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THE CITY AND THE LAW
Legislation, Urban Policy and Territories
in the City of São Paulo (1886-1936)

by

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A dissertation submitted in partial fulfillment
of the requirements for the degree of
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Approved
In Memory of Warren Dean
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INTRODUCTION

The history of cities is marked by special and commonplace events which act upon the profound inertia of buildings and traditions. This movement can be discerned in many different ways: in the city's social history, following the paths of its inhabitants; in its intellectual history, capturing ideas and concepts that weave its culture, and in the history of its architecture and urban planning, tracing the cartography of its man-made geography.

Through these routes a powerful unseen and silent web is present: urban legality, the collection of urban and building-related laws, decrees and rules regulating the production of the city's spaces.

More than defining permitted or forbidden ways of apportioning space, and more than actually regulating the city's development, urban laws act as demarcation signs, defining frontiers of power. Urban legality organizes, classifies and groups urban territories, conferring meaning and legitimacy to the way of life and family micro-policies of the groups most involved in the law's formulation. On the other hand, urban legality discriminates against forms of
spatial and social organizations different from the pattern sanctioned by the law. Therefore, urban legality acts as a very strong cultural paradigm, even when it fails to determine the city's final configuration.

Urban legislation also has tremendous impact on the formation of a segmented real estate market in the city. The definition of spatial configurations related to specific areas, distinguishes markets reserved for certain real estate segments and consequently for certain social groups. Nevertheless, if urban legality has this economic power, the existence of vast clandestine portions of the city reinforces even more the discriminatory and divisive role of the law. ¹

This is perhaps one of the most interesting aspects of the law: it appears to operate as a kind of mold for the ideal or desirable city. But in the case of São Paulo and probably in the majority of Latin-American cities, it regulates only the smallest part of the built-up space, since the product - the city - is not a result of the inert

¹ The term clandestine will be used throughout the thesis to refer to built space in the city that is not in accord with the regulations governing land use and occupation, specifically defined in urbanistic legislation in force at each moment of its history. It may refer both to the streets opened without permit, the settlement of land without a registered deed of ownership, construction of buildings without a building permit, or a set of these characteristics within the same site. Throughout the text we will also use the terms irregular or illegal to refer to the same meaning.
application of the model contained in the law. The real city is a consequence of the relation that urban legality establishes with the concrete functioning of real estate markets in the city. Nevertheless, when defining permitted and forbidden forms of producing space, urban legality defines territories within and outside the law.

This demarcation has important political consequences, since to be located in a territory outside the law can determine a position of limited citizenship. To not exist from the bureaucratic or official point of view of city government is to be outside the scope of its responsibilities to its citizens. In addition to demarcating the frontiers of citizenship and thus frontiers of rights enjoyed by citizens, there is an important cultural media mechanism implied, insofar as urban rules act exactly as a pure model. Even when the law fails to determine the city's shape as is the case of most Latin American cities, which have a large clandestine majority, it is most powerful precisely because it relates cultural differences to hierarchical economical and political systems.

This is the perspective from which the subject of this thesis - the history of urban legislation in the city of Sao Paulo - is treated. The theme of urban legality, a tool and thus a central theme of urban planning, has not been much explored by Latin American historiography. The influence of
legislation in spacial configuration appears as a theme in the historiography of the colonial period, particularly to demonstrate the rational character of territorial occupation in America and to point to the differences between the Hispanic and the Portuguese models, as in the classic O Semeador e o Ladrilhador. Urban legislation is also a theme in the works of Murilo Marx about Brazilian urbanization, which deals with the influence of the norms of the Catholic Church in the construction of the urban form in Brazil.²

The history of Brazilian urbanistic legislation is treated in a broad way by some theses³, but basically as compilations, reconstituting the sequence of promulgation of laws, without analyzing the significance and impact at each moment. In those works that trace the history of urban planning in São Paulo⁴, the evolution of urban legislation is mentioned to reinforce the influence among the leading

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urbanists in the city's history of the urbanistic theories in vogue in Europe and the United States at the same period.

All of these studies identify the inefficiency of the laws in shaping the production of a city in accord with the model contained in it. For Grostein, who specifically deals with the role of extra-legality in the constitution of the urban space in the municipality of São Paulo, the problem of effectiveness of the law is basically due to the lack of syntony between the proposals contained in urbanistic laws and plans and the administrative and financial structure to enforce and monitor them. Barbosa attributes this lack of syntony to the speculative fury that marked the formation of the real estate market in São Paulo.

The relationship between urban legislation and the real estate market is also explored by Souza and by Somekh, who discuss the role of zoning in the process of verticalization of the city and in the formation of differentiated real estate values. By focusing on the question of

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7 Maria Adélia Aparecida de Souza, "A Identidade da Metrópole, a verticalização de São Paulo", tese de livre docência apresentada ao Departamento de Geografia da Faculdade de Filosofia, Ciências e Letras da USP, 1990. And
verticalization, the analysis of the significance of zoning is limited to this topic in these two works. They do not deal with broader questions, as do Toll and Mancuso in their discussion of the emergence and dissemination of zoning respectively in the United States and Germany.  

More recent works about New York City explore the relationship of legislation to the market in an historic perspective. These themes are still poorly explored in the historiography of the Latin American city, although they are present in contemporary Latin American urban sociology. It is in urban sociology and sociology of Law that we find a framework for the relation of urban legality to citizenship, revealing the political consequences of the clandestine occupation of space by the poor in the city.  

However, an historic perspective is essential to reveal how the relation between legality and illegality unfolded over

10 Antonio Azuela. La ciudad, la propiedad privada y el derecho. Mexico: El Colegio de Mexico, 1989; Wrana Maria Pannizzi, "Entre cidade e estado, a propriedade e seus direitos". in: Espaço e debates, nº 26, 1989.  
time. To trace a history of urban legislation - and the sectors not regulated by legislation - it is possible to point to the situation of illegality of the "popular territories" as a fundamental part of the urbanistic-political logic which built the city. By examining the history of the economic and political impact of urban legislation, it is possible to point to the networks that interlinked urbanism and politics, contributing to the understanding of Brazilian urban policy.

The social history of the city, especially that at the end of the nineteenth century and the beginning of the twentieth, has been one of the fields of Brazilian urban historiography that most flourished in the last decade, producing a series of studies about the daily life of the poor and the working classes, and of the modernization

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12 The expression "popular" when referred to neighborhoods, settlements, territories or housing is widely used in Brazil, and throughout this thesis, to designate the spaces of the city occupied by the working class and by the poor. The border between these two categories is not clearly distinguished in the expression popular, which is basically oposed to "wealthy" or "elite".

process of the emerging bourgeoisie, supported by extensive and original empirical material\textsuperscript{14}. In these works, the theme of urban sanitation is largely related to attempts to discipline the dangerous classes in a line of work that was also developed in the urban historiography and sociology of the 1970s and 1980s in Europe, under strong influence of the ideas of Michel Foucault and E.P. Thompson\textsuperscript{15}.

The history of urban culture, or the emergence of a new sensibility, that of modern man, notably present in the recent European and U.S. urban historiography\textsuperscript{16}, also found


representatives in Latin American urban historiography. The genealogy of social ideas and practices that constitute the modern city give us ground to develop one of the themes presented in our study: the role of urbanistic legislation as a cultural standard, and its political and spatial implication in the formation (or razing) of urban territories.

By doing so we can advance our understanding of the city, urbanism, and of urbanistic legislation. We can also and demonstrate—something other studies on the history of São Paulo do not—that the ineffectiveness of urban legality in regulating the city is the very source of the law's political, financial and cultural success in a city where wealth and power are very concentrated.

