

# Beyond Law and Order: The Origins of the *Jogo do Bicho* in Republican Rio de Janeiro\*

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*Abstract.* At the beginning of Brazil's First Republic (1889–1930), the clandestine lottery called the *jogo do bicho* or 'animal game', which still exists today, gained enormous popularity in Rio de Janeiro, the city of its origin, and soon in the whole of Brazil. Reconstructing the spread and persecution of the *jogo do bicho* during its first decades reveals the social process of urbanisation evident in the daily, often informal and quasi-legal, interactions between the state and popular commerce in Latin America. The ambivalent official stance and public sentiment that developed toward this lottery suggest that 'law and order' concerns in themselves do not explain the criminalisation of vernacular practices.

*Keywords:* *jogo do bicho*, gambling, policing, Brazil, Rio de Janeiro, Liberal Republic, urbanisation

This article inquires into the late-nineteenth century origins of a still-existing, clandestine lottery that has evaded scholarly attention for as long as its players and dealers have evaded the police: Brazil's *jogo do bicho*, or 'animal game'.<sup>1</sup> It began as a legal raffle intended to fund Rio de Janeiro's privately

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<sup>1</sup> Exceptions are Felipe Santos Magalhães, 'Ganhou leva ... Do vale o impresso ao vale o escrito: uma história social do jogo do bicho no Rio de Janeiro (1890–1960)', unpubl. PhD diss., Universidade Federal do Rio de Janeiro, 2005; Amy Chazkel, 'Laws of Chance: Urban Society and the Criminalization of the Jogo do Bicho in Rio de Janeiro, Brazil, 1880–1941', unpubl. PhD diss., Yale University, 2002, and *Laws of Chance: The Jogo do Bicho and the Making of Urban Public Life* (Durham, forthcoming). For scholarship outside history see Marcelo Pereira de Mello, 'A história social dos jogos de azar no Rio de Janeiro,

owned zoo, but soon slipped irretrievably from state control. Within less than a year after its invention, the animal game caught the nervous eye of judicial and political authorities in the Brazilian capital city, and eventually throughout the country. Over the century or more that followed, it became both the object of bouts of legal repression and a paragon of popular culture. In the acts and rhetoric that began to populate the city jail with those accused of selling and, sometimes, buying tickets for this clandestine lottery, one can witness the formation of both the socio-economic stratification and the besieged realm of unregulated commercial activity that characterise modern, urban public life.

As Brazil's new national leaders shed what they reviled as an embarrassingly outdated regime of slavery and monarchy, they sought to implement a modern nation through the law. In the new penal code of 1890, lawmaker-ideologues at the national level included articles, such as those pertaining to petty crime and vice, that aimed to control social conditions at the local level. Following the end of slavery and the collapse of the Empire, Brazilian jurisprudence increasingly accommodated the efforts of agents of the state to label popular practices such as the *jogo do bicho* as affronts to the public good. In the early 1890s Brazilian authorities defined the *jogo do bicho* as wrong only because of a fragile legal consensus; within a decade, those same authorities, as well as some ordinary citizens, treated the animal game as universally and transcendently iniquitous. Such a shift in conventional wisdom was both fuelled and justified by the state's authoritarian attempts to control a heterogeneous urban population that perennially appeared to threaten the stability and progress of the new Brazilian Republic (1889–1930).

This official persecution of popular gambling in Brazil would be unlikely to surprise anyone familiar with modern Latin American history, since, as Gilbert Joseph notes, throughout the region 'repression increased precisely as avowedly liberal regimes swept into power'.<sup>2</sup> Present-day scholars disagree about the extent to which Latin America's late-nineteenth century urban modernity was state-led, imitatively Europhilic, or leavened by an acute interest in national folk cultures, but most concur on the illiberal, anti-popular

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1808–1946', unpubl. MA thesis, UEIRJ, 1989; Roberto DaMatta and Elena Soárez, *Águias, burros e borboletas: um estudo antropológico do jogo do bicho* (Rio de Janeiro, 1999), pp. 59–99; and Micael Herschmann and Kátia Lerner, *Lance de sorte: o futebol e o jogo do bicho na Belle Époque carioca* (Rio de Janeiro, 1993), pp. 61–79. Non-scholarly literature includes Renato José Costa Pacheco, *Antologia do jogo do bicho* (Rio de Janeiro, 1957), pp. 15–17; Hugo Pedro Carradore, *Folclore do jogo do bicho* (São Paulo, 1979), pp. 15–21.

<sup>2</sup> Gilbert M. Joseph, 'Preface', in Ricardo D. Salvatore et al. (eds.), *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham, 2001), p. xiii; and Carlos Aguirre and Ricardo D. Salvatore, 'Writing the History of Law, Crime, and Punishment in Latin America', *ibid.*, p. 4.

nature of the politics that brought it about.<sup>3</sup> Each with its own particular demographic characteristics, Latin America's nineteenth-century republics shared a post-colonial dilemma of how to incorporate a diverse population – the majority of whom had been juridically unequal and culturally denigrated for centuries – into the nation's faltering embrace. By the century's end, the ambivalent and eclectic interpretation of liberalism on the part of Latin American national leaderships, the uneasy coexistence of enduring colonial legal codes and practices alongside new, republican ones, and deep cultural anxieties about rural barbarism had left their imprint on the legal culture of the region's cities.<sup>4</sup> Jurists, law enforcement workers and political leaders in Latin America's pre-populist era still generally dismissed the social question as a matter for the police, to paraphrase the infamous words of Brazilian politician Washington Luís.<sup>5</sup> Scholarship on Porfirian Mexico, for example, a case closely analogous to Republican Brazil, has shown that a subtext of moral panic behind urban modernisers' battle cry of 'order and progress' underlay the increasingly obtrusive interference of the state, particularly the police, in the lives of the urban poor.<sup>6</sup> Studies of the uglier side of Latin America's 'Belle Époque' include gambling along with vagrancy, prostitution and drinking in the list of practices marked by class and race which the state criminalised as part of the authoritarian politics that accompanied urban modernisation throughout the region.<sup>7</sup>

The elite's 'enlightened intolerance' of certain manifestations of popular culture, and the enforcement of public propriety through often draconian and discriminatory policing, were hardly innovations of the late nineteenth century.<sup>8</sup> Yet during this period judicial archives burgeoned as policing

<sup>3</sup> José Murilo de Carvalho, *Os bestializados: O Rio de Janeiro e a República que não foi* (São Paulo, 1999), pp. 15–41; Jeffrey D. Needell, *A Tropical Belle Époque: Elite Society and Culture in Turn-of-the-Century Rio de Janeiro* (Cambridge, 1987); Martha Abreu, *O Império do divino: festas religiosas e cultura popular no Rio de Janeiro, 1830–1900* (Rio de Janeiro, 2002); Emilia Viotti da Costa, *The Brazilian Empire: Myths and Histories* 2nd ed. rev. (Chapel Hill, 2000).

<sup>4</sup> Julio Ramos, *Divergent Modernities: Culture and Politics in Nineteenth-Century Latin America*, trans. John D. Blanco (Durham, 2001); Joseph, 'Preface', pp. xii–xvi.

<sup>5</sup> Sílvia Moreira, *São Paulo na Primeira República* (São Paulo, 1988), p. 27; Gisálvio Cerqueira Filho, *A Questão Social no Brasil: Crítica do discurso político* (Rio de Janeiro, 1982), pp. 28–61.

<sup>6</sup> Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900–1931* (Durham, 2001); Mark Overmyer-Velázquez, *Visions of the Emerald City: Modernity, Tradition, and the Formation of Porfirian Oaxaca, Mexico* (Durham, 2006). See also Alejandra Bronfman, *Measures of Equality: Social Science, Citizenship, and Race in Cuba, 1902–1940* (Chapel Hill, 2004).

<sup>7</sup> Olívia Maria Gomes da Cunha, 'The Stigmas of Dishonor: Criminal Records, Civil Rights, and Forensic Identification in Rio de Janeiro, 1903–1940', in SueAnn Caulfield et al. (eds.), *Honor, Status, and the Law in Modern Latin America* (Durham, 2005), pp. 293–315; Carvalho, *Os bestializados*, pp. 30–1.

<sup>8</sup> See for example Juan Pedro Viqueira Albán, *Propriety and Permissiveness in Bourbon Mexico*, trans. Sonya Lipsett-Rivera and Sergio Rivera Ayala (New York, 1999); Sílvia Marina Arrom, *Containing the Poor: The Mexico City Poorhouse, 1774–1871* (Durham, 2000); Thomas H.

apparatuses grew and some customary rights became criminal offences.<sup>9</sup> These increases in arrests for certain infractions present a telling symptom of social change, one whose meaning scholars have hotly debated, often along ideological lines.<sup>10</sup> Revisionist scholarship and the interdisciplinary thinking that the growth in studies of law and society has facilitated have opened up the useful interpretative possibility that a perceived ‘decline of propriety’ did not necessarily result from any absolute change in popular behaviour, but instead from the state’s emerging tendency to pass more repressive, anti-popular laws.<sup>11</sup> Whether the number of persons taken into police custody accused of crimes rose because the class interests of the elite forced a shift in the criteria for arrest or because of a surge in the number of people who misbehaved, the fear of public disorder still holds unquestioned explanatory power in analyses of the criminalisation of vernacular practice so richly documented for late-nineteenth century Latin America and elsewhere.

Almost immediately after the first gamblers began to buy *jogo do bicho* tickets in the early 1890s, talk of the dangerous masses arose in the legislative debates, bureaucratic correspondence and judicial writing that established the legal basis for its criminalisation later in that same decade. Arrest records show that the city’s rapidly growing poorer population alone suffered the legal repercussions of this activity in which, other sources show us, both rich and poor avidly participated. The *jogo do bicho* supplies one example out of many of how the livelihoods and avocations of the so-called popular classes often aroused official suspicion, even though the activities in question did not directly threaten life, limb or private property. The official reaction against the *jogo do bicho* suggests how the roots of modern social control grew tangled around what E. P. Thompson calls ‘the class-bound and mystifying functions of the law’.<sup>12</sup>

Yet we need to inquire historically into this ostensibly inevitable link between normative public order and the thoroughgoing repression of popular practice. Even an axiomatic belief that conflict-ridden relations between socio-economic classes characterise modern society would not obviate the need to reconstruct the minute steps by which the *jogo do bicho* passed into the realm of the legally forbidden, for the historical significance of this

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Holloway, *Policing Rio de Janeiro: Repression and Resistance in a Nineteenth-Century City* (Stanford, 1993). The quotation is from Viqueira Albán, *Propriety and Permissiveness*, p. xix.

<sup>9</sup> Bronfman, *Measures of Equality; Piccato, City of Suspects*; Dain Borges, ‘Healing and Mischief: Witchcraft in Brazilian Law and Literature, 1890–1922’, in Salvatore et al. (eds.), *Crime and Punishment*, pp. 181–210.

