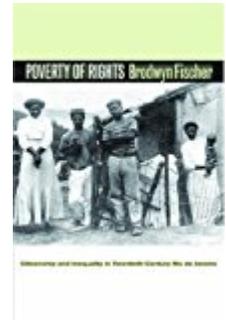


**Brodwyn M. Fischer.** *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro.* Stanford: Stanford University Press, 2008. xx + 464 pp. \$65.00, cloth, ISBN 978-0-8047-5290-9.



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From the 1920s to the 1950s, largely under the impetus of reforms associated with Getúlio Vargas (president, 1930-45, 1951-54), the Brazilian state expanded significantly and extended social, political, civil, and economic rights to a broad section of the working population. This was, of course, the classic Latin American populist bargain and most scholars of populism have recognized its limits, namely that the urban and rural poor were left out. Few, however, have examined those excluded from the populist bargain in as sophisticated a way as Brodwyn Fisher does in her analysis of “the connections between law, poverty, and citizenship” in Brazil’s then-capital of Rio de Janeiro (p. 5). Her central argument—that the extralegal realms in which the poor survived and won footholds in the city were in fact deeply functional to the state’s legal development—is challenging and troubling in its implications.

In four chronologically overlapping parts, Fisher examines different legal realms and the urban poor’s interaction with them. Urban planning and regulatory law, labor and social welfare laws,

criminal justice, and property rights each had their own body of legislation and regulation, and in keeping with Brazil’s civil law tradition, each enjoyed considerable autonomy from the others. The central thesis, that “rights poverty emerged from processes that expanded either citizenship’s meaning or the law’s reach” (p. 10), cuts to the heart of one of modern Latin America’s paradoxes—the existence of an enormous informal world outside of the law and institutions. While “modernization” in each of these legal realms offered some poor people access to rights, more often than not, their 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” (p. 10).

Urban planning and reforms in Rio de Janeiro began with the campaign against *cortiços* (tenements) of the 1890s and accelerated in the first decade of the new century with Prefect Francisco Pereira Passos’s massive urban renewal project,

the construction of the Avenida Central and the associated public health campaigns. Less well-known than these reforms, which displaced thousands and sparked riots, new municipal building and sanitary codes essentially defined as illegal the remaining tenements and the incipient *favelas* (“shacktowns,” as Fisher terms them) where many of the displaced urban poor found shelter. Ambitious top-down urban reform projects like the one developed by French urbanist Alfred Agache in the late 1920s were shelved but some of its principles, like a “hierarchical and functionalist” understanding of poor people’s place in urban society, reappeared in the 1937 building code and subsequent plans (p. 44). What is most striking about all of these reforms and legislation is their summary definition of poor people’s housing as illegal, even as they made no real provisions for those who could not afford dwellings that met code. Instead, what emerged was a pattern of selective enforcement and tolerance for illegality that allowed favelas to expand and turned their populations into dependents. Over the course of the next decades, favelas received limited urban services (electricity reached 80 percent of favela households by 1960 but water and sewage lagged far behind). These were, however, either favors granted by politicians in return for votes or illegal, pirated connections. Vulnerability and dependence continued to characterize the urban poor’s lives.

In her second section, Fischer examines poor people’s attitudes toward work in light of the Vargas government’s extensive propaganda that valorized labor and turned the worker into the central subject of the Brazilian nation. Through a careful reading of criminal cases, popular culture (samba lyrics), and the large corpus of letters that poor people wrote to the president, Fischer highlights that the regime’s propaganda about work, family, and patriotism in fact resonated “with long-standing popular values and habits” (p. 98). The poor, however, appropriated these concepts and used them to call on Vargas to make his vi-

sion real for all Brazilians. The implementation of the social and economic rights that workers would enjoy, however, became predicated on a complex morass of documentation. Birth certificates (registration of births became mandatory in 1939), the *carteira profissional* (the work card, instituted in 1932 as the prerequisite for accessing the first level of social benefits), and documentation of union membership and participation in pension schemes—all threw up bureaucratic obstacles before the poor. Unable to meet the administrative requirements for obtaining these documents, many of the poor remained relegated to the informal sector. And more than a few employers preferred not to sign work cards and thereby avoided their legal obligations. In short, “rights, here, were a privilege ... narrowly and bureaucratically defined, a fact that tore at the seams of Vargas’s rhetorical fusion of work, virtue, and citizenship” (p. 135). Nevertheless, Vargas’s promises resonated among the poor and the fact that some received benefits during this time cemented his position as the man who put the law in place (p. 310).

While focused on work, Vargas-era documentation assumed an important role in the practice of criminal justice as the possession of a work card came to be seen by police as *prima facie* evidence of good character and thereby served as a guarantee of freedom from abuse. Rights poverty thus extended to the legal realm, in which the poor were disadvantaged. To be sure, favela residents still called the police in to deal with serious problems in their communities, and thus “found ways of making a biased and corrupt system work, albeit poorly, for their own purposes” (p. 209), but this was a far cry from the possession of full rights and citizenship.

