

# Racism, Labor and Idleness in the Abolition Process: Brazil and the Portuguese Empire in a Global Perspective (1870-1888)

*Racismo, trabalho e ociosidade no processo de abolição: o Brasil e o Império Português numa perspectiva global (1870-1888)*

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**Abstract:** This article analyses how the persecution of idleness was a crucial element in Abolition's labor control measures and investigates how that persecution was driven by racism, attributing natural idleness to black people. Generally addressed for the post-abolition period, the intention here is to show that it is an earlier process. The article also innovates by discussing how relations among legislation, labor and race, in the Abolition context, were not limited to Brazil and, in a Global Labor History perspective, reflects on the connections and comparisons with the case of the Portuguese Empire in its formulations about Africa over the same period.

**Keywords:** Racism; Labor; Idleness; Global Labor History.

**Resumo:** O presente artigo pretende analisar como a perseguição à ociosidade foi um elemento-chave nas políticas de controle sobre o trabalho no contexto da abolição, bem como investigar como essa perseguição estava pautada pelo racismo ao atribuir aos negros uma ociosidade natural. Geralmente abordado para o período do pós-abolição, busca-se mostrar que esse é um processo anterior. Além disso, outra novidade consiste em se debater como as relações entre legislação, trabalho e raça no contexto da abolição não estiveram circunscritas unicamente ao Brasil, e, a partir de uma perspectiva da História Global do Trabalho, pretende-se refletir sobre as conexões e as comparações com o caso do Império Português, nas formulações sobre a África, ao longo do mesmo período.

**Palavras-chave:** Racismo; trabalho; ociosidade; História Global do Trabalho.

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Commenting on Princess Isabel's speech from the throne delivered on May 3, 1888, which addressed the need to extinguish servitude but at the same time stressed the importance of improving "our laws for repressing idleness", the daily newspaper *Gazeta da Tarde* stated that the government seemed to be imbued with the "false idea that the freed slave becomes an enemy of work and the public order".<sup>2</sup> In addition to stating that experience proved the contrary, the newspaper queried: "So does the government want to free the blacks just to put them in jail? To arm a violent, despotic rural police at the service of wicked ex-masters who do not know how to adjust themselves to the new labor conditions?" (*Semana parlamentar*, 1888, p. 1)<sup>3</sup>.

The questions that *Gazeta da Tarde* posed indicate the axes of the present article, which analyses how the persecution of idleness was a key element of the policies designed to control labor in the abolition context and investigates how that persecution was founded on racism insofar as it attributed a supposed innate idleness to the blacks. The subject is usually addressed for the post-abolition period<sup>4</sup>, however, this study endeavors to show that the process is anterior to it.

Another novel aspect consists of discussing how the relations among legislation, labor and race, in an abolition setting, were not limited to Brazil alone. According to Alain Youssef, up until recently Brazilian historiography has only treated the abolition of slavery within the national scope (Youssef, 2019, p. 2). That is also a point shared in the historiography on abolition in the Portuguese Empire. The intention here is to reflect, from a Global History of Labor perspective, on the connections and comparisons between the Brazilian case and that of the Portuguese Empire in its formulations concerning Africa, considering the same period.

In this work, the meaning of Global History of labor is connected to the formulations of Marcel van der Linden regarding aspects such as the questioning of methodological nationalism, focusing on the transnational and trans-continental connections, which means "situating all historical processes in a broader context, not minding how geographically 'small' those processes may be" (Linden, 2013). There are currently many different visions on the Global History of Labor and what it means, just as there is an intense discussion about its possibilities (Winn, 2012). This study is more closely aligned with those perspectives that consider the meaning of global "through an emphasis on space and connections that stretch across cultural boundaries" rather than thinking "global" as being "the whole world" (De Vito, 2019). In that sense, analyzing how the racism present in the abolitionist legislation circulated in

the space being considered here and how it was directly related to controlling the labor force represents a possibility for doing some Global History of Labor.

Furthermore, this article lies closer to the Global History of Labor proposed by Linden as it explores different labor relations, that is to say, as it rejects the traditional approach that mistakes the history of labor with the history of wage-earning labor alone (Linden, 3013). While the historiography of Labor produced in Brazil has made progress in its investigation of coercive labor in the 19<sup>th</sup> century<sup>5</sup>, the recent efforts to analyze the effects of racism on the history of the worlds of labor in the country are still highly precarious (Popinigis; Terra, 2019).

The first part of the article is devoted to verifying how, in the abolition context, an image of racial differentiations was consolidated relating blacks to an atavistic idleness and, at the same time, pointed to the need to create measures to repress vagrancy and regulate labor contracts. The second part explores the concomitant and related efforts in Brazil and in the Portuguese Empire to respond to those demands by means of laws and regulations. The aim of that approach is to contribute to the analysis of racism in the process of transformation of labor relations in Brazil and in Portuguese Africa and also to cast a more attentive eye on the construction of coercive forms of labor in the spaces referred to in this article.

## IDLENESS AND FORCED LABOR

The main point of the legislation known as the Free Womb Law (*Lei do Ventre Livre*), approved in Brazil on September 28, 1871, was to free the sons and daughters of women slaves who were born after the date of its enactment. However, it stipulated that those children would remain in the power of – and under the authority of – their mother’s master until they were eight years old. After that period, the master would either receive an indemnity or “use the services of the minor until he or she had completed 21 years of age” (*Lei de 28 de setembro de 1871*).

The law has many other points and some historians have underscored the importance of its guaranteeing slaves the right to save and form a nest egg and obtain their manumission if they had the means with which to indemnify their value (Chalhoub, 1990). What has not as yet been much explored is the Law’s coercive aspect in regard to vagrancy, which is evident, for example, in the provision that slaves freed in the terms of the Law would remain “during five years under government surveillance” and would be “obliged to contract their

services on pain of being forced, if they live in vagrancy, to work in public establishments” (Lei de 28 de setembro de 1871)<sup>6</sup>. The forced labor would cease, however, if they presented proof of being hired.

At the time of the 1871 Law, the Criminal Law of 1830 was in force, which, in Article 295, stated that a person would be considered vagrant if he did not have an occupation that was honest “and useful, from which he could live, after being warned by the Justice of Peace, not having sufficient income”. The penalty was prison with work for from eight to twenty-four days (Brasil, 1830).

