrancy. Although the sample number of sweets sellers is low (33), most blacks were charged with vagrancy while whites tended to be arrested for physical conflicts. Detention for physical conflict was also the case for *pardos*, and a court case discussed below illustrates that such conflict could arise because of competition for space and clients.

Peddlers appearing in detention records were also *funileiros*, *limadores*, newspaper sellers, *mascates*, and lottery ticket vendors. They tended to be young men of different ethnic backgrounds arrested for vagrancy. Syrio-Lebanese *mascates* appear prominently in the records of arrests in the parish of Santo Antônio, which reflected ethnic commercial ties in that area. Children who were



street sellers faced frequent detention as well. The term *pivete* was already in use in the early twentieth century to describe vagrant street children.<sup>60</sup> Minors of the ages 10 through 17 who participated in street commerce, however, were not strictly *pivetes*, or street children, as most declared that they had a mother and father as well as a home. This was the case for both immigrant and Brazilian children. Most children were newspaper sellers, but some also participated in other vending practices, such as selling tin household products (*funileiros*) and poultry, and shining shoes.

A small number of *carregadores de cesto* and peddlers selling fruits, bread, vegetables (leafy greens), knick-knacks, chicken, and sausages also appeared in detention records. Bread vendors of different backgrounds were arrested in the peripheral neighborhoods of Campo Grande, Irajá, and Jacarepaguá, which is reflective of the population growth in those areas. The detention records on milk vendors, mostly Portuguese men selling in suburban areas, illustrated that authorities were not very concerned with regulating commerce according to the municipal law. Only in 1922 was a vendor in the sample detained for selling watered-down milk, but the rest were arrested for disorder or vagrancy. An anomalous appearance was the detention of a vendor of flowers for participating in a strike in 1904 organized by *cocheiros*, or transportation workers. The peddler may have been misidentified by the police as partaking in the strike, which was indicative of his vulnerable position when working on the street.

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<sup>60</sup> Bretas, *A guerra das ruas*.

Whereas the detention of European immigrants increased toward the end of the nineteenth century, considerably superseding the number of Brazilian detainees, the latter became more prevalent in early-twentieth-century detention records. Although a significant number of individuals born in Southern Europe continued to practice street vending, according to detention records, their presence was decreasing. Thus, the increasing number of Brazilian peddlers and the decreasing number of European immigrant peddlers indicated that the latter likely found better work opportunities that the former had difficulty accessing. Also considerably higher in detention records was the number of Syrio-Lebanese and Chinese vendors. As stated earlier, most Syrio-Lebanese were *mascates*, and Chinese immigrants usually became fish vendors and were vulnerable to charges of vagrancy and public disorder. While street commerce in the nineteenth century was associated with slave and immigrant labor, racializing all peddlers as *negros de ganho*, in the twentieth century, the number of detained peddlers indicate that it was an occupation that European (white) immigrants were able to leave behind, illustrating that non-whites probably had fewer opportunities in other lines of work. This shift along with the uneven process of street commerce in/formalization in the twentieth century reinforced the nineteenth-century associated of street commerce with black or non-white labor.

### *Courts*

Peddlers of different ethnic backgrounds consistently contested court charges of vagrancy, disorder, inebriation, and petty theft by portraying

themselves as “honest workers,” heads of household, and industrious. This was true for other urban poor as well. Countering labels of pathology (*a estafada chapa*) with notions of honor and discipline reinforced the worker-vagrant dichotomy originating in Brazilian slave and free labor ideology. Reoccurrences in which authorities identified peddlers as “irremediable pickpockets,” “everyday drunks,” and “habitual vagrants” illustrate that legal defenders (*curadores*) used the language of civic membership as did their clients. Such was the case of Laurindo Manoel da Silva, known on the street as “the blind man of Santo Cristo” (*ceguinho de Santo Cristo*). Between 1901 and 1911, Laurindo had experienced “various entries” in the Casa de Detenção.<sup>61</sup> A poor blind man charged with vagrancy for living on the street, Laurindo “was becoming more and more dangerous,” according to the police. His case illustrates not only the criminalization of the poor but of the disabled poor as well. Laurindo’s legal defender was familiar with contemporary notions of the “dangerous classes,” stating that “the great Italian criminologist Lombroso claims that only an individual without occupation or domicile is a vagrant,” and arguing that Laurindo was employed and had a home, and was hence not a vagrant. But this argument was to no avail: the repeated detentions of Laurindo temporarily ceased in 1912 when the judge sentenced him to the correctional facility Dois Rios on the island of Ilha Grande.

Economic crisis, lack of work opportunities, and the high cost of living also appeared as the basis for disputing vagrancy charges in court processes. A young migrant from the state of Pernambuco, whose skin color was not noted,

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<sup>61</sup> AN, TZ 1707, 9ª Pretoria Criminal, Laurindo Manoel da Silva, 1911.

was arrested along with a minor in 1904. The district police inspector who arrested them emphasized he “knew for a fact that the accused had no type of occupation,” although he was listed as a peddler in the registry entry of the Casa de Detenção.<sup>62</sup> Another witness also claimed the accused were “notorious vagrants” and that “by hearsay he knows that they have no occupation or domicile.” The legal defender used the language of citizenship to speak of current economic conditions: “[the accused] are not vagrants but distressed unemployed men (*infelizes desempregados*) because of the current crisis.” Hence the implication that selling on the street was a legitimate line of work in the face of unemployment, a way to “scrape by” and perhaps only legitimate as last resort. If the latter was true, street vending could be mistaken as a sign of vagrancy but was in fact a manifestation of unemployment. This reasoning recognized the informal dimension of peddling. In the end, according to the scribe, “a variety of circumstances,” which perhaps included the vagueness of peddling as a sign of vagrant behavior, led the court to nullify the vagrancy charges of this case.

In general, working on the street put street vendors in vulnerable positions vis-à-vis the police. Identifying vendors as vagrants because of location, such as standing for too long on a particular corner, was a common occurrence, as the newspaper article, discussed earlier, critiqued in 1913. In 1906, João Monteiro was arrested at three o’clock in the morning with another man; both were charged with vagrancy.<sup>63</sup> Fingerprints were collected and interrogation followed. Records indicate that they both had been “wandering around” Praia de São Cristovão when

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<sup>62</sup> AN, OR 3315, 8ª Pretoria Criminal, Samuel Vieira da Cunha, 1904. Underlined word appears in original document.

<sup>63</sup> AN, OR 4276, 8ª Pretoria Criminal, Manoel José de Sousa, 1905.

arrested, and the police suspected that a pile of wood on that beach was where they usually spent the night. João Monteiro, a forty-six-year-old illiterate Portuguese man, claimed (and the scribe underlined) that “he had an honest occupation being a *vendedor ambulante de miúdos*.”<sup>64</sup> In addition, Monteiro stated that he had a home and lived on Rua da Alegria 11, which “he would prove in court.” He clarified to the judge that it was routine for him to return from the slaughterhouse in São Diogo before the break of dawn after purchasing *miúdos* that he would sell later that day on the street. Walking back home he happened to pass near the “pile of wood” where the other man may have been spending the night, but both were arrested. Mistaken for a vagrant but with proof of domicile and occupation, João Monteiro was eventually discharged.

Court processes indicate that issues of public order encompassed more than violations of behavior and urban space. A conflict between two peddlers of sweets who tended to work in the same area of the Praça da Republica illustrates that in 1905 property rights applied to damaged vending goods.<sup>65</sup> A case that authorities could have easily dismissed as vagrancy or physical offense was instead defined as the violation of Article 329 of the Penal Code, resulting in three months of prison and a fine of 5-20% of the damages caused. Joaquim Maria de Oliveira and Manoel José de Sousa were both Brazilian-born peddlers who sold sweets off a tray in an area of the Praça passersby frequented, usually enjoying coffee or a chat in the nearby *quiosque*. The Italian Eusebio Gentil along with another individual saw the vendors already fighting, with Eusebio claiming that

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<sup>64</sup> This phrase appears underlined in the original document.

<sup>65</sup> Ibid.

Manoel José threw Joaquim Maria's tray to the ground. Immediately, witnesses called the civil guard who was in the vicinity and put both peddlers under arrest.

According to a third witness, the accused individual, Manoel José, was in fact the real victim of Joaquim Maria's aggressive behavior, although no witnesses had seen the beginning of the fight. According to Manoel José, Joaquim Maria had been disturbing him, trying to take over his vending spot (*ponto*). Manoel José had even tried to contact a policeman to settle the dispute properly. But in the absence of the law and in the face of Joaquim Maria's constant harassment, Manoel José took the law into his own hands and in frustration threw Joaquim Maria's tray to the ground. The legal defender thus argued that Manoel José had acted in legitimate self defense. Considering that witnesses had not seen the start of the fight, Manoel José was not exempt from the charge of property violation. The damaged tray and sweets were considered more important than the personal motive of self-defense, even though the judge recognized that Manoel José was not the aggressor.

The judge's resolution to fine Manoel José for breaking Joaquim Maria's vending tray legitimated the value of peddlers' work. As objects of a crime scene, officials physically examined the broken tray and spoiled sweets in order to measure their worth. Made of wood and glass, officials estimated the *caixa*'s value to be 45 *milréis*. Manoel José was sentenced to one month in prison and fined five percent of total value of property loss, or 2.25\$. Officials also estimated the "salary and necessary time for payment of the fine." They claimed that since *doceiros* generally made one *milréis* per day, it would take twenty-

seven days to fully repay Joaquim Maria. Occurring at the height of the Passos campaign against “old customs,” the above case demonstrates that both the police and the courts treated some types of peddlers as formal workers. Although the court record does not note skin color, detention records attest that most *doceiros* tended to be Brazilian blacks or *pardos* (Images 40 and 41, Appendix Chapter Five).

Foreign immigrants, during the transitional turn to free labor, as we have seen, were subject to the same worker-vagrant dichotomy and police arrests/detentions as Brazilians. In 1917, the young Syrian *mascate* Miguel Curi was arrested on Praia da Bandeira by an official who claimed “personally know” that Miguel was a notorious vagrant.<sup>66</sup> A businessman of likely Syrian background testified that he was Miguel’s employer. Finding employer protection in ethnic enclaves of the city continued to shape the networks binding street vending and petty commerce. The employer’s statement that Miguel Curi was a worker of “exemplary behavior, without leaving much to desire” led the court to determine that “the accusation of vagrancy is false because he is a working young man of good habits.”

In 1921, police arrested a group of Syrian vendors for “physically offending” a shopkeeper.<sup>67</sup> Upon entering a *casa de fazendas*, they inquired as to the price of an item. After considering it too expensive, witnesses claimed the Syrians attacked and called the shopkeeper a “thief” (*ladrão*). One of the Syrian

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<sup>66</sup> AN, 70.2538, 5ª Pretoria Criminal, Miguel Curi, 1917. In the detention registry, Miguel Curi is listed as a *mascate*, but in the court process interrogation he has no occupation or domicile.

<sup>67</sup> AN, 6Z.6622, 3ª Pretoria Criminal, Fernando Assa, 1921.

vendors, Fernando Assa, argued that other clients in the store had first called him and his friends “*turcos* and other offensive terms.” Subsequently, he argued, they were attacked and thus responded in self-defense. The defending *curador* brought up the issue of immigration and civic membership to portray the accused as honorable men incapable of irrational violence. He argued that the “nation needed and benefitted from immigrant workers,” that insults such as “miserable Turk thieves” (*ladrões miseráveis turcos*) were shameful, and that if anything “nationalistic passion should reflect the nation’s need for immigrant labor.” Grounded in the political discourse of the time, new nationalist sentiments did not necessarily appeal to the sympathies of some Brazilian judges, as the Syrian peddlers were condemned to three months in prison.

In contrast to newly arrived immigrants, an earlier court process illustrates the income status that some African-descended Brazilians who participated in street commerce had achieved by the early twentieth-century. It was common in Brazilian urban slave society for certain slaves who were street laborers to live in rented rooms outside their master’s house, leading to further interaction with the free population and contributing to the development of an underground Afro-Brazilian culture. Among the free African population it was especially female street vendors and *quitandeiras* who were able to accumulate the capital and establish autonomous living conditions. Small urban residences and rented rooms were places of black labor organization and sites where work and leisure intertwined. In Rio’s early post-abolition period, as African culture developed



strong connections with the Bahian diaspora, such locations became known as *casas das tias bahianas*, and were typically run by female vendors.<sup>68</sup>

A dispute between African landlords and Bahian tenants that was settled in court in 1905 specifically illustrates that gendered street commerce was a significant source of Afro-Brazilian wealth in Rio.<sup>69</sup> Antônio and Maria, an African couple originally from Lagos, rented out a room in their home in Gamboa to Norberto, a mulatto from Bahia, who often shared the room with his Bahian girlfriend, Maria da Glória. Norberto was a street vendor of newspapers who was behind on rent, and both Antonio and Maria were street vendors as well (Maria later specified that she was a *quitandeira*) who earned additional income by being able to own and rent living space to poor urban workers. On 20 November 1905, a violent confrontation erupted at night between landlords and tenants due to lack of payment that resulted in the imprisonment of all four, who later appeared in court to recount their respective version of the event. It was apparently Norberto who attacked his landlords, Antônio and Maria, as a result of escalating tension due to financial difficulty and perhaps racial prejudice toward an African couple who had the privilege of property ownership. Contrary to what one might expect, given racist attitudes toward blacks, the court privileged the violation of property rights, acquitting the African couple and declaring the Bahian Norberto guilty.

### *Peddlers, the Press, and the Formalization of Street Vending*

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<sup>68</sup> Pimenta Velloso, "As tias bahianas tomam conta do pedaço: espaço e identidade cultural no Rio de Janeiro."

<sup>69</sup> AN, OR 3983, 8ª Pretoria Criminal, Antônio Adioi, 1905.

The press of the early 1900s continued to discuss the tenuous relationship between street vendors and municipal authorities at a time of greater policing, which had origins in the late slave period. Especially in the years 1912-1913, the Rio newspaper *A Época*, “the proletarian voice of the Republic,” frequently commented on the “abusive law” that established higher fines (*multas*) for street vendors.<sup>70</sup> Increasing regulation via economic penalties was particularly contested by the street vendors’ union, União Protetora de Vendedores Volantes e Comércio Volante, which formally organized in 1912. *A Época* chronicled in the daily “Coluna Operária” the activities of the union – an organization that explicitly considered itself representative of the vending “working class,” with an elected board of directors and an attorney who also acted as the liaison with other unions, such as the Sociedade de Resistência/Sindicato dos Trabalhadores de Café, the Sindicato de Pedreiros e Estivadores, and the larger Federação Operária.<sup>71</sup> Union members negotiated with the town council issues of licensing, fines, and “abusive” and “absurd” police regulation.

Increasing fines, over-policing, and even the deportation of immigrants led street vendors to threaten to strike. In 1912 and 1913, several protests about the “persecution” of street vendors, particularly against newspaper sellers, milk vendors, and peddlers working the parishes of São José and Candelária, appeared in *A Época*, reminiscent of the issues raised because of over-policing in the parish

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<sup>70</sup> *A Época*, 5 January 1913, front page.

<sup>71</sup> As historians Marcelo Badaró Mattos and Maria Cecília Velasco e Cruz demonstrate, the activities of such organizations had roots in the common experiences of enslaved and free workers. Maria Cecília Velasco e Cruz, “Puzzling Out Slave Origins in Rio de Janeiro Port Unionism: The 1906 Strike and the Sociedade de Resistência dos Trabalhadores em Trapiche e Café,” *Hispanic American Historical Review* 82, no. 2 (2006): 205-245; Marcelo Badaró Mattos, “Trabalhadores escravizados e livres na cidade do Rio de Janeiro na segunda metade do século XIX,” *Revista do Rio de Janeiro* 12 (2004).

of Santana in 1883.<sup>72</sup> Moreover, the trend toward stricter enforcement of immigration law and deportation was interpreted as a strategy that political authorities were using to “extinguish” peddlers, who were “inhumanely and barbarously persecuted.”<sup>73</sup> Street vendors made the front page of the newspaper *A Noite* on 8 January 1913, when the article titled “*Ficar o Rio sem ambulantes?*” sympathized with their grievances. The author contemplated whether Rio could survive without peddlers. Estimating that 12,000 peddlers would strike, especially *quitandeiros*, *mascates*, *peixeiros*, as well as all others who “serve the city of Rio door-to-door,” the author emphasized the “great loss” residents accustomed to buying basic goods from peddlers would experience. The author claimed it was a “calamity” that vendors were regularly fined for being in the wrong place at the wrong time – a seemingly arbitrary decision subject to the will of the police.

The question of whether vendors would disappear or not from Rio’s streets captures the ambiguous attitude of municipal authorities toward street commerce. The first decades of the twentieth century witnessed the passing of ordinances that attempted to eliminate all street commerce, and then only some types of vending alongside the increase in fines and policing. Discussing the illegal banning of peddlers from the parishes of So Jose and Candelaria, where police authorities took the law into their own hands, a newspaper writer posed a suitable question: “Why doesn’t the mayor order the immediate prohibition of all street commerce, without even permitting licensed vendors to sell? That would

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<sup>72</sup> *A poca*, 12 January 1912 and 18 January 1913.

<sup>73</sup> *A poca*, 5 January 1912.

be more serious, more correct than the persecution of those poor people.”<sup>74</sup> In other words, regulation as opposed to prohibition resulted in more arbitrary policing and “persecution.”

The ongoing tension between regulation and prohibition, the ensuing unionizing of vendors as well as the robust presence of peddlers still selling on the street resulted in the development of more regulation. In 1924, the mayor’s office passed the most comprehensive ordinance to date concerning the legitimate uses of urban space and taxing of different types of street commerce.<sup>75</sup> The “Imposto de Comércio Ambulante” of 1924 was passed just a few years before the implementation of the *Plano Agache*, a plan of urban reform that focused on the development of the city’s southern neighborhoods, or *zona sul*, as well as the port area. Both urban reform initiatives reflected further attempts toward the rationalization of urban space and modernization of urban living. In addition to licensing and higher economic penalties, peddlers had to adhere to measures that dictated where products were to be sold and how food was to be transported and distributed hygienically. Presentation was important, and if delivering or selling milk, vendors had to wear a suit jacket and collared shirt. The 1924 law also included a schedule that delineated extended work hours, averaging twelve hours per day. Specific week and holiday schedules applied to different types of sellers (e.g., sweets, meat, milk, bread, eggs, vegetables, fish, *angú*, cigarettes), illustrating the array of street vending practices that endured from the slave

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<sup>74</sup> *A Época*, 18 January 1913.

