

## Introduction

Ah, minha irmã . . . o Getúlio adiantou nosso povo. O Getúlio começou a lei, com Getúlio tinha lei, irmã. Não existia lei antes do Getúlio não, irmã. . . . O povo, a gente era bicho. Olha aqui: não foi a Princesa Isabel que nos libertou não. Ela assinou, irmã, mas não fez nada, não, irmã. Ela assinou a libertação, mas quem nos libertou do jugo da escravidão, do chicote, do tronco, foi Getúlio, Getúlio Dorneles Vargas.

Oh, my sister . . . Getúlio moved our people forward. Getúlio started the law, with Getúlio there was law, sister. Before Getúlio there was no law, no sister . . . the people, we were animals. Look here. It wasn't Princess Isabel who liberated us, no. She signed, sister, but she didn't do anything, no, sister. She signed the liberation, but the person who liberated us from the yoke of slavery, from the whip, from the stocks, was Getúlio, Getúlio Dorneles Vargas.

—Cornélio Cancino, great-grandson of an Angolan-born slave, interviewed at the age of 82 by Ana Lugão Rios in Juiz de Fora, Minas Gerais, 9 May 1995, excerpt transcribed in Lugão Rios and Mattos, *Memórias*, p. 129



This is a book about the formation of poor people's citizenship rights in twentieth-century Rio de Janeiro. It seeks to tell how people with scarce education, little money, and less power carved a place for themselves in a mostly unwelcoming capital city, and used that position to gain a foothold in a rapidly changing legal terrain. And it explains also how their hard-won place in both the city and the city of laws fell short of full entitlement, ensuring that a poverty of rights would help to define modern urban destitution.

The intertwining histories of urbanization and citizenship are among the metanarratives of Brazil's twentieth-century history, and the incomplete enfranchisement of the urban poor has long been among the central contradictions of Brazilian democracy. In the 1920s, when this book begins, Brazil was a mostly rural country, a republic of few enfranchised

citizens and unevenly effective laws, governed from the cities but existing mainly in a vast countryside only just emerging from slavery, where local and informal power was often far more consequential than elections, laws, and constitutions. By the early 1960s, when this story ends, Brazil was a largely industrialized society, a chaotic democracy where most urban adults voted, and where citizenship entailed social and economic as well as political rights. Many of Brazil's fertile agricultural regions had been mechanized and modernized, and many of its arid backlands had fallen victim to cyclical and deadly droughts; refugees from both processes had flooded the cities, attracted not only by the perceived abundance of industrial and bureaucratic work but also, as this book will show, by the promise of citizenship.

This process made cities the principal laboratories of a grand experiment, in which political leaders—and most especially Getúlio Vargas, who governed Brazil from 1930 to 1945, and again from 1951 until 1954—sought to transform Brazilian society by exchanging social and economic rights for popular support. Nowhere was the experiment more encompassing than in Rio de Janeiro, Brazil's national capital until 1960, and the place—along with São Paulo—where the period's most critical political and legal innovations were first and most completely implemented. These experiments revolutionized Brazilian law, extending both its reach and its grasp and connecting legal institutions ever more closely to Brazilian daily life. At their best, the Vargas-era innovations forged an idealized form of Brazilian citizenship, creating a wide array of political, social, and economic rights that gave working people hope in the possibilities of law and politics. Yet that citizenship mostly excluded rural people, and it extended only partially to the urban poor, thus also helping to create an urban underclass whose position in Brazilian society was often akin to that of undocumented immigrants: people for whom neither economic prosperity nor citizenship was fully attainable, who built their lives with a patchwork of scanty rights and hard-won tolerance, and whose access to theoretically public benefits and guarantees was scarce or nonexistent. In the end, the reality of this poverty of rights did much to corrode the promise of both the city and the citizenship it had represented.