<sup>10</sup> Douglas Hay, ‘Property, Authority, and the Criminal Law’, in Douglas Hay et al., *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 17–63; John Langbein, ‘Albion’s Fatal Flaws’, *Past and Present* vol. 98 (1980), p. 29–50.

<sup>11</sup> Viqueira Albán, *Propriety and Permissiveness*.

<sup>12</sup> E. P. Thompson, *Whigs and Hunters: The Origin of the Black Acts* (New York, 1975), p. 260.

repression derives just as much from its ambivalence and failures as from its persistence. The state's 'proliferation of rules' only produced a working definition of the public good, one that was fragmentary, tentative and open to interpretation by the vast numbers of state and non-state actors who carried it out.<sup>13</sup> Scholars have recently brought to light the paradoxical and somewhat counter-intuitive phenomenon that occurs within this contested and 'negotiated' definition of the public good: the creation of criminality. In a similar way to that which Pablo Piccato deftly shows in his study of the social construction of a crime wave in early-twentieth century Mexico City, the *jogo do bicho* did not begin as a unitary, distinct practice; its criminalisation brought it into existence by joining disparate, informal lotteries under a single criminal nomenclature, and creating an illicit source of income for police.<sup>14</sup> But beyond reversing the causal arrow between criminality and policing, as critical historical studies of the law have so fruitfully done, we need to show how official anxieties about public disorder emerged as part of a process of 'legal marginalisation' of the urban poor.<sup>15</sup> The story that this article recounts ends, rather than begins, with official concerns about law and order.

Both the persecution and the resilience of the *jogo do bicho* were precipitates of the conflict for control of two, closely related, resources: urban space, and the revenue that retail commerce carried out there would generate. While industrialists and the state acted to enclose both figuratively and literally the spaces of petty trading during Rio's *belle époque*, citizens sought work, commerce and leisure outside the narrowing realm of the permitted. Multitudes of urban Brazilians thus entered the wrong side of the law while moving barely an inch. Changes in the way the state managed the resulting social conflicts, both real and potential, called for new juridical relationships which, in turn, altered the public spaces and social life of the city and the terms of the debate concerning the public good.<sup>16</sup>

By the first decade of the twentieth century, the intricate urban geopolitics and social history behind this shift in the *jogo do bicho*'s official status readily disappeared behind the blinding light of putatively universal legal principles. In describing the trajectory of the *jogo do bicho*, what those folklorists, chroniclers, journalists and occasional scholars who have touched on the subject have, in fact, recounted is the story of the animal game's

<sup>13</sup> The quotation is from Viqueira Albán, *Propriety and Permissiveness*, p. xviii.

<sup>14</sup> Piccato, *City of Suspects*.

<sup>15</sup> David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago, 1993); Piccato, *City of Suspects*; Brodwyn Fischer, 'The Poverty of Law: Rio de Janeiro, 1930–1964', unpubl. PhD diss., Harvard University, 1999.

<sup>16</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, 1990), p. 319.

departure from the confines of the site where it is believed to have originated.<sup>17</sup> Let us disinter, then, this urban myth in order to understand the moral passage that accompanied the animal game's spread, by reinvesting this transition – in the history of both the *jogo do bicho* and urban Brazil – with its original complexity.

*How the animal game escaped from the zoo*

In the 1870s the young João Baptista Vianna Drummond, later to become the Baron de Drummond, left his home in the province of Minas Gerais for the Imperial Court to seek his fortune. The future baron parlayed the pocket full of change his father had given him into a small fortune, first dabbling and then immersing himself in the various forms of financial speculation of his day. He played Rio's stock market, which was just beginning to modernise. He formed an investment partnership with Brazil's most powerful banker, the Baron (later Viscount) de Mauá. He possessed a major share in the newly privatised inter-regional railway system. And then, he became involved in a new type of speculation: the purchasing and developing of land at the periphery of the city.<sup>18</sup>

Drummond's first major real estate project, Vila Isabel, was created in 1872 when his company, Companhia Arquitetônica, purchased from the imperial family some overgrown land on the former site of a plantation nestled between the parishes of Engenho Novo and Engenho Velho.<sup>19</sup> Drummond and his associates hired an architect to lay out the streets in his Vila Isabel in a grid of clean lines and right angles, and to crown his new neighbourhood with a wide boulevard reminiscent of the capitals of Europe.<sup>20</sup> On this plot of land, he also built the Jardim Zoológico de Vila Isabel in 1888, a zoo permitted through a special accord with Rio's municipal government and intended to keep both domestic and exotic animals for the amusement and edification of the Brazilian people, the beautification of the

<sup>17</sup> Mario Ribeiro da Cruz, *Vale o escrito: casos do jogo do bicho* (Rio de Janeiro, 2000); Luís da Câmara Cascudo, *Dicionário do Folclore Brasileiro* (Rio de Janeiro, 1954); Brasil Gerson, *História das ruas do Rio*, 5th ed. rev. (Rio de Janeiro, 2000), pp. 358–9; June E. Hahner, *Poverty and Politics: The Urban Poor in Brazil, 1870–1920* (Albuquerque, 1986), p. 215; DaMatta and Soáres, *Águias, burros e borboletas*, pp. 59–99; Geraldo Lopes, 'Quase 3 mil pontos de 'bicho' na cidade,' *Tribuna da Imprensa* (24 October 1978), Arquivo Público do Estado do Rio de Janeiro (APERJ), Coleção DOPS.

<sup>18</sup> Eulália Maria Lahmeyer Lobo, *História do Rio de Janeiro: do capital comercial ao capital industrial e financeiro*, vol. 2 (Rio de Janeiro, 1978); Benchimol, *Pereira Passos*, pp. 96–111. On Mauá see Raymundo Faoro, *Os donos de poder: formação do patronato político brasileiro* (Porto Alegre, 1958), pp. 433–4.

<sup>19</sup> Maurício de A. Abreu, *Evolução urbana do Rio de Janeiro* (Rio de Janeiro, 1987), p. 44; Benchimol, *Pereira Passos*, p. 106; Gerson, *História das ruas*, p. 359.

<sup>20</sup> DaMatta and Soáres, *Águias, burros e borboletas*, pp. 60–1.

city, and the betterment of Brazilian livestock.<sup>21</sup> This public contract guaranteed Drummond not only the privilege of transforming 200,000 square metres of land into the city's first zoo, but also an annual government subvention to cover maintenance costs, an exemption from all municipal taxes for the term of the contract, and a promise that the city would deny permission to any similar establishments for 25 years.<sup>22</sup>

With the end of the Empire and the beginning of the First Republic in 1889, the Baron de Drummond's fortunes took a turn for the worse. As a favourite of the royal household, just one year earlier Drummond had been honoured with both his baronial title and a line on the city budget to help support his zoo.<sup>23</sup> Now, already experiencing financial problems, the zoo was threatened with closure in the budgetary crises and anti-monarchical fervour of the first months of the new republic.

Drummond requested a concession from the city government to operate a game designed to raise the zoo out of insolvency without taking from the city's coffers. In his petition to the Police Council, Drummond argued that the zoo was destined to become the 'best in the world'. Moreover, the games he proposed to establish there would provide a 'useful institution' for the people of the Federal District, and by extension all of Brazil. As long as they are 'well regulated and moralised', Drummond explained, these 'recreational games ... will greatly benefit the community without those nefarious annoyances that tend to appear, such as, for example, lotteries and betting on races ... and the multitudes of gambling houses that infest this city'. The government agency replied favourably, stating that 'what the petitioner proposes to do is to develop a pleasant distraction within reach of the people; with games, it is true, but these are games which, under the conditions he proposes, do not present a threat to public hygiene .... [O]n the contrary, they would bring about great physical, moral, and intellectual advantages'. Less than two weeks later, the petition received approval.<sup>24</sup> The Municipal Chamber of Rio de Janeiro signed a new contract with Drummond in October 1890, which granted him permission to establish a new business: 'public, legal games' subject to police oversight and contained within the limits of the zoo.<sup>25</sup>

<sup>21</sup> *Ibid.*, p. 61; Arquivo Geral da Cidade do Rio de Janeiro (AGCRJ), código 15-4-62, folhas 2-3.

<sup>22</sup> DaMatta and Soárez, *Águias, burros e borboletas*, pp. 62; Mello, 'A história social', p. 56; Benchimol, *Pereira Passos*, p. 111, fn.20.

<sup>23</sup> Carlos Eduardo de Almeida Barata and Antônio Henrique de Cunha Bueno, *Dicionário de famílias brasileiras*, vol. 1. (São Paulo, 2000), p. 879.

<sup>24</sup> AGCRJ, 15-4-62, folha 10. See also DaMatta and Soárez, *Águias, burros e borboletas*, pp. 65; Mello, 'A história social', p. 57.

<sup>25</sup> AGCRJ, 15-4-62, folha 10.

By July 1892 among the public diversions that Drummond's company had established was a raffle that made the very act of entering the zoo into a game.<sup>26</sup> For the first time, zoo-goers now paid one milreis<sup>27</sup> for their admission, rather than entering for free. In recompense, the entrance ticket doubled as a chance to win a cash prize at a daily raffle. Each ticket bore an image of an animal, and every evening a random drawing decided which animal would bring the cash prize to the holders of the ticket with that animal on it. Early each day, the baron himself would select one out of the twenty-five animals printed on the tickets. At five o'clock each afternoon, he revealed to the public the lucky *bicho* ('animal' or 'beast') by raising the image of that animal to the top of a tall pole near the entrance of the zoo. The winners of what was then called the *sorteio dos bichos* ('animal raffle') would take home twenty milreis, more than a carpenter's monthly wage.<sup>28</sup>

Rio's major daily newspapers began to report on the immense popularity of the game in July 1892.<sup>29</sup> Existing public transportation service no longer sufficed to meet the demand for travel to the zoo. The timetable of the *bonde*, the city's newly expanding tramway system, added new runs in the direction of Vila Isabel. Describing the mounting number of passengers riding the tramways, an official of the Companhia Ferro-Carril da Vila Isabel stated in 1893 that 'the increase in passengers that we see this month was attributable to the game in the Zoological Park'.<sup>30</sup> Folklorist Hugo Pedro Carredore relates that the animal game proved such a sensation that Drummond summoned the police to restore order when the madding crowd pushed at the zoo gates, seeking to purchase chances to win.<sup>31</sup>

Those wishing to play the *sorteio dos bichos* soon no longer needed to travel to the outlying neighbourhood of Vila Isabel. On 12 July 1892, only a week after the animal raffle was first instituted, an announcement in one of Rio's major dailies, *O Tempo*, informed the reading public that they could purchase

<sup>26</sup> Mello, 'A história social', p. 58. See also DaMatta and Soárez, *Águias, burros e borboletas*, pp. 65. Rio's daily newspapers (*Jornal do Brasil*; *O Tempo*; *Diário do Comércio*) establish the date by which Drummond had begun to run the *sorteio dos bichos* as 3 and 4 July 1892.