<sup>75</sup> “Imposto de Comércio Ambulante,” Boletim da Câmara Municipal, Prefeitura do Distrito Federal, Secretaria do Gabinete do Prefeito, 1924 (Rio de Janeiro, 1924), 70-74.

period. *Ganhadores* were even listed in the document as participants in the wider vending community.

### *Conclusion*

Street commerce was indeed an “old custom” that had a difficult and ambiguous position in the real and envisioned life of the capital city. Political elites’ conceptualizations of urban living based on European bourgeois culture were challenged by the persistent everyday practices and struggles of the working poor. Street vendors resisted the label of vagrancy, and attempts to limit uses of urban space and violations of property as well as official claims that their way of life and work were not legitimate. Sites of resistance were the streets, the courts, unionism, and the press. The threat to strike in 1913 was a culmination of the struggles for legitimization in a post-slave urban society that continued to rely on selling and buying on the street as a means of distributing basic goods to residents. Municipal authorities remained ambivalent over the regulation and future of street commerce. The question of whether Rio would be left without peddlers because of municipal prohibition or a union-inspired strike was one that reflected the powerful persistence of economic practices rooted in the slave experience and their vulnerability because of such origins as well as modern notions of legitimate work and public order.

The ambivalent stance of municipal authorities toward street commerce was manifested in the regulation and policing of peddlers. On the one hand, especially during the Passos reforms, officials deemed street commerce backward

and thus proposed to prohibit most vending activities in the city, restricting vendors to operating in the urban periphery. Pereira Passos specifically granted the police more regulatory power toward peddlers in the early 1900s. While peddlers had to adhere to licensing rules and restricted uses of urban space, police officers became notorious for capriciously fining vendors or arresting them for vagrancy and public disorder violations. On the other hand, regulation triumphed over prohibition because buying and selling on the street remained robust.

Municipal authorities recognized it was unrealistic to entirely eliminate street commerce since it persisted as customary practice with strong consumer demand. One step toward rationalized regulation and use of urban space was to fix mobile commerce through the creation of small markets (*feiras livres*) throughout the city as well as centralizing food distribution in the new Municipal Market of 1909. Marketeering, however, did not replace mobile commerce, and new municipal legislation in 1924 concerning peddlers illustrated municipal accommodation of the enduring customary practice of mobile street selling.

The first two decades of the twentieth century saw municipal initiatives that literally marginalized street commerce to the urban periphery and toward vulnerable positions vis-à-vis the police. Policing and the application of fines and criminal law against improper vending or street behavior facilitated this process. But the constant revision of street commerce regulation, including the realm of licensing, taxes, fines, and proper vending locations, kept street commerce from becoming an entirely marginal economy. Peddlers' efforts in court and through union activities in order to be recognized as legitimate workers further reflected

the tenuous position of street commerce as formal and informal labor. The co-existence of slavery and freedom that characterized the liminal space of street commerce in urban slave society of the nineteenth century developed into the dialectic of marginalization and formalization that characterized the liminal space of street commerce in the urban market economy of the twentieth century.

## Chapter Six (and Conclusion)

### From Slave to Urban Type: The Visual and Social Histories of Street Vendors in the Turn to Free Labor

Chegando ao Rio de Janeiro / foi trabalhar de ajudante / de pedreiro numa obra /  
mas pensava todo instante: / quando eu tiver boa quantia / vou comprar  
mercadoria / pra trabalhar ambulante.  
*A briga do rapa com o camelô* (Rio de Janeiro, 2004)

De geração em geração  
Todos no bairro já conhecem essa lição  
[...]  
Mostrando a mentalidade  
De quem se sente autoridade  
Nesse tribunal de rua  
“Tribunal de Rua,” *O Rappa* (Rio de Janeiro, 1999)

In 2005, the Museu Histórico Nacional (MHN) in Rio de Janeiro organized the “itinerant exhibit” (*exposição itinerante*), “Pelas Ruas e Calçadas: Comércio Informal e Ambulante, Ontem e Hoje” (“Through the Streets and Sidewalks: Informal and Mobile Commerce, Yesterday and Today”). This ongoing exhibit opened first at the MHN and has been travelling to museums in other Brazilian states since 2006.<sup>1</sup> The exhibit displays the history of street vending in Brazil (mostly in Rio) through historical images and narratives, spanning the period from the nineteenth century to the present. It was common for museums that temporarily housed the itinerant exhibit to also add real

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<sup>1</sup> The link to the MHN exhibit, “Pelas Ruas e Calçadas” is <http://www.museuhistoriconacional.com.br/mh-i-01e.htm> (accessed 27 March 2007, 3:25PM). The exhibit is based on photographic images that are archived in the MHN.



“itinerants,” or street vendors, to the museum-going experience. One could learn about the slave and immigrant pasts of street commerce after buying popcorn from the *pipoqueiro* (popcorn peddler) stationed with his cart in the exhibit room. Such experience promoted the idea that history was alive and that the past continued to be represented on city streets. The *vendedor ambulante* was a unique street character that most Brazilians recognized as autochthonous to their own towns and cities. Street commerce developed alongside urban growth as a ready purveyor that sold basic goods faster than supposedly modern methods. As the exhibition’s brochure noted, “who had not seen or heard about the *mascate* [...] the *quiosque* [...] the *bahiana* [...] the child *jornaleiro*, or the *camelô*?”<sup>2</sup>

Targeting the Brazilian audience in general, the exhibit mostly focused on images and texts describing street vending in Rio, which illustrated vending “social types” in urban slave society and “urban types” in post-abolition society. In chronological order, one could follow the visual narrative of the historical development from *ganhador* to *ambulante*. In the case of Rio, the transition from enslaved to free labor and from *ganhador* to *ambulante* transformed the street vendor into a *tipo carioca* (a social type native to the city of Rio). Throughout this transitional period, cultural representations of peddlers in images and chronicles produced new meanings that normalized certain types of vending and vendors, and also critiqued the inadequacy of twentieth-century modernity. As historian Ana Maria Mauad argues, the relationship between images, visibility, and history is a “forum” to discuss social history and, in particular, social

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<sup>2</sup> AGCRJ, Folheto 162.

practices such as seeing, knowing, and imagining.<sup>3</sup> In the case of Rio's artistic and visual relationship with street vending, the acts of "seeing, knowing, and imagining" resulted in a process of cultural normalization that further contributed to street commerce's ambivalent status and semi-formality. Both social and visual histories during the years 1850-1925 draw attention to the slave legacies and ambivalent modernity of street commerce in Rio.

The following pages analyze the links between the visual and social representations and histories of street commerce during the period of 1850-1925. The changing visualization of peddlers throughout this period tells a story of slavery, freedom, racial segmentation, and the gradual in/formalization of street commerce in the urban market economy. While regulation and policing gradually marginalized street commerce, visual and written narratives about street vendors celebrated them as an urban type who was particularly modern and *carioca*. The street peddler became a *tipo carioca*. In becoming part of *carioca* identity, along with "informality" and "mischievousness," consumers imagined and culturally expressed the need for *ambulantes* in Rio. Street peddlers' cultural and material endurance was marked by the transition from slavery to freedom. How certain visual and social practices from the slave period persisted and transformed in the twentieth century explains the ambivalence of the in/formalization of street commerce in Rio.

Street vendors appeared in *costumbrista* prints and engravings of the early nineteenth century, photographs of the latter half of the century, and caricatures of

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<sup>3</sup> Ana Maria Mauad, *Poses e flagrantes: ensaio sobre história e fotografias* (Nitéroi: Editora da Universidade Federal Fluminense), 14.

the early twentieth century. Prints and engravings of the early nineteenth century illustrated the social and work activities of African-descended *ganhadores* in Rio and the actual practice of street selling. In contrast, much of the photography of the nineteenth century portrayed individual African-descended as well as European peddlers, showing how transatlantic encounters were transforming the cityscape and face of street commerce. Vendors also appeared in the works of early twentieth-century chronicle writers (*cronistas*) in Rio. In these representations, street vendors were discursively transformed from slave types to urban types in post-slave society, a process that was also related to their semi-formal status in the city. The pseudo-scientific classification of races in the nineteenth century influenced the typification and cultural representation of peddlers as ideas about racial and ethnic difference, along with ideologies about slave and free labor, shaped visual and written narratives. The section below analyzes these various representations according to Walter Benjamin's philosophy of history and modernity as expressed through his notion of the "dialectical image," further revealing the ambiguous or semi-formal status of street commerce in Rio. Benjamin used the dialectical image as proof of false progress, as cultural representations of Rio street commerce critiqued an inadequate or inauthentic modernity.<sup>4</sup>

How a number of artists and writers visualized street peddlers sheds light on the slave origins and ambivalent presence of street commerce in Rio. The art of French Mission painters in Brazil, photographs and *cartes-de-visite* as well as

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<sup>4</sup> Susan Buck Morss, *The Dialectics of Seeing: Walter Benjamin and the Arcades Project* (Cambridge: MIT Press, 1993).

several written chronicles and caricatures depict the peddler as an urban type that developed through slavery and post-slave society. The extent of representation raises the question of agency – that is, whether the peddlers themselves contributed to the process of visualization. In other words, “can the subaltern visualize” or make themselves visible to create a particular image?<sup>5</sup> In the discursive progress from slave to urban type, did the practices and struggles of peddlers influence how artists and writers represented them? If vendors did visualize, how did this affect notions of formality and informality concerning street commerce? Was the development of the street vendor as urban type indicative of a powerful cultural and societal normalization that further allowed street commerce to endure albeit ambiguously? These are questions I seek to address in this chapter as the visual history of street vending brings to light the legacies of slavery and ambivalences of modernity that the social history between 1850 and 1925 also exposes.

The parallelism between the visual and social histories of street vending is an important point with which to conclude this project as their trajectories reflect the ruptures and continuities that defined the transitional era from slavery to freedom in Brazil. The social and visual histories demonstrate that the street was a historical stage and a porous environment that supported the shared history of slavery and modernity and of enslaved and free labor in the city of Rio. The street was also central to the development of a sense of civic membership and urban citizenship. Visual and written representations of street vendors further

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<sup>5</sup> I borrow this phrase from Greg Grandin, “Can the Subaltern Be Seen? Photography and the Affects of Nationalism,” *Hispanic American Historical Review* 83, no. 1 (Fall 2004): 83-111.

contributed to notions of inclusion and exclusion as well as appropriate and inappropriate vending practices. The visualizing of street vending was also linked to representations of an idealized past that constructed “old Rio,” or *O Rio Antigo*, as, I argue, the “authentic” Rio.<sup>6</sup> Many artists and writers nostalgically depicted vendors as offspring of *O Rio Antigo*, who had survived in the face of a destructive and inauthentic modernity. Street commerce occupied a liminal space between slavery and freedom and between traditional and modern Rio.

I use Hernando de Soto’s concept of “semi-formality” to help describe the origins of the in/formalization of street commerce in Rio.<sup>7</sup> The political economy of informality was present in the First Republic although informal economies were not discussed as such by officials until the mid-twentieth century. Overregulation, changing municipal legislation resulting in more fines and policing, and the post-abolition State’s concern with public order defined formality as much as it created informality. Yet vendor organizing and regulatory measures that turned the State into a patron also transformed street vendors into semi-formal political and economic actors. Civic membership was not only a struggle in the political economy of informality, but also in the cultural politics of artists and writers for whom the street peddler was simultaneously traditional and modern.

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<sup>6</sup> Gilberto Ferrez, *O Rio Antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984); Viviane da Silva Araujo, “Marc Ferrez e as imagens da nação: uma investigação acerca da construção da identidade nacional brasileira,” *História, imagem e narrativas* 5, no. 3 (2007): 1-20; Milton Guran, *Fotografia: suporte de memória, instrumento de fantasia* (Rio de Janeiro: Centro Cultural Banco do Brasil, 2005).

<sup>7</sup> Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2003).

*The “Dialectics of Seeing” Street Vendors*

Walter Benjamin’s “dialectical image” frames the analysis on the changing visual and written representations of street vendors from the time of slavery to the early post-abolition period. The dialectical image, as Benjamin intently sought to demonstrate in *The Arcades Project*, allows for a critique of modernity based on historical legacies and experiences that are tenuously suspended in the image-object.<sup>8</sup> For Benjamin, “the dialectics of seeing” urban dynamics, for example, was itself an act of materialist historical thinking and the methodology for pointing at the inauthenticity and false progress of modernity.<sup>9</sup> Susan Buck-Morss’ reading of *The Arcades Project* adds that in the “early stage of industrial nature it is no accident that early modernity feels an affinity for the primitive and the archaic” since modernity was not a break from but a recodification of pre-modern legacies and power dynamics.<sup>10</sup> Benjamin used the method of the dialectical image and *montage* to de-naturalize history’s presumed harmonious and progressive elements, arguing that modernity was a mimetic expression of the past. The dialectical image is thus a useful methodology for discussing the slave legacies and ambivalent modernity of street commerce.

The nostalgic aura of the image was a mimetic expression that revealed modernity’s inauthenticity, according to Benjamin. The evocative visualization of Rio’s street commerce and old urban customs at the turn of the century was no

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<sup>8</sup> See Buck-Morss, *The Dialectics of Seeing*, 211, for a graph (and explanation) of Benjamin’s dialectical image, historical legacies, and modernity – variables that together compose the image-object/commodity.

<sup>9</sup> Buck-Morss, *The Dialectics of Seeing*; Eduardo Cadava, *Words of Light: Theses on the Photography of History* (Princeton: Princeton University Press, 1997); Graeme Gilloch, *Myth and Metropolis: Walter Benjamin and the City* (Cambridge, UK: Polity Press, 1996).

<sup>10</sup> Buck-Morss, *The Dialectics of Seeing*, 70 and 79.

exception. The widespread artistic depiction of enslaved street vendors and workers (i.e., *ganhadores*) in the early the nineteenth century initiated the relationship between street vending, visual representation, and *carioca* identity. By 1830, for example, the French painter Jean-Baptiste Debret (1768-1848) had already depicted the variety of peddlers and *ganhadores* who sold on the streets of Rio and were central to street market relations in slave society.<sup>11</sup> Peddlers were everywhere in the city, in the many markets and in the brief commercial encounters between sellers and passersby that characterized everyday life in the *cidade negra*. African-descended and many African-born men and women appeared in paintings selling and buying all types of foodstuffs (e.g., fruits, vegetables, poultry, meat, *angu*, water, milk, cashews, cane juice, baskets, housewares, *capim*, flowers, tobacco). Debret's three-volume *Viagem*, for instance, showed that street commerce was inseparable from urban slave society. On the one hand, he brought to light the freedom of movement enjoyed by many urban slaves who worked on the street, and, on the other, the unforgiving and often violent consequences of slavery (Image 42, Appendix Chapter Six).

In the nineteenth century, several artistic works came to portray the human types who populated the empire and then republic of Brazil.<sup>12</sup> Historian Celeste

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<sup>11</sup> Jean-Baptiste Debret, *Viagem Pitoresca e Histórica ao Brasil* Vol. 1-3 (Rio de Janeiro, Editora Itatiaia, 1985 [1834]). The images included in this chapter as well as previous chapters are lithographs published between 1834 and 1839, which are based on watercolors completed between 1816 and 1831.

<sup>12</sup> Emannel Araújo, *Para nunca esquecer: negras memórias: memórias negras* (São Paulo, MINC, 2002); Paulo Cesar de Azevedo and Mauricio Lissovsky, *Escravos brasileiros do século XIX na fotografia de Christiano Jr.* (São Paulo: Ex Libris, 1987); George Ermakoff, *O negro na fotografia brasileira do século XIX* (Rio de Janeiro: Casa Editorial G. Ermakoff, 2004); Ana Maria Mauad, "Imagem e auto-imagem do Segundo Reinado," in *História da vida privada no Brasil. Império: a corte e a modernidade nacional* Vol. 2, ed. Fernando A. Novais and Luiz Felipe de Alencastro (São Paulo: Companhia das Letras, 1998); Carlos Eugênio Marcondes de Moura A

Zenha notes that in the decade of 1840 there was a shift in foreigners' artistic production in Brazil.<sup>13</sup> The turn was due to the emergence of naturalism, which inspired artists to become less concerned with landscapes and more interested in portraying the inhabitants of those landscapes. Their paintings alternated between landscapes and "social types," who were the enslaved workers of Brazilian plantations and cities.<sup>14</sup> In the 1820s, for example, Debret was already illustrating an array of urban scenes populated with numerous black *ganhadores* of all types (e.g., vendors, carriers, street barbers, healers, etc.).

Federico Guilherme Briggs, a student of Debret, had already produced a lithographic series of the "street types" that populated Rio by 1832. Under his supervision, the Riviere & Briggs lithographic studio printed portraits of *escravos ao ganho* with the variety of products they sold, such as poultry, fruit, sweets, and dolls.<sup>15</sup> In the latter half of the nineteenth century, lithography and photography steadily grew, with artists establishing several studios in central Rio.

Photography was introduced in Brazil a few months after the patented daguerreotype, and by the mid-1850s, as *cartes-de-visite* stimulated the production of photographic images, studio and itinerant photographers were already well implanted in Brazilian urban visual society. In Rio, photographers became as prominent and sought after as painters, and in 1880 both were equal in number according to local listings.<sup>16</sup> The growth of photography particularly

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*travessia da Calunga Grande: três séculos de imagens sobre o Negro no Brasil, 1637-1899* (São Paulo: Editora da Universidade de São Paulo, 2000).

<sup>13</sup> Cecilia Zenha, "O negócio das "vistas do Rio de Janeiro": imagens da cidade imperial e da escravidão," *Estudos Históricos* 34 (2004): 1-27.

<sup>14</sup> *Ibid.*, 10-11

<sup>15</sup> *Ibid.*, 5-6; See Image Three of *negro de ganho*.