In exploring why and how rights poverty was born of the promise of expanded citizenship, this book traces the history of Rio de Janeiro's urban poor, a frustratingly vague and heterogeneous social group that was far more familiar to mid-twentieth-century Brazilians than it is to modern scholars. Most histories of post-1930 Brazil have focused on people whose political and social importance has long been recognized in Europe and the United States: class-conscious workers, Afro-descendants, foreign immigrants, women. To some extent, such interest is richly warranted,

both historically and historiographically. The organized working classes of certain Latin American cities or regions did emerge as dominant political forces at critical twentieth-century historical junctures—in São Paulo, Buenos Aires, Córdoba, Santiago de Chile, or the state of Veracruz, Mexico, to name just a few examples—and they assumed a critical role in the so-called populist pacts that governed many of Latin America's largest countries in the mid-twentieth century. Communists, anarchists, socialists, and union activists were often at the vanguard of the strikes and social movements that showed Brazil's poor at their most heroic, and the rhetoric that such activists employed, and prolifically recorded, nearly always lionized the working class. Though political movements forged on the basis of race, ethnicity, or gender have been historically weaker than those of the working classes, such shared identities have nevertheless deeply and subtly shaped not only the historical experiences of poor people throughout Brazil and Latin America but also the very nature of Latin American law, politics, and culture.

Yet, despite this, the fact remains that in Rio—as in other places, from Mexico City to Caracas to Lima to Salvador—neither race nor gender nor working-class identities were generalized and powerful enough to define the relationship between the urban poor and their surrounding society for most of the twentieth century. Too few people really belonged to the organized working class; too many racial and regional identities competed with one another on too many planes; too many cultural, economic, and personal ties bound the very poor to patrons, employers, and protectors from other social categories; and too many migrants streamed constantly into a city for which they held great hopes. Poor people in Rio did understand themselves in part as women and men, light-skinned and dark, native or foreign, working-class or not. But they also understood themselves in less specific and segmented terms, simply as poor people trying to get by in the city. It is difficult to delve into the history of poor people's politics or identities without understanding why that broader characterization had meaning for them, and why they so often privileged it above all others.

Contemporaries had many words for the urban poor, each less exact than the one before. They might be *o povo* or *o povão*, *trabalhadores* or *miseráveis*; among the less charitable, they were commonly labeled *marginais*. They often called themselves simply “poor families” or “poor workers.” Unlike the working class in its strictest Marxist definition, this group was not defined by the type of work its members performed, though most of them did work long hours for most of their lives. The urban poor could include the lower ranks of Marx's classic working class, but the term also encompassed washerwomen and domestic servants,

street vendors and odd-jobbers, cobblers, tailors, and workers fallen into the ranks of the perennially unemployed. Nor could the urban poor be accurately categorized by the labels of gender or identity politics; while they were disproportionately Afro-Brazilian or of rural origin, and while female-headed families were common among them, the urban poor included men and women, young and old, black and white, natives as well as migrants from Europe, the Middle East, and every Brazilian region. And while the group's composition shifted constantly with changing patterns of migration and labor, its heterogeneity persisted; in the 1960s, exactly as in the 1920s, whites made up roughly a third of Rio's shantytown population, and urban poverty could not be soldered to any one economic category, ethnic label, or racial identity. The only thing that held all of Rio's poor together was the daily reality of making do with scarce resources in the city—hardly the sort of bonding that scholars or activists are taught to recognize as historically or politically significant.

And yet, in Brazil as in the rest of Latin America, the heterogeneous urban poor arguably comprised the most important social group to develop in the twentieth century. They never coalesced politically around an autonomous vision of revolutionary change or came together in mass activism along the lines traced by the U.S. civil rights movement. But they did form the numerical majority or plurality in many Brazilian cities, and their shared experience of scarce earnings, political exclusion, social discrimination, and residential segregation helped them to forge a common identity and even sometimes a common agenda, which transformed everything from everyday discourse to social geography to popular culture to municipal and national politics. Any understanding of the ways in which Rio's urban poor came to relate to one another, to their city, or to the Brazilian nation must begin with the recognition that poor people's heterogeneity did not obstruct some other, more "natural" path toward common identity and collective action; it was instead the defining feature of a loose grouping whose main concerns centered on the uneven incorporation of poor and rural people into Brazil's economic, social, cultural, and political modernities.