<sup>27</sup> The monetary unit during the Brazilian Empire and First Republic, the *mil-réis* (often expressed without the hyphen) replaced the *real*, or 'royal', the monetary unit used during the colonial era. The *mil-réis* originated as a multiple of the *real*, which inflation had rendered virtually valueless. The currency changed to the *cruszeiro* in 1942. See Ângela de Castro Gomes and Mônica Almeida Kornis, 'Com a história no bolso: moeda e a República no Brasil', in Ângela de Castro Gomes and Mônica Almeida Kornis (eds.), *Com a história no bolso: moeda e a República no Brasil* (Rio de Janeiro: Museu Histórico Nacional, 2002), p. 12.

<sup>28</sup> *Jornal do Brasil*, 4 July 1892; Alexandre Campos, *Dicionário de curiosidades do Rio de Janeiro* (São Paulo, 1965), p. 147; Gerson, *História das ruas*, p. 359; Benchimol, *Pereira Passos, Illustration* 14, n/p. For 1892 salaries, see Lobo, *História do Rio de Janeiro*, p. 804.

<sup>29</sup> *O Tempo*, 11 July 1892; *Diário do Comércio*, 11 July 1892.

<sup>30</sup> AGCRJ, códice 55-4-9, folha 9.

<sup>31</sup> Hugo Pedro Carredore, *Folclore do jogo do bicho* (São Paulo, 1979), p. 19. See also DaMatta and Soárez, *Águias, burros e borboletas*, pp. 79.



their game tickets not only at the entrance to the zoo but also at a designated address on the city's main shopping street, the Rua do Ouvidor.<sup>32</sup> Private businessmen also set up a ticket booth on Praça Tiradentes, one of the Rio's busiest squares, to sell admission tickets to the zoo that included round-trip transportation on the *bonde* plus, of course, a chance to win a cash prize at the end of the day.<sup>33</sup>

Drummond himself most likely established these points of sale in the city centre to augment the flood of income that his *sorteio dos bichos* was generating. In so doing, his money-making scheme strained the limits of the official permission he had obtained and began to take the form of the illicit lottery easily recognisable by any Brazilian today. In apparent violation of his government contract, there is evidence to suggest that Drummond established business partnerships with one or more individuals who were already running legal gambling operations in the centre of the city.<sup>34</sup> Although accounts of the *jogo do bicho*'s origins differ in many of the details of the business history of the Jardim Zoológico and its expansion into gambling, all clearly show that the clandestine lottery came directly out of the legally ambiguous world of commercialised, popular entertainment then emerging in Rio.

Drummond does not deserve all the credit – or blame – for the transformation of the animal game into a city-wide, clandestine lottery. Over the few years following its invention, the entrepreneurial impulses of an unnamed cast of hundreds converged in the spread of the *jogo do bicho*. Small business owners mounted their own *jogo do bicho* operations independent of Drummond and the zoo, in which players would bet on the outcome of the animal lottery and shop owners would bank the lottery themselves. Independent bookmakers are believed to have begun to buy large quantities of *jogo do bicho* tickets at officially authorised points of sale such as the zoo itself, before reselling these tickets, probably along with those of other lotteries, in their own shops.<sup>35</sup> By 1895 lottery 'bankers' unaffiliated with Drummond already took bets of their own on the outcome of the drawing at the zoo and paid the winners from their own earnings – and undoubtedly enjoyed profits of their own, too. In the crucial period between 1892 and

<sup>32</sup> *O Tempo*, 12 July 1892.

<sup>33</sup> AGCRJ, código 15-4-62, folha 16.

<sup>34</sup> Felipe Magalhães cites the contracts that Drummond's company signed with an entertainment entrepreneur, Luiz Galvez, and then Marques, Ribeiro, and Company, which effectively subcontracted the games at the zoo to these entertainment enterprises in 1894–1895: 'Ganhou leva ...', pp. 24–5. See also *O Tempo*, 3 July 1892; Mello, 'A história social', pp. 1–32, 55, 56, 62; Benchimol, *Pereira Passos*, p. 111, fn 20; Herschmann and Lerner, *Lance da sorte*, pp. 68; Carredore, *Folclore do jogo do bicho*, pp. 15, 17–18; DaMatta and Soárez, *Águias, burros e borboletas*, pp. 67.

<sup>35</sup> DaMatta and Soárez, *Águias, burros e borboletas*, pp. 76; Carredore, *Folclore do jogo do bicho*, 20; Mello, 'A história social', pp. 61.

1895, when Rio's authorities permanently closed down the animal lottery at the zoo, these small lottery operations did not register with the city government nor did they suffer police persecution. In the three years after Drummond introduced the animal raffle to the Brazilian capital, specific references to *jogo dos bichos*' tickets sold among other consumer goods appear in both bureaucratic correspondence and popular media, such as newspaper chronicles. An anonymous letter to the Rio Chief of Police in January 1895, three months before the city rescinded its contract with Drummond, reports that a shop in the central neighbourhood of Flamengo was selling 'bichos for the Zoo' in addition to tickets for prohibited 'foreign lotteries'.<sup>36</sup> Downtown booking agents, small stores and market stands, and kiosks set up in public spaces throughout the city offered chances to win cash by selecting the lucky animal.<sup>37</sup> By the mid 1890s the animal game had escaped from the zoo.

#### *The official reaction*

Many of the details of the clandestine lottery's origins remain hidden, but the results of its growing popularity are well substantiated in the historical record. Within just a few years of the game's inception, Rio's worried judicial and administrative authorities began to notice the *jogo do bicho* and remark on its patent illegality.<sup>38</sup> Although press coverage of the animal game had been consistently salutary, an official letter condemning the lottery at the zoo appeared in the police column of Rio's daily newspaper, *O Tempo*, less than a month after the game had begun. This letter, originally written by the Second Police Officer (*Delegado*) to the Rio Chief of Police and reprinted in the newspaper, calls for police intervention to force the *sorteio dos bichos* out of business. This official expressed bitter regret at having granted the licence that allowed Drummond's company to operate these public games at the Jardim Zoológico. Although these games appeared 'deceptively innocent' in Drummond's 1890 petition, now:

one can verify that they indeed have the character of actual gambling, which is manifestly prohibited. The tickets offered for sale carry the purely aleatory hope of a cash prize, and the holder of the ticket only wins the prize if he has the good fortune to select correctly the name of the species of animal that is raised to the top of a pole. This type of amusement is prejudicial to the interests of the unwise, who are naively seduced by the deceptive hope of uncertain lucre. It is precisely a true game of chance (*jogo de azar*) because winning or losing depends exclusively on

<sup>36</sup> AGCRJ, código 45-2-48. <sup>37</sup> DaMatta and Soárez, *Águias, burros e borboletas* p. 75.

<sup>38</sup> AGCRJ, código 15-4-62, folhas 14, 30; *Relatório do Ministro de Justiça e Negócios Interiores do Brasil* (Rio de Janeiro, April 1896), p. 153; *Anaes do Conselho Municipal (D. F.)* (Rio de Janeiro, September 1897), p. 117.

randomness and luck. Such a diversion cannot be tolerated any longer ... I thus would order the director of the Jardim Zoológico to suspend immediately the continuation of the above-mentioned game, under penalty of prosecution under articles 369 and 370 of the Penal Code.<sup>39</sup>

In February 1893 an agent of the municipal treasury wrote an internal memo that contains additional clues about what had been occurring in the zoo and how local authorities had begun to take umbrage. Examining the original contract with the owner of the zoo, this municipal bureaucrat remarked that Drummond and his Zoological Park Company had not fulfilled any of their legal obligations. The zoo, he complained, had failed to acquire new animals and could not even maintain the ones it already possessed. It had neglected to hold the required zoology classes or properly maintain the grounds. And the zoo management had not established ‘public, legal games’, subject to police oversight. ‘Not one of these improvements have been realised and the games [for which the company was granted a concession] have been degraded by prohibited, illegal games, by an animal lottery [*uma loteria de bichos*] or drawing, in which the names of animals or birds are substituted for numbers, and with a 20 per cent profit for the Company. We have already noted the widely held opinion that these games are illegitimate, even though they are being presented as legal’. Since the Zoo Company had reneged on its contractual responsibilities, the treasury official ruled, the municipal government would likewise not have to fulfil its own. Specifically, he cited the exclusivity clause, which prevented the city from signing similar contracts with other concessionaires.<sup>40</sup> In a decree issued in April 1895, the Municipal Council rescinded the city’s contract with Drummond, calling for an immediate cessation of the ‘illicit games’ occurring in the zoo.<sup>41</sup> Significantly, the discussions leading up this decision located the illegitimacy of these games in the company director’s tax evasion and contract violations, and not the inherent social evil of gambling or disorderly masses drawn into the streets to play.

A January 1895 law marks the first major attempt of Rio’s Republican government to place strict limits on gambling. Although it broadly sought to curb the spread of clandestine games of chance, this 1895 law, in effect, specifically targeted the emerging cluster of practices then called the ‘jogo dos bichos’ in two ways. First, it limited betting on races and other athletic events to just one day per week. The daily nature of the *jogo do bicho* had already become its defining feature, and thus it came within the legal definition of an illicit game. Second, this 1895 legislation specifically prohibited the taking of bets for licit lotteries by intermediaries, an inglorious profession

<sup>39</sup> *O Tempo*, 23 July 1892.

<sup>40</sup> AGCRJ, código 15-4-62, folhas 12–3.

<sup>41</sup> Mello, ‘A história social’, p. 60.

in the eyes of the law, for which the Brazilians had borrowed the English term, ‘bookmaker’.<sup>42</sup> Under licence from the mayor’s office, these gaming middlemen first sold chances to win money based on the outcome of the foot and horse races that took place in the spectator sport stadiums called *velodromos* and *frontões*. Bookmakers naturally expanded to sell chances for all sorts of games, include the *jogo do bicho*. Their strategic location in points throughout the city and the growing market for games of chance made these bookmakers increasingly popular in the early years of the First Republic.<sup>43</sup> Despite these businessmen’s protestations that their perfectly legal ‘commercial establishments’ were protected by both their official licences and the constitutional right to undertake any licit profession, the municipal government began in the 1890s to revoke bookmakers’ licences and expressed its intention to ‘get rid of all bookmakers’ by ‘expressly prohibiting’ their licensing.<sup>44</sup> These two features of the *jogo do bicho* – its daily operation and its reliance on intermediaries – became the crux of its popularity and staying power, despite (or perhaps because of) the game’s decentralised and informal organisation.