The question of obligation and compulsion appears in another Law also from 1830 that made provisions regarding the regulation of service provision contracts. The legal device determined that whoever provided a service could only refuse to provide it if he first restored any payment received in advance “after discounting the value of service effectively provided and paying half the value that would have been earned if the contract had been fulfilled completely” (Lei de 13 de setembro de 1830). Should that regulation be disobeyed, which meant the employee had to pay his hirer, the Judge would force the “service provider to do his duty, punishing him with correctional imprisonment and after three ineffectual corrections, would condemn him to work in prison until he had indemnified the other party” (Lei de 13 de setembro de 1830).

In the Senate debates on the respective legislation, Senator Vergueiro enquired as to what means were available to “make the man work and fulfill the contract”. According to him these people “that hire themselves out, usually fail to keep their word: they go away; go off to spend the money they have received”, and so there was a need to subject them to the rigor of the law (Anais do Império..., Seção de 17 de junho de 1830).

Although that did not refer exclusively to immigrants, they were who Senator Vergueiro had in mind in his speech which sought to guarantee the financial returns of businessmen like himself who were involved in bringing in immigrants (Cravo; Rodrigues; Godoy, 2020). The Bill itself was edited at the behest of the Society for Promoting Foreign Colonization (*Sociedade Promotora da Colonização Estrangeira*) (Alencastro, 1988, p. 36).

Another Law governing services hire approved in 1837 was directed exclusively at foreigners and made the terms of coercion even harsher for workers who wished to abandon their contracts. In that case, if they did not pay to do so, they would immediately be arrested and condemned to “labor in public works for whatever time was necessary for them to settle, with the gross product of their labors, the amount owed to the hirer” (Lei de 11 de outubro de 1837). What those legislative devices go to show, according to Télió Cravo et

al., is the construction of a framework that “restricted mobility and defined the coercive mechanisms” governing free workers in Brazil. Those laws sought to “canonize the relations of worker dependency, making it impossible for him to be absent from or evade his work and, if necessary, condemn him to imprisonment” (Cravo; Rodrigues; Godoy, 2020).

In the first half of the 19<sup>th</sup> century, the laws governing labor contracts were mainly directed at controlling the mobility of the free population. Although, as mentioned above, the Brazilian criminal Law already had legislation in place to prosecute vagrancy, during the period in question the main concern of the police, at least in the case of the Court, was with begging, which in Penal Law was approximated to vagrancy (Holloway, 2008).

So, in spite of its already existing as a legal measure, the persecution of vagrancy was re-edited in the 1871 Law, but this time directed specifically at those who the Law had given their freedom, as shown above. That being so, it can be stated that the law becomes imbued with a racialized meaning as to who can be classified as a vagrant, namely black men and women recently emerged from captivity. Despite the similarities between the formulations regarding vagrancy in the Criminal Law of 1830 and the terms of the Free Womb Law, insofar as they both establish work as an obligation, nevertheless, the latter, which exclusively regulated the recently freed, reinforced the forms of control because it was not sufficient for a worker to show that he had an occupation; he had to show that he was employed by someone. It effectively underscored the need for freed Negro workers to submit themselves to a boss.

In regard to the construction of the figure of the freed slave as a potential vagrant, it is possible to identify the argument of the Committee responsible for elaborating the Free Womb Law whereby, in their view, immediate abolition “would practically correspond to the destructive eruption of a volcano”. The justification for that was that masses would be launched into a freedom for which they had not been educated; masses who were “incapable of exercising the serious functions of the citizen”. The prematurely freed slave:

Lacking religion, scorns conscience; lacking discipline, scorns other men; lacking instruction, is unaware of the advantages of civilization; lacking work, steals; lacking fear, lacking morality, throws himself into every kind of misdemeanor (Diários da Câmara dos Deputados, Seção de 30 de junho de 1871).

In addition to postulating that the freed individual was not prepared for sudden liberty, the discourse classified that liberty as a ‘Greek Gift’ and pre-

dicted that there would be a generalized disorganization of labor that would have a direct impact on the agricultural class.

The need for emancipation to be gradual, justified by the Negroes' inherent idleness, also circulated in the pages of the Imperial Court diaries. One publication (by request) in the *Diário do Rio de Janeiro*, of April 16, 1871, signed by *O lavrador* (The Planter), declared that "complete freedom with no subjection whatever has been pernicious", because "the slave, not being predisposed for a speedy emancipation, delivers himself up to idleness and vices" (*O elemento servil* XI, 1871, p. 2). In the *Jornal do Commercio* of July 2, 1871, a weekly section dedicated to criticizing the draft of the Free Womb Law declared that the forecast of the high number of freed individuals in 20 years would limit the possibilities of raising them, "educating them, policing them and making them work". The vast contingent the writer imagined would lead to the "large-scale development of idleness, vagrancy and criminality" (*Emancipação: resumo da semana*, 1871, p. 5).

At the beginning of 1872, commenting on the events of the year before, the *Jornal do Commercio* stated that the Free Womb Law had initiated "a horrible, risky, social problem" and called for laws that could have a real effect. First a law that could "compel and put to work, to laborious occupation in all the municipalities of the interior, the innumerable, idle, proletarian vagrants" forming "a multitude of workers who lose themselves in the idleness of laziness". The other measure would be directed at the contract regulation system, that would oblige those that had achieved their manumission to work, given that most of them "corrupted by the vices and indecencies of slavery, beg and steal instead of working for a living, and harm the very society that cooperated for their regeneration" (*Brasil*, 1872, p. 2). It would seem, therefore, that the provisions to curb vagrancy set out in the 1871 law were not sufficient to oblige the freed individuals – mostly degenerates in the opinion of that daily newspaper – to work<sup>7</sup>.

The idea of a smooth gradual transition from slavery to freedom was inspired on what the Committee that elaborated the 1871 Law considered to be the positive experiences with gradual abolition "in England, Sweden, Denmark, in the Spanish speaking Republics and in Portugal" (*Diários da Câmara dos Deputados*, Seção de 30 de junho de 1871).

That international inspiration was not by chance. As the Commission itself declared, other countries had adopted a gradual form of abolition. In the case of the Portuguese Empire, a decree of 1858 determined there would be Abolition in the colonies in 20 years. In 1869, another decree established that

slaves would be freed on the condition that they worked for their masters until 1878.