<sup>16</sup> *Ibid.*, 3.



reflected an interest in Brazilian social and racial types, as photography developed alongside biometric and scientific racism.<sup>17</sup>

The protagonism of workers and slaves in Brazilian art of the mid-century especially gained a scientific-racist perspective in the latter half of the nineteenth century with the developments of photography. Zenha argues that while at first the focus on “social types” could also gesture toward the brutality of slavery, as seen in the work of Debret, photography eventually captured the images of “types” to explain racial hierarchy and human progress.<sup>18</sup> In 1864-1865, for example, José Christiano Júnior (1832-1902) photographed several *tipos de negros* (“types of blacks/slaves”) as well *tipos de negros de ganho*, or types of black/slave *ganhadores*. Photographs of social and racial types became popular in the nineteenth-century commercial circulation of *cartes-de-visite* between Europe and the Americas (Image 43, Appendix Chapter Six).<sup>19</sup> Mauad notes, for example, that in the *Almanak Laemmert* of 1886, Christiano Jr. announced that his photographic studio sold “a diverse collection of customs and *tipos de pretos*, very appropriate for those who retire in Europe.”<sup>20</sup> A significant number of foreign- and Brazilian-born photographers between 1860 and 1900, which includes Marc Ferrez, Felipe Augusto Fidanza, Jean Victor Frond, João Goston, Alberto Henschel, Revert Henrique Klumb, Rodolpho Lindemann, Augusto de Azevedo, and Augusto Stahl, also commercialized through *cartes-de-visite*

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<sup>17</sup> Ermakoff, *O negro na fotografia do século XIX*; Mauad, *Poses e flagrantes*; Lilia Moritz Schwarcz, *The Spectacle of the Races: Scientists, Institutions, and the Race Question in Brazil, 1870-1930* (New York: Hill & Wang, 1999); Deborah Poole, *Vision, Race, and Modernity: A Visual Economy of the Andean World* (Princeton: Princeton University Press, 1997).

<sup>18</sup> Zenha, “O negócio das “vistas do Rio de Janeiro,” 12 and 19.

<sup>19</sup> Ermakoff, *O negro na fotografia brasileira do século XIX*, 122-134. See footnote 17.

<sup>20</sup> Mauad, “Imagem e auto-imagem do Segundo Reinado,” 204.

images of *tipos de pretos* from places such as Rio de Janeiro, Bahia, São Paulo, Pernambuco, and Pará.

Art and photography in the nineteenth century altered the act of seeing and visualizing, rearticulating ideas of difference and race in the world of street commerce. Anthropologist Deborah Poole agrees with Roland Barthes' view that the photograph is a free-floating signifier that "cannot be tied to a single agenda," which subsequently Poole interprets as an "open semiotic code" that allows for subaltern agency. Further, she notes that "for Walter Benjamin, the non-narrative quality of visual images operates in a similar fashion to open up critical spaces from which dominant historical narratives can be questioned."<sup>21</sup> Photography had a paradoxical function. On the one hand, photography was a system of representation that functioned "honorifically," as the middle-lower classes gained access to photographic portraiture, while photographers highlighted the "salutary effects of photography on working-class family life."<sup>22</sup> On the other hand, photography was a system of representation that functioned "repressively," as it "came to establish and delimit the terrain of the *other*, to define both the generalized look – the typology – and the *contingent instance* of deviance and social pathology."<sup>23</sup> For example, historian Greg Grandin illustrates how photographic portraiture functioned as an honorific system of representation among the urban K'iche' Mayas of Quetzaltenango, whereas Poole shows how

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<sup>21</sup> Poole, *Vision, Race, and Modernity*, 19.

<sup>22</sup> Alan Sekula, "The Body and the Archive," in *The Contest of Meanings: Critical Histories of Photography*, ed. Richard Bolton (Cambridge: MIT Press, 1989), 343-356.

<sup>23</sup> *Ibid.*, 345. Emphasis is original.

*cartes-de-visite* constructed notions of “otherness” and normalized particular human typologies.<sup>24</sup>

While photography was “the instrument and mirror of hegemonic power, capable of classifying, disciplining, and coding”<sup>25</sup>, popular groups also engaged in the dialogic process of visualization. Both Grandin and Poole agree that the “will to be seen” implied a negotiation between the photographer and the photographed subjects in which popular and middle classes reworked visual expressions of class, race, gender, and modernity. “Can the subaltern visualize?” is an appropriate question when considering the images of Rio’s street vendors in the mass circulation of *cartes-de-visite*. For example, in the 1860s and 1870s, Marc Ferrez (1843-1923) photographed a number of street sellers in his studio on Rua São José. The studio portraits of racial and vending types became successful *cartes-de-visite*. In 1899, Ferrez took it a step further by moving studio photography outdoors, preferring to photograph vendors directly on the street.<sup>26</sup> He always carried with him a white linen cloth that he would place as backdrop behind the vendors. The white background had the sterilizing effect of studio photography, separating vendors from the city as seeming artifacts. The posture of vendors, which was not as cosmetic as studio photography portrayals, revealed the act of self-visualizations alongside the intent of the photographer. The later

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<sup>24</sup> Grandin, “Can the Subaltern Be Seen?” Poole, *Vision, Race, and Modernity*.

<sup>25</sup> Grandin, “Can the Subaltern Be Seen?” 84.

<sup>26</sup> Between 1875 and 1876, Marc Ferrez was the assistant photographer of the Imperial Geological Commission led by the Canadian geologist Charles Hartt. Ferrez’s photographs became auxiliary illustrations of the scientific mapping carried out by geologists in expeditions throughout Brazil. Landscape photography as well as portraits of indigenous men and women in Bahia served a scientific purpose, but also contributed, visually, to the imagined Brazilian nation at the end of the nineteenth century, as such photographs were displayed in the world expositions of Paris (1889) and Chicago (1893).

use of Marc Ferrez's photographs (as edited by his historian grandson Gilberto Ferrez) in the construction of *O Rio Antigo* noted the dignifying presence of *ambulantes*.

Ferrez's portrayal of African, Brazilian, and European street sellers reflected the increased ethnic diversity that accompanied population change at the turn of the century. The city of Rio grew from 266,000 inhabitants in 1872 to 522,000 in 1890. During this transitional period, Ferrez photographed Rio "for decades at a stretch, returning periodically to the same places to register the most subtle changes brought on by gradual urban growth."<sup>27</sup> Many residents were hyperaware that urban society was rapidly changing, and an anxiety about modernity created idealizations of the past in the works of artists, writers, and intellectuals. For example, Ferrez visualized a *Rio Antigo* that was disappearing with urban renewal projects. As a photographer, he captured the act of disappearing and erasing of a "backward" past, but his images could also evoke nostalgia, hence Pedro Nava's definition of Ferrez's Rio as "a city named nostalgia" (*uma cidade chamada saudade*).<sup>28</sup> Street vendors were among the central figures that characterized *O Rio Antigo*, according to Ferrez's photos. In 1899, vendors were complex characters associated with pre-modern practices and the marginalizing effects of modernity. As dialectical images, Ferrez's photographs of street sellers exposed the uneven transition from slavery to freedom. Vendors appeared as artifacts of a past deemed backward and remnants

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<sup>27</sup> Pedro Vasquez, *Fotógrafos no Rio de Janeiro: Victor Frond, George Leuzinger, Marc Ferrez e Juan Gutierrez* (Rio de Janeiro: Dazibao, 1990).

<sup>28</sup> Pedro Nava in Gilberto Ferrez, *O Rio Antigo de Marc Ferrez* (São Paulo: Editora Ex Libris, 1984), 9.

of an earlier age soon to be erased. Yet they also had an active role in modern Rio.

Ferrez's photograph of two white immigrants selling poultry on the street in 1899 exemplifies the dialectical tensions of slavery and modernity and slave and free labor that both European and African diaspora experienced in street commerce at the turn of the century (Image 44, Appendix Chapter Six). The photograph resembles Debret's depiction of the same type of vendors (Image 45, Appendix Chapter Six). Considering Mauad's suggestion that early nineteenth-century prints and engravings of landscapes influenced the landscape photography of nineteenth-century Rio, it is reasonable to presume that Ferrez was familiar with and even influenced by Debret's "Vendedoras de Aves" and other depictions of social types.<sup>29</sup> A number of dialectical tensions surface immediately in both photographs. Immigrant (free) and black (slave) labor shared a history in Rio's street commerce as the *ganho* system regulated both slave and free workers. The "black/slave *ganhador* licenses" (*licenças de negro de ganho*) of the mid-nineteenth century racialized European (white) vendors and linked them to the slave culture of street commerce. Experiential and structural conditions connected black and white peddlers. For instance, immigrant vendors in 1899 were shoeless just like slaves. In Ferrez's photographs, both African-descended and immigrant vendors were disappearing artifacts of "old Rio." At the same time, they were workers experiencing a modernity that was marginalizing, hence their liminal status and portrayal as integral yet separate from the city, in Ferrez's photographs c.1899.

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<sup>29</sup> Mauad, *Poses e flagrantes*, 111.

Benjamin attempted to construct a “history of origins” through his unfinished study of the nineteenth-century shopping arcades in Paris, which he started in the late 1920s. The arcades were a product of Paris’ early industrial age and, according to Benjamin, a material replica of early bourgeois culture where all the errors and archaic residues could be found. Interested in the past and living in a present when “primitivism” was fashionable, Benjamin explored the commodity as a “dialectical image,” revealing the primitiveness of industrial culture.<sup>30</sup>

Benjamin identified the latter as a dialectical tension between nature and modernity, underlying the very establishment of bourgeois culture and hence exposing its fragility. What he intended to capture in *The Arcades Project* was an arrangement of “historical images” from which he would develop “not a philosophy of history, but a philosophy out of history.”<sup>31</sup> According to Benjamin, there was a historical “concreteness” that survived in all objects and hence transformed the “dialectics of seeing” into an adequate methodology to expose the falsity of modern progress by unearthing the primitiveness and “always-the-same” aspect of the commodity and bourgeois culture in general.<sup>32</sup> The “always-the-same” appeared in the shared history of slave and free labor in street commerce as depicted in Ferrez’s photographs of black and white peddlers. The open-air studio blocking the urban landscape with a white backdrop placed white and black peddlers on the same plane. Both were *tipos cariocas* in a rapidly changing urban environment that threatened to extinguish them and at the same time recognized

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<sup>30</sup> Buck-Morss, *The Dialectics of Seeing*, 211.

<sup>31</sup> *Ibid.*, 55.

<sup>32</sup> *Ibid.*, 56.

them as valuable actors in the lives of many *cariocas*, who depended on them for purchasing basic goods.

The nostalgic social typing of street vendors at the turn of the century continued to be linked to ideas of race and modernity. Peddlers were cultural survivals of a romanticized past and they were also products of the culture of survival of slavery and an uneven transition to freedom. The typology of urban characters continued as a theme in the photography of early twentieth-century Rio. In 1903, Augusto Malta (1864-1957) was appointed the official photographer of the municipality headed by Francisco Pereira Passos. Malta originally documented the progress of the Passos reforms, while his depictions of urban change eventually became known for illustrating the Rio of the Belle Époque. Malta's photography was an "instrument of the effort of legitimization of the urban reforms and in the construction of the memory of Rio de Janeiro."<sup>33</sup> The photographing of urban demolition and construction attempted to create consensus regarding Belle Époque reforms that were in the eyes of many physically and symbolically violent. The municipality expressed the following mission statement: "[T]he Municipal Archive will house documentation so that whoever succeeds us and is curious will be able to find the elements to remember the past of Rio de Janeiro's streets and buildings. We would like for the municipal photographer to have time to uncover our bad customs, individuals laying on the street, fallen or drunk; [...] and many other ridiculous things that

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<sup>33</sup> Fernando Gralha de Souza, "Augusto Malta e o olhar oficial - Fotografia, cotidiano e memória no Rio de Janeiro - 1903/1936," *História, imagem, e narrativas* 2, no.1 (2006), 71.

infest this capital, which time and the energetic will of the mayor will destroy to give way to civilization in the interest of improvement and perfection.”<sup>34</sup>

While Ferrez was photographing a fading nineteenth-century city, Malta was ordered to document a past that was being deliberately destroyed with the urban reforms of the Passos regime. His photographs aimed to time-freeze typical *carioca* characters, or “human types” and “everything that was relevant for the present and the future.” Such images sought to illustrate the perished days of *O Rio Antigo* and the promise of the “marvelous city” (*cidade maravilhosa*) political elites of the Belle Époque envisioned.<sup>35</sup> Rather than erasing or constructing a backward past, however, Ferrez’s and Malta’s photographs, in years following their publication, contributed toward the creation of nostalgia or *saudade* that constructed an imaginary “old Rio” in which street vendors were frequent protagonists.<sup>36</sup> The nostalgic construction of *O Rio Antigo* emerged after the Belle Époque, but cultural artifacts reflective of “old Rio,” such as photographs, were produced in the nineteenth and early twentieth century. Already in 1912, Gustavo Dodt Barroso (1888-1959) lamented in his essay *O Culto da Saudade* (The Cult of Nostalgia) the destruction of tradition and architecture in Rio by the Passos reforms.<sup>37</sup> As historian Daryle Williams notes, Barroso was “critical of

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<sup>34</sup> “Fotografia Municipal,” *O Comentário*, 27 January 1904, 37-38; quoted in Souza, “Augusto Malta e o olhar oficial,” 84.

<sup>35</sup> In November 1906, when Rodrigues Alves passed on the presidency to Alfonso Pena, he introduced the city of Rio – sanitized and reformed – as “the prettiest city in the world” – a “*cidade maravilhosa*,” Souza, “Augusto Malta e o olhar oficial,” 83.

<sup>36</sup> A simple online search for “*O Rio Antigo*” will reveal the diversity of blogs and websites on the matter.

<sup>37</sup> Gustavo Barroso, a journalist and folklorist from Ceará as well as a proto-fascist political activist in the movement known as *Integralismo*, became founder of the Museu Histórico Nacional (MHN) in 1922. The essay “O Culto da Saudade” was first published in the Rio newspaper *Jornal do Commercio* in 1912, under the pseudonym João do Norte. See, Gustavo Barroso, “O culto da



the ‘Tropical Belle Époque’ that refashioned Rio in the image of Paris. Like much of the café society of the turn of the century, *O Culto da Saudade* idealizes Paris, but it is a Paris of picturesque market festivals at Les Halles, not bourgeois outings at the Tulleries.”<sup>38</sup> In 1912, Barroso stated that “*O Culto da Saudade* is still not for us” since presumptuous cosmopolitan political elites of the Belle Époque were not concerned with honoring traditions such as old marketeering practices or Afro-Brazilian celebrations.<sup>39</sup> The Cult of Nostalgia and the construction of *O Rio Antigo* had roots in the turn of the century, yet gained strength after the first decades of the twentieth century.

Although many of Malta’s images depicted cityscapes and captured “bourgeois outings,” his focus on *carioca* everyday life (e.g., the interiors of *cortiços* and *favelas*, child newspaper vendors, and the social worlds of kiosks) eventually contributed to the construction of *O Rio Antigo* (Image 46, Appendix Chapter Six). In contrast to Ferrez’s dignifying images of vendors, Malta applied the gaze and purpose of urban renewal. Consequently, an image of a *casa de quitanda* with several *ambulantes* hanging around included diagonal lines indicating that the “old” (i.e., the *casa de quitanda* and *ambulantes*) was destined to be surgically removed.<sup>40</sup> The official purpose of Malta’s photographs did not survive, however, as his oeuvre became instead a window on *O Rio Antigo*.

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saudade,” in *Anais do Museu Histórico Nacional* 29 (1997): 32-34; Daryle Williams, *Culture Wars in Brazil: The First Vargas Regime, 1930-1945* (Durham: Duke University Press, 2001).

<sup>38</sup> Williams, *Culture Wars in Brazil*, 138. For further readings on *O Culto da Saudade* and the links between *saudade*, memory, and modernity, Afonso Carlos Marques dos Santos, “Memória-cidadã: história e patrimônio cultural” in *Anais do Museu Histórico Nacional* 29 (1997): 37-56; Regina Abreu, *A fabricação do imortal* (Rio de Janeiro: Rocco/Livraria Lapa, 1996).

<sup>39</sup> Barroso, “O culto da saudade,” 34.

<sup>40</sup> Souza, “Augusto Malta e o olhar oficial,” 81; Augusto Malta, “Quitanda na Rua do Rezende e ambulantes” (1905).

Mauad argues, as stated above, that early photographs of urban scenes belonged to the visual urban tradition of Rio as well as the “particular habitus of Brazilian [or *carioca*] sociability.”<sup>41</sup> Such visual heritage primed many *cariocas* to view Malta’s photography as capturing the fading “old [and authentic] Rio” rather than the new, modernized Rio.

In contrast to the photographs that situated peddlers in a nostalgic past, other photography related to police work highlighted deviant behavior. As discussed earlier, urbanization and a growing population of unemployed in the nineteenth century resulted in the criminalization of the vagrant, the homeless, and other offenders who “threatened” to destabilize the emerging bourgeois order. According to Allan Sekula, the use of photography facilitated the panoptic surveillance of cities, and photographic images reproduced visual “evidence” to scientifically divide social/racial groups and establish the triumph of the bourgeois man. Physiognomy (the study of individual character through anatomic features of the face and head) and phrenology (the study of individual character through features of the skull and brain) developed in the eighteenth century and matured in the nineteenth-century pseudo-science of criminology. The latter applied photography – the “mug shot” – as a method of optical empiricism. Sekula notes, however, that by the late nineteenth century “the camera is integrated into a larger ensemble: a bureaucratic-clerical-statistical system of “intelligence” embodied in the archive or the filing cabinet.”<sup>42</sup> In the 1880s and

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<sup>41</sup> Mauad, *Poses e flagrantes*, 111. Specifically see the chapters, “Na mira do fotógrafo: o Rio de Janeiro e seus espaços através das lentes de Juan Gutierrez” and “A inscrição da cidade: paisagem urbana nas fotografias de Marc Ferrez e Augusto Malta.”

<sup>42</sup> Sekula, “The Body and the Archive,” 351.

1890s, photographs catalogued in archives assigned the criminal body a measured position within the urban populace. Urban police work attempted to construct “the essence of crime” through the cataloguing of the bio-archive.<sup>43</sup> Such reliance on the visual positioned the body as text and as a clue of identification, which in the early twentieth century became specifically manifested in the fingerprint system, gradually substituting the anthropometric system.