In documenting how poor people's shared experience of the city helped to forge twentieth-century Brazilian citizenship, this book takes as a point of departure the notion that urban poverty was shaped by poor people's relationships with legal rights and institutions, and vice versa. The link between citizenship and poverty in Brazil is neither original nor surprising. Sociological and anthropological studies of Rio's urban poor written from the 1940s through the 1970s generally recognized scarce access to legal rights as an important component of poverty. The shantytowns that such studies often focused on were partially defined by their illegality;

early shantytown surveys usually asked about residents' access to identification documents and social security guarantees, and a few pioneering studies even explored poor people's interactions with civil and criminal law.<sup>1</sup> More recently, a number of historical works have focused on poor people's legal relationships under slavery and during Brazil's First Republic (1889–1930), positing that access to legal rights and guarantees fundamentally shaped the experiences of slavery, abolition, and early urbanization.<sup>2</sup> A handful of pioneering histories have highlighted the experience of the urban poor in Brazil's criminal justice and labor law systems after 1930, and since the late 1980s any number of works have traced Rio's modern wave of violence and lawlessness to the weakness of poor people's citizenship.<sup>3</sup> Read together, all of these studies make a convincing case that weak legal status has always been an important component of Brazilian urban poverty.

Yet these fragmented arguments about the importance of legal relationships in poor people's lives have not consolidated into a full-blown historical argument about the connections between law, poverty, and citizenship in modern urban Brazil. In part, this is because of the relatively subtle nature of Brazil's legal inequities. Arguments about the links between law and social stratification are much easier to make in contexts such as the segregated U.S. South, or South Africa under apartheid, where scattered experiences from any number of legal fields reveal clear, consistent, and deliberate discrimination against an easily defined group. In the Brazilian case, no such clarity existed. With only a few significant exceptions—most notably the prohibition of illiterate suffrage and the exclusion of rural and domestic workers from the labor code—twentieth-century Brazilian laws are written in a relatively universal language: there is no discrimination on the basis of race, ethnicity, or place of birth; the law applies to everyone; and the rights and benefits of citizenship are available freely to all. Gender discrimination—present in civil, criminal, and family codes well into the twentieth century—was another important exception to this rule, yet even it diminished greatly with the Vargas-era legal reforms. For this reason, Brazil, along with most other regions of Latin America, was long held up as the antithesis of the Jim Crow South, a vastly unequal society by historical legacy rather than by legal design.

Like so many other components of the myth of Latin American racial democracy, this notion does not hold up under close examination. Most poverties of rights in twentieth-century Brazil originated not in outright discrimination but rather in an unusually radical misfit between Brazilian law and the people and communities it governed. Legal inequality thus has to be sought not in the letter of Brazil's laws but instead in the assumptions that underlay them, and in the processes that enforced them.

Critically, even in the mid-century era of popular democracy, Brazilian statutes habitually sought to eliminate perceived social and cultural imperfections by simply outlawing customs and practices that were intimately woven into the fabric of poor people's lives. Just as significantly, in governing the distribution of most Vargas-era benefits and guarantees of citizenship, Brazilian laws required bureaucratic agility, legal knowledge, and material resources that the very poor simply did not possess. The result was a doubly weak enfranchisement. Most poor people could lay only uneven claim to the social and economic rights that Getúlio Vargas and his successors touted as key to social justice and mobility; and they also frequently found their homes, jobs, and family structures relegated to a legal no-man's land, where basic guarantees of property, liberty, and privacy did not apply. Vulnerability and weak access to legality, rather than any more overt discrimination, were at the heart of Brazilian rights poverty.