It was common to find an association between blacks and idleness in places other than Brazil, such as in the Portuguese parliamentary debates for example. In the session of April 12, 1864, representative Pinto de Magalhães, discussing the introduction of forced labor to replace slavery, declared that such labor was a necessity in Africa because without it “there is neither wealth nor happiness, there are only vices and idleness”. Given that “blacks don’t want to work”, the representative proposed that Portugal should introduce forced labor such as other nations like Spain, England and France had done; in spite of preaching free labor in theory, in practice they forced the populations of their colonies to work (Câmara dos Senhores Deputados..., Seção de 12 de abril de 1864). Minister of the Navy Mendes Leal, commenting on the abovementioned representative’s speech, declared that work had the power to civilize Africa and that the continent was undergoing a process that had already occurred in other countries which was that of a ‘natural transition’: the passage from “slavery to servitude, that is, from slave labor or compunction to obligatory labor, or duty”. The minister went on to quote Geoffroy Saint-Hilaire “a proponent of the differences of the races, an investigator free from any kind of suspicion on the part of negrophiles”<sup>8</sup>. According to Mendes Leal, Saint-Hilaire proposed a kind of paternal tutelage for the ‘lowly African’ and in the minister’s view that tutelage would translate into forced labor and would allow for servitude (Câmara dos Senhores Deputados..., Seção de 12 de abril de 1864).

Mendes Leal’s formulations were similar to those of another Portuguese, João Pedro de Oliveira Martins. The latter, according to Ernesto Zamparoni, was an adept of Physical Anthropology, much in vogue towards the end of the 19<sup>th</sup> century (Zamparoni, 2012, p. 50). In his work *O Brasil e as colônias portuguesas* (Brazil and the Portuguese Colonies), published in 1880, Oliveira Martins alleged that there were various documents that showed the Negro to be “an anthropologically inferior type, not rarely close to the anthropoid and hardly worthy of the name ‘Man’”. With a conception similar to that of Mendes Leal, Oliveira Martins says that the Negro gave the impression of being a kind of adult child, and even if he enjoyed childish qualities such as mobility and sharpness, those had “failed to transform into superior faculties”. The discipline of work was the way to take that inferior being out of his “state of indolence and idleness” because he “does not abandon his freedom and idleness – which for him are happy conditions of a feral life – for fixed, constant, ordinary work, which is the harsh condition of civilized life” (Martins, 1880, p. 212).

The association of Africans with an atavistic idleness also circulated in Portugal in the form of broadsheets and pamphlets that debated the end of slavery, such as the one that Alfredo de Oliveira Pires published in 1874. He argued that obliging the blacks “a race only recently emerged from slavery and still in an almost savage state” to work, could only be imposed by Law and it would be indispensable to compel them to respect it. If that were not done then they would see “the black man converted into a vagrant because neither awareness of social duties nor his own requirements will lead him to the exercise of labor” (Pires, 1874, p. 34). The solution he proposes is to create regulations governing labor contracts with the Africans and

police measure to repress vagrancy so that the blacks’ natural indolence does not lead them to abandon their work and drive the colonies into a labor shortage crisis, exposing them, at the same time, to the danger of having numerous bands of vagrants with no education, no culture and a propensity to fall victim to all kinds of vices (Pires, 1874, p. 15).

Felix Meyer, in a broadsheet also published in 1874, referred to the savage state in which the indigenous peoples of Angola still live as being the most evident proof of the fact that “the negro in his native land has never been known to subject himself voluntarily to doing regular work”. However, that population’s “intellectual and moral” backwardness could not be attributed to “an inferiority innate to the race itself”, as Minister Mendes Leal would have it based on the ideas of Geoffroy Saint-Hilaire. Meyer believed that the

enervating influence of the climate and the spontaneous fertility of the soil that makes it easy for them to satisfy their simple needs without the need to subject themselves to regular work are the permanent causes that, since primordial times, have permitted and still permit the Negro of Angola to deliver himself into idleness, which to him is the condition of his wellbeing (Meyer, 1874, pp. 8-9).

The same author cites experiences in the British Antilles and in the United States to exemplify cases in which blacks outside of Africa, just like those on their own continent, did not readily subject themselves to work. Thus, according to Meyer, the full immediate emancipation of the blacks “would completely annihilate the important agricultural colonies founded by the Europeans”, and so it was necessary to constrain and oblige the blacks to work (Meyer, 1874, p. 15).

Sá da Bandeira, an important Portuguese abolitionist and the formulator

of various laws concerning the end of slavery in the Portuguese Empire<sup>9</sup>, in a work of his in 1873, refuted some of the associations of the time whereby the blacks would necessarily be idle and reject working. He argued that blacks would only refuse to work when their wages were not paid or was insufficient, or when they themselves were being maltreated. However, he also stated that the government needed to lead the freed blacks “to adopt some of the customs of civilized people, such as attending school and [adopting] the form of dress”. In that way, he believed “the wish to possess necessary objects will create the need in them to work in order to satisfy it” (Bandeira, 1873, p. 73).

Sá da Bandeira also declared that it was essential “to define very clearly the application that should be made of the word *vadio* (layabout/vagrant); given that in general Negro women are responsible for agriculture and other activities”. Thus, he reaffirmed the importance of avoiding a repetition of what had happened in Angola in 1840 when “the majority of freed blacks of that province had been classified as vagrants”. In that way the author called attention to what he considered to be a crucial gender-based division of labor in Africa which would certainly have an impact on the criminalization of vagrancy in that space. He also indicated that the sentences of forced labor should be served in State institutions and that the situation of vagrants providing forced labor to private individuals should be prohibited “to avoid speculations and great abuses” (Bandeira, 1873).

The representations concerning freed blacks that circulated between Brazil and the Portuguese Empire were not restricted to those spaces alone. In the English abolition process, which began in the 1830s and was mentioned by the Commission responsible for elaborating the 1871 Law in Brazil, there was discussion of the idea that the character of the intellectually inferior freed blacks and the lack of incentives for them to work would mean that their sudden, complete emancipation would lead to barbaric indolence. According to Thomas Holt, the government intended to identify a system that could take the communities of the West Indies out of barbarity. The winning project was one that implemented a learning period after the abolition of slavery. In it the former slaves would work for part of the week for their former masters to compensate for the provision of food, clothing, housing and medical care, and in the other part of the week, work for a wage either for the same former master or for other proprietors (Holt, 1992, p. 48).