The book’s final section surveys the complex struggle over land rights and the dense web of political and economic interests that shaped favela growth over the course of the twentieth century. These enabled many favelas to survive the con-

certed removal campaigns of the 1960s and the more sporadic ones of the 1950s. Favela residents generally framed the histories of their settlements as heroic pioneering efforts to carve their homes out of hillside jungle or sea (in the case of favelas on tidal flats) in order to base their land claims on *usucapião* (long-term peaceful occupation of land), which could be used as a basis for a claim of ownership under the 1916 civil code. Sometimes they cast their claims in terms of constitutional provisions that made collective or social need a justification for overriding property rights. Favela growth, however, served many interests other than those of the shacktowns' residents, as individuals ranging from petty entrepreneurs to leading political figures had hands in their development. Henrique Dodsworth, Rio de Janeiro's prefect from 1937 to 1945, tolerated favela construction as the only solution to otherwise intractable housing shortages even as his administration was officially committed to eradicating them and implementing the 1937 building code. There were political benefits to be had from tolerating favelas in the form of "networks of political gratitude, loyalty, and power" (p. 241), especially after the return to electoral politics in 1945. Speculators too profited and Fischer recounts the fascinating tale of Eduardo Duvivier, a leading real estate developer in Copacabana and Leme, whose investments in the elegant new apartment buildings "melded seamlessly" with the development of favelas on the hillsides behind the chic beachfront neighborhoods (p. 243). Duvivier's companies collected significant rents from the new Babilônia and Chapéu Mangueira favelas before the army gained control over the strategic hills in the early 1930s. Fischer describes these relationships as "a sort of perverse dependence, each relying on intricate and fragile relationships with the others in order to achieve separate and mostly contradictory goals" (p. 252).

Rising property values and changing economic interests stimulated intense land conflicts after mid-century as developers sought to clear favela

residents from newly valuable lands by winning court orders and obtaining police enforcement of them. In the newly democratic environment, favelas found numerous allies among opposition politicians, sympathetic journalists, and charitable organizations and won a series of victories. In 1949, the city government first expropriated a favela (Jacarezinho) to protect its residents from eviction. The favela soon became one of the most urbanized in Rio de Janeiro, but full citizenship did not come to its residents, who did not receive property ownership. Further expropriations followed, each responding to specific threats to favelas whose residents mobilized to defend themselves against putative landowners. In response to the escalating land wars, a 1956 law banned the eviction of favela residents and thereby tacitly accepted that housing was a public need that overrode property claims, putting an end to this phase of judicial favela politics. This, in turn, moved favela policy to the political realm and laid the groundwork for the favela eradication policies of 1962-73, when some 200,000 people were removed to distant housing projects. Many favelas, however, managed to defend themselves at this time and, significantly, only one of those that had mobilized in the 1940s and 1950s--Catacumbas--was eliminated. Nevertheless, the historical memory of the mid-century land conflicts has been overshadowed by the more dramatic events of the 1960s. The fact that the activists of the 1940s and 1950s ultimately compromised, accepting dependent clientelism rather than full citizenship, makes them difficult to fit into the heroic mold of a popular social movement, yet they secured their residents a foothold in the city. All may have envisaged the resulting partial citizenship as a temporary compromise, but its durability has become a heavy burden on the poor and the city as a whole.

Some aspects of Fischer's argument are not entirely new. Since Janice Perlman's classic *The Myth of Marginality: Urban Poverty and Politics in Rio de Janeiro* (1976), we have known that fave-

las were not marginal, but deeply integrated into urban society. Fischer's contribution lies in her historical analysis of favelas' development and in her connection of poor people's rights poverty or second-rate citizenship to the expansion of the state in mid-twentieth-century Brazil. Her insightful analysis of the connections between informality and the pursuit of rights points to the paradoxes that shape modern Brazilian society in which the advances of law and legal rights were accompanied by and sometimes depended on the continuation of extralegal realms. Full citizenship beckons, all the more so in post-1985 democratic Brazil, but many have not been able to enter the promised land, and probably never will, unless more fundamental change takes place.

The focus on Rio de Janeiro--Brazil's capital until 1960--raises the question of how this dynamic development of rights poverty played itself out in other Brazilian cities and towns where the central state was weaker, but this remains a topic for others to pursue. One suspects that rights poverty will be even more prominent elsewhere in Brazil.

Fisher's interweaving of diverse sources ranging from samba lyrics to presidential papers to criminal court cases to early scholarly research on favelas makes this book a delight to read even as her story is often a dismal one about the preservation of highly inequitable social hierarchies and poor people's reluctant acceptance of limited citizenship. That she wears her theory lightly makes this book especially accessible. Occasional lapses into colloquialisms, however, such as various forms of the expression "pushing the envelope," detract from the otherwise elegant prose (pp. 268, 276, 285). The maps are very limited and do not offer enough information about Rio de Janeiro's complex geography and built environment for readers who may be unfamiliar with the city. The reproduction of what must be a beautiful 1929 city map presents no legible information to readers (pp. 46-47). These are, of course, relatively minor points that do not detract from

Fischer's important and thought-provoking achievement.

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