We chose the year 1886 to begin our study because of the enactment in that year of the Codigo de Posturas, which although not the first, was a pioneering compilation of urbanistic guidelines for the city. The thesis treats with greatest depth the period from 1886-1936; the latter year

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corresponds to the enactment of the first law that offered amnesty to buildings in the city that had been constructed irregularly. During this period - which began with the death throes of the Empire and ended in the first phase of Getulio Vargas period, it is possible to present the formation and crises of the urban policy of the República Velha. It is also in this period that the base of populism, so important for the understanding of Brazilian urban policy until today, were set. During this period some urbanistic principles that remain in force until today in Paulistana urban legislation were built. The protection of exclusive neighborhoods for the elite, the position of popular neighborhoods always in the periphery, the concentration of investments and the ultra-regulation of the southwest vector of the city, the paradigm of the ever low density horizontal expansion, remain characteristics of São Paulo urban legislation.

The period 1886-1936 is dealt with in the first four chapters. The first, "GENESIS, an Urbanistic Order is Born," points to the origin of the principles that founded the urbanistic legality of São Paulo. The theme of urban legality is introduced in this chapter through examination of the Portuguese origins of Brazilian urbanistic law, as well as a brief history of the forms of access to the land. The chapter also deals with the city's social and spatial transformations in the last decades of the 19th century and
the first decade of the 20th. It analyzes the relation of these changes with the first urbanistic laws, and it considers the change of paradigm of the legislation in the 1920s, under the influence of the U.S. experience.

The second chapter, "FRONTIERS: The Law and the Multiplicity of Territories," identifies by whom and how the irregular territories of the city were occupied from the last years of slavery until the 1930s. The chapter seeks to show the ethno-cultural diversity and the multiplicity of economic-social arrangements and micro-politics that defined the use of space, in face of the homogeneity of the model contained in the law.

The third chapter, "MARKETS, Urban Legislation and Real Estate Values," focuses on the impact of urban legislation on the formation of a segmented real estate market in the city, protecting investments made in high value locations as well as guaranteeing the profitability of high density popular neighborhoods. This chapter also deals with the relations between urban legality, the policy of service and infrastructure provision and increases in real estate value.

Chapter four, "COMMITMENTS: Inclusion, Exclusion and Citizenship," analyzes the roles of urban legality - and irregularity - in the construction of political relations in the city, from the liberal model of the Primeira República
(1889-1930), to the entrance of urban masses in the political scene in the Getulio Vargas era (1930-1945).

The last chapter, "Changes and Continuities" (1886-1990) identifies, in a summarized way, how the principles that founded urban legislation in the period studied, changed or did not change over a century. It traces the discussion elaborated in the preceding chapters, bringing the themes up to present. The last part of the thesis intends to bring up to date the debate over the urbanistic-legal order that currently rules the city, demonstrating the origin, implications and limits of the concepts that have been adopted.

For the historic reconstruction undertaken by this work, various studies of primary sources were conducted, in addition to the secondary sources. These studies were undertaken at distinct moments from 1981 until today. They began with the elaboration of the Masters dissertation, "Cada um no seu lugar! São Paulo inicio da industrialização: geografia do poder," (Each one in his place! São Paulo the birth of industrialization: Geography of Power) presented by the author at the Faculdade de Arquitetura e Urbanismo da Universidade de São Paulo in 1981. We highlight here the principal sources used, as well as the period in which they
were researched and the strategy of selection and treatment of the empirical material. 19

Between 1980 and 1981, with the goal of reconstituting the urbanistic transformation of the city of São Paulo at the turn of the century, and more specifically the daily life of the immigrant working class neighborhoods, two groups of newspapers of the period were studied: the Paulistana anarchist press, published by the organized working class between 1903 and 1920, found at the Arquivo Leuenroth, of the Instituto de Filosofia e Ciências Humanas da Universidade Estadual de Campinas, and the daily press (A Província/O Estado de São Paulo and the Correio Paulistano). All of the workers newspapers found in the Arquivo Edgard Leuenroth in 1980 were read, and from them were extracted, in addition to the history of the anarchist movement in the city, references to neighborhoods, houses, and streets of São Paulo, and information about salaries, rents and living costs in general.

The daily press found at the Hemeroteca da Biblioteca Mário de Andrade - São Paulo, was consulted for the years 1913, 1914, 1917, and 1920, in the months when there were labor disturbances and strikes in the city. In addition to the information about these events, references to

19 All of the following sources cited are listed in the annex of this thesis concerning the bibliography and sources.
neighborhoods, streets, and urbanistic projects were also extracted. The police section and estate advertisements (concerning construction, sales and rentals) were also consulted.

With the goal of examining the issue of urbanistic hygienism at the turn of the century, medical theses found at the Biblioteca Nacional at Rio de Janeiro, which dealt with the hygiene of housing and which were presented to the Faculdades de Medicina do Rio de Janeiro and Bahia, were also searched.

A first review of the urban legislation of the city between 1886 and 1914 was conducted at the Arquivo Municipal Washington Luis, in São Paulo, as well as the same files in the Relatórios dos Intendentes de Polícia e Higiene, from 1893 to 1900, which focused on the sanitation strategy and the control of epidemics. In these archives we studied the Relatórios de Intendentes e Prefeitos da Capital (Reports of Mayors and administrators of the capital) seeking to identify the evolution of infrastructure services and reconstitute the remodeling works at the city center which were proposed during the administration of Mayor Antonio Prado and initiated during the administration of Raymundo Duprat. Information about public lighting and trolley systems were complemented by research at the archives of the Departamento de Patrimônio Histórico of ELETROPAULO and
water and sewerage networks in the archive of the Departamento de Aguas e Esgotos do Estado de São Paulo.

In this phase of the research, an iconographic review was made at the Departamento Histórico da Prefeitura do Município de São Paulo, at the Seção Teénica de Levantamentos e Pesquisas of architectural drawings and photos of cortiços and vilas, and at the Seção de Iconografia where old photos were reviewed. This research was complemented by the review of old architectural drawings and maps of the city, found at the Seção de Mapas da Biblioteca Mário de Andrade.

Oral histories were also used to complement the information: in this phase of the research, Italian immigrants who arrived in Brazil during the period being examined were interviewed: Josephina Bianchi, Hodoner Zanettini, Maria Vitória Flandoli, and Tereza Rinaldi. Yugoslav immigrants Cosmo Andric Malandrin and Franco Matulovic, and Afrobrazilians Henrique Cunha, Celisina and Augusto Inácio Rosa were also interviewed.

A second phase of the research, conducted partly in 1982 and partly in 1988, concentrated principally on the history of black territories in the city of São Paulo. In this phase a reading of the black press of the city was conducted at the Arquivo Miriam Nicolau Ferrara covering the period from 1904 to 1947. From these newspapers were
extracted addresses of institutions and residences of Afrobrazilians in the city during the first three decades of the century, in addition to commentaries about the history of the period from the perspective of Afro-Brazilians.

In this phase the Arquivo do Estado de São Paulo was also consulted, where there are boxes of documents concerning slaves (LATAS ESCRAVOS from 1886-1888) and criminal records (LATAS AUTOS CRIMES DA CAPITAL from 1870-1911). References were sought in the documents to quilombos and slave-liberation movements undertaken by the slaves in the city, as well to crimes and charges against blacks in the Capital. References to the housing locations of black defendants and witnesses were also noted. In this second phase a new series of interviews were conducted, this time with Raul Joviano do Amaral and with the older members of the Irmandade N.S. do Rosário dos Homens Pretos, a religious congregation in São Paulo since the 19th century. We also had access to the original documents of the research conducted by Reid Andrews at the archives of the personnel departments of Light & Power (currently ELETROPAULO) and Cotonificio Jafet, which focused on the insertion of blacks and whites into the city's labor market. We took from this research the addresses of the black employees of these companies, identified in part from photographs in the files. Finally, this phase of the research also involved a series of visits
to the terreiros de candomblé* in São Paulo and interviews with mães and pais de santo**, in order to deepen understanding of the characteristics of the cult and its relation with the territorialization of AfroBrazilian community.