The body, the image, and the archive became discursive sites in which, Foucault would argue, power and knowledge combined to produce a truth-reality that established the need for management and surveillance. Sekula explores the merging of optics and statistics in late nineteenth-century criminology and how they resulted in different scientific approaches, as illustrated by the works of French criminologist Alphonse Bertillon and English criminologist Francis Galton. Bertillon primarily relied on photographic portraiture to create a system of criminal identification that took residence in the police archive. He mounted the photograph onto a card to which he added standardized written notes and then catalogued it in a filing system. Bertillon’s police archive functioned as a “complex biographical machine” designed to identify repeat offenders, “habitual” or “professional” deviant behavior.<sup>44</sup> This system resulted in a process of identification that visualized the vagrant and the chronically unemployed as a menace to society.

In Brazil, the photographs appended to an individual’s *ficha criminal*, or the police file with data on detainees, had clear origins in the nineteenth-century

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<sup>43</sup> Ibid., 353.

<sup>44</sup> Ibid., 357.

photography of social and racial types. Anthropologist Olivia Maria Gomes da Cunha's work on criminality and the production of racial (in)difference analyzes, for example, the *ficha criminal* of the man Themótio Freire, opened c.1922.<sup>45</sup> Arrested in Rio, Themótio was black, well dressed, in a suit, and leaning against a chair, posing with his head tilted. His stance resembles that of an individual posing for a family album picture and could have easily appeared in a *carte-de-visite*. Although the image is not the mug shot prescribed by Bertillon, police officials in Rio believed it was important to give the photograph "a most possible natural air" to illustrate the multifaceted essence of the criminal.<sup>46</sup> Cunha argues that detained men and women wanted a "good portrait" of themselves and "made the effort to appear amicable."<sup>47</sup> As seen in the portrayals of vendors, the subaltern visualized and expressed agency through posture. Even the cataloguing of social or criminal types involved a dialogic relationship between photographer and "criminal," as both apparently agreed on the most dignifying posture, as the case of Themótio illustrates. Such images were unexpectedly gracious for a *ficha criminal*, yet indicative of the idea that criminal or vagrant behavior took different forms. Criminalizing street behavior widened the spectrum of types of individuals, even those appearing to be docile (like Themótio), as potential suspects.

Empiricist models, such as the archive, the filing cabinet, and the cataloguing of images, "would be repeated and refined in the writings of Walter

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<sup>45</sup> Olívia Maria Gomes da Cunha, *Intenção e gesto: Pessoa, cor e a produção cotidiana da (in)diferença no Rio de Janeiro* (Rio de Janeiro: Arquivo Nacional, 2002), 23.

<sup>46</sup> *Ibid.*, 24.

<sup>47</sup> *Ibid.*

Benjamin.”<sup>48</sup> As Sekula notes, it has been the tendency to associate Benjamin with the theory of the practice of montage when in fact he developed this from the taxonomical models that characterized scientific work in the nineteenth century. Sekula contends it is possible to see the nineteenth century photographer as *monteur*, on the one hand, and a respectable critic of the working class, on the other. The same can be said of Benjamin and *flâneurie*. The *flâneur* was an individual urbanite of the nineteenth century, usually of upper-middle class origin. He strolled the city streets as a removed observer and commentator of urban spectacle. *Flânerie* was a formative aspect of Baudelaire’s poetry, and it became the means by which Benjamin – the first major critic of mass culture and Baudelaire’s poetry – collected information for *The Arcades Project*. Interested in the fetish character of commodities and the origins of mass culture, Benjamin became a collector of objects, and in many ways an urban historical anthropologist, who organized his findings into a filing system reminiscent of the nineteenth century archive.<sup>49</sup>

In the early twentieth century, while the police in Rio archived social types, so did the legendary writer Paulo Barreto (1881-1921), better known as João do Rio. A native of Rio, Barreto considered himself a *flâneur* and a connoisseur of *tipos cariocas*. The name “João do Rio” revealed that Paulo Barreto was keenly one more urban character connected to the essence and spectacle of the city. He was as much influenced by Charles Baudelaire’s

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<sup>48</sup> Ibid., 376.

<sup>49</sup> Buck-Morss, *The Dialectics of Seeing*, 50-53.

writings on Paris as Pereira Passos was by Haussmann.<sup>50</sup> João do Rio wrote about a variety of street scenes and activities, published in *A Gazeta de Notícias* between 1904 and 1907, and anthologized later in the famed book *A alma encantadora das ruas*.<sup>51</sup> Like Baudelaire and Benjamin, João do Rio wrote with the purpose of unveiling the discontents of modernity. Each chronicle in a newspaper column was a dialectical image. In the early decades of the twentieth century, several intellectuals engaged in chronicle writing as a means to critique modern Rio and urban change. In contrast to his fellow chronicle writer Lima Barreto (1881-1922), however, João do Rio's writings were more optimistic and humanizing of street vending, whereas Barreto considered poverty a result of an inherent pathology.<sup>52</sup>

João do Rio proudly identified with urban marginal existence and it was the marginalized urban poor who (for João do Rio) most represented the modern experience. He claimed that “[t]o *flâneur* is to be a vagabond and reflect, it is to let oneself go and commentate, to have the virus of observation linked to vagrancy.”<sup>53</sup> *Ambulantes* and *ganhadores* were frequent protagonists in João do Rio's chronicling of street life and social types. According to him, “the street[s] had a soul (*alma*)” and “street vendors entered them [the streets] as if new territory to conquer.” João do Rio dignified street vendors and argued that although belonging to “professions that were ignored, they were still integral parts

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<sup>50</sup> Distinguished works by João do Rio are *As religiões do Rio* (1904), *O momento* (1905), *A alma encantadora das ruas* (1908), *Dentro da noite* (1910), and *Vida Vertiginosa* (1911).

<sup>51</sup> João do Rio, *A alma encantadora das ruas* (São Paulo: Companhia das Letras, 1997 [1908]).

<sup>52</sup> Antônio Carlos Marques dos Santos, ed. *O Rio de Janeiro de Lima Barreto* Vol. I & II (Rio de Janeiro: Edições Rio Arte, 1983); Nicolau Sevcenko, *Literature como missão: tensões sociais e criação cultural na Primeira República* (São Paulo: Companhia das Letras, 2003 [1983]).

<sup>53</sup> João do Rio, *A alma encantadora das ruas*, 50.

of the mechanism of great cities[.]”<sup>54</sup> *Ambulantes* and *ganhadores* were characters, backdrops, and even soundtracks for the cityscape of João do Rio. The same was true of the observations made by the *cronista* Luiz Edmundo (1878-1961), who also wrote about “old Rio” and *tipos cariocas* in the book, *O Rio de Janeiro do meu tempo* (1938). For both João do Rio and Luiz Edmundo, the street displayed legacies of the past as well as modern experiences.<sup>55</sup> The focus on the less ordinary, the marginal, such as vendors of prayers outside churches or street tattoo artists, staged the street as the environment where *all* co-existed. According to João do Rio, the street was a democratizing “muse,” but the focus on the marginal also emphasized differentiated citizenship.

João do Rio’s focus on marginal figures contrasted with the Belle Époque’s writers’ fascination with urban bourgeois life.<sup>56</sup> While *A Gazeta de Notícias* published João do Rio’s chronicles in the column titled “The City” (*A Cidade*), papers such as *A Rua* published columns about the city titled “The Elegant Sidewalk” (*A Calçada Elegante*). The landmark street Rua do Ouvidor

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<sup>54</sup> *Ibid.*, 97.

<sup>55</sup> For further discussion on street popular culture, modernist visions, and the collective urban imaginary see, Maria Clementina Pereira Cunha, *Ecos da folia: uma história social do carnaval carioca entre 1880 e 1920* (São Paulo: Companhia das Letras, 2001) and Mônica Pimenta Velloso, *A cultura das ruas no Rio de Janeiro (1900-1930): Mediações, linguagens e espaços* (Rio de Janeiro: Casa Rui Barbosa, 2004).

<sup>56</sup> Of relevance to this chapter is the similarity between Gustavo Barroso and Paulo Barreto, despite the former’s conservative politics. From virtually opposite political standpoints, both intellectuals criticized the destructive and inauthentic modernity of the Belle Époque. Barroso even adopted the pseudonym “João do Norte” – a word play on João do Rio. As historian Daryle Williams notes, “Like João do Rio, Barroso marveled at a transformed Rio, but what he found most stunning was the loss was the loss of the old city. For Barroso, boulevards did not create a visually pleasing, hygienic city, but rather destroyed the routes once taken by Christmastime street processions in years gone by. In lamenting the loss of tradition, Barroso criticized the same markers of modernity that the white elite were supposedly embracing as symbols of their transformation into modern citizens. Barroso would cultivate this antimodern, antic cosmopolitan romanticism throughout his lengthy career as author, museum director, and ultraconservative political activist.” See Williams, *Culture Wars in Brazil*, 138.

even had its own newsletter, *Rua do Ouvidor*, with a column dedicated to the latest Parisian fads and fashions worn by upper-class *carioca* women. Detailed and spicy observations were later signed by the pseudonym *flâneur*. Street vending reflected both, the marginal qualities that attracted João do Rio as well as the attempts at dressing up with Parisian aesthetics. As the patents and inventions discussed in Chapter Four illustrate, the sandwich-man and vending vehicles, with motifs such as the Eiffel Tower and art nouveau designs, proposed to modernize street commerce. For the most part, however, patented inventions did not change actual practices on the street.

Street peddlers were also characters in Luiz Edmundo's *O Rio de Janeiro do meu tempo*.<sup>57</sup> The first edition, published in 1938, included photographs by Marc Ferrez and Augusto Malta as well as caricatures of *carioca* types by popular artists such as Raul Pederneiras, Armando Pacheco, and Calixto Cordeiro. Scholar Antônio Herculano Lopes identifies Pederneiros and others as the "new generation" of *revisteiros*, or magazine illustrators, who contributed to the construction and visualization of *carioca* identity in the early twentieth century.<sup>58</sup> The opening chapter of Edmundo's book's first volume includes a special section on "*Vendedores ambulantes*," describing the array and types of vendors on the streets of Rio as well as the social lives of *quiosques* and *café-quiosques*. Edmundo's descriptions of peddlers were followed by illustrations and caricatures that depicted different types of vendors, such as the balloon seller, the knife sharpener, and the ice-cream man. While most drawings depicted white men,

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<sup>57</sup> Luiz Edmundo, *O Rio de Janeiro do meu tempo* (Rio de Janeiro: Conquista, 1957 [1938]).

<sup>58</sup> Antônio Herculano Lopes, "O teatro de revista e a identidade carioca," in *Entre Europa E África: a invenção do carioca* (Rio de Janeiro: Topbooks, 2000), 20.



particular vending occupations were racialized. The ice-cream and sweets vendors, water carriers, and *bahianas* were Afro-Brazilian, fish vendors Chinese, and the men and women selling matches were of “Turkish” origin (Image 47, Appendix Chapter Six). Later in the twentieth century, other works, including academic, would depict *O Rio Antigo* and street commerce in a similar fashion.<sup>59</sup>

The progression from social types in urban slave society to urban types or *tipos cariocas* in post-abolition Rio demonstrates that street vending in the transition to free labor was influenced by elite and popular visualizations. Debret illustrated *ganhadores* and street vending in urban slave society, Ferrez photographed the robust presence of European-born peddlers after abolition, while twentieth-century depictions in chronicles, caricature, and academic narratives illustrated street commerce as semi-formal. As in João do Rio’s writings, the peddler was marginal and at the same time integral to modern Rio. Cultural representations of street vendors reflected the history of slavery, immigration, and the racialization of labor in transition from slavery to freedom. For instance, the statue *O Mascate*, standing on the crossroads of Rua Buenos Aires and Regente Feijó in central Rio, honors the entrepreneurship of *mascates* (Image 48, Appendix, Chapter Six). At the turn of the century, *mascates* were predominantly Syrio-Lebanese and are known to have contributed to the growth

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<sup>59</sup> The popular magazine *Revista da Semana* published a one-page summary of typical vendor types in Rio: “Ambulantes,” *Revista da Semana*, 30 March 1935. A decade later an academic journal published a comprehensive article about current vending practices, Professor Everardo Badcheuser, “Comércio ambulante e ocupações de rua no Rio de Janeiro,” *Revista Brasileira de Geografia* Ano VI, No. 1 (Jan-Mar 1944). Government funds published the following book, which included a chapter on the profession of street commerce, Arthur Bosisio Júnior, *O comércio e suas profissões: imagens, Brasil 1500/1945* (Rio de Janeiro, SENAC, 1983).

of the popular commercial district SAARA.<sup>60</sup> The statue pays homage to the market stimulation that developed with immigrant participation in street commerce. In erasing the slave past of street vending, the statue emphasized the “civilizing” effect of foreign immigration. Representations of other types of street commerce had different racialized interpretations. For example, vending practices associated with sweets and foods were linked to the figure of the Afro-Brazilian *bahiana*. Racialized representations of street vendors culturally normalized certain practices, becoming inadvertently another obstacle for the regulatory measures of the State.

#### *Slave Legacies, Ambivalent Modernity*

What can be seen as a historical study of the origins of the informalization of street commerce in Rio is also evidence for the cultural normalization and legitimization of certain vending practices. In the early 1900s, municipal authorities expressed the desires to either eliminate vending or implement more regulation. Legal prohibition of street commerce in 1904 eventually gave way to more regulation – that is, overregulation and increased policing. Uneven and increasingly repressive municipal legislation, however, did not prevent street vendors from selling goods, even in a climate of economic downturn and inflation. Rather, it encouraged them to organize and fight for civic membership. This was not a marginal struggle as street commerce was central to food distribution and the provisioning of residents with basic goods. Turn-of-the-century inventors highlighted, in this way, street vendors’ importance to the

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<sup>60</sup> Sociedade dos Amigos e das Adjacências da Rua da Alfândega (SAARA).

development of the city. They described street vending as an “industry” compatible with modern urban development.

Street vendors’ increasing vulnerability vis-à-vis State regulation stimulated organizational activities such as unionism. Peddlers continued for the most part selling under semi-formal conditions, yet saw themselves as legitimate workers and citizens. Having a license did not necessarily protect them from daily policing, arrests, and fines, whether for municipal infractions or penal code violations. In the modernizing vision of most political elites in Rio, street commerce was a legacy or a remnant of the pre-modern (slave) past and not adequate for the civilized streets of the Belle Époque. Yet it was the same upper and middle classes, in addition to the working poor, who continued buying from street vendors. It was the artists and intellectuals of those classes who particularly honored the tradition and popular culture of street commerce in their paintings, photographs, drawings, and writings.<sup>61</sup> Such visualizations of street commerce contributed, I argue, to the twentieth-century notion that “informality” was a particular cultural attribute of the city of Rio.<sup>62</sup> By the mid-twentieth century, certain types of street vendors, such as those in Edmundo’s *O Rio de Janeiro do meu tempo*, were representative of traditional practices of buying and selling that although “informal” were characteristic of *cariocas*’ savoir-faire. Wealthy elites buying goods from street peddlers, however, did not necessarily justify the

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<sup>61</sup> In addition to visual depictions, the typification of vendors in works such as Edmundo’s *O Rio de Janeiro do meu tempo*, the *Revista da Semana*’s one-page special “Ambulantes” in 1935, and the published article in the *Revista Brasileira de Geografia* in 1944 highlight the sounds, lyrics, announcements, and tunes that would come with street peddling. These magazines also highlight the street peddler as characteristic of *carioca* identity.

<sup>62</sup> Rosa Maria Barbosa de Araújo argues that “humor, mischievousness, musicality, informality, savvy, and the permanent search for pleasure particularly mark the cultural identity of Rio.” See “Preface” in *Entre Europa e África*, 9.

prevalence of street commerce as it could also explain, for some, the incomplete modernity of the republic's capital city.

The uneven regulatory measures imposed by the municipality in the first decades of the twentieth century, however, did express ambivalence. Street vendors' resistance demonstrated that their struggles were not only socio-economic, but also political. The end of slavery and the shift to republican rule positioned street vendors as having to engage politically with State apparatuses, such as the police and the municipal government. Vendors' struggles, traditions, and networks grew, resulting in the creation of a formal union by 1913. Already, in the press of the 1880s, over-policing was identified as an obstacle for the development of the "free market" and individual freedom. In response to overregulation and policing, peddlers became political actors in courtrooms and union meetings. In fact, the main effect of overregulation and prohibitionist measures was merely to stimulate alternative forms for individuals to continue selling on the street. The idea that street vending would eventually disappear with modern progress was a myth.

Sociologists John C. Cross and Alfonso Morales argue that it was the repressive functions of the State that created the conditions for street vendors to find alternatives to deal with overregulation.<sup>63</sup> Analyzing contemporary cases, they claim that "street vending, despite some problems and frequent attacks, is a thriving and growing phenomenon ironically driven, we believe, by government policy, and rooted to modernity's economic successes and subsequent

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<sup>63</sup> John Cross and Alfonso Morales, ed. *Street Entrepreneurs: People, Place and Politics in Local and Global Perspective* (New York: Routledge, 2007).

inequalities[.]”<sup>64</sup> Informality thus developed to combat overregulation. The authors argue that reifying informal street commerce as a remnant and irrationality of pre-modern times only freed the State from having to deal with unsuccessful regulation and the persistence of urban poverty.

Defining street commerce as some type of essentialized backwardness does not make it “disappear.” Modernity does not make street commerce extinct; rather street commerce becomes modern. De Soto’s recent study of Latin American urban informal economies also argues that State overregulation results in incentives for entrepreneurial informality.<sup>65</sup> This study has illustrated that ongoing conflicts with municipal authorities and the police pushed many vendors both to pursue alternatives and to be political actors. As Cross observes, vending activities today demonstrate that street sellers successfully competed with modernity and modern forms such as the police. In the early twentieth century they not only competed with modernity, they also evoked a nostalgia or *saudade* that was ambivalent about progress and modernity.

In *carioca* popular culture, the police officer became a character who was central to the social world of street peddlers. The legendary antagonism between *ambulantes* and the police is reflected in the mid-century slang term *rapa*, which refers to the police officer who specifically “catches” peddlers. “*O rapa!*” “*Olha o rapa!*” are examples of warnings that exist even today to announce the presence of an approaching police officer, or *rapa*. The term developed in mid-twentieth century from *radiopatrulha* (radio police), or the police vehicles that patrolled the

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<sup>64</sup> Ibid.