Understood in that sense, poverties of rights came to shape much of what it meant to be poor in Rio de Janeiro. Between the 1920s and the 1960s, laws and legal institutions expanded to touch every imaginable aspect of poor people's lives. Their work conditions often depended on their ability to access labor rights; their access to social welfare, education, and housing was contingent upon the legal status of their families and jobs; their ability to establish a permanent home depended on building codes, sanitary laws, and property rights; and their personal freedom hinged on their ability to prove to the police and criminal courts that they were respectable citizens rather than burdensome vagabonds. In myriad arenas, Rio's poor people, like those elsewhere in Latin America, were constantly struggling for basic legal recognition, which was rightly understood as one of the most critical components of survival and social mobility.

Ubiquitous though it was, this tenacious quest for rights has never been the focus of much historical attention. Scholars and activists have often bemoaned the relative weakness of popular political movements in places like Rio, citing the absence of full-fledged revolutionary struggles as evidence of populist cooptation, incomplete modernization, or political apathy. Certainly, the daily rights negotiations of Rio's urban poor don't qualify as revolutionary. Most of them were founded on the optimistic belief that the rights of citizenship, as already set forth by the Brazilian government, were worth fighting for. Poor people normally negotiated their rights on a small scale, as individuals, families, or at most communities; aside from occasional labor activism, only their struggle for property rights ever reached the status of a broad-based social movement. And the cumulative achievements of decades of such dispersed

struggles might seem, to outsiders, sparse; Rio's urban poor never have achieved full rights, and their weak citizenship has become a deeply entrenched component of Brazil's economy and politics, where both wealth and power are frequently built on the legal vulnerabilities of those with few resources. Nearly half a century after this book's story ends, rights poverty is still a defining element of most poor people's lives, and of Brazilian society as a whole.

Yet an account that measured the value of poor people's struggles solely by their failure to achieve full and equal citizenship would significantly miss the mark. The question at stake from the 1930s through the 1960s was not, for the most part, whether or not the very poor would have full rights. It was, rather, whether or not they would have any meaningful part in Brazil's republic of laws. The codes that governed Rio as a city and Brazil as a nation left precious little room for poor urban people to legally exist as such. Even after 1930, when Brazilian citizenship came for the first time to be worth something concrete to the urban popular classes, rights extended mainly to formally recognized workers and their families, and the burdens imposed by the expansion of legal regulation fell especially heavily on the shoulders of the very poor. Had the issue been left up to some legislators, urban poor people who could not find a place for themselves in the proper working or bureaucratic classes would have been forcibly sent back to the countryside, or to agricultural colonies in the Amazon or the Brazilian far west. At the very least, the urban poor would have been forced from Rio's so-called noble zones, pushed to distant suburbs with few trappings of urban convenience or comfort. Rio's shantytowns would all have been burned to the ground, and poor people who were perceived as socially dangerous would have been sent for indefinite "regeneration" within the criminal justice system, even if they had never committed a crime. Had any of these things come fully to pass, the phrase "rights destitution" rather than "rights poverty" would have properly described the state of the very poor, and both the city and citizenship itself would have evolved in radically different directions.

Seen in the light of those alternatives, rights poverty emerges as a compromise rather than a defeat. Urban poor people's citizenship, like the wood-and-zinc shacks of Rio's shantytowns, was mostly assembled from scraps. Yet it was relatively rare for even the poorest urban families to remain entirely without rights, as they often had been before 1930, and might well have remained if they had stayed in the countryside. By managing to claim some degree of urban permanence, most families began to build a legal existence, establishing a critical foothold in the city of laws. The fact that poor people's citizenship remained so incomplete and fragmented, and that a common poverty of rights came to define the ur-

ban poor as clearly as material lack did, has arguably prevented the full consolidation of Brazilian democracy. Poor people have often used laws, but few have come to believe in them, and without that belief the rule of law has never become a dominant praxis. Yet all the same, the fact that poor people in Rio and in other cities managed to gain access to some law, where before there had been none, cannot be lightly dismissed.