The last phase of research of primary sources conducted in 1994 concentrated more specifically on the theme of urbanistic legislation and the identification of the regulated and non-regulated sectors of the city in the period of 1886-1936. A systematic review of the legislation was conducted at the Câmara Municipal of São Paulo and the Biblioteca da Secretaria Municipal de Habitação e Desenvolvimento Urbano da Prefeitura do Município de São Paulo, beginning with the lists of references developed in an unpublished study by Paulo Giaquinto of these sources. Specific records of the Câmara Municipal, from 1927-1929 were consulted for a reconstruction of the debate around the Código de Obras Arthur Saboya, approved in 1929. At the Biblioteca da Câmara Municipal de São Paulo information about the council membership was compiled as well as information about the composition of some Legislative Commissions from 1908 to 1928. In this phase a research in the daily press was also undertaken including A Provincia

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*Terreiro de candomblé is the site where AfroBrazilian religion rituals take place
**Mães and Pais de Santo - literally "Mothers and Fathers of the Saint" are AfroBrazilian religion priests.
and *O Estado de São Paulo*, at the Biblioteca Mário de Andrade and at the Instituto Histórico e Geográfico (of São Paulo) for the years 1875, 1886, 1913, 1914, 1929, 1934, and 1936, in the months in which new and important urbanistic laws were approved, with the goal of identifying possible repercussions of the laws enactment within public opinion. Real estate advertisements and articles about neighborhoods and urbanistic projects in the capital were also recorded. In order to identify the neighborhoods and sectors of the city with the largest concentrations of building permits, research was conducted about the building permits issued by the Municipal Administration from 1886 to 1971. Between 1886 and 1912 the building permits were separated in boxes containing construction plans in the Arquivo Histórico Washington Luís. Until 1889, when the total number of requests per year was still small, all of the requests for *alinhamento* for each year were noted as well as the addresses of the buildings. From 1890 to 1912, when the number of applications grew (in 1897 for example there were 7,342 requests) a random sample of 100 requests was selected per year from the files that contained the processes relative to the streets of the city whose names began with the letters "A" and "M". These letters were chosen because these letters alone account for nearly 30% of all the street

*Alinhamento* - the precise demarcation of the face of private lots with the street
names in the city. Between 1913 and 1933, they were no longer separated in boxes, but the building permits were registered in Request Books, organized as well by street name. For these years a random sample was also made of 100 requests from the letters "A" and "M" per year. Between 1934 and 1971 the building permits were registered in Livros de Alvarás Expedidos, (Books of Permits Issued); for these years the criteria of 100 permits per year was maintained, although the criteria of the letters was abandoned, since the files were no longer organized by street name. From each permit was recorded the address of the residence - only residential permits were included - the built area and the number of floors. The registers from 1913 to 1971 are found in the Arquivo Geral da Secretaria da Administração da Prefeitura de São Paulo. After the review, the information was mapped, in five year periods, over the cartographic base of the city for the period.

In addition to the building permit research, new research was conducted of the Relatórios dos Prefeitos (Mayor's Reports) at the Arquivo Histórico Washington Luis, this time examining the reports of the Diretoria de Obras (Works Board) from 1900 to 1926 with the goal of identifying the evolution of the pace and location of construction in the city as well as the infrastructure works and the regulation of the activity of public services.
concessionaires. Special attention was given to the treatment, in these reports, of the irregular city. To complete the demographic data, research was made of the Demographic Census in São Paulo from 1886 to 1970, found at the Biblioteca da Fundação SEADE.

In this phase of the research, we also had access to primary sources archives, organized by other scholars who cordially offered their personal files. We were able to use the research of Maria Lúcia Reffinetti Martins, who copied from the archives of the O Estado de São Paulo the files concerning "urbanism," which included articles from various newspapers in the capital about this theme, from 1947 to 1972. We also utilized the research of Nadia Somekh, who compiled the articles of Anhaia Mello published in technical journals and institutional bulletins. Vasco Caldeira and the Centro da Memória da Eletricidade do Brasil offered us the vast and detailed work of a cartographic reconstitution of the city from 1900 to 1928, conducted within the scope of an unpublished research "A Energia Elétrica na urbanização de São Paulo 1900-1930," which was used as a foundation for the maps found in this thesis. We also had access to the collection of files about Master Plans of the city, which register the various proposed Plano Diretores or presented in the city, as well as repercussions of these plans in the press produced by CESAD da Faculdade de Arquitetura e
Urbanismo da Universidade de São Paulo. We also took advantage of the unpublished study "Evolução dos Preços de Terrenos em São Paulo (1900-1975)", based on real estate advertisements in the press, conducted by the technical group of the Coordenadoria de Planejamento da Cidade de São Paulo (COGEP), under the coordination of Gabriel Bolaffi and Warren Dean.

The mapping of information obtained from a wide diversity of sources over the cartographic basis of each period was one of the strategies adopted for the formulation of some of the hypotheses developed throughout the thesis. For this reason, the maps in this thesis often serve more to construct than to "illustrate" the argument. This strategy is particularly valuable for the understanding of sectors of the city about which there is scanty documentation in official sources and thus great difficulty in treating them with data drawn from relevant statistics. This is the case of a large portion of the popular territories.

We believe that in this way it was possible to constitute a first, encompassing image, although sometimes with imprecise contours, that subsequent study and research will certainly will sharpen.
CHAPTER I: GENESIS

An Urbanistic Order is Born

It was a rainy April 4th in 1875 and the city awoke covered by a damp, persistent drizzle. Theodoro Maria de Salles left his small farm along the road to Campinas and headed to the Chácaras do Chá* where the Baron of Itaperininga waited with his coach so they could travel together to the train station. It was an important day. The first arrival of Italian immigrants who would work on Theodoro’s and the Baron’s coffee plantations had just docked at Santos. The immigrants would pass by on their way to the interior. Theodoro and the Baron could already see from a distance the belvedere that president of the province Dr. João Teodoro Xavier had recently built in the Public Gardens as well as the cottage that served as home for the ducks and geese in the lake. Theodoro watched the movement of blacks in the streets, the fruit merchants, with immense trays on their heads, the smell of angu matinal, porridge that the escravos de ganho** hawked in the center of the Praça da Luz, and in front of the garden fence gate,

* A Chácara is a country house on the edge of the town
** The escravos de ganho were slaves whose masters allowed them to sell goods or work for somebody else, and required to give a portion of the earnings to their master.
near the beautiful, recently inaugurated, eight-spigot fountain. Still sleepy passers-by, water carriers, and fish-mongers, bare-foot in short-skirts covered with coarse, blue wool offered for a dozen vintens a string of fish to the cattle drivers that marched slowly through the winding muddy streets leaving the capital....

As they approached their destination and passed by the Campo da Luz, Theodoro was upset with what he saw. A large part of what had been one of the principle town rocios*, which was used to graze animals that they drove to Jundiaí, was being quickly occupied by the shacks, scaffolding and fences of private constructions with an audaciousness that "appeared like it was hiding some illegal business." When he realized that their "expanse was cutting into the servidão pública,"** Theodoro expressed his surprise. He probably did not realize that at that very moment he was among the protagonists of one of the greatest

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* The rocio, or pasture, served as a common area destined for the grazing of animals, the collection of wood, limited planting, and the opening of roads and paths and constituted a land reserve that would be parcelled out by the council through datas.

2 Jornal A Província de São Paulo, April 4, 1875 - "Campo da Luz - denuncia".

** Servidão pública, literally "public easement", meant public land destined to streets and passages for animals, vehicles, people and rain water.
transformations that would carry São Paulo into its urban history, a history which has as its basic component the invention of new forms of appropriation of space and construction of the city.

The various actors who would make this history; from the coffee plantations of western São Paulo, to the immigrants arriving in Santos, to the railroads, to the black slaves in the last years of slavery, to the water that would soon cease to spout in the public fountains, to the merchants that would abandon the streets, were building a new geography, the constitution of which would contribute decisively to the establishment of new means and rules for the struggle over the appropriation of space.