It was the emergence of independent bookmakers, bankers and sellers that had allowed lawmakers and enforcers to characterise the animal game occurring at the zoo as an illegal ‘game of chance’, and these figures continued to vex authorities after the animal game’s post-1895 incarnation took shape. As the key personages in the daily operation of the *jogo do bicho*, these *bicheiros* (sellers) and *banqueiros* (bankers) took bets from customers and paid the day’s winners their due. These agents did not collaborate in the early years, and indeed decades, of the game’s existence. What buyers, sellers and government officials called the *jogo do bicho* actually denoted a variety of clandestine lotteries that coexisted in Rio de Janeiro and in cities and towns throughout the country.<sup>45</sup>

Each of these variants of the *jogo do bicho* had in common a list of 25 animals in roughly alphabetical order, each corresponding to a number. As the game no longer had the raffle at the zoo from which to derive its daily result after 1895, the enterprising army of *bicho* merchants and bankers found other sources. After the *jogo do bicho* was permanently disassociated from the zoo, the outcome of the licit Federal Lottery (Loteria Federal) determined the winning number, and animal, of its clandestine counterpart.<sup>46</sup>

<sup>42</sup> Municipal Law (*Decreto*) 126; DaMatta and Soárez, *Águias, burros e borboletas*, p. 80.

<sup>43</sup> Mello, ‘A história social’, pp. 39–40, 42; DaMatta and Soárez, *Águias, burros e borboletas*, p. 79.

<sup>44</sup> AGCRJ, código 40-2-45.

<sup>45</sup> DaMatta and Soárez, *Águias, burros e borboletas*, p. 76.

<sup>46</sup> As in the United States, *bicheiros* are reputed to have based the game on daily stock quotations; Ann Fabian, *Card Sharps, Dream Books, and Bucket Shops: Gambling in Nineteenth-Century America* (Ithaca, 1990). Mello suggests that bookmakers invented the idea of

Each of the 25 creatures came to be associated with a ‘group’ of four numbers, which represented the last two digits (*dezena*) of the first-prize number of the Federal Lottery. For example, those who played the ostrich, or number one in the *jogo do bicho*, were betting that the last two digits of the winning number in the Federal Lottery would be 01, 02, 03 or 04.<sup>47</sup> Many variations kept the game fun and interactive for players, and allowed them to determine for themselves how much money to play and at what level of risk. The several different winning numbers in the Federal Lottery gave rise to a number of variations in the *jogo do bicho*, one derived, for example, from the last two digits of the sum of the three first prizes (or, the ‘Moderno’).<sup>48</sup> Each of these variations bore its own name at the point of sale – ‘Rio’, ‘Salteado’, ‘Antigo’, and ‘Moderno’ were the most common – but all went by the common denominator, ‘the game called “the animal game”’ (*o jogo denominado ‘dos bichos’*) at the moment of someone’s arrest.<sup>49</sup>

In order to play the *jogo do bicho* in the Federal Capital in the last years of the nineteenth century and the early years of the twentieth, one had only to visit any of the multiple points of sale in every neighbourhood of the city. Tickets for this clandestine lottery were omnipresent wherever people traded money for goods. The official, licit lottery had itself experienced a boost in business when the *jogo do bicho* appeared, and licensed lottery dealers installed in small shops and kiosks throughout the city sometimes also sold tickets to its illicit counterpart.<sup>50</sup> Some people operated businesses selling tickets to the *jogo do bicho* out of their private homes or in the collective housing (*estalagens* or *cortiços*) where many of Rio’s poorer residents lived.<sup>51</sup> Both as part of quotidian urban life and on special occasions like religious festivals, in Rio’s shops, tramway platforms, corner fruit stands, butcher shops, squares and at factory gates, public life brought with it myriad opportunities to play the *jogo do bicho*.

Anecdotally, we can reconstruct both the ubiquity of the *jogo do bicho* by the late 1890s and what was at stake in playing it. By the century’s end, objects related to the animal game began to appear in random places. Police

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deriving *jogo do bicho* winners by associating animals with the final digits of the official lottery numbers; ‘A história social’, pp. 39–40.

<sup>47</sup> Carradore, *Folclore do jogo do bicho*, pp. 29–31; DaMatta and Soárez, *Águias, burros e borboletas*, pp. 87–8.

<sup>48</sup> DaMatta and Soárez, *Águias, burros e borboletas*, pp. 87; Clayton Sedgwick Cooper, *The Brazilians and their Country* (New York, 1917), p. 263.

<sup>49</sup> See for example AN, Notação T8 1677 (5 January 1904); AN, Notação T8 3467 (19 June 1908).

<sup>50</sup> Requests for licences to sell lottery tickets demonstrate the ubiquity of lottery tickets sales throughout the city, although the archival record is far from complete; see AGCRJ códices 45-4-23, 45-4-24, 45-4-27, and 23-5-26.

<sup>51</sup> See for example Arquivo Nacional (AN), Série Processos Crimes, T8-1755.

fished a small handful of paper money and a notebook which contained lists of jogo do bicho bets out of the pocket of a man arrested for another crime in February 1898.<sup>52</sup> Tickets for the jogo do bicho began to show up among the merchandise offered for sale in the kiosks that sold snacks and coffee on street corners all over the Federal District.<sup>53</sup> And of course, they surfaced in less random places, especially in the criminal files of those arrested for violating the legal interdiction against the game. These tickets show that the amount of money required to purchase a chance to win varied according to one's whims, disposal to risk, and the amount of cash in one's pocket. Often aided by published tip sheets and an elaborate system of dream interpretation to deduce the winning animal and number, buyers themselves both picked the number(s) they wished to play and decided how much to spend.<sup>54</sup> In 1899, wagers ranged between 500 and 5,000 reis; irrespective of neighbourhood, players usually chose to gamble roughly the price of a cup of coffee or up to the equivalent of a week's wage.<sup>55</sup>

To learn the outcome of that day's lottery, players could return to the site where they had purchased the ticket. The *bicheiro* would inform the players which animal had won, and, almost invariably, would faithfully pay them if they had selected the lucky animal and corresponding number. Players also sought information about the winning number in newspapers and wherever lottery tickets were sold. News of the winning number for this ostensibly clandestine but quintessentially public lottery certainly spread across the city by word of mouth, too. The amount of the prize depended not only on how much the gambler had wagered but also on the type of game selected at the time of purchase: as in other types of betting, the higher the risk, the higher the pay. Lamentably, individual transactions in these earliest years of the jogo do bicho occasioned few written records, and we know little to nothing about the precise amount that the winning player could expect to pocket at the end of the day. Yet we might surmise that the payout was a relatively consistent, fixed multiple of the amount wagered, as in later decades.<sup>56</sup> By 1911, for example, jogo do bicho players would win 23 milreis for each one

<sup>52</sup> These data on the contents of prisoners' pockets come from the mostly uncatalogued GIFl (Grupo de Identificação dos Fundos Internos) collection in Brazil's National Archive; AN, GlfI 6C-30, Abril 1898, 'Papeis sobre depositos de presos.'

<sup>53</sup> AGCRJ, códices 45-4-20 and 45-4-21.

<sup>54</sup> For early-twentieth-century jogo do bicho tip sheets see *O Bicho* and *O Palpite* (Biblioteca Nacional, Setor de Periódicos). See also DaMatta and Soárez, *Águias, burros e borboletas*, pp. 84–7. Ann Fabian documents an analogous phenomenon in the US: *Card Sharks, Dream Books, and Bucket Shops*.

<sup>55</sup> The best data on the cost of playing the jogo do bicho in the late 1890s comes from the tickets seized as evidence in jogo do bicho *processos crimes*. See for example AN, OR.0822.

<sup>56</sup> Waldyr de Abreu, *O submundo da prostituição, vadiagem e jôgo do bicho: Aspectos Jurídicos, Sociais e Psicológicos*. 2<sup>a</sup> ed. (Rio de Janeiro, 1968), p. 103.

wagered in the simplest version of the game involving just one number between one and twenty-five, and 800 milreis for each winning bet on a combination of three numbers.<sup>57</sup>

Already by the first years of the twentieth century, the opportunity to buy a chance to win money in the *jogo do bicho* arose repeatedly throughout the day of the average *carioca*. Customers at the butcher's shop where Manoel Pedro da Silva Junior worked as a cashier, for example, could gamble whatever loose change they had in their pockets as they shopped. Da Silva Junior, a young, Portuguese-born man who lived above the shop where he worked, could neither read nor write. But he did know how to work with numbers, and his numeracy allowed him to supplement his cashier's income by selling tickets for the *jogo do bicho*. We know nothing specific about his customers, except that they probably lived near this shop in the neighbourhood near Praça Onze at the western edge of the Federal District's centre. And by late morning on an August day in 1899, at least four of them had laid small bets with him as they shopped for meat.<sup>58</sup>

When the police entered the shop at eleven o'clock in the morning that day, following the complaint of a civil servant who lived nearby, the officer arrested him for dealing in the 'so-called animal game' (*o denominado jogo dos bichos*), *em flagrante delicto*.<sup>59</sup> The police caught the cashier in the act of running his apparently small-time, clandestine *bicho* operation in broad daylight. Although police patrolled around the clock and, at this time, a private security force called the Nocturnal Guard also hit the streets at night, *jogo do bicho* arrests took place at any time of the day, but especially during business hours in the early afternoon.<sup>60</sup> On 9 December 1898, Manoel Joaquim Barata, a 31-year-old Portuguese man (listed as 'currently unemployed' by the police – the *jogo* was apparently his only profession), took bets for the *jogo do bicho* in the doorway of a neighbourhood tavern, where he, too, was caught *em flagrante delicto* at around two o'clock in the afternoon, with his pockets stuffed with cash. By the time the police apprehended him he had already made a number of sales and was apparently on his way 'to drop off the money at other commercial establishments throughout the city'.<sup>61</sup> Several years later, in 1907, a native *carioca*, Alberto José Dias Chaves, met a similar fate. At eleven o'clock in the morning, the police arrested him standing on the street corner 'at the moment when he received from the hands of a man of the people (*um homem do povo*) a list from the so-called "*jogo dos bichos*".

<sup>57</sup> AN, Série Processo Crime, José Raposo do Conto Jr. e Antonio Marques da Silva, Delegacia de Polícia do 20 Distrito (1911).

<sup>58</sup> AN, T7-0018 (Processos Crimes).

<sup>59</sup> *Ibid.*

<sup>60</sup> Times of arrests for the *jogo do bicho* are found the *processos crimes* examined in the Arquivo Nacional. On the Guarda Nocturna, see Marcos Bretas, *A guerra das ruas: povo e polícia na cidade do Rio de Janeiro* (Rio de Janeiro, 1997), p. 36.

<sup>61</sup> AN, OR.0822.