This contradictory reality perhaps explains the nostalgia with which Getúlio Vargas's extensions of citizenship rights are often remembered, even among poor people who never fully enjoyed their benefits. Vargas did not create, and probably never seriously sought, a society where citizenship did not depend on social status. But his government did add legal protections and guarantees to the arsenal of tools with which the very poor might fight for a decent existence, making it sometimes possible for such people to negotiate their public lives on the basis of rights rather than of patronage or charity. It is difficult to understand the nature of poor people's lives and struggles in twentieth-century Rio de Janeiro without recognizing the significance and magnitude of that transformation.

#### STRUCTURE, METHOD, AND RELEVANT BACKGROUND

This book examines the history of rights poverty in modern Rio de Janeiro in four parts, each of which explores interactions between the urban poor and a particular field of Brazilian law during the middle decades of the twentieth century. Part I (chapters 1 and 2) focuses on the long history of urban planning and regulatory law in Rio, beginning in the late nineteenth century and running through the early 1960s. It introduces readers to the city's urban evolution, highlights Rio's historically skewed distribution of public resources, and chronicles the social and political significance of broad and largely ineffective bans on the sorts of living arrangements that allowed the very poor to remain within the city. Part II (chapters 3 and 4) focuses on the development of labor and social welfare laws during the Vargas era (1930–1954), exploring the limited degree to which poor people in Brazil's national capital were able to make that legislation's extraordinary promise meaningful, and emphasizing the role of documentary requirements and other bureaucratic hurdles in weakening poor people's access to social and economic rights. Part III (chapters 5 and 6) zeroes in on the frequently conflictual relationship between the urban poor and Rio's criminal justice system from the late 1920s through the early 1960s. It argues that Vargas-era reforms of criminal law and practice often served to strip Rio's poorest populations



of significant civil rights, thus eroding their already weak moral faith in justice so dispensed. Part IV (chapters 7 and 8) turns to the only component of the rights struggle that became a full-fledged social movement: a battle for rights of property and possession that pitted thousands of shantytown residents and other illegal squatters against private owners and civil courts between the 1930s and the late 1950s. These land battles resulted in surprising victories, to which the many shantytowns still located on Rio's prime industrial and residential lands bear witness. But while settlers achieved *de facto* permanence, they never won effective land rights; the result was a state of perpetual ambiguity that serves as an apt metaphor for poor people's place in Brazil's city of laws.

This narrative structure is somewhat unorthodox. The four parts run parallel to one another, rather than progressing chronologically; with the exception of Part I, each begins in the late 1920s, just before Vargas's 1930 revolution, and ends in the late 1950s or early 1960s, at the point when Rio ceased to be Brazil's national capital, and when a military coup quickly truncated Brazil's democratic dynamic. Each of the four parts is relatively autonomous, and could easily be read as an independent historical essay. The reader may well wonder why this book has been conceived of in such a form, which offers so little in the way of chronological progress or satisfying narrative climax.

The answer has to do mostly with the nature of the Brazilian legal field. As in most other countries governed by civil law, Brazil's statutes are usually conceived within comprehensive legal codes rather than bubbling piecemeal from common practice. While everyday laws frequently modify the codes, each is understood as an idealized and rational legal universe, which ought not be tainted by precedent or by haphazard law-making.<sup>4</sup> Each area of the law—criminal, civil, commercial, family, labor, electoral, and so forth—has a separate code, and most are governed by their own courts and even enforced through their own chains of command.

All of this grants a great deal of autonomy to each body of law. Even during the first Vargas period (1930–1945), when nearly every Brazilian legal code was either newly invented or significantly changed, no single group of lawmakers was responsible for transformations across the legal spectrum. Each of the codes was influenced by the same material and political constraints, and each sought to resolve similar debates about the nature of citizenship and its proper role in a vastly unequal society. But jurists rather than politicians wrote most codes, and each was molded by philosophical, legal, and historical debates particular to its own field. Due to this, and due to the notably heterogeneous ways in which each code was translated into practice, any attempt to crowd so many such

singular histories into a chronological narrative would simply sow confusion.