To understand these new rules or legal order - which had their symbolic origin on September 18, 1850 when Law No. 601 (also known as the Lei de Terras*) was enacted - it is necessary to investigate the Luso-Brazilian legal foundations of land holding and use. This quick plunge into Luso-Brazilian legal history is necessary in order to place in context not only the formal law that governs construction of the Brazilian city, but above all the different modes of legality found within the law, particularly referring to land tenure.3

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* Lei de Terras refers to the Land Tenure Law.
God Did Not Make the Sky in a Checkerboard of Stars\textsuperscript{4}

The history of urban legislation in São Paulo confirms the classic assertion of Sérgio Buarque de Holanda in his work "O Semeador e O Ladrilhador"\textsuperscript{5} that Portuguese colonization, contrary to the Spanish, did not possess a systemized set of written rules for the design of cities. In their Ordenanzas de Descubrimiento Nuevo y Población of 1563, the Spanish established precise rules for the construction of cities, combining the Renaissance reading of the classic Vitruvian recommendations with the requirements of its own strategy of domination of the Incan and Aztec empires. In contrast, the Portuguese permitted a broadly unrestricted occupation of land, as long as the Royal commercial profits and the possession of the colony were guaranteed. The precision of the Portuguese military engineers applied to the choice of locations and reflected in the symmetry and rationality of the design of the forts, contrasted with the irregularity of the forms of the New World's recently established urban centers.

Although no specific body of law applied to the colony, this did not mean that there was no notion of Luso-urban legality. Applied to the particular conditions of colonization of Brazilian land, Portuguese urban law


\textsuperscript{5} Sérgio Buarque de Holanda. ibid. cap. IV.
contributed to form territories in Brazil somewhat differently than those in Portugal. This legality, was expressed in the Ordenanças Afonsinas of 1446, and the Ordenanças Manuelinas of 1521.6

Issues concerning the regulation of cities and criteria for their establishment were not established in a precise form in any of these codes. Contrary to the Ordenanzas de Felipe II of Spain, which, beginning with criteria for the selection of settlement sites, determined or traced and defined in bureaucratic detail the forms of daily administration of the city in the New World, Portuguese legislation addressed questions much more of a judicial than of an urbanistic nature, leaving to the Church the main initiatives regarding the development of towns.7 Without a doubt, a contributing element was the fact that the construction of cities had been a fundamental component of Spanish domination in the Americas. In contrast, Portuguese

6 Portugal, under Afonso Henriques until 1221, was governed by very few laws. The year in which Afonso II assumed power, the Court of Coimbra decreed some general laws for the entire kingdom, D. João I (1385 -1433) initiated the first codification of the many laws that governed, at times in a contradictory way, the political and social life of the nation. This work continued under the rule of D. Duarte and D. Afonso V (1433-1481), only ending in 1446. During the rule of D. Manuel a reform of this body of law was conducted, which became known as the Ordenações Manuelinas. According to: Francisco de Paula Dias Andrade. "Subsidios para o estudo da influencia da legislação na Ordenação e na Arquitetura das Cidades Brasileiras. São Paulo, 1966. Tese de Doutoramento apresentada a Escola Politécnica (POLI) da Universidade de São Paulo (USP).
urban occupation played a marginal or subsidiary role in the form of occupation that was dominantly rural or based on the exploitation of natural resources. In addition, during the colonial period, the centralized character of the system of *capitanias hereditárias* did not leave room for substantial municipal political power.

Nevertheless, some regulations in the Portuguese codes were influential in the later definition of an urbanistic order in Brazil. They are present in three themes: the system of indirect representation of the people in municipal government, through the câmaras municipais (city councils); the definition of a system of urban property ownership through the sesmarias** land distribution system; and a first formulation of the direitos de vizinhança***.

**Câmara Municipais - local legislators**

Local urban administration by elected vereadores (city councilmen) was established by the Código Afonsino which used as its model the form and administration of the cities of Santarém, Avila and Salamanca, adopting similar procedures for all of the Portuguese municipalities. In São Paulo, the City Council was installed in 1560 and

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* Capitania Hereditária - Designation of the first administrative divisions in colonial Brasil
** Sesmaria was a land distribution system in which the Portuguese Crown granted the right to occupy a portion of land to people interested in settling in the colony.
*** Direitos de vizinhança established the relation of a house to neighboring property.
immediately came to be the most important organ of municipal power, given that the representative of the throne, the *donatário da capitania* and later the *governadores gerais* were absent from the daily life of the city. In the election for city councilmen only the *homens bons*, or good men, could vote -- which meant only those of the masculine sex who had property - that is land and slaves.⁸

The Imperial Constitution of 1824 affirmed a more autonomous role for the City Councils, "which are responsible for the economic and municipal Government of the cities and towns,"⁹ entrusting to complementing legislation specifics about the function and jurisdiction of the municipalities. But the complementing legislation reaffirmed the subordination of City Council resolutions to the *Assembléias Provinciais***. Despite this subordinate role, the *Camaras Municipais* were the principal political setting for negotiations and decisions concerning the urbanistic order.

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* Donatário de capitania or capitão mor were officials entrusted with the administration of large tracts of land.
** Governadores gerais were the representatives of the crown in the second administrative divisions of colonial Brasil.
*** The *Assembléias provinciais* were the legislative bodies of the provinces, one of the three levels of government.
Under the Constitution of 1824, people less than 25 years old could not vote in the parishes, nor could grown children who lived with their parents, servants, (except for book-keepers, cashiers and administrators of rural farms and factories), priests, and those who did not have an "annual liquid income of 200$000 réis from real estate industry, commerce or employment." In addition to those restrictions which defined who were the voters, other conditions defined who was eligible for the position of vereador: only those with annual disposable income above 200$000 réis, who were not freed slaves or criminals, and who were not "indicted in legal complaints or inquiry."

The law of Oct. 1, 1828 which regulated the functions, form and operation of the City Council in the Empire, reaffirmed the requirements of the Constitution of 1824, adding the need for two years of residence within the termo*, in order to be eligible to be one of the nine members of a council (or one of the seven members in the villages).10

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* Termo was the territorial jurisdiction of the municipality.

10 The law of Oct. 1, 1828 - Established municipal councils in each city and village of the Empire, in Constituição Política do Império do Brasil. According to Murilo Marx. Cidade no Brasil, terra de quem?. São Paulo: EDUSP/Nobel, 1993, p. 93 - an arraial or hamlet could be elevated to the category of freguesia or paróquia (parish) through the raising of the official status of its capela or ermida (church) to an Igreja Matriz or mother church. As the official register - of weddings, births, deaths, etc, were made in the church, such a raise in status represented the first officialization of the urban center from a legal and
With the establishment of the Republic and the Constitution of 1891, os intendentest*, who had been chosen by the provincial governor**, came to be elected by the Camara Municipal from among the vereadores themselves. The Lei Organica dos Municípios, approved by the Assembléia Legislativa de São Paulo in 1891, authorized the cities to collect taxes (for the establishment of a road system, the opening, paving and repair of streets, on land) establishing their own revenue. In 1898 the position of Prefeito Municipal***, or mayor, was established.

During the entire República Velha**** (1891-1930), the municipalities had considerable autonomy as administrative

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social point of view. The next step was political recognition of the urban settlement, when it was elevated to the category of vila or town and thereby enjoyed administrative and financial autonomy. The next step was elevation to the status of cidade or city, which according to Aroldo de Azevedo. **Via e cidades do Brasil colonial: ensaio de geografia urbana retrospectica.** São Paulo: Faculdade de Filosofia, Ciências e Letras (FFLCH) da USP, 1956, did not necessarily correspond to the criteria of housing a greater population or even a provincial capital, but many times stemmed from criteria of a geo-political nature. By the nineteenth century there were many settlements elevated to this status: by 1822 there were 12 cities in Brazil, in 1867, 184. With the Republic, all of the municipal centers were raised to this status.

* Intendentes were the general administrators of the city.
** Provincia or province was one of the levels of government. After the establishment of the Republic they were referred to as states.
11 Lei Organica dos Municípios de São Paulo, 1891, art. 38. Contrary to land taxes, taxes on buildings were collected by the state government.
*** Prefeito Municipal - municipal mayor
**** República Velha refers to the first phase of the Republican period in Brazil, from the declaration of the Republic until 1930.
bodies. The cities were responsible for: all of the road works and for the maintenance and cleaning of public spaces; for the contraction and inspection of infrastructure supply (such as water, sewerage and lighting); for the regulation of land use and occupation and of transit (rules known as the posturas); and for control of markets and cemeteries, and the inspection of economic activity. Nevertheless, until the Constitution of 1932, when the municipality began to collect the Imposto Predial e Territorial Urbano (property tax on urban land and buildings) its revenue did not permit financial autonomy, and it depended on the state government for the big investments.  