The accused, according to the police report that followed his arrest, was ‘known in this place as a travelling jogo do bicho seller (*bicheiro ambulante*),’ who peddled his tickets from door to door. In this city of public servants, street vendors, dock workers and merchants, the exchange of cash for a hand-written jogo do bicho ticket kept time with the rhythms of daily commerce.<sup>62</sup>

The precise origins of the cluster of criminalised practices known as the jogo do bicho may indeed have lived and died with those who played it in the late nineteenth century, for at its inception, there was nothing remarkably new about the jogo do bicho. Rio had seen small-time gambling operations come and go for over a century, and in the early 1890s the jogo do bicho would already have been quite recognisable to people accustomed to betting small amounts of their salaries on similar games and lotteries.<sup>63</sup> Why then did local and federal authorities come to perceive the jogo do bicho as not only noteworthy but indeed notorious? Folklorist Hugo Pedro Carredore traces the police response to the jogo do bicho back to the state’s need to control the throngs of disorderly people who reportedly visited the zoo, and to suppress the ‘people’s passion’ for a game that ‘led to real disgraces, the ruin of families, filled jails, and stained the newspaper headlines with blood, but which also turned into the joy of the people’.<sup>64</sup> In his retrospective reflection on the origins of the jogo do bicho written in the 1970s, once the game had already been decisively labelled a crime, Carredore echoes the common belief that criminalisation resulted naturally as a response to feverish, irrational passion. Other, more scholarly sources eschew Carredore’s judgmental tone but tend to echo his belief that state officials suppressed certain manifestations of popular culture because they connected these practices with public disorder. Historians have examined the official treatment of popular practice in urbanising, belle-epoque Brazil in cases that parallel the jogo do bicho; a rich historiography has developed that illustrates how the state’s determination to police the city created crimes out of such customarily tolerated acts as the martial art known as *capoeira* and Afro-Brazilian religious practice.<sup>65</sup> In Rio de Janeiro, both before and especially after jogo do bicho tickets

<sup>62</sup> Of the 811,443 people recorded in the 1906 census of the Federal District, proportionally the largest professions include: ‘unclassified industries’ (26,019); building construction (31,800); commerce (62,062); domestic service (117,904); ‘day workers/manual laborers’ (29,933), in addition to workers in the clothing industry (31,710) and agriculture (21,411); see República dos Estados Unidos do Brasil, *Recenseamento do Rio de Janeiro (Distrito Federal) Realizado em 20 de setembro de 1906* (Rio de Janeiro, 1907), p. 104.

<sup>63</sup> Hastings Charles Dent, *A Year in Brazil, with notes on the Abolition of Slavery, the Finances of the Empire, Religion, Meteorology, Natural History, etc.* (London, 1886), p. 240; Mello, ‘A história social’, pp. 1–32.

<sup>64</sup> Carredore, *Folclore do jogo do bicho*, p. 19.

<sup>65</sup> Bretas, *A guerra das ruas*; Holloway, *Policing Rio*; Sidney Chalhoub, *Trabalho, lar, e botequim: o cotidiano dos trabalhadores no Rio de Janeiro da Belle Époque*, 2nd ed. (Campinas, 2001); Borges, ‘Healing and Mischief’, pp. 180–210; Thomas Skidmore, *Black into White: Race and Nationality in Brazilian Thought* (Durham, 1993), p. 47.



became available outside the zoo, an endemic elite fear of the ‘dangerous crowd’ provides a too convenient explanation for the official repression of popular practices that the historiography of Brazil and elsewhere has bequeathed us.<sup>66</sup> This is not to dismiss the importance of elite fears of the presumptively dangerous masses as a force behind repressive state policies, only to subject these fears, themselves, to historical scrutiny.

Taking what agents of the state said about their own motives for repressing the *jogo do bicho* in the first decade of its existence, we can see that law-makers and government administrators did invoke the threatening urban masses, but not exclusively. The flurry of bureaucratic communiqués and hours of legislative debates that express concern with the disorderly propensities of those who engaged in popular games of chance in the 1880s and 1890s also show an official desire to regulate everyday trading by measures short of criminal law.

It is no coincidence that Rio’s authorities sprang into action against the *jogo do bicho* just as it escaped from the confines of the zoo for, as with all types of commerce, the city sought to draw spatial boundaries around ‘sporting’ transactions. Law-makers delimited retail vendors’ and other traders’ boundaries with several overt, immediate concerns in mind: for example, to allow for the free flow of goods and people through the city streets, and to uphold the concessionaire’s privilege of doing business without competition in the immediate environs. The state’s zealous oversight of bookmakers demonstrates clearly that the confinement of gambling to a defined geographic space was of paramount concern. When sequestered at the running track or sports club, gambling posed less of a threat to the sensibilities of those in power. Yet, when allowed to occur anywhere that anyone was willing to take the entrepreneurial risk of establishing a ‘betting house’ (*casa de apostos*) or ‘lottery shop’ (*casa de loteria* or *loteroteca*), the state was always more eager to limit the hours of operation and to regulate with a tighter grip, at times outlawing these operations altogether.<sup>67</sup> For the most part, the petty gambling operators that these newly restrictive regulations initially targeted shared a social class with the city’s shopkeepers and other small business owners, not the ‘dangerous crowd’. But they were renegade middlemen and thus posed a threat to the economic order. As go-betweens,

<sup>66</sup> Martha Abreu and Sidney Chalhoub both argue that the Brazilian historiography’s emphasis on the draconian, anti-popular politics of the First Republic is, in part, the legacy of the Republican regime’s attempts to justify its own policies by pointing out the weakness and ‘supposed tolerance of the monarchical regime’ that preceded it: Abreu, *O Império do divino*, pp. 337–8; Sidney Chalhoub, *Cidade febril: cortiços e epidemias na corte imperial* (São Paulo, 1996), pp. 290–1.

<sup>67</sup> APERJ, Código de Polícia Municipal da Cidade do Rio de Janeiro, pp. 99–101, and Posturas Municipais, September 1898.

bookmakers effectively siphoned off money that flowed between customers and commercial establishments licensed to sell amusement to the people.<sup>68</sup> From its earliest moments, the desire to contain petty gambling spatially manifested a wish to control it economically.

The state sought to control not only the renegade petty bourgeoisie epitomised by *bicheiros* selling side-bets on the animal raffle and, later, on the Federal Lottery, but the activities of large capitalists, too. Rio officialdom was annoyed not only that unregulated versions of the permitted animal lottery were mushrooming all over the city, but also that Drummond had clearly wriggled free of his end of their business deal. Drummond's Zoological Garden extended through much of the neighbourhood of Vila Isabel, and he operated several hotels, restaurants and taverns on its generous grounds, all under cover of the initial concession and its tax exemption. Municipal authorities lashed out with fines and angry letters.<sup>69</sup>

Lotteries, one must also remember, were more than just a vice or even a game; they were big business. In the First Republic, the legal, national lottery was itself a large, semi-private company and a juicy perquisite whose spoils the federal government granted to its favourite few.<sup>70</sup> The new Republican government formed the public-private National Lottery Company (Companhia das Loterias Nacionais do Brazil) in 1896 through a partnership with a private firm, and it granted this company a concession to run lotteries throughout the country. The National Lottery Company's directors were drawn from 'the most prominent men of the nation'.<sup>71</sup> Several scholars have suggested that a corrupt, informal arrangement existed between the repressive apparatus of the state and the National Lottery, which supported several of the police campaigns against the *jogo do bicho* in the early twentieth century.<sup>72</sup> One cannot be sure how directly involved the Federal Lottery interests were in determining state policing policy. At the very least, though, one can say that the state attempted to harness the people's propensity to petty gambling as a public finance scheme, and that influential parties had an interest in suppressing the parasitic *jogo do bicho*. From 1898 on, the National Lottery Company became more active in promoting its political position, lobbying vigorously for the repression of independent games of chance after 1917.<sup>73</sup>

<sup>68</sup> Mello, 'A história social', pp. 39–40; Magalhães, *Ganhou leva*, pp. 37–43.

<sup>69</sup> AGCRJ, código 15-4-33 and 15-4-63, especially folha 14.

<sup>70</sup> *Relatório dos Ministérios da Justiça e Negócios Interiores*, Projeto n. 51, 1896, p. 28; *Anais da Câmara*, 1 February 1896, p. 5. See Mello, 'A história social', pp. 33–79.

<sup>71</sup> Cooper, *The Brazilians*, 263.

<sup>72</sup> Mello, 'A história social', pp. 93–6; citing Mello, DaMatta and Soárez affirm his assertion in *Águias, burros e borboletas* p. 79.

<sup>73</sup> DaMatta and Soárez, *Águias, burros e borboletas*, p. 82.

The jogo do bicho escaped from the zoo both spatially and economically partly because it was never tightly confined there in the first place. Instead, the game was part of a business relationship between a capitalist and the city government, which harnessed existing tastes, finance capital and urban infrastructure. The national and municipal authorities appear to have believed that the jogo do bicho would remain in the original, innocuous form in which it appeared on the contract with the Baron de Drummond. Those in power thus demonstrated their well-known, perennial administrative tunnel vision, failing to account properly for the economic and social realities of the city and the common practices of its inhabitants, and for the creative disobedience of profit-seeking business owners from the corner *bicheiro* to the wealthy industrialist.

### *Merchants of chance*

Commercialised leisure, including games of chance, formed a characteristic part of the development and modernisation of Brazil's capital city in the late nineteenth century. The official reaction to the jogo do bicho occurred in the context of the state's often frustrated efforts to control that development through its agreements and partnerships with private enterprises. Companies and individuals vied for the grand prize of a concession from the municipal (or, in some cases, national) government which would allow them to profit from the city's increased need for infrastructure: roads, low- and moderate-income ('popular') housing, mass transit, and more modern and controlled forms of retail commerce, for example. State policy that aimed to crush petty gambling must be tied to official anxiety about the fissures in the concession system through which the state managed the urban retail economy. The public order concerns that would tinge the jogo do bicho with a 'stain of ... vice' arose, in large part, because of the dynamics generated within the concession system through which the city modernised its retail commerce, a system that severely limited opportunities to independent business operators while it fed a process that might best be described as urban enclosure.<sup>74</sup>

<sup>74</sup> AGCRJ, código 15-5-62, folha 30. See Benchimol, *Pereira Passos*; Christopher G. Boone, 'Streetcars and Politics in Rio de Janeiro: Private Enterprise versus Municipal Government in the Provision of Mass Transit, 1903-1920', *Journal of Latin American Studies* vol. 27, no. 2 (May 1995), pp. 343-65; Fernando Teixeira da Silva, *Operários sem patrões: os trabalhadores da cidade de Santos no entreguerras* (Campinas, 2003). On the merchant elite in the late nineteenth century, see Albert de Faria, *Mauá: Irenéu Evangelista de Souza, Barão e Visconde de Mauá, 1813-1889*, 2nd ed. (Rio de Janeiro, 1933); Roderick J. Barman, *Citizen Emperor: Pedro II and the Making of Brazil, 1825-91* (Stanford, 1999), p. 192; Isabel Lustosa, *As trapaças da Sorte: pequeno relato das circunstâncias que resultaram na prisão do prefeito Pedro Ernesto, à luz das experiências de Maquiavel e de Toqueville* (Rio de Janeiro, 1994); Emilia Viotti da Costa, 'Brazil: The Age of Reform, 1870-1889', in Leslie Bethell (ed.), *The Cambridge History of Latin America*

The privatisation of the physical and economic spaces of popular commerce led to the informalisation – or the criminalisation – of vernacular practices that had long occurred there.