<sup>65</sup> De Soto, *The Mystery of Capitalism*.

city through radio communication. *O rapa* in colloquial language came to refer to the specific policeman who “hunts peddlers” (*caçador de camelôs*). But even back in the 1880s, police arrests of peddlers were common enough for the local press to notice. The *rapa-ambulante* relationship continued to develop with increasing violence. It also became a characteristic of the Brazilian urban milieu to the extent that a chapbook titled *A briga do rapa com o camelô*, (“The fight between the policeman and the street vendor”) was published in Rio and could be found in a street market in 2006. The *camelô* is the hero of the story and has a particular outlook on the benefits of street vending, as the opening quote to this chapter illustrates.

The fact that a specific term – *o rapa* – developed in the twentieth century to identify the specific police officers who regularly fined and/or arrested *ambulantes* speaks to the ongoing conflict between vendors and the State regarding public order and urban citizenship. The current popular alternative music band O Rappa, from Rio, named itself after this popular contentious figure to condemn the widespread policing of the urban poor in general.<sup>66</sup> Their lyrics emphasize the routine of police violence and repression as well as the dignity of the urban working poor, who survive in large part thanks to the informal economy. Repressive conditions thus create alternative forms of civic and urban membership, such that the poor’s relationship with the State is founded on formal and informal practices. Here I agree with other scholarship that claims the process of Brazilian democratization – always ongoing and never a finished product – must incorporate the logic of informality and understand the dialogic

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<sup>66</sup> The band’s name is also a word play on “rap” or “rapper.”

conditions that create formality and informality, since it is how the majority of urban Brazilians have come to understand justice and citizenship.

## Epilogue

### Street Vendors and Unionism in the Twentieth Century

An epilogue is appropriate for concluding this project because it speaks to the open-endedness of street commerce's malleability to changing urban economies and environments. The long period from the mid-nineteenth century to the first decades of the twentieth century illustrates the "paradoxical legacy of black slavery and white freedom" that characterized the turn to free labor in many Atlantic port cities and, in particular, the transition from *ganhadores* to *ambulantes* in Rio.<sup>1</sup> The circulation of ideas driven by the end of slavery in the Atlantic world and the movement of African and European diaspora frame my view of urban street commerce, persisting into the twentieth century, as a transnational modern experience. Street commerce developed and grew *with* the city of Rio since the beginning of the nineteenth century, and current communities of street vendors have been shaped by the slave legacies and ambivalent modernist visions and practices of regulation. Street commerce developed with modernity, and existing organizational actions expressing the will of street vendors to be recognized as legitimate workers are indicative of enduring negotiations with the formal political sphere.

Since the nineteenth century, *ganhadores* participated in social networking through labor-related activities shaped by commerce. Street-vendor organizing

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<sup>1</sup> Gunja SenGupta, *From Slavery to Poverty: The Racial Origins of Welfare in New York, 1840-1918* (New York University Press, 2009), 17. The author argues that free labor capitalism was interwoven with white identity. Not associated with free labor capitalism, according to many political elites, street commerce in Rio became racialized for its slave origins. Hence, white immigrants in Rio had to solicit *licenças de negro de ganho* in order to sell on the street at the turn of the century.



was not merely a twentieth-century phenomenon or exclusively tied to the process of industrialization. For example, a group of enslaved Africans and free blacks who were wage-earners and peddlers on the streets of Salvador, the second largest urban slave society in Brazil after Rio, executed a strike in 1854.<sup>2</sup> In addition, enslaved and free black workers in Rio's factories and slaves on plantations also organized to demand better working conditions.<sup>3</sup> Recent historiography on the "slave origins" of a 1906 strike carried out by port workers in Rio illustrates that formal labor organizing in post-abolition Brazil was not solely an immigrant, European, or industrial experience.<sup>4</sup> In this case, the legacy of slavery and the African diasporic identity "Mina" were crucial to port workers' methods of organizing. In the world of street commerce, networks between employers and particular groups of peddlers, sometimes of similar ethnic backgrounds, structured the sale of certain goods on the street, such as tobacco, coffee, and meat. Thus, slave and immigrant networks of nineteenth-century street commerce shaped peddler unionism and communities of the twentieth-century.

The slave and immigrant pasts of street commerce influenced, in particular, two periods of vendor unionism in Rio, the 1910-20s and the 1930s. In addition, two political administrations that had different policies toward labor in the first half of the twentieth century shaped the course of street commerce. First,

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<sup>2</sup> João José Reis, "The Revolution of the Ganhadores': Urban Labor, Ethnicity, and the African Strike of 1857 in Bahia, Brazil," *Journal of Latin American Studies* 29, no. 2 (1997): 355-393.

<sup>3</sup> Jaime Rodrigues, "Ferro, trabalho e conflito: os africanos livres na fábrica de Ipanema," *História Social*, no. 4/5 (1996/1997): 29-42; Stuart B. Schwartz, "Resistance and Accommodation in Eighteenth-Century Brazil: The Slaves' View of Slavery," *Hispanic American Historical Review* 5, no. 1 (Feb. 1977): 69-81.

<sup>4</sup> Maria Cecília Velasco e Cruz, "Puzzling Out Slave Origins in Rio de Janeiro Port Unionism: The 1906 Strike and the Sociedade de Resistência dos Trabalhadores em Trapiche e Café," *Hispanic American Historical Review* 82, no. 2 (2006): 205-245.

at the height of the First Republic (1889-1930), a street vendors' union, the União Protetora de Vendedores Ambulantes, was present in Rio and even threatened to strike in 1913. The union had a formal boardroom, which was in contact with other unions (e.g., port workers) and the general workers' union. The street vendors' union also had the support of newspapers, which regularly commented on negotiations between the union and the municipality.<sup>5</sup> A second union, the União dos Negociantes Volantes, organized street vendors in the 1930s, a period when labor legislation under the authoritarian rule of Getúlio Vargas (First Vargas Regime, 1930-1945) favored State-sponsored unionism.<sup>6</sup> Vendors' ongoing conflict with municipal overregulation and policing created the conditions for informal practices to appear as alternatives. But vendors remained legitimate workers, in the eyes of the State, if their vending practices adhered to regulatory measures. However, the vulnerability of the peddler as illegitimate worker, pressured by overregulation and policing, illustrates how the State helped create the category of informality. Union struggles for street sellers to be recognized as formal workers exemplified that informality was a construction with real material consequences.

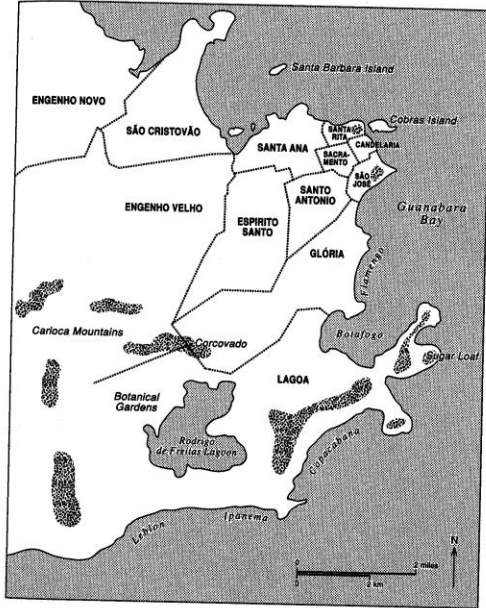
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<sup>5</sup> The newspaper *A Época*, discussed in Chapter Five, briefly reported the activities of the union's meetings and negotiations with the municipality of Rio.

<sup>6</sup> The union was registered as a "civil society" (*Sociedade civil*) around 1938. A second organization, the Cooperativa de Produção dos Vendedores Ambulantes, was also registered as a civil society in 1936. See "Índice de Registros de Sociedades Cívís" in Rio de Janeiro's Arquivo Nacional (AN).

Appendix, Chapter One

Map 1a: Rio Parishes, Nineteenth Century; Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-century City* (Stanford: Stanford University Press, 1993), 25.



Map 2. Administrative districts of Rio de Janeiro, ca. 1870.

Map 1b: Rio Parishes, Nineteenth Century; Marilene Rosa Nogueira da Silva, *Negro na rua: a nova face da escravidão* (São Paulo: Editora HUCITEC, 1988), 43.

Mapa 1 — AS FREGUESIAS DO RIO ANTIGO.

- |                   |                   |
|-------------------|-------------------|
| 1. Paqueta        | 12. Engenho Velho |
| 2. Governador     | 13. Engenho Novo  |
| 3. Candelária     | 14. Lagoa         |
| 4. Santa Rita     | 15. Gávea         |
| 5. Santana        | 16. Inhaúma       |
| 6. Sacramento     | 17. Irajá         |
| 7. São José       | 18. Jacarepagua   |
| 8. Santo Antônio  | 19. Campo Grande  |
| 9. Espírito Santo | 20. Guaratiba     |
| 10. Glória        | 21. Santa Cruz    |
| 11. São Cristóvão |                   |



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Fonte: NORONHA SANTOS, Francisco. *As freguesias do Rio antigo*. Rio de Janeiro, Ed. O Cruzeiro, s.d.

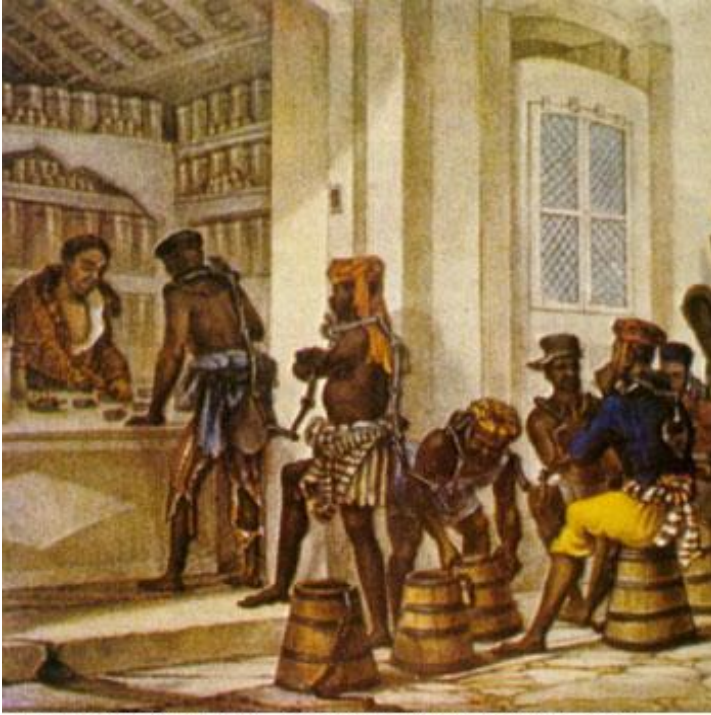
Image 1: Henry Chamberlain, “O mascate com seus escravos,” *Vistas e costumes da cidade e arredores do Rio de Janeiro em 1819-1820* (Rio de Janeiro: Livraria Kosmos, 1943).



Image 2: Henry Chamberlain, “Barraca do Mercado, Largo da Lapa,” *Vistas e costumes da cidade e arredores do Rio de Janeiro em 1819-1820*.



Image 3: Jean-Baptiste Debret, “Tobacco Vendors,” *Viagem pitoresca e histórica ao Brasil* (Rio de Janeiro: Editora Itatiaia, 1989).



Jean Baptiste Debret, *Vendedor de tabaco*, *Viagem pitoresca e histórica ao Brasil*, (1835 - 1839), v.3

Image 4: Jean-Baptiste Debre, “Chicken Vendors,” *Viagem pitoresca e histórica ao Brasil*.

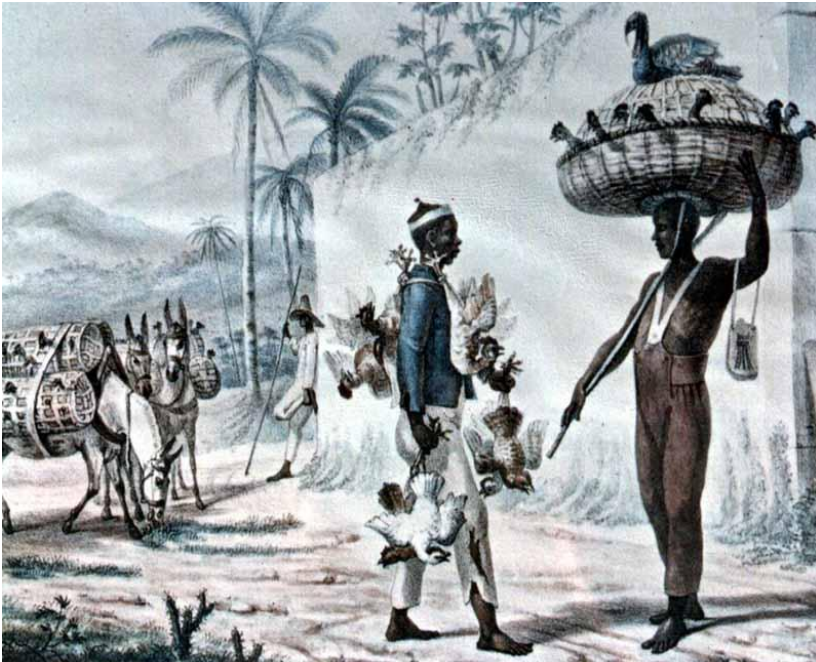


Image 5: Marc Ferrez, “Chicken Vendors,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).



Table 1: Distribution according to Rio parishes of *ganhadores* and *fiadores* who were businessmen (*negociantes*), 1879

PARISH	NEGOCIANTES	GANHADORES
Candelária	79	37
Sacramento	47	114
São José	41	180
Santo Antônio	34	67
Santana	27	100
Santa Rita	15	76
Espírito Santo	3	30
Lagoa	2	9
Engenho Novo	1	-
Engenho Velho	-	3

Table 2: Nationality of *ganhadores*, 1880-1886

GANHADOROR	
African (Congo)	1
Portuguese	5
Italian	14
Brazilian	36

Table 3: Occupation of *fiadores*, 1880-1886

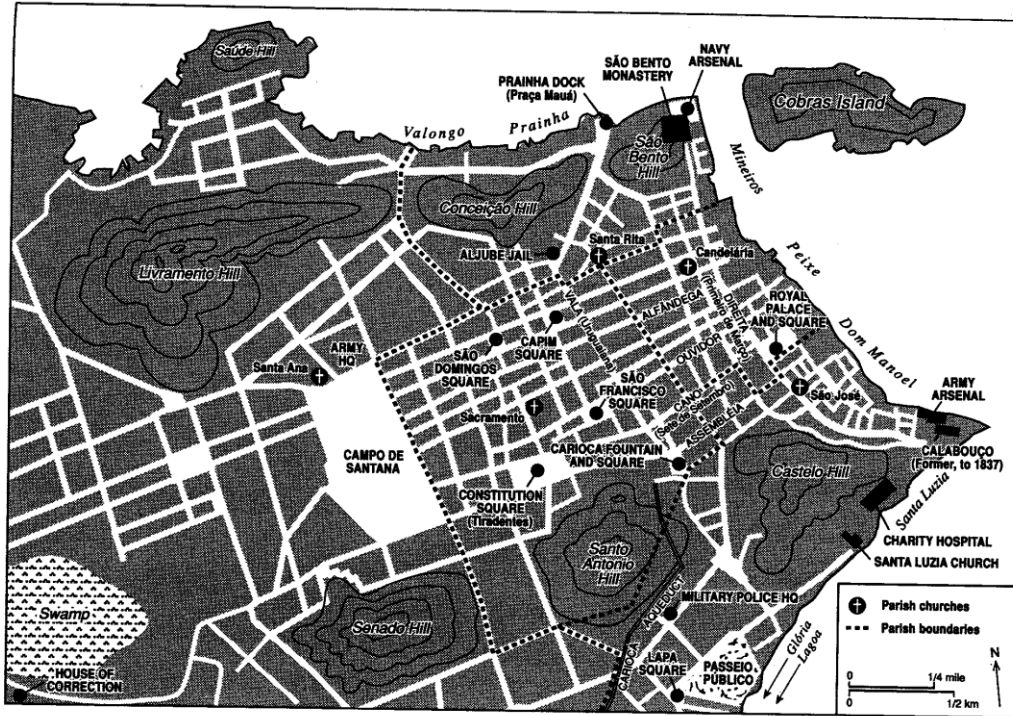
FIADOR, OCCUPATION	
Negociantes	9
Taverneiros	7
Casa de pasto	2
Açougueiro	1
Dono de armazem de manutenção	1

Table 4: Residence according to parish of *ganhadores* and *fiadores*, 1880-1886

FREGUESIA	GANHADOR	FIADOR
São José	7	1
Santana	10	9
Sacramento	5	9
Candelária	3	5
Glória	1	0
Lagoa	1	0
Santa Rita	4	3
Santo Antônio	6	0
Espírito Santo	4	4
Engenho Velho	0	1

Appendix, Chapter Two

Map 2: Rio Parishes and the Houses of Correction and Detention c.1850; Thomas Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup>-century City* (Stanford: Stanford University Press, 1993), 19.



Map 1. Central section of Rio de Janeiro, ca. 1850.

Image 6: Raul Pederneiras, “O china vendedor de peixe e camarão,” in Luiz Edmundo, *O Rio de Janeiro do meu tempo* (Rio de Janeiro: Conquista, 1957).





Image 7: Jean-Baptiste Debret, "Vendedoras de angu," *Viagem pitoresca e histórica ao Brasil* (Rio de Janeiro: Editora Itatiaia, 1989).



Table 8: Arrests according to Parish correlated with slave/free status of detainee

Parish	Total Detentions	Slave (or suspect)	Free
São José	58	3	55
Candelária	10	2	8
Sacramento	93	17	76
Santana	142	27	115
Santo Antônio	7	3	4
Santa Rita	15	5	10
Glória	10	2	8
Lagoa	2	1	1
Espírito Santo	31	7	24
Engenho Velho	6	4	2
Engenho Novo	3	1	2
São Cristovão	2		2
Irajá	1		1

*Appendix, Chapter Three*

Image 8: Marc Ferrez, “Vendedor de pão,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).