With the installation of the Republic, citizenship was excluded to "minors under 21 years of age, the illiterate, beggars, soldiers who were not officers, priests, the physically or morally handicapped and condemned criminals." In addition, foreigners were excluded from the vote until they became citizens, a process that required several bureaucratic procedures and could take many years to be accomplished. This last exclusion was important because in

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12 In the Vargas period (1930-1945), the cities, as well as the states lost their autonomy; the City Councils were closed, the governors were intervenors designated by the Government of the Republic and the mayors named by the intervenors. At this time, in addition to those rights already excluded by the Republican Constitution, were added the loss of citizenship rights for those that exercised "social or political activities harmful to the national interest", a condition repeated in the post-1964 period of the military dictatorship. In 1947 the Camara was reorganized, and even won legislative autonomy.
this period foreigners were the majority of the São Paulo population - in 1893 they accounted for 55% of city residents. The exclusion of foreigners from the vote (those who were not automatically "nationalized" by the Constitution of 1891) disenfranchised the majority of the poor and working classes from local political representation.\(^\text{13}\)

The literacy requirement - which remained in force until 1988 - also had a strong impact. It significantly widened the sphere of exclusion because nearly all the poor and working classes were illiterate.

The absence of women from the sphere of political participation at the local level, as is the case in many other countries, also stands out. Many women were illiterate at the turn of the century, even those within the property classes. Women were given the vote in 1932, but the first woman elected to the City Council in São Paulo, Ana Lamberga Zéglio, only achieved office in 1952.

Finally, voting was not secret, which facilitated the control over voters.

Table 1
-City of São Paulo Total population, illiterates, women, foreigners and registered voters

<table>
<thead>
<tr>
<th></th>
<th>1886</th>
<th>1897</th>
<th>1922</th>
<th>1940</th>
</tr>
</thead>
<tbody>
<tr>
<td>total pop.</td>
<td>47697</td>
<td>130775</td>
<td>579033</td>
<td>1326261</td>
</tr>
<tr>
<td>illiterate</td>
<td>----</td>
<td>83979</td>
<td>241331</td>
<td>236198</td>
</tr>
<tr>
<td>women</td>
<td>----</td>
<td>61196</td>
<td>188992</td>
<td>670588</td>
</tr>
<tr>
<td>foreigners</td>
<td>12290</td>
<td>71468</td>
<td>206657</td>
<td>285469</td>
</tr>
<tr>
<td>reg. voters</td>
<td>1906</td>
<td>9714</td>
<td>19460</td>
<td></td>
</tr>
</tbody>
</table>


These limitations indicate that although the municipality had relative political autonomy to determine its own internal destiny, its political institutions were far from representative. The major debates and projects overseen by the Camara Municipal during the República Velha barely involved the majority of the population, which was poorly represented through the electoral process. The change in this situation, which began after the Revolution of 1930, and which would be expressed clearly with the redemocratization in 1945, would be fundamental for the construction of new rules concerning urban legality in force until today, in which the Camara Municipal would have a fundamental role.
Power Over the Land

Until 1822, the legal system of land ownership was based on the *Sesmaria*, under the form instituted by the Absolutist Portuguese state in 1375, by Dom Fernando I. It is appropriate to emphasize here the unique nature of the Portuguese system of property ownership. According to Ricardo Castilho, due to its special historic-geographical characteristics, the Absolutist Portuguese state represents a dual specificity in relation to England and France: it did not originate from "classic" feudalism and did not promote the absoluteness of ownership - reserving the right (or the power) over land, not relinquishing sovereignty of the state in the concession of dominion over land ownership.

The method found to guarantee this power was the *Sesmaria*, a concession of dominion which was conditioned on the productive use of the land. At first, if the obligation to cultivate was not complied with, dominion would be provisorily suspended. Beginning in 1475, this annulment became permanent. The Portuguese *sesmarial* system was extended to Brazil: the lands of the New World were considered Royal property consigned to the *Ordem de Christo*, a religious-military order that came to have the Portuguese

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king as its Grand Master and whose property was mixed with that of the throne.

Beginning in 1530 the carta para o capitão mor dar terras de sesmaria passed by João III to Martim Afonso de Souza introduced the sesmarial system in Brazil, but with some specificity in relation to Portugal. The cartas de doação* permitted the capitão mor to cede land and create towns. They were confirmed and regulated by forais**. The concession was offered for free, under the requirements of occupation, cultivation and clearing of the land and the payment of only a tithe, a tenth of the production, to the Ordem de Cristo. The donatário would not accumulate the land but transfer it through the sesmaria system in parcels of a legua em quadra or that is one lêgua*** along the front by one in depth. Normally the frontage was marked - utilizing a river or coastline, and the rear was undefined or marked by geographical references, such as ridges and watersheds.

Given the vast extension of the country and the scarcity of population, the supply of land was so great that precise limits were not established nor were they relevant. Thus, the demarcations were rather uncertain.

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* Cartas de doação were documents through which the capitão mor or donatário conceded the right to settle and work land under his jurisdiction to others.
** Forais refer to the regulations and confirmations of the cartas de doação. Also known as aforamento the bearer of a foral or aforamento came to be responsible for the use and maintenance of the land that remained under his responsibility.
*** A Légua is a unit of measurement equivalent to 6000 meters.
It was within these poorly demarcated léguas em quadra that were constituted the religious properties that would later become many of the urban centers of Brazil. According to the historian Murilo Marx, the religious properties were portions of land nominally donated to a religious order devoted to a patron saint. They came to constitute the property of this patron saint, and its church, which was administered by an entity that was required to gain the authorization of the Church and also obey the orders of the King.15

The guarantee of the continued sustenance of the order was often made through the cession, by the Church, of parcels of the tract through aforamentos*.

This mechanism formed one of the methods of land organization of the urban centers, which, in the majority of cases combined with datas**, to form a kind of urban sesmaria. Once an official town was established, its City Council had the power to donate or take back land, or that is, municipalities had jurisdiction to cede terras and cháos (land and plots) beginning with the rocio da vila, or town pasture.

In the sesmarial system, as in the case of urban datas, the essential condition needed to establish dominion was effective occupation. It was up to the City Council to

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15 Murilo Marx, op cit, p. 39.
* Aforamentos are simple donations to residents who accepted responsibility for its maintenance.
** Datas are urban lots.
distribute the datas, and enforce compliance with this condition under penalty of the land being returned to common pasture and offered to another.

The processing and occupation of sesmarias was rather slow and bureaucratic because access to the capitão mor and later the governadores gerais was difficult. This circumstance, combined with the inexactness of the properties, permitted pure and simple occupation of territory to occur within the "gaps" of the sesmarial system. While in one respect this free occupation represented a radically different form of land holding, in another and more important aspect, it relied upon the same logic as the sesmarial system: its basis was the effective occupation of land. Dominion went with use and development, which was the principal condition of the system of sesmarias and urban datas. The difference was in the formalization - in one case the appropriation was regulated and protected by the Crown (through datas or forais) and in the other case occupation was legitimate but not legal.

The coexistence of a legality inscribed in the law (law-in-books), and a legitimacy inscribed in social practice (law-in action), established since the colonial period in the complementary nature of free occupations and the sesmaria system, would constitute one of the fundamental aspects of urban property law in Brazil.
With Independence in 1822, the sesmaria system ended. The new legal order authorized widespread occupation of land. This shift put in force what some lawyers called the *regime de posse de terras devolutas* or the system of occupation of land which did not have a private owner\(^{16}\), transforming into an official "legal custom" what had been widely practiced earlier. It is difficult to quantitatively evaluate what represented *posse*, or land merely occupied without any formal recognition, compared to sesmarial property, *aforamento* or a *data*, which were lands ceded by the representative of the Crown in the colonial period but not formerly owned by the occupant. But it is clear that between 1822 and 1850, when the Land Tenure Law was enacted, pure and simple occupation became the rule. The important point is not, however, the quantitative relation of the two forms of tenure. What must be recognized - because it defines the terms of urban development in Brasil - is the existence of the binomial pattern of two legal orders coexisting in permanent tension. The history of urban land use is in part a history of appropriation of space through both real occupation and legal ownership.