Drummond, the quintessential late-nineteenth century urban concessionaire, was primarily neither a zookeeper nor a proponent of gambling but rather an urban developer.<sup>75</sup> The city's expanding urban transportation networks, which Drummond himself financed and helped to plan, made it possible for Rio's poorer classes to move further out of the centre of the city in the late nineteenth century.<sup>76</sup> Aware of the first few trickles of what would soon become a tidal wave of urban sprawl, Drummond sought to turn this momentum toward increasing his growing fortune with his streetcar enterprise, the Companhia Ferro Carril da Vila Isabel. His transportation company enjoyed enormous, but short-lived, success. Apparently unable to survive the transition from animal transport to electrically-driven trams and the competition from foreign companies for concessions, the Banco da República dissolved the Companhia Ferro Carril in 1889.<sup>77</sup> As the mayor's office, foreign and domestic companies waged battles over Rio's streetcar monopolies, Drummond turned to other industries, including the growing trade in commercialised popular culture.<sup>78</sup>

Drummond speculated not only in real estate but also in actual gaming establishments, even before he initiated the 'animal raffle' at his zoo. Among other companies, he held shares in the Casino Fluminense, a genteel gambling and entertainment establishment housed in an impressive, neo-classical building in the central neighbourhood of Lapa. Districts on the outskirts of the city, such as the area around Engenho Novo where Vila Isabel would later stand, had been decidedly more glamorous in the middle of the nineteenth century, and Drummond's pet real estate project occupied the part of the city that was arguably the cradle of elite gambling in Rio de Janeiro. The Jockey Club, the Prado Derby Clube, and the Derby Clube Fluminense all functioned within a short radius of the zoo site for at least some time during the last quarter of the nineteenth century.<sup>79</sup> The Clube de Corridas de Vila Isabel (a horseracing club, opened in 1884), later to become the Derby Clube, ran right alongside the Zoo. Members of Rio's privileged

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(New York, 1986), vol. V, p. 731; Costa, *The Brazilian Empire*, pp. 53–77, 172–201; Needell, *A Tropical Belle-Epoque*.

<sup>75</sup> See for example AGCRJ, código 15-4-62; Gerson, *História das ruas*, p. 359.

<sup>76</sup> Teresa A. Meade, "Civilizing" Rio: Reform and Resistance in a Brazilian City, 1889–1930 (University Park, PA, 1997), pp. 58–60; Carvalho, p. 70; Abreu, *Evolução urbana*, pp. 36–54; Benchimol, *Pereira Passos*, p. 106. Gerson, *História das ruas*, p. 359.

<sup>77</sup> Benchimol, *Pereira Passos*, p. 107; Boone, 'Streetcars and Politics', pp. 343–65.

<sup>78</sup> See Boone, 'Streetcars and Politics'.

<sup>79</sup> Fernando da França Leite, *Rio de Janeiro: Uma Viagem no Tempo*; Needell, *A Tropical Belle-Epoque*, pp. 65–72.

classes frequented these racetracks and gambling clubs, whose investors and administrators included the illustrious civil engineer who would later plan the construction of Avenida Central, Paulo de Frontin, and the eminent writer and lawyer, Conde Afonso Celso.<sup>80</sup> By the last quarter of the nineteenth century, gambling was a perceptible force in the urban geopolitics, culture and economy of the Brazilian capital city; playing games of chance was at the cutting edge of commercialised public entertainment, which itself, arguably, occupied the cutting edge of the modernisation of Brazil's capital city. Neither the state nor its citizens seem to have questioned the legality of these gambling establishments; as with the National Lottery, the entrepreneur wishing to profit from their popularity needed to win not a legal battle, but a concession from the municipal government.

The greater availability of capital towards the middle and end of the nineteenth century made it possible for individuals and companies to invest more money than ever before in such public goods as early mass transportation, and later, commercialised public entertainment, by way of concessions obtained from the state.<sup>81</sup> Drummond's concession to build both his intra-urban transportation lines and the zoo represent part of a larger trend in the late nineteenth century toward the privatisation of large-scale urban development. Earlier in the nineteenth century, the construction and maintenance of urban infrastructure had proceeded as either a state project or a haphazard, small-scale private undertaking; it was not yet completely given over to private companies holding concessions granted by the authorities. By the last quarter of the century, however, the municipal government signed contracts with large companies to provide the city with public works, infrastructure, such as docks, public lighting and other utilities, roads, civil construction, as well as entertainment and retail commerce.

Concession-holding merchants possessed the exclusive privilege to construct and operate many of the city's vending stands, market stalls, and street-corner kiosks, which they in turn rented to vendors.<sup>82</sup> Concessionaires paid for their privileges with a licensing fee and sometimes sweetened the deal by offering funds to the public school budget. They agreed to limit their businesses to comply with the state's directives; clauses in the contracts restricted the businesses' hours of operation, controlled prices, and dictated the sites where trading could occur as well as the range of products vendors might sell.<sup>83</sup> The company that built and owned most of the city's street-corner kiosks, for instance, signed a contract in 1877 affirming that they would refrain from selling alcoholic beverages. In practice, the operators of these

<sup>80</sup> Gerson, *História das ruas*, pp. 361–2.

<sup>81</sup> Abreu, *Evolução Urbana*, p. 35; Costa, *The Brazilian Empire*, pp. 195, 291 fn 33.

<sup>82</sup> See generally AGCRJ, códigos 45-4-21; 45-4-23; 45-4-25; 45-4-29; 45-5-30; 45-5-30; 45-5-31; 45-5-32; 45-5-33. <sup>83</sup> See for example AGCRJ, código 45-4-21, folha 129.

kiosks and the state mutually disregarded the interdiction against the selling of alcohol until 1889, as kiosk operators did a brisk business in domestic beer and local rum (*aguardente*), and the municipal chamber amassed some much-needed income from licensing fees. Only once the city government began to license other types of vendors (*carros-chalets* and *carros-barracas*) – the kiosks’ competitors – to sell alcohol, did they selectively begin to enforce the previously ignored no-alcohol clause.<sup>84</sup> For its part, the city government granted the concessionaire such benefits as tax relief, as well as an effective monopoly during the term of the contract. These contracts designated an imaginary, legal fence around the market stalls owned by the concessionaire, which kept the competition a long coin’s throw away. Although much trading in the Brazilian capital still occurred in small, independently owned shops and informal street vending stands, merchants who won concessions from the municipal or national government held enormous power to determine the conditions under which the *carrioca* populace bought and sold goods. Through its authority selectively to award concessions to entrepreneurs in retail commerce and to determine the terms of those contracts, as well as its *de facto* power to decide to what degree to adhere to the contract, the state could effectively maintain its liberal, *laissez-faire* political-economic doctrine while still controlling many aspects of the consumer economy.

An accusation of dealing in prohibited games of chance had both moral weight and relatively low punitive stakes. Both citizens and authorities proffered it regularly, as the innumerable letters denouncing alleged dealers in illicit games of chance that begin to appear in the municipal archive from the 1880s attest.<sup>85</sup> These documents are perhaps best understood as relics of local battles in the war, mostly fought on an epistolary front, between concessionaires, the Brazilian government, and small, independent sellers.<sup>86</sup> By the eve of the First Republic in the 1880s, the products of truck farmers from the city’s outskirts found their way to market stalls, which increasingly were constructed and owned by companies that had long-term concessions from the municipal government.<sup>87</sup> The competition for these contracts was fierce, and accusations of heavy-handed corruption abounded in correspondence to the municipal government and editorials in the local daily newspapers. For the city’s part, it had much to gain by signing contracts with large companies, rather than allowing the small sellers freely to occupy city squares. It was

<sup>84</sup> AGCRJ, código 45-2-22, folhas 2–6. Viqueira Albán documents a similar phenomenon in late-Bourbon Mexico: *Propriety and Permissiveness*, p. 131.

<sup>85</sup> AGCRJ, código 58-3-38, folhas 20–21.

<sup>86</sup> See especially documents related to kiosks (*kiosques*) from 1883 to 1911: AGCRJ, códigos 45-4-21; 45-4-23; 45-4-25; 45-4-29; 45-5-30; 45-5-30; 45-5-31; 45-5-32; and 45-5-33. See also AGCRJ, código 61-1-19-A2.

<sup>87</sup> Such concessions were normally for periods between ten and twenty years.

decidedly easier to ensure that one large company, rather than hundreds of small, independent sellers and itinerant peddlers, would comply with the requirement to pay fees.<sup>88</sup>

Documents from the city archive suggest that corruption occurred regularly not only in determining who would win government contracts and sinecures, but also in the complicity of public officials with monopoly-seeking concessionaires wishing to shut down competition with spurious accusations of illegal practices. Scores of letters from the late nineteenth and early twentieth centuries contain pleas from concessionaires to the city government to insist that they shut down small, independent fruit stands.<sup>89</sup> While correspondence back and forth to the Municipal Chamber fetishised contractual arrangements between the Imperial government and concessionaires, irregular business practices – favouritism, selective adherence to rules, and various other forms of corruption – plainly occurred both behind the scenes and on centre stage.

Contenders for government contracts in Rio's marketplace relied on a rhetoric of free trade and business ethics to promote their interests; they generally refrained from invoking the dangerous masses to incite social fears.<sup>90</sup> Entrepreneurs and public officials concerned with the regulation of petty commerce might well have decried the unruliness of customers and independent sellers in the popular marketplace to add force to their arguments, but chose not to do so. It is certainly true that silences in a historical document often reflect precisely those beliefs and assumptions that the document's author held most deeply and therefore felt no need to articulate. Yet that does not appear to be the case here, since, as historians have amply shown, the nineteenth-century Brazilian ruling classes frequently expressed anxiety about the unruliness of the non-elite urban populace on other occasions.<sup>91</sup> The convention in concessionaires' appeals to the government for fairness reflects their greater concern with corruption and favouritism – or, more accurately, their fear that their competitors, and not they, would benefit from favouritism – than with the dangerous masses. Control and oversight of everyday, urban petty commerce in Brazil would only later, in the late 1880s and especially in the 1890s, become a matter for the police once it was

<sup>88</sup> This regulation of petty commerce also reflected public health concerns. See AGCRJ, código 58-3-39, folha 4; Sidney Chalhoub, *Cidade febril*; Gilberto Hochman, *A era do saneamento: as bases da política de saúde pública no Brasil* (São Paulo, 1998), pp. 55–7.