Holt explained that the formulators of the learning system “viewed the slaves as children to be re-educated into wage-earning workers and re-socialized as citizens” (Holt, 1992, p. 56). Special magistrates would be responsible for

enforcing the discipline of labor which was formerly enforced by the masters and punishment for infractions ranged from fines, in the form of extra work, to imprisonment and flogging. In that author's view, the West Indian slaves

would be free, but only after being resocialized to accept the internal discipline that ensured the survival of the existing order. They would be free to bargain in the marketplace, but not free to ignore the market. They would be free to pursue their own self-interest, but not free to reject the cultural conditioning that defined what that self-interest should be (Holt, 1992, p. 53).

It is clear, therefore, that in Brazil and the Portuguese Empire, in the context of abolition, similar ideas circulated regarding the question of control over those recently emerged from captivity, which dialogued with other experiences such as those of the British empire mentioned above. Thus, the image of the blacks as having a 'natural' tendency to idleness was reinforced and used to justify a gradual transition to freedom. However, even though that association of the Negro with indolence was a strongly present mark of a process of racial differentiation in the context of abolition in those spaces, there were other explanations circulating, some referring to biological characteristics, others to external factors such as the climate and the fertility of the soil. Furthermore, although this was the predominant discourse, it was not the only one, and there were contestations of the central idea of an atavistic indolence on the part of the blacks such as Sá da Bandeira proposed, even though the discordant voices still considered them to be on an inferior scale of civilization.

It is important to insist that in spite of what both the Brazilian and Portuguese historiographies<sup>10</sup> aver, those are not constructions of significance that can only be understood within national frontiers, but instead they are constructions that were formed precisely by the intense dialogue that penetrated well beyond those limits and, furthermore, they were forged with reference to various international abolitionist experiences.

In the abolitionist context, the discourse associating blacks and indolence was related to the adoption of coercive labor as the path to follow. Commenting on Mozambique, Zamparini stated that:

the supposedly natural and universal faith that work and the accumulation of its fruits were the base of all individual and social life lives fostered the belief that the 'civilizers' were charged with the task of taking the indigenes out of their natural state of indolence and idleness and submitting them to the discipline of labor, altering their conduct in relation to the same (Zamparoni, 2012, pp. 34-35).

Thus, in both Brazil and the Portuguese Empire, based on international examples, the idea was created that obligatory labor for freed slaves could be achieved, on the one hand, by regulating the labor contracts and on the other by the recrudescence of the repression of vagrancy.

#### REGULATING LABOR, REPRESSING VAGRANCY

In Portugal the response to the proprietors' demands for the regulation of labor and the control of vagrancy came in 1875. A law that Sá da Bandeira had proposed stipulated that in 1876 individuals would pass from being freed slaves to being freemen, but they would be under government guardianship and obliged to hire out their services for two years, preferably to their former masters (Lei de 29 de abril de 1875). As mentioned earlier, the idea of guardianship, present in the discourse of the Ministry of the Navy Mendes Leal and in the technical opinion issued by the Commission that examined the Law in question, showed that the intention was precisely to protect the "minors and those assimilated to them", that is, the blacks. According to the document, "for centuries now, the experience of the various colonial nations has revealed the thousands of ways that the ignorance and helplessness of the working class in the colonies has been taken advantage of". In those places slavery had merely changed its name and that was the result of "absolute freedom to contract one who was not aware of his value and perhaps did not even know he possessed it". Thus, the guardianship of the State appears as a means to avoid having those emerging from captivity "renouncing the benefits of freedom even before acquiring its habits" (Câmara dos Pares do Reino, Seção de 31 de março de 1874). According to that vision, it was up to the State to civilize the blacks through compulsory labor and in that way protect them from the snares of sudden freedom.

Another of the Commission's indications was that "vagrancy, in similar transition periods, is the first and most pernicious vice to be prevented, and once implanted it is difficult, if not impossible, to extirpate". Furthermore, it considered that given the need to oblige those whose servile status had been abolished to work, then it was necessary to "establish with great care, the fundamental bases of the labor contracts" (Câmara dos Pares do Reino, Seção de 31 de março de 1874).

In that very year of 1875, regulations were implemented that specified, in greater detail, the terms of service contracts<sup>11</sup>. Such contracts could stipulate the value of the wage only, or stipulate the wage plus upkeep and clothing, and

they would be valid for a period of five years or, in the case of apprentices, ten years. They also determined a ceiling of nine and half hours work per day with Sundays off and specified the penalties should the worker be absent without a justification. The minimum wage and the ‘minimum rations’ were to be determined by the specific regulations of each province. Furthermore, absence from work for a period of fifteen consecutive days would be considered vagrancy, and as such subject to the penalties, established in the regulations themselves (Regulamento para execução da lei...).

Again, on the subject of vagrancy, the document indicated how an individual that the law had made free and under public guardianship would be judged as such according to the provisions of article 256 of the Portuguese Penal law (Regulamento para execução da lei de 29 de abril de 1875). That Law defined as a vagrant anyone who did not have “a fixed abode to live in, nor the means of subsistence, nor habitually practice a profession or occupation, or any other means of gaining a living”. The punishment was correctional imprisonment for six months and the culprit would be “placed at the government’s disposal to work for whatever time seems convenient” (Código Penal aprovado..., 1855).

The regulations of 1875 fixed an even stricter penalty for the Africans insofar as those deemed to be vagrants would be “subject to forced labor for two years in State establishments specially created for that purpose or in the forts and public works of the province, and will receive the wage determined by the respective governor”. It also foresaw the possibility of those convicted hiring out “their services, at any time, to private individuals in which case the public obligation would be extinguished” (Regulamento para execução da lei...). In that way, a supply of labor for local bosses was guaranteed. Another aspect classified as vagrancy by the same regulation was “disturbance” or attempted disturbance in the employer’s establishment or the enticement of employees to abandon the establishment”.