Two legacies of enduring importance can be identified here: first the elaboration of the notion, derived from the Portuguese legal order, that the right to land is directly

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* Terras devolutas were unoccupied lands that were neither ceded by *cartas de doação* or *forais*.  
16 Castilho, op cit, p. 55.
linked to its effective utilization; and second, the co-
existence of an official and virtual system of concession
and registration of lands accessible to few, surrounded by a
larger social practice based upon informal occupation.
This contradiction, which as we see did not represent a
problem or a source of conflict until 1850, will come to be
the fundamental and continuing source of urban tension.

Property -- Occupation Becomes Illegitimate

Lei no 601 - September 18, 1850 - Concerns terras
devolutas in the Empire and regards those that are
occupied by sesame title without fulfilling the
legal conditions, as well as those occupied
through the simple title of peaceful and docile
possession; and determines, measures and
demarcates the first, whether they are ceded by
onerosous title such as for private companies, as
with the establishment of settlements of nationals
and foreigners, authorizing the government to
promote the foreign colonization in the method
that it declares
Art. 1º The acquisition of unoccupied land with a
title other than that of purchase is
prohibited.17

The enactment of the Land Tenure Law marks a
fundamental redefinition of the process of land
appropriation in Brazil with manifold implications for the
development of cities. Beginning with its enactment, the
only legal form of land possession became a properly
registered purchase. There are two direct implications of
this change: first, the principle of unconditional

17 Law no. 601 - September. 18, 1850, of the Empire of
Brazil.
possesion of property, or put differently, the right of access is separated from the condition of effective occupation. Second, the monetarization of land tenure, which means that land fully acquired the status of commodity.

According to the law, sesmarias authenticated by title or occupation, and the posses verified by effective utilization, would have a deadline to be registered and legalized. All lands that were not covered by this procedure and did not constitute the "common fields of the residents of one or more parish, comarca or county or municipality," could no longer be occupied, except through sale in public auction or monetary transaction between the parties. From this time on, those occupying land that did not have a legal owner or land that belonged to another party were subject to eviction without reimbursement, a penalty of two to six months of prison and a fine of 100$000 réis.

It is not a mere coincidence that the same law that instituted a new procedure for the occupation of land also regulated the immigration of free European settlers. In article 18, the law authorized the government to annually send for, at cost to the Treasury, a determined number of free settlers to be employed, for the time indicated, in agricultural establishments or in work directed by the Public Administration, or in the formation of settlements in the places that are most suitable.

The connection between the new land regime and plans for the importation of free European settlers was elucidated by José de Souza Martins: the land in Brazil could be free
when work was enslaved, but the experience of free labor encompassed the restriction of access to land.\textsuperscript{18} The slave had no access to land because of his confinement, but if not regulated, land would be too easily available to salaried workers. Free occupation, in other words, had become a threat to labor discipline and had to be restricted.

In 1850, the year of this legislation, the slave trade was abolished in Brazil after intense British diplomatic pressure and under threats of armed intervention by the English Navy, which occupied various Brazilian ports in 1849 and 1850. At that time, the Brazilian economy was driven by the expansion of the planting and commercialization of coffee which began in the Paraíba Valley with slave labor. The expansion of coffee cultivation in the direction of Western São Paulo required an increasing number of workers at a time when slavery as an institution became unsustainable, because of both external pressure and the domestic abolitionist movement.\textsuperscript{19} The labor question thus became one of the major issues of national debate, with the intense participation of São Paulo coffee planters in the formulation of a new economic system for the nation, based on free paid labor by European immigrants.\textsuperscript{20}


\textsuperscript{19} We will examine the abolitionist movement more extensively in Chapter 2 when we consider the evolution of black territories in São Paulo.

\textsuperscript{20} This theme, the transition of slave for free labor has been widely explored by Brazilian historiography. About the
Throughout the 19th century, land increasingly came to substitute slaves in the formation of wealth. If until that time "the principal capital of the farmer was invested in the body of the slave, immobilized as capitalized profit,"21 during the transition to free labor, land acquired the role of establishing security for equity. The Land Tenure Law was a culmination of this process, to the degree that granting legal status to the land allowed it to be used as a guaranty for the receipt of bank loans at a time when they became more widely used to purchase crop land. On this basis, the value of real estate tended to increase, "in the sense that it represented an increasingly greater share of assets, with the decline of slaves."22

PARTICIPATION OF SLAVES AND LANDED PROPERTY IN THE ASSETS OF SELECTED PROPRIETORS SÃO PAULO 1845/1885


The consequence of this change in land access regulations is essential for understanding the legal basis upon which the city was built. The separation between ownership and real occupation caused a radical transformation in the formation of the city, something evident in the plan for the sub-division of lots and the process of arruamento, - the establishment of streets and their design. The irregularity of the colonial fabric, more than an aesthetic standard linked to a picturesque tradition, represented the occupation of land without a previous or predictable plan and without a prior demarcation of lots and streets. The lands were donated without being precisely marked, which gave rise to litigation, due to questions over property lines and the exact locations of servidões. In São Paulo, in 1831, the situation became so
aggravated, with the appearance of irregular streets, and houses which were not along their proper alinhamento* that the Camara conditioned the concession of new lots to the elaboration of a plan for arruamento.23

Precise land borders came to be relevant when all land was given a price and registered definitively as private property, which removed it definitively from the communal sphere. This change revealed itself in 1886, the year of the first systematization of São Paulo's posturas municipais**, when great attention was paid to the alinhamento, which precisely marked the limit of the servidão.

The ups and down of the coffee economy decidedly influenced the definition of urban property as part of a strategy of diversification of investments. As early as 1902, a policy of containment in the expansion of coffee cultivation, due to low prices in the international market, stimulated investments in urban real estate - a second mortgage on which came to be accepted by banks after 1900 as a guaranty on loans to coffee farmers.24

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* Alinhamento is the precise demarcation of the limits of a servidão pública.
** Posturas municipais refers to the body of laws that regulated the use of public space in the municipality.
It came to be widely believed by many social groups in various historic periods that in the long run, real estate investment was the only truly secure investment, which no economic crises or government plan could make worthless. As such, all urbanistic legislation that interfered directly in the potential for valorization of urban land wound up having an importance beyond the simple technical or aesthetic limits, entering into a reserve of financial wealth.

Direitos de Vizinhos*

The six books that compose the work of Manoel Álvares Ferreyra, Tractatus de Novorum Operum Aedificationibus, eorumque Nuntiationibus, et adversus construere volentes in alterius praedictum, of 1750, dedicated exclusively to the theme of direitos de vizinhança, constitute the most important interpretive study of the urban ordinances of Portuguese legislation during the colonial period. Of the series of questions dealt with by Ferreyra, which range from the definition of the city and public space to civil and religious construction details, two groups of regulations are especially relevant to the formation of urbanistic legality in Brazil: the definition of public space and of servidões.

* Direitos de vizinhos the same as direitos de vizinhança.
According to Ferreyra, urban property - *bona civitatis* - is divided into three categories: that destined to public use by all the residents (public squares, bridges, roads and streets, gardens and fields); that considered public property (common pasture, fountains, and public buildings); and those leased by concession for the benefit of the municipality such as markets. These sites are considered public property for common use, not by juridically established *servidões*, but by their own nature. On the other hand, the streets are considered public places and must obey the following conditions: the land must be public, they must serve the public transit of the population, and they must extend through the cities and towns and lead to the sea, rivers or other public thoroughfares. They can be of three types: public, private and vicinais*. Here it is important to point out that the concept of public, private or vicinal is not related to control or ownership, but to function: the public street serves for movement in the center of the city; the private for rural activities, the vicinal serves only a neighborhood or a determined location. In the category of vicinais are included, for example, alleys and lanes. The public roads cannot be blocked by private property, on the contrary, property owners must cede their land, without compensation or reparation, for the opening of new roads and streets. This constitutes one of the *servidões* that

* Vicinal is local.
restricts the rights of the builders: a *servidão de passagem* which impeded even the planting of trees except in gardens and orchards destined exclusively for this purpose.