<sup>89</sup> AGCRJ, código 58-3-39, folhas 38–49. <sup>90</sup> See also *Jornal do Comércio*, 19 January 1885.

<sup>91</sup> Robert Moses Pechman, *Cidades estreitamente vigiadas: O detetive e o urbanista* (Rio de Janeiro, 2002), pp. 303–75; Holloway, *Policing Rio*; José Murilo de Carvalho, *A construção da ordem: a elite política imperial; Teatro de sombras: a política imperial*, 2nd ed. rev. (Rio de Janeiro, 1996), p. 232.

swallowed into the vortex of the power dynamics that the concession system created.<sup>92</sup>

In the early First Republic, official correspondence regarding the regulation of petty commerce gradually began to express an overt concern with games of chance. Promises not to permit gambling became a stock element in concessions for retail marketeers from the mid-1880s.<sup>93</sup> Gambling itself was not the principal cause of this mounting anxiety about games of chance epitomised by the official reaction to the *jogo do bicho*. State regulation of commercial enterprises both large and small arose from an overarching concern with the disorderly effects of competing, profit-seeking industrialists. In its endeavour to quash the *jogo do bicho*, the state's real goal – tacitly but clearly expressed – was to contain and control consumer capitalism itself. The state attempted simultaneously to police both powerful capitalists – by way of concession contracts – and the growing throngs of small, retail vendors who offered their goods and services outside the reach of state regulations and contractual agreements. Among this renegade petty commercial sector, which grew to meet the needs of the city with the largest consumer economy in Brazil, were the city's countless unlicensed street vendors and, beginning in the 1890s, *bicheiros* who traded in illicit lottery tickets. The genesis of a grey zone of uncontrollable entrepreneurship marked the transition from Empire to Republic. The state finally turned to criminal law as the only effective regulatory mechanism for these renegade small entrepreneurs who operated beyond the reach of government control and the concession system. As we shall see, public responsibility for dealing with matters at the intersection of petty commerce, and what would come to be labelled as vice and criminal misdemeanour (*contravenção*), ultimately fell to the police.

#### *Criminalisation of the jogo do bicho*

By the mid 1890s, the words '*jogo dos bichos*' as it was then known, were pronounced not only on street corners and market stalls but also in the Chamber of Deputies and police precincts. In a lengthy debate that unfolded in 1896 on the floor of the Federal District's Municipal Council, Council member Sá Freyre declared

Having taken notice that every day gambling sporting events are practised in the Zoological Park and taking into account the necessity to make a ruling on the request made by the proprietors of the gambling sports clubs (*frontões*) of this capital city, be it declared henceforth that this request positively contradicts my [earlier]

<sup>92</sup> See especially AGCRJ, código 45-4-22, folhas 35–41.

<sup>93</sup> AGCRJ, códigos 43-3-48; 24-8-91, folhas 3–4.



ruling ... The Municipal Council must not forget about our fight to end the illicit games practised at the Zoological Park, and therefore we absolutely must not consent to their request to practise the game of *pelotas* there, when the law emphatically prohibits these games.<sup>94</sup>

In referring to ‘illegal games’ that were being ‘practised at the Zoological Park’, the municipal legislator made an unmistakable reference to the *jogo do bicho*, by then a constant topic of debate in the Municipal Council.

Council members still disagreed about how – and indeed whether – to define the *jogo do bicho* as a crime.<sup>95</sup> Although various types of gambling had long wavered back and forth across the line between the permissible and the illicit, neither municipal nor federal codes had firmly established the precise legal basis for the criminalisation of games of chance even by the 1890s. The Penal Code did contain eight articles outlawing all types of gambling not specifically permitted by law, but neither judges nor police had unequivocally, consensually, characterised the *jogo do bicho* as an illicit game of chance; the first major legislation definitively to classify the *jogo do bicho* as an infraction of the law punishable under those articles would only pass in 1910.<sup>96</sup> Moreover, jurists had not amassed a body of jurisprudence to compensate for this legal lacuna.<sup>97</sup> While the legislature debated the relative merits of regulation versus prohibition, to the endless chagrin of the police chief, the municipal executive continued regularly to grant lottery-type businesses licences to operate even while the Rio police planned campaigns to stamp out games of chance in general.<sup>98</sup>

Irresolute as it was, this anti-gambling legislative discourse had already become policing practice within just four years or so of the invention of the *jogo do bicho*. On 7 August 1896, four residents of Engenho Velho began their day together on a public square and ended it together in Rio de Janeiro’s Casa de Detenção, the city jail. The infraction of the law for which this group of men from Spain, Portugal and Brazil’s rural northeast, all of residents of the same block, were detained was the *jogo do bicho*. The judicial files contain no material evidence of their guilt, and the judicial authorities did not pursue the case. The ink on the page where the clerk entered their names in

<sup>94</sup> *Annaes do Conselho* (April 1898). ‘Gambling sporting events’ is a translation of the *jogos de frontões* in the original: see Bretas, *A guerra das rias*, pp. 88–92; Mello, ‘A história social’, pp. 42–3. *Pelotas* (or *pelas*), an athletic game of Basque origin, was popular in late nineteenth-century Rio de Janeiro as both a spectator sport and for betting: see *ibid.*, pp. 45–6.

<sup>95</sup> *Annaes do Conselho* (April 1898), parecer 21.

<sup>96</sup> Senado Federal, Lei 2321, 30 December 1910.

<sup>97</sup> John Henry Merryman, *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*, 2nd ed. (Stanford, 1985).

<sup>98</sup> DaMatta and Soárez, *Águias, burros e borboletas*, pp. 81; Jorge Crespo, ‘Os jogos de fortuna ou azar em Lisboa em fins do Antigo Regime’, *Revista de História Econômica e Social* no. 8 (July–December 1981), pp. 77–95.

the jail's Registry Book had barely dried when he once again took pen to paper and signed the detainees out on 10 August, three days after their arrest. The following day, three more men arrested 'for selling the jogo de bichos [sic]' took their places. In fact, the entry log in the city jail reveals that men charged with gambling-related offences were already common among the population of detainees by 1896.<sup>99</sup> The game that had once been a legal raffle played at the zoo had by then already found its way into the official documentation of Brazilian police stations, detention centres, and courts, listed by name as a separate infraction of the law.<sup>100</sup>

The four men detained for involvement in a jogo do bicho transaction in 1896 were arrested within walking distance of the Jardim Zoológico. Here in the district of Engenho Velho, near the birthplace of the animal game, the number of individuals for whom the police initiated criminal proceedings under article 367 of the Penal Code steadily climbed in the ensuing years: 2 in 1898; 11 in 1900; an anomalously few 6 in 1902; and 41 in 1904.<sup>101</sup> Arrests for playing and selling the jogo do bicho were far from being confined to the environs of the zoo where the game had been invented. The number of jogo do bicho arrests mounted slowly as police persecution of the game fanned out throughout the city.<sup>102</sup> According to the extant arrest records for Rio de Janeiro, the very earliest recorded jogo do bicho arrest occurred in Engenho Velho in 1895, but in short order even the furthest flung parts of the city witnessed an arrest or two each year for this type of illicit gambling. In 1899, for example, even distant Campo Grande saw three jogo do bicho arrests. By the first decade of the twentieth century not a single district in Rio de Janeiro was free of jogo do bicho arrests. For the most part, the pattern seen in Engenho Velho repeated itself in the city's other neighbourhoods; year by year, the relatively small number of individuals arrested for jogo do bicho offences in the city's outlying neighbourhoods consistently mounted at a rate that roughly synchronised with the outward growth of the city. The considerable discrepancy between the number of official cases (*processos crimes*) brought against jogo do bicho players and sellers and the number of persons detained for these infractions without formal charges in the city jail (*casa de*

<sup>99</sup> APERJ, CD-DF 5626. Arrests of women are exceedingly rare and begin in 1904. See for example AN, notação OI-2625, 9a Vara Criminal, seção de guarda CODES/Judiciário. Arrest statistics are not broken down by suspects' sex, so this date is approximate and based on my surveys of the *processos crimes* in the Brazilian National Archive.

<sup>100</sup> Ministério da Justiça, *Código Penal dos Estados Unidos do Brasil* (1890), p. 8.

<sup>101</sup> AN, Índices Criminais, 11a Pretoria, (1895–1912).

<sup>102</sup> AN, Índices Criminais. Citywide, the number of arrests for the jogo do bicho grew steadily, but were always a relatively small proportion of the total number of arrests for all crimes. For example, the entry log of the Rio de Janeiro Detention Centre indicates that in August 1911 only 20 of the 489 detainees had been arrested for the jogo do bicho; APERJ, CD-6316.

*detenção*) manifests the continued ambiguity of the game's legal status.<sup>103</sup> By the second decade of the twentieth century, arrest statistics for the Brazilian capital suggest that the animal game had already attained its characteristically paradoxical status as ubiquitous cultural phenomenon and criminal infraction.

The legislative record over the two decades after the *jogo do bicho*'s invention makes it clear that lawmakers had noticed that the haphazard policy regarding games of chance was already bearing some strange fruit. In what one legislator called 'the problem of disagreement' between different laws that laid out duties and rights at the municipal level, it was never easy to discern just what was and what was not permitted.<sup>104</sup> Officials were becoming aware that this administrative and jurisdictional confusion led to the impunity of ostensibly illicit practices and opened up the possibility of police corruption. In the words of one municipal lawmaker during a speech in 1917: 'In spite of everything, gambling continues. Although it is restrained, gambling is not so much diminished as [it is] in a state of hibernation: gambling continues in fact with the irresistible force of habit because', he continued, quoting the venerable senator Ruy Barbosa's pithy statement about Rio's 1910 naval revolt, "one cannot resist the irresistible".<sup>105</sup> Barbosa's circular logic served the lesser-known statesman quoted here as evidence of the inevitable presence of gambling in Rio's cultural landscape. Yet as the reference to events in 1910 aimed to demonstrate, moral dissolution and even chaos perpetually threatened the city. The allowance of petty gambling creates unimagined disorder, but, law-makers feared, the arbitrary and ineffectual policing of such activities also yields a bitter harvest. This local legislator's oblique reference to public order was not just rhetoric. If not always openly discussed as part of this problem, the question of public order had gradually merged with the issues of fiscal prudence and business ethics. And, in the course of the first two decades of the *jogo do bicho*'s existence, the criminality of those who not only sold but also played this game had come to be taken for granted by many as an organic part of the law.