In 1878, when the period of transition was supposed to end, the Portuguese government issued a new regulation governing labor contracts, largely re-editing the former text<sup>12</sup>. The document justified itself by stating that “the state of the indigenes does not yet qualify them to promote, by their own efforts, the maintenance of their rights as free citizens, and for that reason special protection of the authorities is essential for them” (Regulamento para os contratos de serviços..., 1878).

It is important to underscore the regulation’s use of the term “indigenes” to refer to the African blacks. While literally it meant those born in the coun-

try, in that context, according to Isabel Castro Henrique, the term acquired “a pejorative functionality that disqualifies and serves to designate one who for that reason is condemned to forced labor” (Henriques, 2004, p. 294). The same author states that such a construction was achieved through the re-elaboration of the representation of the Africans with the aim of making “evident the congenital nature of [their] savagery”. According to her, “the very savagery of the image serves to justify the imposition of a highly ferocious labor discipline” (Henriques, 2004, pp. 287-288). Thus the 1875 and 1878 regulations met the demands of the owning class for greater regulation of the labor contracts and, at the same time, control of vagrancy.

In the Brazilian case, even after the enactment of the 1871 law, the demand for the regulation of the contracts and the persecution of vagrancy continued. The Agricultural Congresses that brought together plantation owners in Recife and Rio de Janeiro in 1878 are important spaces to perceive the clamor of the landowning class<sup>13</sup>. In the Recife Congress, French engineer Henrique Millet, who lived in Pernambuco, exposed the urgency of having a “good law for the hiring of services and one that also regulates the reciprocal rights and obligations of the Sugar Factory owner and the agricultural laborer or inhabitant (Trabalhos do Congresso Agrícola..., 1978, p. 315 apud Dantas; Costa, 2016). In turn, Joaquim Alvares dos Santos Souza insisted on the need to “reform the labor contract laws, making sure that they enhance the guarantee of the contract terms, which must be written by the contracting parties, establishing penalties and fines for individuals that violate them”. He also insisted on the importance of “laws to curb vagrancy that oblige every citizen without a skill, trade, or employment to look for work” (Trabalhos do Congresso Agrícola..., 1978, p. 401 apud Dantas; Costa, 2016).

Analyzing the Agricultural Congress that took place that same year in Rio de Janeiro, Peter Eisenberg points out that even though the idleness of the national worker was taken for granted by all the congress participants, there was disagreement regarding its causes and its cure. There were those who “identified idleness as the result of a lack of repression” and called for “greater repression of vagrancy, a good service contract law, and highly summary processes” (Eisenberg, 1989, p. 145). In that group were figures such as planter Joaquim Eduardo Brandão, from the municipality Mar de Espanha, in Minas Gerais, who called on the government to take action to put an end to vagrancy. He reported that in the settlements of inland cities “at the door of every shop, there are always four, five, six or more freed or emancipated individuals who do not want to work”, and therefore the government was accountable for pro-

moting a policing or correctional measure that “would oblige them to give their services to agricultural work”. He went on to state that the same law should apply to women “who have been manumitted and flock to the tenements to deliver themselves into vagrancy, to vice”, and “it is necessary to correct them, make them work (Congresso Agrícola do Rio..., 1988, p. 182). Here it is possible to detect a gender-based distinction in the definition of vagrancy similar to that identified by Leriche Garzoni for a slightly later period. Thus, for the men, the attribution of vagrancy is largely associated to work, whereas for the women it also underscores moral aspects generally directed at their sexual behavior (Garzoni, 2007).

The representative of Baependi, in Minas Gerais, considered that the social community could not and should not “allow part of its members to continue in a state of barbarity and far less permit another part which, with no fortune or income of their own, eat, drink and clothe themselves, that is to say, consume goods produced by work while living in idleness”. He also appealed for “a pair of laws to repress idleness and the enactment of a good services contract law that would guarantee the execution of the contracts between the workers and the farmers”, because the way things stand at the moment, the disadvantages were all on the farmers’ side (Congresso Agrícola do Rio..., 1988, p. 58).

Again, according to Eisenberg, there were some who blamed the farmers themselves alleging that “the big landowners maintain unproductive freemen on their properties merely for electoral purposes” (Eisenberg, 1989, p. 145). Lastly, there was a group that believed in a lack of positive stimuli to encourage people to come out of idleness.

In regard to the call for a reform of the regulations governing labor contracts, that was addressed by the Decree of 1879, which increased control over service hire contracts<sup>14</sup>. The document determined that the contracts would be valid for six years, if the hired person were a Brazilian, and five years if the hired one were a foreigner. In the case of freed slaves, the conditions were those determined by the Law of 1871. Absence from work without a good reason was punishable at that time by five to 20 days imprisonment. Furthermore, punishments were prescribed for those who refused to work; they were liable to the same punishment – from five to 20 days imprisonment – and there were specific punishments prescribed for those workers who took part in work stoppages and made threats or committed any violent act (Decreto n. 2.827, de 15 de março de 1879).

The harshest repression of vagrancy was introduced by the Law enacted on September 28, 1885, known as the *Lei dos Sexagenários* (the Sexagenarian

Law). Its main point was the liberation of slaves over 60 years old. Nevertheless, they were obliged to work an additional three years for their former masters to compensate them for their manumission. The law also foresaw that slaves whose manumission was financed by the Emancipation Fund would be obliged to remain in the municipality where they had been emancipated for five years. Those who left their domiciles would be considered vagabonds and arrested by the police to be employed in “public works or agricultural settlements”. In addition, any freed slave found without an occupation would be “obliged to employ himself or hire out his services within a time that the Police determined”. If the freed slave had not complied with that determination within the period established, he would be brought before the Judge of Orphans “who would force him to enter on a service hire contract on pain of 15 days imprisonment with labor and to be sent to an agricultural settlement if he should repeat the same offence (Lei de 28 de setembro de 1885). The punishment for vagrancy became even more complex and specified than in the 1871 Law and it was designed to immobilize the freed slave in the municipality where he had always worked, keeping him within the jurisdiction of his former master; also there was a specified prison term for those found without an occupation.

The Portuguese abolition process came up for mention in the debate on the *Lei dos Sexagenários*. In the session of the Brazilian House of Representatives on August 8, 1855, Leopoldo Bulhões remarked that in 1856 Portugal had voted its own Free Womb Law, and in 1858 approved the radical measure of setting a period of twenty years in which to abolish slavery. The Representative also mentioned how in 1874 Sá da Bandeira had proposed “immediate abolition on condition of service provision” (Diários da Câmara dos Deputados, Seção de oito de agosto de 1885).