Another group of *servidões* also important for the later definitions incorporated in legislation refer to the right to a view, the entrance of light and construction at a higher point than that of neighbors. The *servidão de vista*, was established to guarantee ventilation for the * cômodos*, or rooms of a house, and protect their view of the sky, the surrounding environment and of the landscape of land, sea, mountains or forest. Where precise measurement was made difficult by the many standards of measure (*braça, vara, pés, quartas, canas*, etc.), [arm, rod, foot, etc.] some distances were specified as necessary to insure air, light and view for the buildings. The *Ordenação Filipina* demands a minimum distance between two homes of a "*vara e quarta,*" or an alley or lane of 1.375 meters, when the neighboring walls have openings or windows. The distance between blind walls must be two feet or 0.44 meters, measured not from the walls, but from the points where the roof tiles end, defining a *servidão de águas*, or rain water *servidão*. This lateral corridor of 0.44 meters was not obligatory, and blind walls could meet.

The frontal distance between two facades must be at least 10 feet, but when there was a public building or space
between the facades a gap of 15 feet or 3.3 meters was required.
The opening of doors and windows could not block transit in public spaces (principally gates, sheds, porches or balconies), and could not invade the privacy of churches, seminaries or convents, or look over the back-yard or outhouse of a neighbor without their consent. Finally, no one could make a wall at a height that would block the view of a neighbor. The right to a view of the sea, beaches, mountains, and fields must be protected for 100 feet or 22 meters.

There is an important detail that changes the meaning of all of these regulations concerning urban buildings. First, the definition of urban and rural does not depend on the location of the construction but the type of building: when precarious or rustic it was defined as a casa (house), if permanent and solid it was defined as an edifício (building). Houses were rural, buildings urban. Moreover, the only items considered openings that were eligible for servidões were those framed in stone, those simply cut in brick, mud or wood were not insured with rights. The permanence of stone defined the right: stone markers were used to establish land boundries, stone marcos fontenários (spring markers) insured the public or private right to water sources, the padrão, a stone outside the width of the
building placed to guide the flow of rain water, was also
made of stone. According to Andrade:

all of the iconography, designed or photographed,
show us the landscape of the old Brazilian
cities: grand old buildings of stone and
limestone, or even thick stucco, solidly planted,
large and heavy tiles framed by solid eaves,
shading walls adorned in the old style, the
thresholds of innumerable openings of large gray
stones. Alongside, haphazard shacks, their doors
and windows out of plumb, cracks in the walls from
fallen stucco, barely protected by crooked tiles
and always tilted more to one side than the
other.26

This distinction, of the solid city made from expensive
and durable materials to which correspond rights and
privileges, in contrast to the impermanent and precarious
city, built from cheap materials which don't meet the code
requirements or enjoy any rights throughout the history of
the Brazilian city, constitute the very basis of its
aesthetic-political structure.

The Second Foundation of São Paulo27: From a Simple
Hamlet to the Coffee Capital

On that April 4, in which Theodoro Maria de Sales went
out to meet the first group of immigrants who passed São
Paulo on the way to his fazenda in the interior, São Paulo
was experiencing a profound reorganization of attitudes and

26 Francisco de Paula Dias de Andrade, op cit, p. 90.
27 The designation of the period 1870-1880 as the "second
founding of São Paulo" is from Euripides Simões de Paula. "A
segunda fundação de São Paulo. Da pequena à grande metrópole
e hoje". In: Revista de História. n. 17. USP, 1954.
social practices marked by economic-territorial transformation: the passage of the city as a commercial slave-trading emporium of little more than 30,000 inhabitants in 1873, to the financial center of the coffee boom and the first experience of generalized paid labor on Brazilian plantations. In 1886, on the eve of the official abolition of slavery, the population of the city was 47,697 people; another source indicated that in 1890 the population had already grown to 64,934 and to 120,775 by 1893.²⁸

The demographic explosion of the period, principally the product of foreign immigration, did not alone explain the transformation of the city; in addition to growing and increasing the complexity of its administration, São Paulo redefined itself territorially. The emergence of the introduction of segregation as a structural element of the city was of profound importance.²⁹ Urban segregation would


²⁹ The term segregation is used here in a different meaning from its meaning in the United States. Legal racial
be determinative in the appreciation of value in the real estate market. It would also shape political expression of the contest for space by social groups.

Slavocrat São Paulo was hardly segregated: on the hillsides between the Tamanduateí and Anhangabahú rivers were found the houses of the wealthy and the poor, commerce, warehouses, markets, and workshops, in a region deeply marked by the presence of slaves. Beyond this small region of 3 square kilometers was the belt of chácara, the product of the break-up of large rural sesmarias beginning from the mid-18th century, functionally bound to the city and serving as a residential region associated with small production - such as orchards and gardens - or as a combination of agricultural activities with production of construction material such as quarries, or brickyards. (MAP1 and 2)

At the break of dawn, the slaves gathered at the fountains seeking water for the houses. In the light of day, the streets were invaded by the merchants with fruit, vegetables, baskets, tin plates - blacks, freed or slaves, many of them de ganho. The blacks with their trays occupied the busiest streets, plazas and squares of the city, waiting for white men and their business meetings. In the streets, they gathered with blacksmiths, jewelers, barbers and knife

segregation, as existed in the U.S. urban experience never existed in Brasil. But as we will argue in this dissertation, clear territorial separation between social groups and functions is one of the most important features of Brazilian cities since mid 19th century.
sharpeners, who offered their services in the street or in front of the shops and stores of the *sobrados*.  

The *casa térrea* was built directly on the alinhamento, in narrow but deep lots. The house at that time was both a productive and consumptive unit, sheltering the family, servants and slaves. Its architecture established four sectors, the entrances that sometimes corresponded to a store or workshop, alcovas or camarinhos (sleeping corners), sala de viver or varanda (a living room opened to the quintal backyard) and the quintal itself where the latrina (pit-latrine), or casinha (out-house) was located. The *sobrados*, two-story houses, generally had a store, office or workshop on the ground floor and the family rooms on the second.

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*Sobrados* are two-story houses.  
** A *casa térrea* is a one-story house.
The women were enclosed behind rótulas*, shutters and blinds, with their young children and domestic slaves, working for the subsistence of the family. The sala de viver or varanda, located behind the house near the service quarters, was at once the work room and common room for the family and agregados** and slaves. Men passed most of their time in the street and remained on the varanda basically during meal time and rest time. The alcovas, or sleeping quarters, would be protected against the sun, wind and smells that blew in from the street.