My hope is that the independent exploration of each of these four legal fields will not only clarify each strand of my story, but will also serve to emphasize what they all have in common. The trajectories explored here are united by the similarly paradoxical ways in which rights poverty emerged from processes that expanded either citizenship's meaning or the law's reach. In each of these four case studies, legal change in the 1920s through the 1960s entailed an ambitious expansion of the law's scope and relevance. In each, this form of legal modernization allowed some poor people, at some times, to use rights to navigate Brazilian society more effectively. And yet, everywhere, poor people's access to citizenship was curtailed by laws and processes that outlawed critical aspects of their daily existence, clashed with less formal systems of value and practice, or required material and bureaucratic resources that most poor people could not lay hands on. The informal world thus created became a functional part of Brazil's economy and politics, no longer an incidental side effect of legal modernization but rather a building block of power relations in nearly every public arena. The resulting poverties of rights are all the more striking because they emerged at once from so many disparate processes, and poor people's general experience of citizenship was shaped by the commonalities and intersections among all of them.

In Rio, as elsewhere, poor people have typically left few deliberate records of their lives, and the documents others have recorded about them are generally both incomplete and opaque. For that reason, I have taken seriously the historian's role as scavenger, utilizing material from an unusually broad and eclectic spectrum of documentary and testimonial sources. These include civil and criminal court cases; juridical writings; legal codes; ministerial records; legislative debates; statistics; photographs; oral histories; samba lyrics; dozens of daily newspapers; early academic works on shantytowns and urban poverty; and the public archives of presidents, prefects, governors, and bureaucrats. All of this material is complemented by deep secondary literatures on urban poverty, social and racial inequality, Rio's urban history, and Brazilian politics and citizenship.

Despite their richness, each of these sources presents surprising and exasperating gaps. Ministerial and presidential archives disappear or thin out after 1945 (many, it is said, were lost or burned when the capital moved to Brasília). Most municipal records for the period between 1945 and 1960 are lost or not yet organized, and the court cases for these years have been destroyed or are held in judicial archives that are only patchily available for research. The secondary literature for Rio, while

extraordinary for the period before 1930, weakens considerably after that year, leaving critical aspects of the city's general evolution relatively unchronicled. Oral histories, both my own interviews and the many conducted and published by other researchers, are necessarily personal and inconstant, and are particularly sparse for the first Vargas period. Most of the people still alive to tell their tales in the 1980s and 1990s were too young to have played any real part in this book's most significant events, and their memories tended to downplay the importance of earlier decades in favor of the heroic and often-recounted histories of the 1960s and 1970s.

In light of these circumstances, I cast my net widely, using the strengths of each body of evidence to counterbalance the omissions and biases of the others. As might be expected, reference to such varied sources has also required a spectrum of historical methodologies, ranging from quantitative to qualitative techniques, close readings to broad syntheses, and micro- to macrohistories. At the risk of disappointing some readers, but in the hope of writing a book that would be both accessible and enduring, I have not devoted much space to overt theoretical analysis. Debates about popular agency, race relations, the links between law and society, the evolution of urban space, and the form and meaning of citizenship are all present here. But this book seeks to contribute to them through the story it tells rather than through abstract theoretical discussions.

The history of rights poverty among Rio's urban poor is a subtle and elusive one, and I make no claims to capturing it completely. My hope is rather to bring the story into sharper focus, and to argue that any understanding of the nature of citizenship, the experience of poverty, or the function of law in modern Brazil must begin with an exploration of the historical interactions among them. Rights poverty is not incidental to Brazil's modern history but is rather at its very core. This book aims to begin to understand how, and why, that came to pass.