In the session of July 9, 1885, the same Leopoldo Bulhões had presented a draft bill proposing the extinction of slavery, but with the proviso that the freed slaves would be obliged to provide their services “to their former masters for a period of five years”. The Bill also foresaw a minimum wage for freed slaves and the obligation that they should receive clothing, food and treatment for their ailments” (Diários da Câmara dos Deputados, Seção de 9 de julho de 1885). The draft bill seems to have been inspired by the Portuguese legislation, particularly in the aspects addressing the regulation of labor of 1878. However, it was not as successful as the Portuguese bill and was not passed.

The endeavors to solve the question of controlling the freed slave workers, however, were insufficient, and in 1888, just a few days before the signing of the Law to free all enslaved men and women, even though Princess Isabel

underscored the importance of putting an end to slavery, she also declared the importance of improving “our legislation repressing idleness”. That same year, right after the Law had been enacted, a new discussion began on the repression of vagrancy, as Sidney Chalhoub (1983) has explained.

## FINAL CONSIDERATIONS

In regard to the formulation of control policies for freed slave workers during the abolition period, the article has sought to indicate a possible drawing closer and parallelism of the processes in Brazil and the Portuguese Empire. In both places there were claims of the need for repressive measures that would oblige freed slaves to work, whether by means of more rigorous labor hire contracts or by repressing vagrancy. Despite the similarities, however, the local trajectories had their own specificities.

Those anti-vagrancy policies were common in other abolitionist contexts. According to Christian G. De Vito, between 1881 and 1889, in Cuba, there was a broad debate on vagrancy that was “designing legal measures that would allow immobilizing on the plantation the previously enslaved workforce”. The measures ranged from “compulsory impressment in the army of all blacks between eighteen and 21 years old”, to the establishment of Correctional Facilities. De Vito suggested that the repression of vagrancy was an “example of the adaptability of punishment to shifting social and labor relations and to different spatial contexts”. The author argued that the policies changed as the “conceptualization of vagrancy (*vagancia*) evolved in order to target different groups and reach distinct goals” (De Vito, 2018). In his view, the anti-vagrancy policies “take center-stage as a highly dynamic punitive tool to control the urban and rural populations, and as a way to both expel and immobilize distinct social groups” before and after Abolition (De Vito, 2018).

Alessandro Stanziani showed that in the British and French Empires – in India, in the Indian Ocean and in Africa – the official abolition of slavery “was followed by extremely coercive regulations governing vagrants, issued in the name of public order and economic growth as an antidote to poverty”. The author considered that in those spheres, the anti-vagrancy policy was an example of how, even after the end of slavery, the dividing line between freedom and the lack of it was not very clear in the labor world, which “continued to be a world of unequal, and sometimes extremely violent exploitation” (Stanziani, 2018).

Brazil was, therefore, inserted in a global context of the abolition of slavery which placed the persecution of vagrancy at the center of the stage. That

being so, in the Brazilian abolitionist legislation, and in that of various other places, the punishment of vagrancy was supposed to guarantee that it would be possible for the dominant class of the day to maintain control of workers emerging from captivity, preventing them from leaving the localities where they worked and obliging them to work for some kind of boss.

That persecution of vagrancy was nothing new in any of the places mentioned in the text above – more specifically in Brazil and the Portuguese Empire –, however, during the abolition process, it took on other forms. In that context, the definition of who was a vagrant, male or female, in the case of Brazil and the Portuguese Empire, was permeated by racist markers, attributing a natural idleness and a rejection of work to Negro men and women. Thus, there is an intersection of class and race insofar as, within a single practice that already criminalized the subaltern classes, a new differentiation was created that revealed an intensification of repression and control, precisely of black-skinned men and women. Gender representations also had an impact, albeit not so strong, in the documentation examined in this work, on the formulations as to what the term ‘vagrant’ meant.

The re-elaboration of the representation of the freed Negro worker was a great source that served to justify the whites’ civilizing role insofar as it made labor a compulsory duty for that part of the population, and, in addition, it served as the foundation for the recrudescence of repressive action against the much-feared men and women vagrants. According to that representation, the atavistically indolent blacks, male and female alike, were not ready for sudden freedom, and to coerce them into working was the only way to educate them.

That representation was effective because, among other reasons, it was constructed in the interrelations in various abolitionist contexts. There were, however, some dissonant voices. As set out at the beginning of this article, a few days prior to the signing of the Abolition Act in Brazil, the *Gazeta da Tarde* newspaper contested the government’s idea that the freed slave would necessarily be an enemy of the public order and questioned whether government’s real intention was to “free the blacks only to throw them in jail” (*Semana parlamentar*, 1888, p. 1).

While the historiography of labor in Brazil has indeed taken a big positive step by not limiting its analysis to wage-earning labor alone and has also included the enslaved men and women workers, it is, nevertheless, important to move ahead with the analysis of the effects of racism on the formation of the Brazilian working class (Nascimento, 2016). This text is intended to contribute in that direction insofar as it analyses how, in the global context, repressive

representations and practices that related labor, idleness and racism were forged in Brazil and the Portuguese Empire.