[www.memoriaviva.com.br](http://www.memoriaviva.com.br)  
Foto de Marc Ferrez

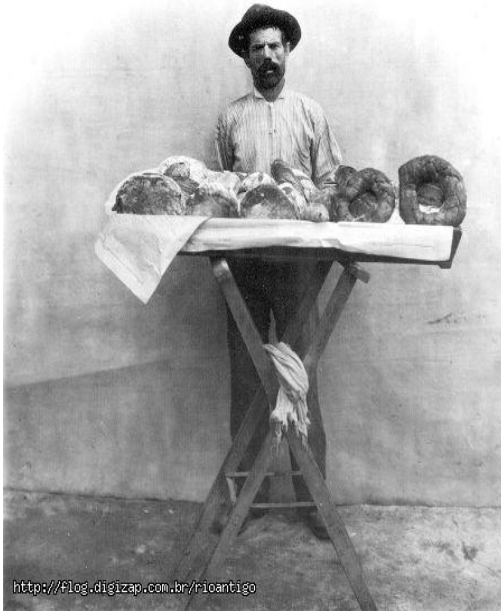


Image 9: Marc Ferrez, “Funileiro,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).



Image 10: Marc Ferrez, “Jornaleiros,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).



Image 11: Augusto Malta, “Quiosque” c.1905 (MHN, Augusto Malta).



Image 12: Marc Ferrez, “Quitandeiro,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).



Appendix, Chapter Four

Image 13: “Vendedor higiênico e humanitário”

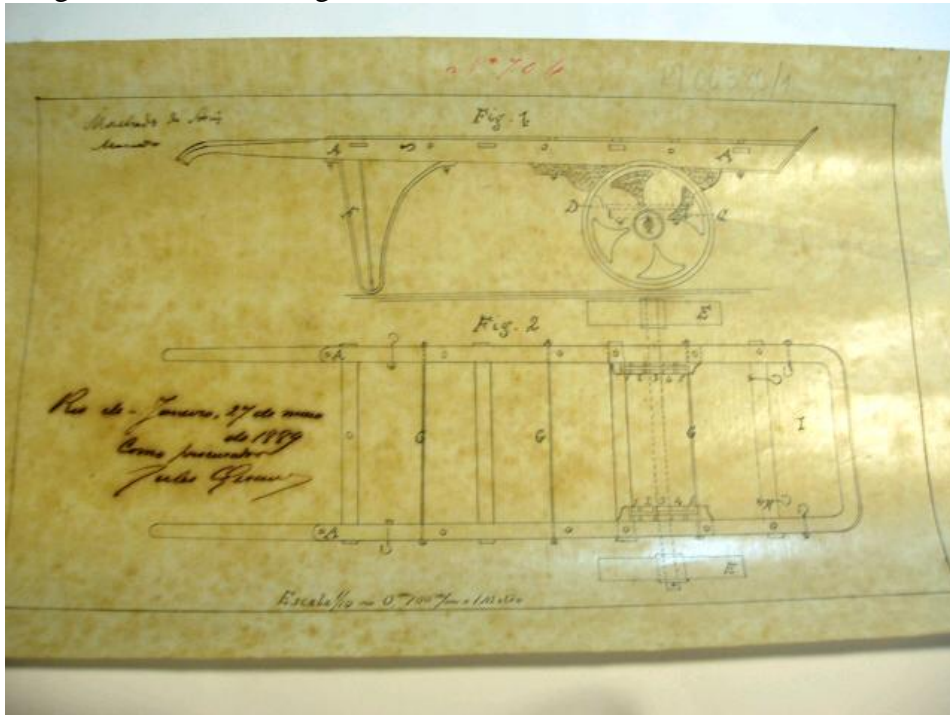


Image 14: Morris N. Kohn, “Cadeira de engraxate”

(<http://www.portalsaofrancisco.com.br/alfa/abril/dia-do-engraxate.php> (accessed July 2006))

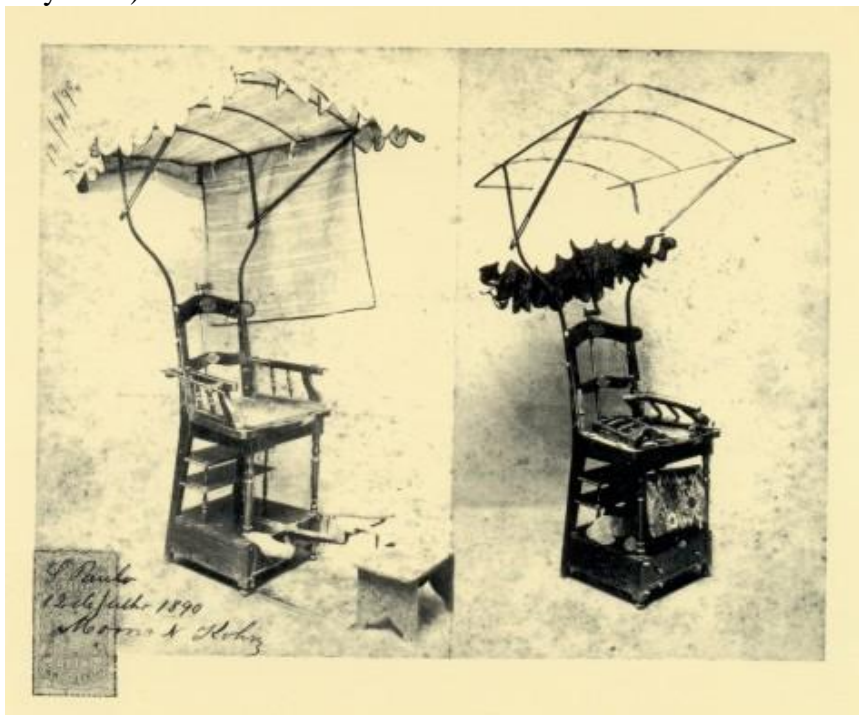


Image 15: Augusto Malta, “Quiosque, c. 1904” (MHN).



Image 16: Manoel Moreira Dias, “Aparelho auxiliar para carrocinhas a mão, Illapso” 1891

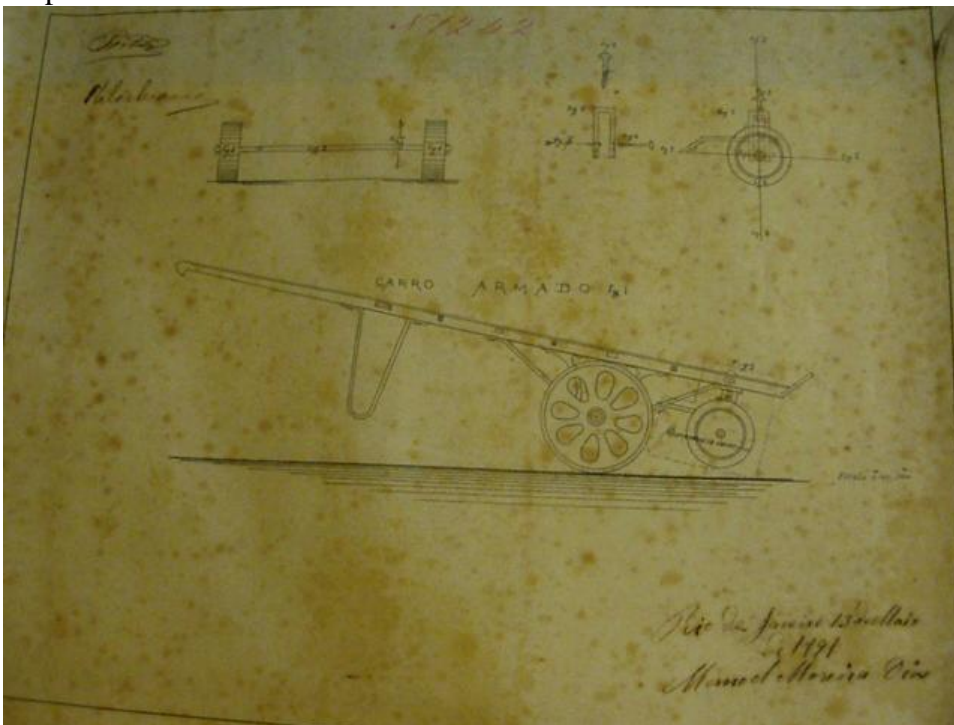


Image 17: Arthur Augusto Azevedo, “Vendedor Ambulante” 1897



Image 18: Manoel Antônio Guimarães, “Vendedor Ambulante Higiênico” 1902  
 (“Hygienic Street Peddler”)

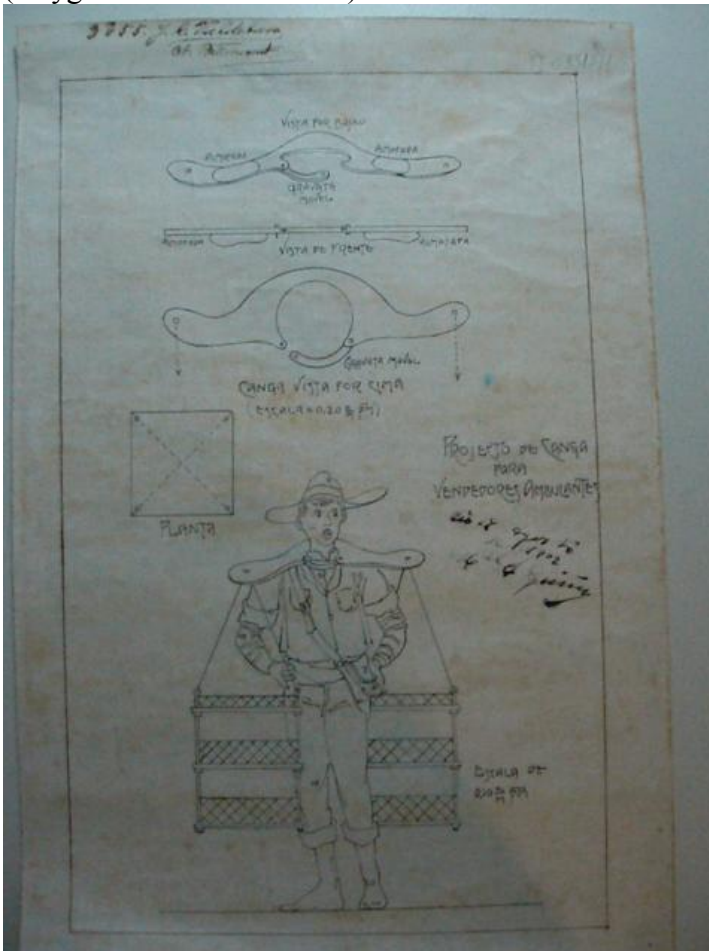


Image 19: Manoel Antônio Guimarães, “Vendedor Ambulante Higiênico” 1902 (“Hygienic Street Peddler”)

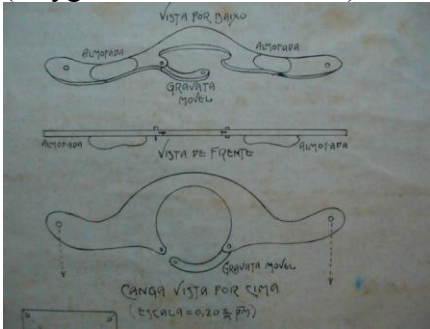


Image 20: Jean-Baptiste Debret, “Engenho Manual,” *Viagem pitoresca e histórica ao Brasil*. Rio de Janeiro: Editora Itatiaia, 1989.

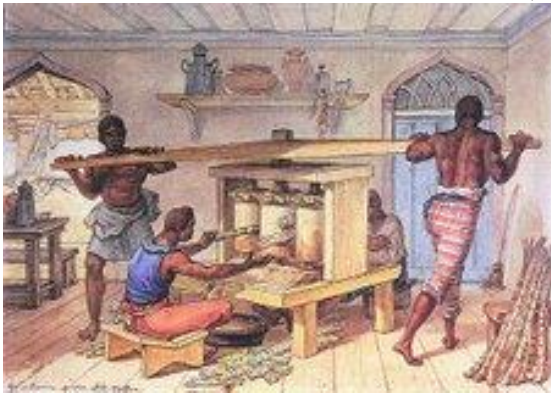


Image 21: Antônio Jaques Junot, “Engenho Locomóvel” 1888 (“Locomotive Sugar Mill”)

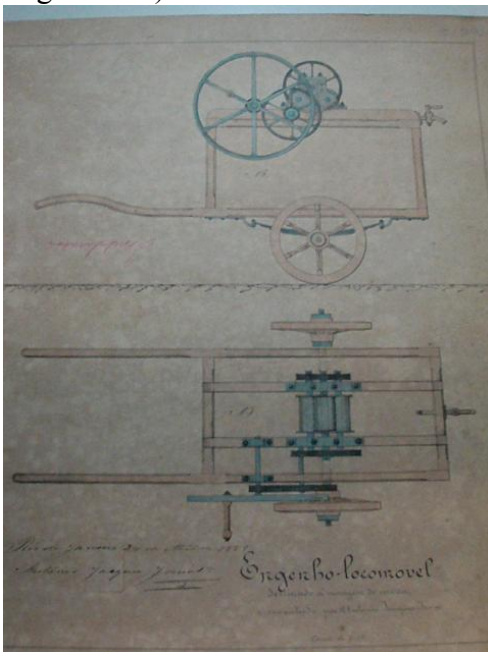




Image 22: “Carrinho Francês,” Comércio de pão (AGCRJ)



Image 23: Marc Ferrez, “Doceiro,” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).





Image 26: Augusto Magalhães de Barros Vasconcelos, "Frigorífico Exelsior" 1898

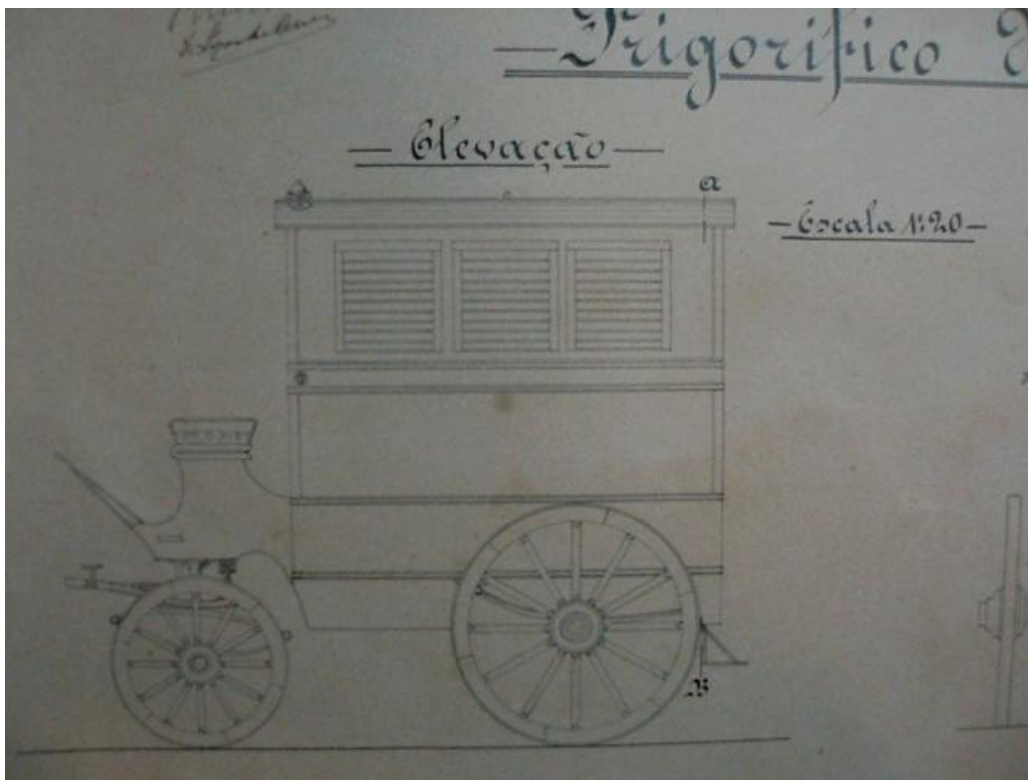
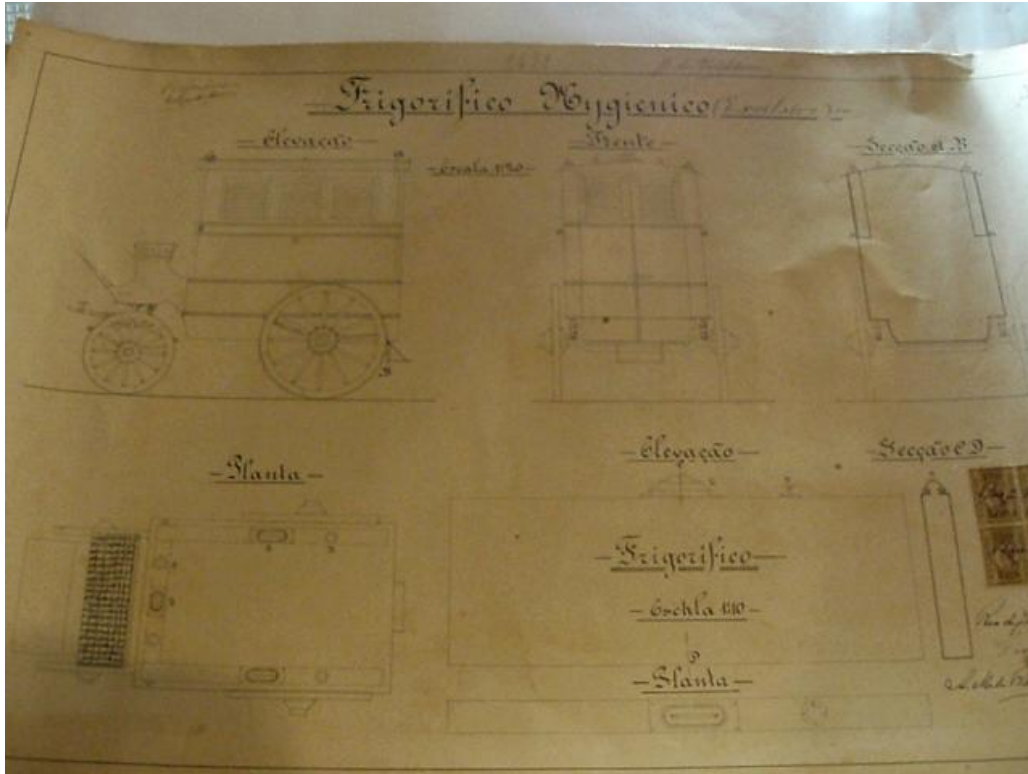