Significantly, during the period with which this article is concerned, the authorities' treatment of the *jogo do bicho* was not a case of clear-cut and thoroughgoing repression. Rather, throughout the First Republic, the police and political leadership only sporadically undertook vigorous campaigns to end the *jogo do bicho*. Political leaders spoke with vitriol of the *jogo do bicho* on the floor of the national legislature, and the mayor, city officials, and police officials referred to the game in language reserved for the vilest of

<sup>103</sup> Compare for example the number of individuals detained in APERJ, CD-DF-5626 and the number of corresponding cases in the AN, Índices Criminais.

<sup>104</sup> *Annaes do Conselho*, (April 1898), p. 44.

<sup>105</sup> *Annaes do Conselho*, (November 1917), p. 281.

public offences. Many hundreds of arrests were made; the two defendants processed for illicit gambling in the neighbourhood of Santo Antonio, for example, became scores by the 1910s, and hundreds by the 1930s. Yet these figures constitute a small percentage of the city's population and a tiny segment of those actually participating in the game. And the number of persons actually prosecuted for playing or selling the *jogo do bicho* is smaller still. Sometimes in the face of ostensibly overwhelming evidence of guilt, during the period from the game's origin to around 1917, it appears that virtually no one arrested for playing or dealing the *jogo do bicho* was ever convicted, fined, or made to serve prison time.<sup>106</sup>

The idiosyncrasies of the group of people who were arrested for the *jogo do bicho* and related offences raise questions about how the state and the people interacted through the mechanisms of criminal law. Why, for example, were almost three times as many persons described as white arrested for gambling than people described as black during the years 1891 and 1929?<sup>107</sup> Why were so many sellers arrested, and so few buyers?<sup>108</sup> In the light of the selective nature of the persecution of the *jogo do bicho*, and its persistence in the face of its ostensible illegality, it is clear that simply to note an elite fear of the popular classes is to miss the *jogo do bicho*'s richest historical lessons.

### Conclusions

The evidence cited here corroborates the popular story that holds the Baron de Drummond as the principal progenitor of the *jogo do bicho*. Newspapers from 1892–93 report that Drummond's zoo ran games of chance which, administrative documents show, soon crowded *cariocas* from all corners of the city into tramway cars bound for Vila Isabel.<sup>109</sup> Members of Rio's legislative body discussed the dangers that the game posed in terms of its escape from its original, circumscribed, place and purpose. The popular imagination came to remember the animal game's origins in similar fashion: it became a

<sup>106</sup> AN, Registros de Sentença. See Chazkel, 'Laws of Chance', p. 179. The enormous number of persons described as dark-skinned arrested for vagrancy during this same period provides an insufficiently studied contrasting case; see generally da Cunha, *Intenção e gesto*; Martha K. Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick, 1985).

<sup>107</sup> This analysis is based on the author's survey of detainees in Rio de Janeiro's Casa de Detenção from 1890 to 1929.

<sup>108</sup> See entry logs for the Rio de Janeiro city jail; APERJ, CD-DF. For an accusation of police malfeasance as an explanation for the arrest of sellers, see AN, 8ª Pretoria do Rio de Janeiro, OR 2915 (1903). There are compelling parallels to law enforcement's ambivalence toward prostitution. See Overmyer-Velázquez, *Visions of the Emerald City*, pp. 122–60.

<sup>109</sup> Felipe Santos Magalhães's dissertation contains the best critical analysis of the *jogo do bicho*'s origin myths: 'Ganhou leva', chap. 3. See also Mello, 'A história social', pp. 54–64.

widespread, clandestine practice after it evaded its creator's control. The few serious studies and multitude of folkloric and popular works that describe the game's origins trace this same trajectory: from legal, innocent game carried out inside the zoo to defiant vice, played in all corners of the city.<sup>110</sup> Whether they rejoice or recoil in horror at its escape from the zoo, narratives about the *jogo do bicho* have in common a certain implicit understanding about this moment of transition.

Yet other evidence offered here also shows this story to be incomplete: the *jogo do bicho* as we know it is a creation not of a baronial industrialist but of the state in its interaction with the people. Acting within the regulatory legislation's wide latitude, the police interceded in the *jogo do bicho* and thus grouped a disparate set of informal gambling practices under the legal interdiction against games of chance as they arrested people for dealing in the 'so-called animal game' (*'o jogo denominado do bicho'*). The story of the *jogo do bicho*'s escape from the zoo is a parable of its subtle, juridical transition.

Social scientists have their own sort of allegory for representing the process that this article narrates, which the *jogo do bicho*'s baronial origin myth dramatises: criminal sociologists employ the term 'moral passage', which calls upon a metaphor of motion through space to describe how changes in the way the state interacts with the people affect society's definitions of criminality.<sup>111</sup> Criminal sociologists use this term to help us imagine the abstractions of social change; it evokes the shifting nature of commonly held ideas about deviance, and the process through which society designates the difference between the permitted and the illicit. When statistical evidence demonstrates an increase in the number of persons arrested for a given offence, these changes in arrest patterns might indeed reflect a change in behaviour. Alternatively, however, this increase in arrests might manifest only a greater number of persons apprehended by the police, and not an increase in the incidence of crime. In the latter case, a moral passage has occurred; what has shifted are the criteria for arrest, and not actual, aggregate behaviour.<sup>112</sup> The term contains a certain wisdom about the dynamic, fugitive nature of the line that divides permitted from illicit behaviour.

The *jogo do bicho* did not simply move from acceptance to persecution, or from inside to outside the zoo; it created, not crossed, a boundary.

<sup>110</sup> Gehisa Saldanha, *O jogo do bicho: Como jogar e ganhar* (Rio de Janeiro, 1986), pp. 7–15; Gerson, *História das ruas*, p. 359; Cruz, *Vale o escrito*; Hahner, *Poverty and Politics*, p. 215; DaMatta and Soárez, *Águias, burros e borboletas*, p. 59.

<sup>111</sup> I am indebted to the work of Martha Knisely Huggins, whose use of the term 'moral passage' to think about criminality in Brazil provided useful food for thought for this analysis of the *jogo do bicho*: *From Slavery to Vagrancy*, pp. 55–108. See also Joseph R. Gusfield, 'Moral Passage: The Symbolic Process in Public Designations of Deviance', *Social Problems* no. 15 (1967), pp. 175–88; Kathryn Pyne Addelson, *Moral Passages: Toward a Collectivist Moral Theory* (New York, 1994). <sup>112</sup> Huggins, *From Slavery to Vagrancy*, p. 78.

Its criminalisation was more an instrumental effect than a moral consensus, which allowed police and, acting through them, private citizens to apply the law selectively even while neither the law nor the people had yet fully recognised the game as wrong.<sup>113</sup> Its illegality, once established, provided members of *carioca* society with a modus operandi for dealing with conflicts over the uses of the city for living, working and commerce. The jogo do bicho thus passed into the moralising embrace of criminal misdemeanour law rather than business ethics or state regulation.

The moral question was not irrelevant to the state's treatment of illicit gambling, but it did not neatly overlap with the official push toward criminalisation, either. Aside from the jurists, lawmakers and police who fought against the animal game, some from within the workers' and anarchist movements also voiced serious concerns about the jogo do bicho and mounted judgmental criticisms of those who engaged in it.<sup>114</sup> Rio's commercial professional associations, especially the Associação Comercial, expressed steadfast opposition to the jogo do bicho and assisted police seeking the arrest of *bicheiros*.<sup>115</sup> Some citizens, too, acted on behalf of the state in its anti-bicho campaigns, either as informants against suspected *bicheiros* in ongoing criminal investigations or in taking the initiative themselves to denounce fellow citizens believed to be dealing in this clandestine lottery.

While the jogo do bicho's ubiquity ruffled many feathers, it caused nothing but mild amusement to most observers. Its brazen presence became an ordinary part of urban Brazil's cultural landscape. In 1905, according to one folklorist, 'with the authorisation of the tramway company Companhia de Bondes Jardim Botânico, the tickets for the *bonde* had tips for which animal to play in the jogo do bicho'. By the early twentieth century Brazilians and foreign observers alike had come to perceive the jogo do bicho as Brazil's 'national vice', most often with a touch of ironic affection.<sup>116</sup> Newspaper chronicler Jota Efegê noted that the jogo do bicho had become such an infectious craze that he likened the possibility of an adult avoiding its allure to that of a child 'elud[ing] the measles'.<sup>117</sup> Despite the existence of legal lotteries, numberless players chose – and still, to this day, choose – daily to gamble their disposable income on the jogo do bicho. Commentators on

<sup>113</sup> Cf. da Cunha, 'The Stigmas of Dishonor', 298–9; Overmyer-Velázquez, *Visions of the Emerald City*, p. 112.

<sup>114</sup> *Gazeta Operária*, no. 16 (11 January 1903), p. 2. I would like to thank Pedro Tórtima for bringing this article to my attention. See also Hahner, *Poverty and Politics*, p. 215.

<sup>115</sup> AN, Serie Justiça, IJ<sup>6</sup> – 617 (1916 – 'Diversas Autoridades').

<sup>116</sup> Cooper, *The Brazilians and their Country*, p. 262.

<sup>117</sup> Quoted in John Charles Chasteen, 'The Pre-History of Samba: Carnival Dancing in Rio de Janeiro, 1840–1917', *Journal of Latin American Studies* vol. 28, no. 1, (February 1996), p. 39.

Brazilian culture have attributed the jogo do bicho's success to the inherent appeal of the animals themselves and their symbolic meanings.<sup>118</sup> But the evidence suggests an alternative, more historically grounded explanation: it was the game's very illegality, combined with the virtual impunity of players during these early years, that lent it added cachet.<sup>119</sup>

Although the early criminalisation of the jogo do bicho did not reflect a widely-shared conception of the public good, the game did threaten a variety of actors who possessed the power to enact and enforce laws to seek its demise. It challenged the legal lottery concessionaries with unwanted competition. It came to represent the disorderly tendencies in urban petty trading that commercial associations and policymakers sought to eradicate. And, in circular fashion, it seemed to confirm elite fears about the entropic tendencies of the burgeoning working class, their desire to attain money without work, and their wanton disregard for the law. The complex causality behind the early persecution of the jogo do bicho became blurred and simplified once its classification as wrong behaviour became a legal fact not three years after its invention. The articles in the Brazilian Penal Code and other anti-vice legislation passed in the years immediately afterwards that specified the animal game by name then became convenient tools in the hands of speech- and law-making politicians, arresting police and sentencing judges. But the law, of course, amounts to much more than that which is written, and the ambivalent morality behind the establishment of this anti-vice legal apparatus haunted the ability of Brazilian law enforcement to pursue its avowed aims.

<sup>118</sup> DaMatta and Soárez, *Águias, burros e borboletas*; Gilberto Freyre, *Casa-grande e senzala: introdução à história da sociedade patriarcal no Brasil*, 43rd ed. (Rio de Janeiro, 2001), pp. 203, 244 fn131.

<sup>119</sup> See Chazkel, *Laws of Chance*, Chapter 5.