## REFERENCES

- ALENCASTRO, Luiz Felipe de. Proletários e escravos: imigrantes portugueses e cativos africanos no Rio de Janeiro, 1850-1872. *Novos Estudos*, n. 21, pp. 30-56, 1988.
- ANAIS DO IMPÉRIO (digitalizados) (1823-1888). Disponível em: [https://www.senado.leg.br/publicacoes/anais/asp/IP\\_AnaIsImperio\\_digitalizados.asp](https://www.senado.leg.br/publicacoes/anais/asp/IP_AnaIsImperio_digitalizados.asp). Acesso em: 21 mar. 2021.
- ARANTES, Erika Bastos. *O Porto Negro: trabalho, cultura e associativismo dos trabalhadores portuários no Rio de Janeiro na virada do XIX para o XX*. Tese (Doutorado em História) – Instituto de Ciências Humanas e Filosofia, Universidade Federal Fluminense. Niterói, 2010. 223 f.
- BANDEIRA, Marquês de Sá da. *O trabalho rural africano e a administração colonial*. Lisboa: Imprensa Nacional, 1873.
- BEM, Gabriel Felipe Silva. *Raça e colonização: noções raciais no discurso colonial de Sá da Bandeira e Andrade Corvo em Portugal (1873-1887)*. Dissertação (Mestrado em História) – Departamento de História, Universidade Federal de Minas Gerais. Belo Horizonte, 2020.
- BRASIL. *Jornal do Commercio*, Rio de Janeiro, 7 jan. 1872, p. 2.
- BRASIL. *Código Criminal do Império do Brasil anotado* (1830) pelo Juiz de Direito Antonio Luiz Ferreira Tinoco. Rio de Janeiro: Imprensa Industrial, 1886.
- CÂMARA DOS PARES DO REINO (1842-1910). Disponível em: <https://debates.parlamento.pt/catalogo/mc/cp2>. Acesso em: 10 mar. 2021.
- CÂMARA DOS SENHORES DEPUTADOS *da Nação Portuguesa* (1822-1910). Disponível em: <https://debates.parlamento.pt/catalogo/mc/cd>. Acesso em: 10 mar. 2021.
- CHALHOUB, Sidney. Vadios e barões no ocaso do Império: o debate sobre a repressão da ociosidade na Câmara dos Deputados em 1888. *Estudos Ibero-Americanos*, v. 9, n. 1-2, pp. 53-67, 1983.
- CHALHOUB, Sidney. *Visões da liberdade: uma história das últimas décadas da escravidão na corte*. São Paulo. Companhia das Letras, 1990.
- CÓDIGO PENAL APROVADO por Decreto de 10 de dezembro de 1852. Lisboa: Imprensa Nacional, 1855.
- CONGRESSO AGRÍCOLA DO RIO de Janeiro, 1878. Anais. Rio de Janeiro: Fundação Casa de Rui Barbosa, 1988.
- CRAVO, Têlio Anísio; RODRIGUES, Pedro Conterno; GODOY, Marcelo Magalhães. Imigração internacional e contratos de trabalho no Império do Brasil: colonos europeus na construção de estradas na década de 1830. *Almanack*, v. 25, pp. 1-34, 2020.

- DANTAS, Monica Duarte; COSTA, Vivian Chieregati. O “pomposo nome de liberdade do cidadão”: tentativas de arregimentação e coerção da mão-de-obra livre no Império do Brasil. *Estudos Avançados*, v. 30, n. 87, pp. 29-48, 2016.
- DIÁRIOS DA CÂMARA DOS DEPUTADOS a partir de 16 de novembro de 1890. Disponível em: <https://imagem.camara.leg.br/diarios.asp?selCodColecaoCsv=D>. Acesso em: 14 abr. 2021.
- DUVERNAY-BOLENS, Jacqueline. L’homme zoologique. Races et racisme chez les naturalistes de la première moitié du XIX<sup>e</sup> siècle. *L’Homme*, v. 35, n. 133, pp. 9-32, 1995.
- EISENBERG, Peter L. O homem esquecido: o trabalhador livre nacional no século XIX: sugestões para uma pesquisa. In: *Homens esquecidos: escravos e trabalhadores livres no Brasil, séculos XVIII e XIX*. Campinas, Unicamp, 1989. pp. 223-245.
- O ELEMENTO SERVIL XI. *Diário do Rio de Janeiro*, Rio de Janeiro, 16 abr. 1871, p. 2.
- EMANCIPAÇÃO: RESUMO DA SEMANA. *Jornal do Commercio*, Rio de Janeiro, 2 jul. 1871, p. 5.
- ESPÍNDOLA-SOUZA, Mayza. *A liberdade do contrato: o trabalho africano na legislação do Império Português, 1850–1910*. Dissertação (Mestrado em História) – Centro de Filosofia e Ciências Humanas, Universidade Federal de Santa Catarina. Florianópolis, 2017.
- GARZONI, Leriche de Castro. *Vagabundas e conhecidas: novos olhares sobre a polícia republicana (Rio de Janeiro, início de século XX)*. Dissertação (Mestrado em História) – Instituto de Filosofia e Ciências Humanas, Universidade de Campinas. Campinas, 2007.
- GIAROLA, Flávio Raimundo. Trabalho e combate à vadiagem: representações da mão-de-obra nos discursos dos periódicos de São João del-Rei (1871-1888). *Temporalidades*, v. 4, n. 1, pp. 278-302, 2012.
- HOLLOWAY, Thomas H. Doing Favors for Street People: Official Responses to Beggars and Vagrants in Nineteenth-Century Rio de Janeiro. In: BEIER, A. L.; OCOBOCK, Paul (Orgs.). *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective*. Athens: Ohio University Press, 2008. pp. 162-183.
- HOLT, Thomas C. *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938*. Baltimore: Johns Hopkins University Press, 1992.
- KOWARICK, Lúcio. *Trabalho e Vadiagem: a origem do trabalho livre no Brasil*. Rio de Janeiro: Paz e Terra, 1994.
- LAMOUNIER, Maria Lucia. *Formas da transição da escravidão ao trabalho livre: a Lei de Locação de Serviços de 1879*. Dissertação (Mestrado em História) – Instituto de Filosofia e Ciências Humanas, Universidade de Campinas. Campinas, 1986.
- LEI DE 11 DE OUTUBRO DE 1837. Disponível em: <http://legis.senado.leg.br/norma/541072/publicacao/15632760> Acesso em: 8 abr. 2021.
- LEI DE 28 DE SETEMBRO DE 1871. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/leis/lim/lim2040.htm](http://www.planalto.gov.br/ccivil_03/leis/lim/lim2040.htm) Acesso em: 10 mar. 2021.