Image 27: Carlos Freire Vilalba Alvim, “Novo sistema de açougues volantes, Açougues Volantes - Sistema Vilalba” 1890

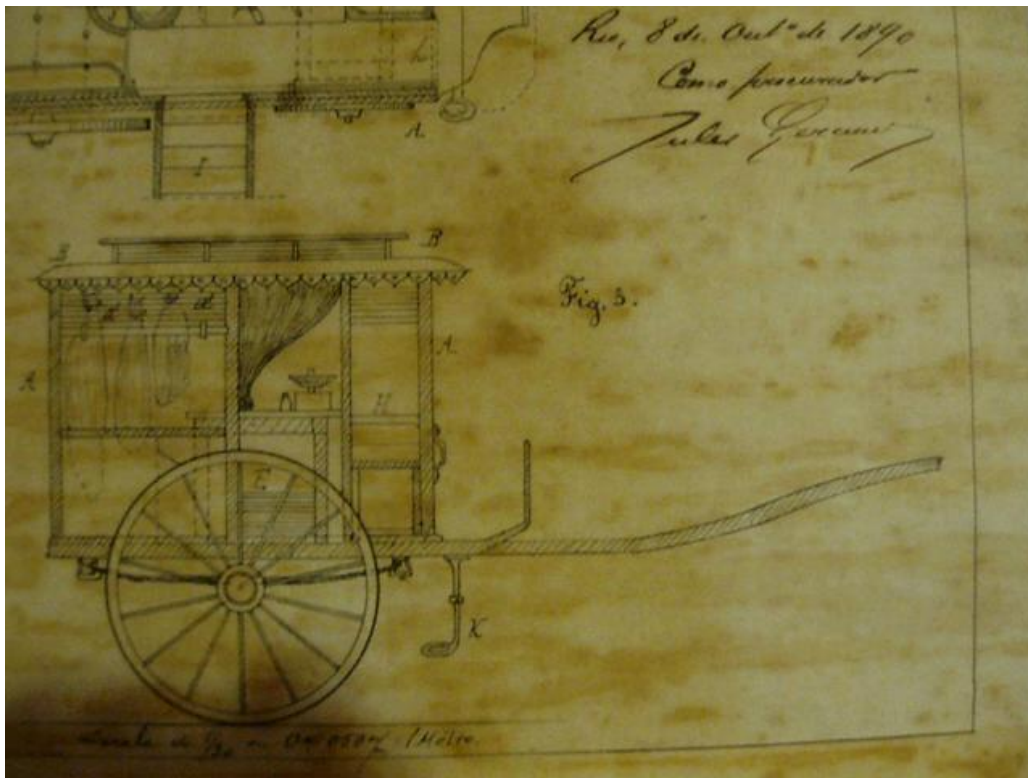
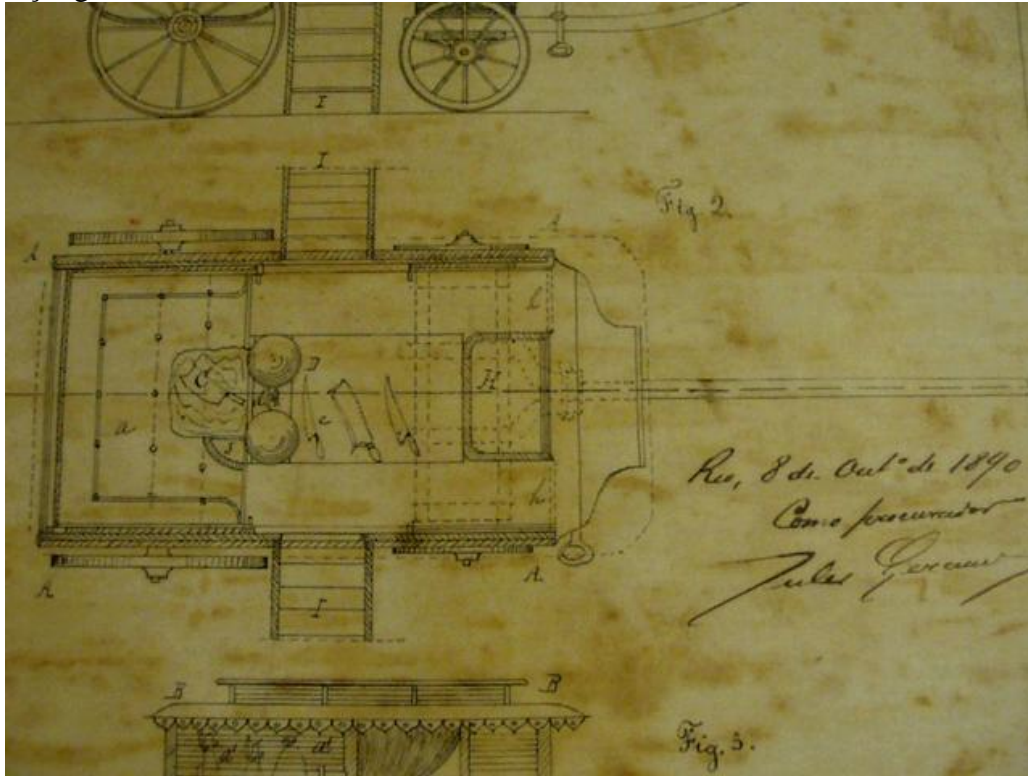


Image 28: Benedito Novela da Silva, “Açougue ambulante” 1891

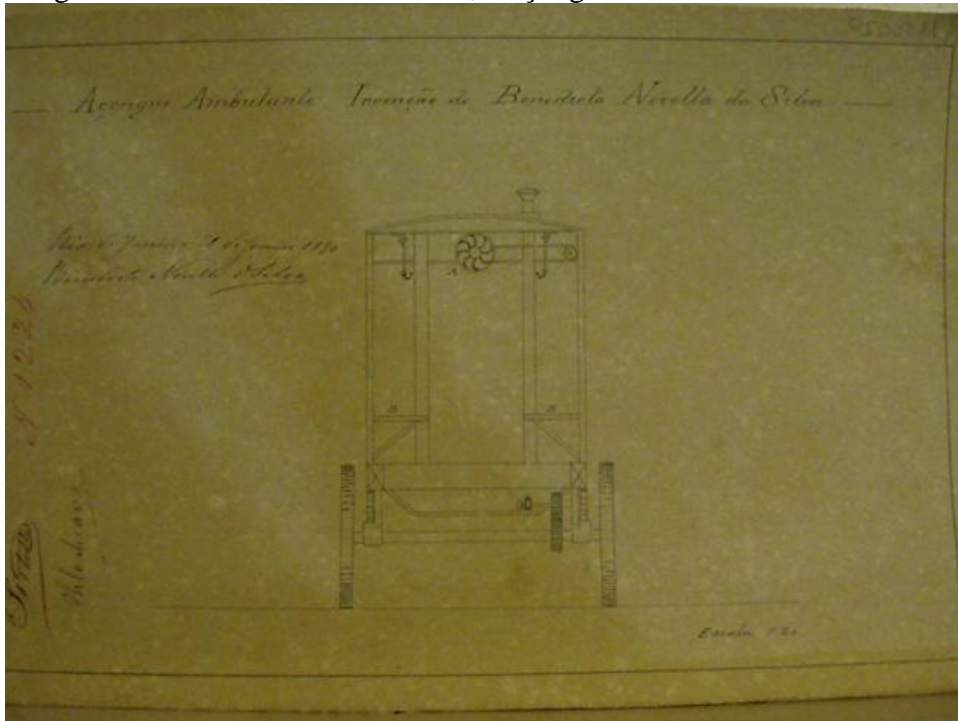


Image 29: Pedro Antonio Fagundes, “Carros para transporte e venda de carne verde e miúdos a domicílio, Sistema Fagundes” 1891

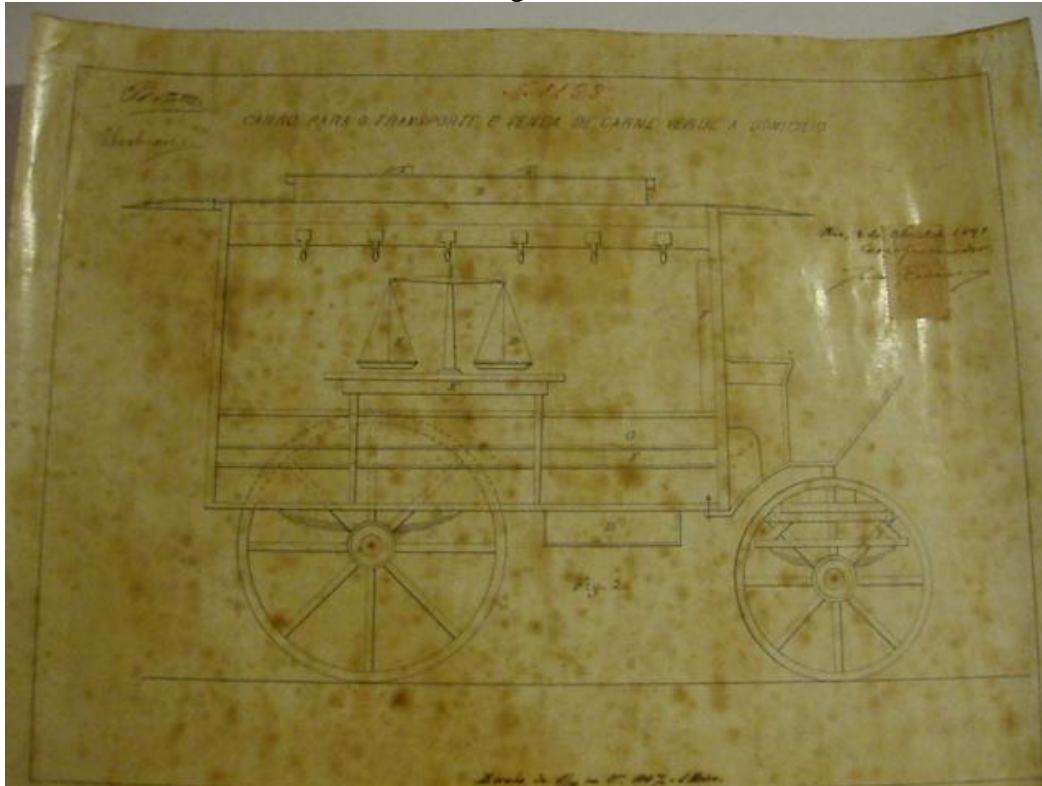


Image 30a: João Victorino de Silveira Sousa Filho, João José Lopes Júnior, “Carroças e vasilhames para a condução de caldo de cana” 1891



Image 30b: João Victorino de Silveira Sousa Filho, João José Lopes Júnior, “Carroças e vasilhames para a condução de caldo de cana” 1891



Image 31: Valdemann Flohr-Matthiessen, “Vendedor Automático” 1891

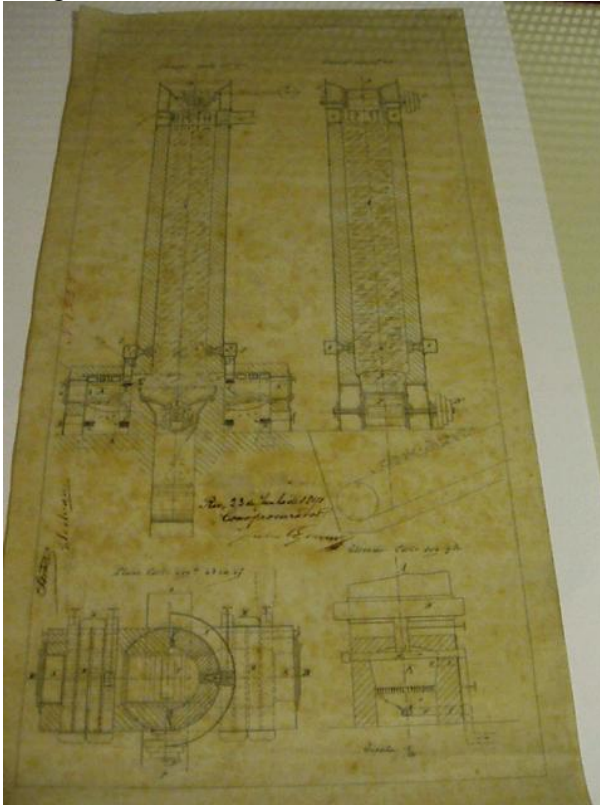
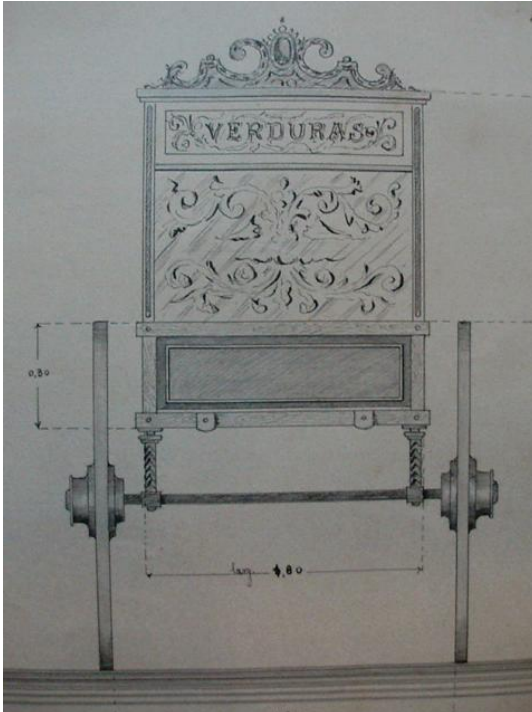


Image 32: Manoel Antônio Guimarães, “Modelo de vehiculos para venda ambulante de qualquer mercadoria” 1902



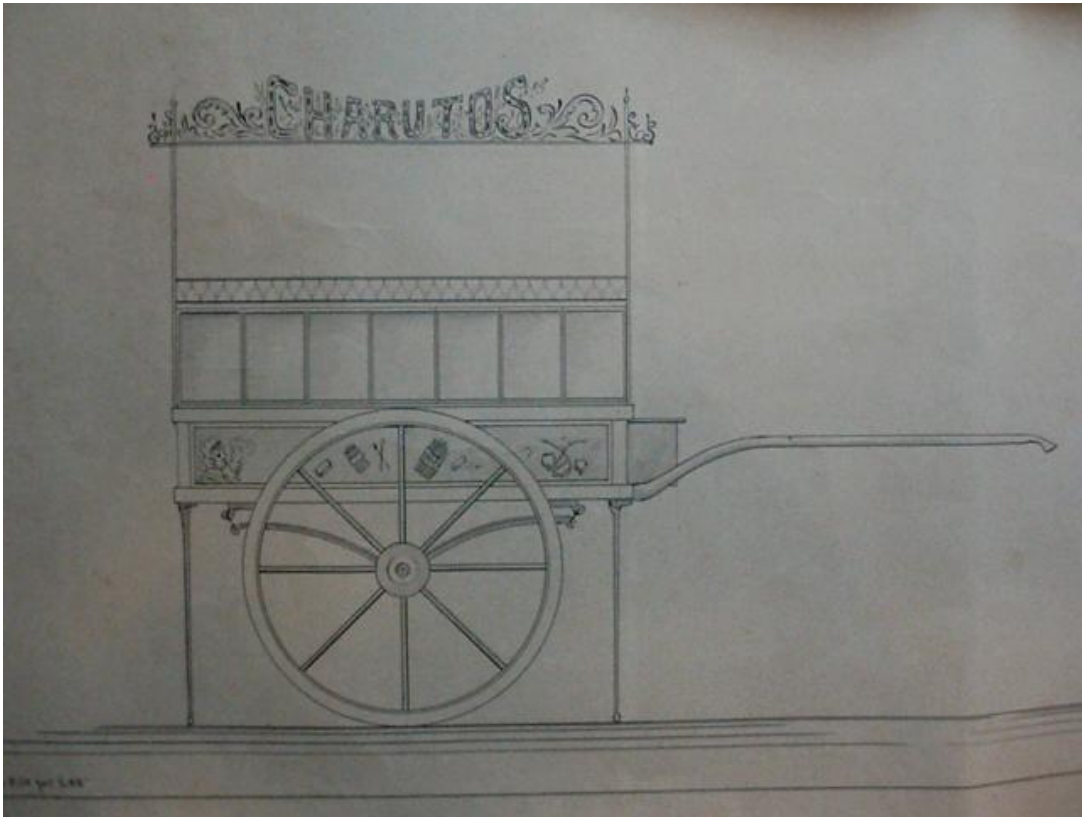
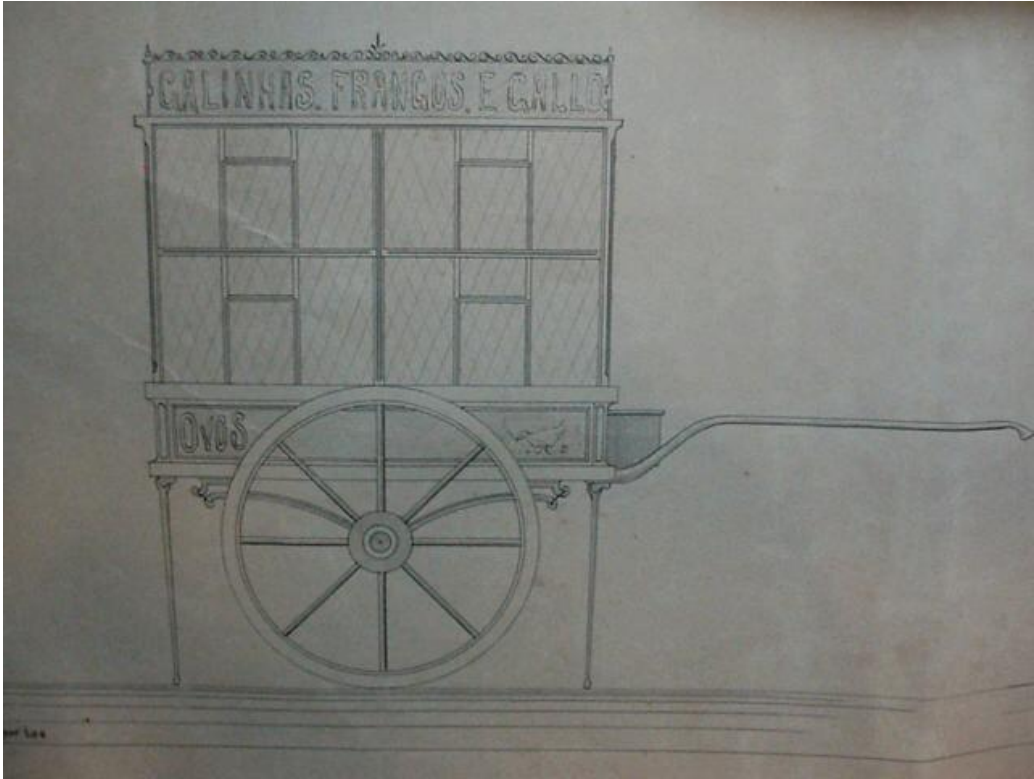