- LEI DE 28 DE SETEMBRO DE 1885. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/leis/lim/LIM3270.htm](http://www.planalto.gov.br/ccivil_03/leis/lim/LIM3270.htm) Acesso em: 5 abr. 2021.
- LEI DE 29 DE ABRIL DE 1875. Disponível em: <https://www.fd.unl.pt/Anexos/Investigacao/1425.pdf> Acesso em: 14 mar. 2021.
- LIMA, Henrique Espada. Sob o domínio da precariedade: escravidão e os significados da liberdade de trabalho no século XIX. *Topoi*, v. 6, n. 11, pp. 289-326, 2005.
- LINDEN, Marcel van der. *Trabalhadores do mundo: ensaios para uma História Global do Trabalho*. Campinas: Editora da Unicamp, 2013.
- MARQUES, João Pedro. *Sá da Bandeira e o fim da escravidão: Vitória da moral, desforra do interesse*. Lisboa: Imprensa de Ciências Sociais, 2008.
- MARTINEZ, Esmeralda Simões. *O trabalho forçado na legislação colonial portuguesa: o caso de Moçambique (1899-1926)*. Dissertação (Mestrado em História) – Faculdade de Letras, Universidade de Lisboa. Lisboa, 2008.
- MARTINS, Joaquim Pedro de Oliveira. *O Brasil e as Colônias Portuguesas*. Lisboa: Livraria Bertrand, 1880.
- MATTOS, Marcelo Badaró. *Vadios, jogadores, mendigos e bêbados na cidade do Rio de Janeiro do início do século*. Dissertação (Mestrado em História) – Programa de Pós-Graduação em História, Universidade Federal Fluminense. Niterói, 1991.
- MENDONÇA, Joseli Maria Nunes. Leis para “os que se irão buscar” – imigrantes e relações de trabalho no século XIX brasileiro. *História: Questões e Debates*, n. 56, pp. 63-85, 2012.
- MEYER, Felix. *O trabalho livre em Angola e o estado desta província*. Lisboa: Typografia Progresso, 1874.
- NASCIMENTO, Álvaro Pereira. Trabalhadores negros e o “paradigma da ausência”: contribuições à história social do trabalho no Brasil. *Estudos Históricos*, v. 29, n. 59, pp. 607-626, 2016.
- PINTO, Ana Flávia Magalhães. A *Gazeta da Tarde* e as peculiaridades do abolicionismo de Ferreira de Menezes e José do Patrocínio. In: SIMPÓSIO NACIONAL DE HISTÓRIA, XXVIII, 2015, Florianópolis. *Anais do XXVIII Simpósio Nacional de História*. Florianópolis: Anpuh, 2015. pp. 1-17.
- PIRES, Alfredo de Oliveira. *Algumas reflexões sobre a questão do trabalho nas possessões portuguesas d’África*. Lisboa: Typografia Progresso, 1874.
- POPINIGIS, Fabiane; TERRA, Paulo Cruz. Classe, raça e a história social do trabalho no Brasil (2001-2016). *Estudos Históricos*, Rio de Janeiro, v. 32, n. 66, pp. 307-328, 2019.
- REGULAMENTO PARA EXECUÇÃO DA LEI de 29 de Abril de 1875. Disponível em: <https://www2.ifch.unicamp.br/cecult/lex/web/uploads/da927b9b0aa93e489c21965e-78286b6f922c070d.pdf>. Acesso em: 14 mar. 2021.
- REGULAMENTO PARA OS CONTRATOS DE SERVIÇAIS e colonos nas províncias da África Portuguesa, 1878. Disponível em: <https://www.fd.unl.pt/Anexos/Investigacao/1426.pdf>. Acesso em: 4 mar. 2021.

- SEMANA PARLAMENTAR. *Gazeta da Tarde*, 7 mai. 1888, p. 1.
- STANZIANI, Alessandro. *Labor on the Fringes of Empire: Voice, Exit and the Law*. London: Palgrave Macmillan, 2018.
- TRABALHOS DO CONGRESSO AGRÍCOLA do Recife. *Edição fac-similar comemorativa do primeiro centenário, 1878-1978*. Recife: Cepa-PE, 1978.
- DE VITO, Christian G. History without Scale: the Micro-Spatial Perspective. *Past & Present*, v. 242, pp. 348-372, 2019.
- DE VITO, Christian G. Punishment and Labour Relations. Cuba between Abolition and Empire (1835-1886). *Crime, Histoire & Sociétés/Crime, History & Societies*, v. 22, n. 1, pp. 53-79, 2018.
- WINN, Peter. Global Labor History: The Future of the Field? *International Labor and Working-Class History*, n. 82, pp. 85-91, 2012.
- YOUSSEF, Alain El. *O Império do Brasil na segunda era da abolição, 1861-1880*. Tese (Doutorado em História) – Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo. São Paulo, 2019.
- ZAMPARONI, Valdemir Donizette. *De escravo a cozinheiro: colonialismo & racismo em Moçambique*. Salvador: EDUFBA/CEAO, 2012.

## NOTES

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<sup>2</sup> In the Portuguese version of this article, I updated the spelling of the quotations, although I kept the punctuation and the use of capital letters from the originals.

<sup>3</sup> For the relations of the *Gazeta da Tarde* with abolitionism, see Pinto (2015).

<sup>4</sup> Various analyses have addressed the question of vagrancy in the First Republic. In the case of Rio de Janeiro specifically, the authors are Mattos (1991); Garzoni (2007); Arantes (2010).

<sup>5</sup> See, for example: Espada (2005); Mendonça (2012); Dantas and Costa (2016); Cravo, Rodrigues and Godoy, 2020.

<sup>6</sup> The text of Henrique Espada Lima (2005) is an important exception in its approach to this aspect.

<sup>7</sup> Flávio Giarola (2012), analyzing the representations of vagrancy in the periodicals of the city of São João del-Rei, between 1871 and 1888, came across formulations very similar to the ones presented in this article.

<sup>8</sup> In regard to the racial and racist ideas of Geoffroy Saint-Hilaire, see Duvernay-Bolens (1995).

<sup>9</sup> For the trajectory of Sá da Bandeira, see: Marques (2008). More specifically regarding the racial issue present in Sá da Bandeira's discourse, see Bem (2020).

<sup>10</sup> For analyses concentrating on the Portuguese Empire alone, see, for example, Esmeralda (2008). In the case of Brazil, see Kowarick (1994).

<sup>11</sup> A more in-depth analysis of the said Regulation can be found in Maysa Espíndola-Souza (2017).

<sup>12</sup> Esmeralda Martinez (2008) addresses the 1878 Regulation in greater detail.

<sup>13</sup> Concerning the *Congresso Agrícola de Recife*, see: Dantas; Costa (2016).

<sup>14</sup> Maria Lucia Lamounier (1986) made an important analysis of the 1879 *Lei de Locação de Serviços* (1986).