Image 33: Francisco Falconi, "Carreta Yvonne" 1906

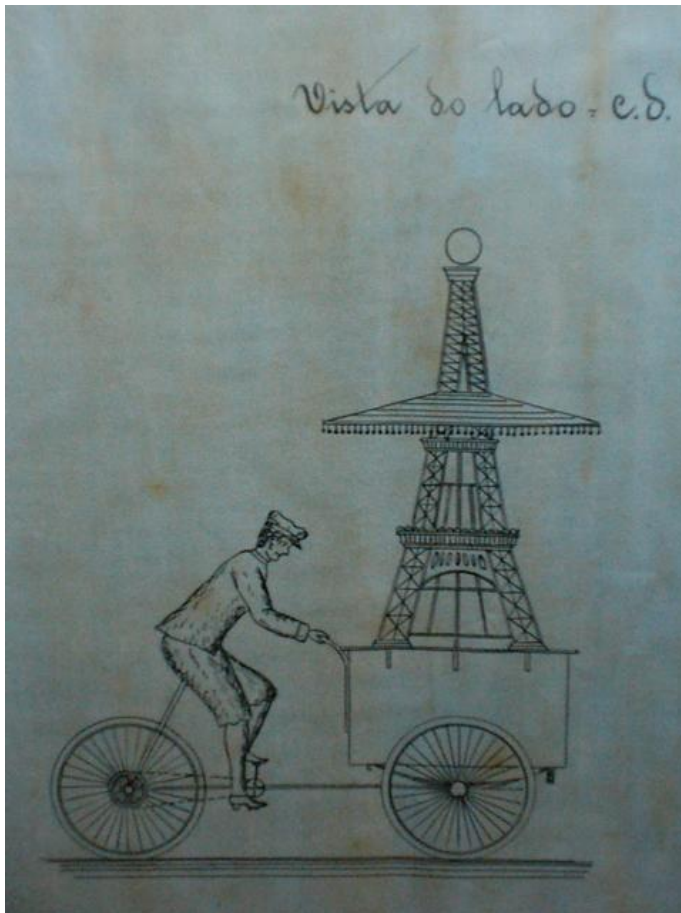
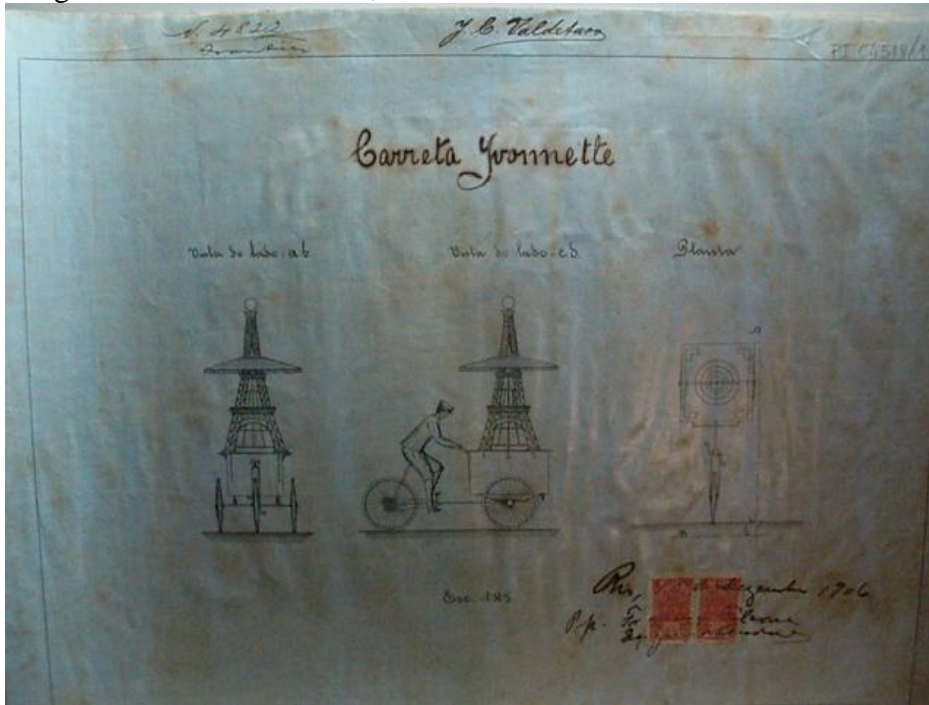


Image 34: Augusto Fernandes Carreira, “Carro vitrine” 1906

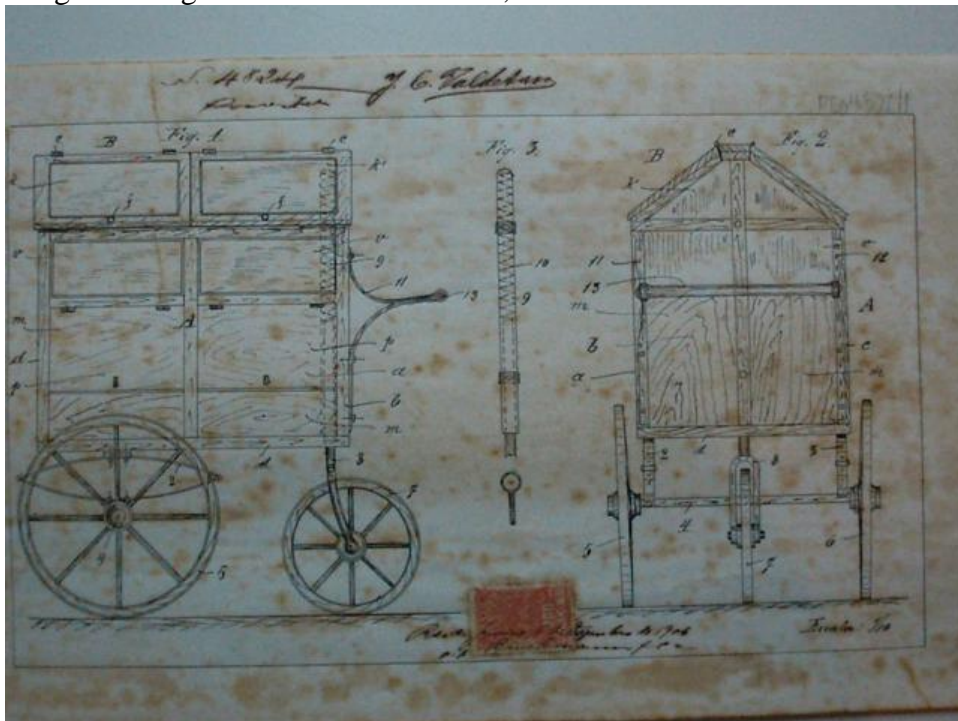
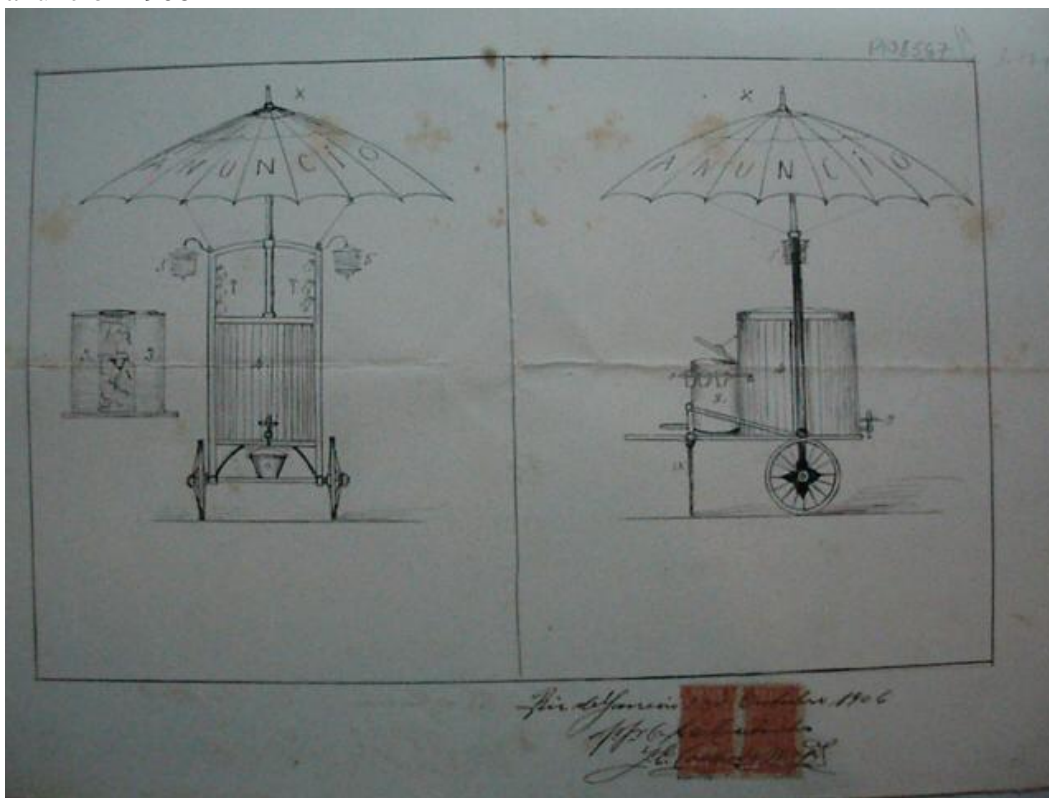


Image 35: J.E. Coelho de Magalhães, “Carro à mão com guarda-chuva para botar anúncio” 1906



Appendix, Chapter Five

Image 36: Raul Pederneiras, “Casa de cômodos” c.1924  
(<http://comix.com.br/blog/?p=3316>, accessed 17 March 2010).

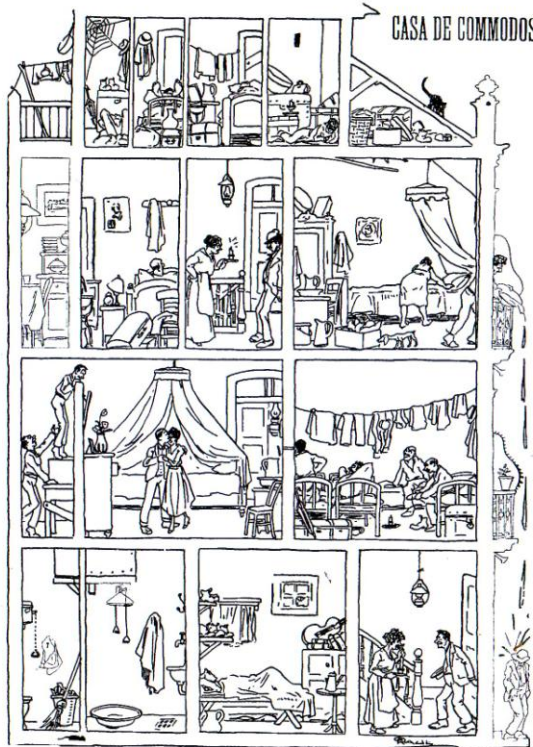


Image 37: Augusto Malta, “Largo do Capim” c.1909 (AGCRJ)



Image 38: Augusto Malta, “Inauguration of the Municipal Market” c.1907 (AGCRJ).

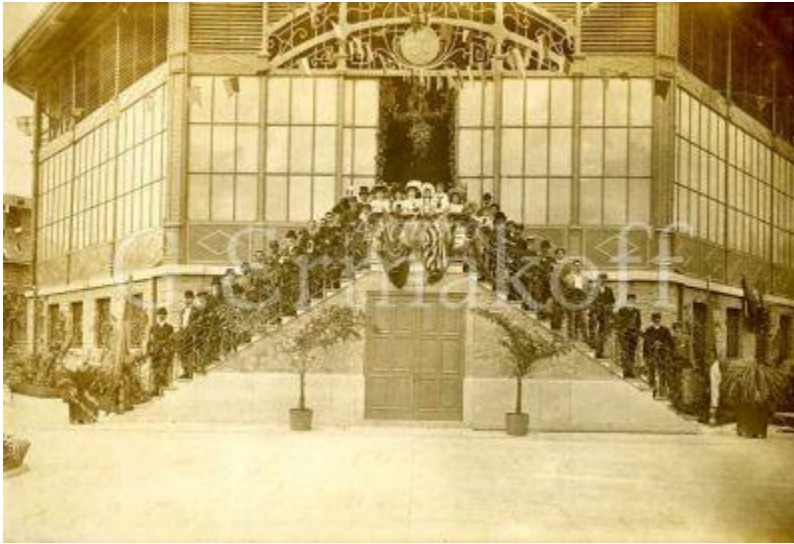


Image 39: “Seção Bahiana,” *Jornal do Brasil*, 19 Janeiro 1913.



se a disciplina: são  
 a e dar-se a o que  
 na outra vez por  
 vinda à terra; e faz  
 a forma à saber, e

Formas e ideias da vida de cada um; 2.º, mo-  
 dando que está trabalho de 2.º grau; 3.º, acor-  
 dando-se uma compreensão; 4.º, dando-lhe em  
 mente; 5.º, resumindo a mesma intenção.

Faltava que a compreensão não é dada, segun-  
 do a mental durante alguns segundos, é com-  
 pletamente diversa dos outros epistêmicos con-  
 ceitos de ciência, filosofia, e que são devidos  
 a fatos concretos, a fatos excepcionais, a ter-  
 minos colativos e a outras causas acidentais que

não se ignora por completo, de modo que espel-  
 ham-se a realidade por causas diferentes. É a  
 filosofia, falta de disciplina, etc.  
 De certo, quando não há disciplina, falta-  
 se a dizer que houve falta e produzindo a  
 segunda mente: "Como gostamos logo a 1

Image 40: Marc Ferrez, “Vendedor de doces” in Gilberto Ferrez, *O Rio antigo de Marc Ferrez* (São Paulo: Ex Libris, 1984).



Image 41: Anonymous, “Vendedor de doces no Rio, 1919” (MHN).



*Appendix, Chapter Six*

Image 42: Jean-Baptiste Debret, “Punished Fugitive Slaves” c.1820

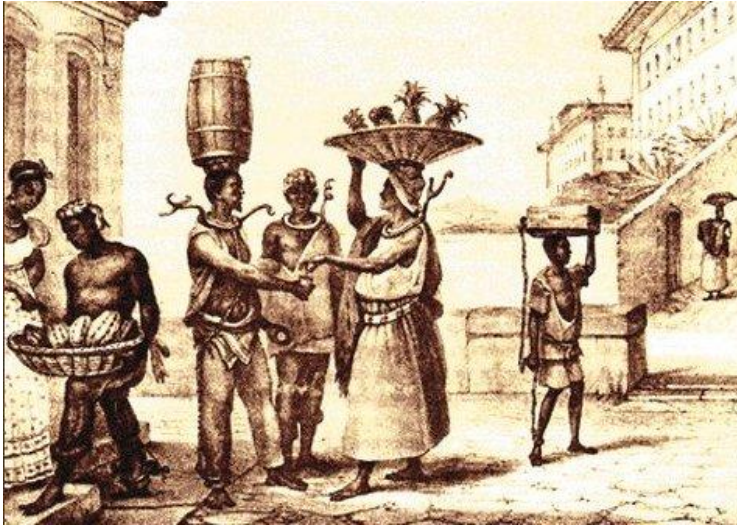


Image 43: Christiano Júnior, “Vendedora com criança nas costas” in George Ermakoff, *O negro na fotografia brasileira do século XIX* (Rio de Janeiro: Casa Editorial G. Ermakoff, 2004).



Image 44: Marc Ferrez, “Vendedores ” (c.1899) [see Appendix, Chapter One].



Image 45: Jean-Baptiste Debret, “Chicken vendors” [see Appendix, Chapter One].



Image 46: Augusto Malta, “Quiosque na Rua da Saúde” c.1904 (MHN)



Image 47: Unknown artist, “A turca dos fósforos” in Luiz Edmundo, *O Rio de Janeiro do meu tempo* (Rio de Janeiro: Conquista, 1957).





Image 48: Statue “O Mascate” (Photographs by author, October 2006).



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Chapéus de sol

Comércio de café

Comércio de carvão

Comércio de cereais

Comércio de fumo

Comércio de gelo e madeiras

Comércio de leite

Comércio de livros

Comércio de pão

Comércio de peixe

Comércio de vinhos e aguardente

Comércio estrangeiro

Escravos ao ganho

Feiras e pequenos mercados

Ganhadores livres

Gêneros alimentícios

Infração de posturas

Jogos

Loterias

Mercado da Candelária

Mercados de flores

Mercado de peixe

Queixas e reclamações

Quitandas

Secos e molhados

Volantes de carne e miudos

#### Arquivo Edgar Leuenroth (AEL)

Periódicos do século XIX

Periódicos do século XX

#### Arquivo Nacional (AN)

Junta Comercial

Pretorias Criminais

## Privilégios Industriais

Arquivo Público do Estado do Rio de Janeiro (APERJ)  
Livros da Casa de Detenção

Biblioteca Nacional (BN)  
Manuscritos: escravidão  
Periódicos  
Rede da memória virtual brasileira: escravidão, literatura

Instituto Histórico e Geográfico Brasileiro (IHGB)  
Escravos  
Comércio

Instituto Moreira Salles (IMS)  
Fotografias: Marc Ferrez

Museu Histórico Nacional (MHN)  
Fotografias: comércio ambulante, Augusto Malta, Juan Gutierrez, Marc Ferrez

Centro de Pesquisa em História Social da Cultura (CECULT)  
Ocorrências Policias

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A Calçada Elegante  
A Época  
A Noite  
A Voz do Trabalhador  
Diário do Rio de Janeiro  
Gazeta de Notícias  
Jornal do Commercio  
O Apostolo  
O Panificador  
O Trabalho  
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Trabalho e Direito

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