There was not much difference in the layout of rich and poor houses; the difference is basically in the construction material - above all the beaten earth floor in the humble residences and the wooden floors in the houses of the wealthy; the type of taipa* employed in the building and the number and materials employed for doors and windows.31

* Rótulas are wooden lattice that impede the vision from the street of interior space.
** Agregados were people who lived with a family, and were not relatives or employees.
* Taipa is a construction technique in mud. It can be "Taipa de mão", when mud is simply agregated into a wooden framework, serviny as a wall, or "Taipa de pilão" in which mud walls are pressed inside of wooden forms.
It was in the street - and not inside the house - that the family socialized; the men, in their daily rounds in the plazas and squares; the women, in the processions and public festivals. A scene from 1874 illustrates what we have just described. Antonio Egídio Martins described how the president of the Province, João Teodoro Xavier, ordered the construction of a building to house the Escola Normal de Instrução Publica at the corner of Rua das Casinhas (later known as Rua do Palácio and still later Rua do Tesouro) with Rua do Rosário (later known as Rua da Imperatriz and today 15 de Novembro). Five houses that had been there were desapropriadas (taken) by the state;

the casa térrea in Rua da Imperatriz, today 15 de Novembro no, 16, belonged to the German subject Cristiano Clausen, who at this time was established with a shoe store at Rua Direita; a sobrado ringed by sacadas de rótula [lattice-work balconies], at Rua do Comércio, today Alvares Penteado no. 38, belonged to Capitão Joaquim Alves da Silva Lopes, the ground floor of this house had a jeweler's shop; a sobrado also with sacadas de rótula, which faced Rua das Casinhas belonged to Luís Garcia and the family of José Felipe Santiago which had a shoe store on the ground floor, lived for many years; at a sobrado com sacadas de rótula on Ruas das Casinhas n. 13 the ground floor was established with quitanda* D. Maria de Tal, popularly known as Nhá Maria Café which each morning, to attend the many customers, made tasty empadaçã [patties] of corn flour with lambari or piquira [local fishes] and sold for 20 réis with a tigelinha [small cup] of coffee for 40 reis, the

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32 Antonio Egídio Martins, op cit, p. 137.
* Quitanda was the common practice of the sale of products on banquinhas (stools), esteiras (straw mats), or tabuleiros (trays) in the streets.
catfish and fresh water shrimp cuscuz would be finished still hot in just a few minutes; the fifth house belonged to the traders Celestino Burroul and José Alves de Sá Rocha, who had already passed away, where a large number of gentleman of the old aristocracy of São Paulo, professors of the Law School, high clergy, important government employees and Presidents of the Province got together for conversation. It was common in the afternoon that these distinguished gentleman, accompanied by almost all the businessmen of Rua da Imperatriz, today 15 de Novembro, would stroll to the market, which was over the Rio Tamanduateí. (...) The washerwomen, who normally went to wash their customers' clothes in the Rio Tamanduateí, were quite taken with the sight of those gentlemen at the market bridge, being that some of them, more adept at their service, would finish before 4 in the afternoon and hurry home. The gentlemen would stay until nightfall at which time, returning from their stroll, they would remain talking in the shops until 9 at night, at which time the legendary bell of the Igreja do Colégio would ring giving the sign to turn in.

In the streets, and even inside the houses, the cramped social conditions did not appear to create danger or threat. The moral distances surpassed the physical, the rigidity of the signs of respect, the social hierarchy, and the differences in dress counteracted the familiarity of collective life. The limits and borders between social groups were clear and rigidly defined. In the lives of the masters and slaves, a basic social relation in slavocrat Sao Paulo, there was no dimension in which the dominant relation was not expressed. The division, in this case was marked by the dehumanization of the slave, who the master considered a productive machine in his posession. Thus, the slave's space
was within the territory of the master. Dominated by physical strength and violence, marked by cultural differences and skin color and dehumanized by ethnocentric discourse.

In the mid-nineteenth century, there was a territorial transformation in the domestic space and in its relation with the street, which first appeared in the most well-furnished houses. First, houses with high cellars distanced the living room from the gaze of strangers, accelerating the disappearance of rótulas, blinds and shutters. On the facades, the panes of glass imported from England, substituted the windows shut with wooden boards and allowed the entrance of light into the house. At the same time, and exactly for this reason, appear the set-backs: at first manifested as spacing on the sides of a house separating it from neighboring lots and buildings, later proceeding to total isolation of the house within the lot.

In the interior of the house hallways appeared as well as a visiting room, a space adorned to receive selected guests. A profusion of decorative objects appeared in the wealthy houses: flower vases, music boxes, table or wall clocks, crystal mirrors, bibelots, jewelry and oriental rugs. 33 This decorated visiting room marked the first movement of territorial redefinition of the elites - the establishment of a public region in the interior of the

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33 Carlos Lemos, 1969. op cit, p. 46.
house, which progressively would oppose itself to the street space. If the street mixed social groups, origins and sexes, the visiting room selected the permitted mixture. This movement also coincided with the intensification of street space as circulation space.

At the end of the nineteenth century frequent references were made to congestion in the narrow streets of the capital. Both in the register of the City Council as well as in the newspapers of the period there are various allusions to the need to discipline transit, organize the streets, and regulate and establish rationality in a design considered chaotic.

It is important to mention here that the issue had a two-fold meaning - on one hand the goal was to remove the close approximation of the well-to-do men from the mixture of the streets, creating exclusive spaces both in the interior of homes (the visiting rooms and the offices) and outside (the cafes, saloons and private clubs). On the other hand, the discussion initiated a historic conflict - which has yet to be resolved - over the appropriation of the street as a circulation space to the exclusion of all other uses. The conflict was first manifest by the expulsion of the quitanda by the City Council, the authority charged with administration of the city. The removal of those who blocked transit in order to finally regulate traffic, through the reform and widening that was initiated at the beginning of
the century, would be one of the strategies adopted to reserve street space, earlier destined to a multiplicity of uses, for exclusive use as a means of circulation.

Once again Antonio Egydio Martins\textsuperscript{34} described a situation emblematic of the process we have just mentioned:

Judging inconvenient and unsuitable to public transit the established use by street vendors and carts that sell quitanda from stands in the street set-up in the Rua do Palácio, today do Tesouro, between Imperatriz, today Quinze de Novembro, and do Comércio, today Alvares Penteado, the City Council, the president of which was Dr. Antonio da Silva Prado\textsuperscript{35}, determined, by the proposal of Councilman Dr. Eleutério da Silva Prado, that these quitandeiras of fruits and vegetables would sell their goods in the Praça do Mercado.

The theme of urban traffic and transit also introduced the variable of speed into the city - it was not enough only to pass through the street, but it was necessary to do so increasingly quickly. The question would appear when feet - and the backs of donkeys - were substituted for ever faster carriages and wagons. The rhythm and manner of seeing and paying attention are totally distinct in the different means

\textsuperscript{34} Antonio Egydio Martins, op cit, p. 209.
\textsuperscript{35} Antonio da Silva Prado was the owner of the Fazenda Santa Veridiana the largest coffee producer in the state and in 1890 became an industrialist, opening the "Santa Marina Glassworks. A lawyer, he was president of the City Council beginning in 1877, Minister of Agriculture, Commerce and Works and Minister of Foreigners in 1884, Senator, businessman, and Banker and superintendent of the Immigration Service in 1887, Deputy to the Constitutional Congress in 1890 and mayor of the capital from 1899 and 1910. He synthesizes in his positions and biography the emergent coffee culture bourgeoisie and its modernization efforts.
of locomotion. The nature of the dialogue that the pedestrian establishes with the elements present in the street is a function of the time that allows exchange, inter-action and other dialogues of gestures or simple looks.

The demarcation of street space and its redefinition as strictly circulation space would be the central theme of the first systematic collection of urbanistic laws of the capital - the Código de Posturas - the Municipal Code of 1875, revised and expanded in 1886.

**First Mission: Clean the Public Space**

Art. 1 - All of the streets or lanes that are opened in this city and in other settlements of the municipality, will have a width of 13 meters and 22 centimeters. The plazas and squares will be square, to the degree permitted by the site.³⁶

In addition to determining the minimum width, prohibiting the construction of any protrusions that obstruct traffic; (shutters, gates, windows or doors were not permitted to open into the street below the second floor, the placement of cornerstones, stone or wood in the front or corners of the houses, as well as steps on those fronts and above the sidewalks was also not permitted).

Concern with the fluidity of street traffic and the impediment of other uses was evident in the prohibition

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³⁶ Municipal Code of the City Council of the Imperial City of São Paulo - May 31, 1875.
against the placement of any object on the outside of, or hanging on, doors, in having animals tied to the doors or windows and doorknockers, or the placement of wood, scaffolding or construction material in front of the houses.

Another important aspect was the demarcation of public space in relation to private space; this appears in the code as well as in the obligation to obey the alinhamento defined by the arruador*, the worker appointed by the City Council to determine the street boundry, as well as the obligation to enclose empty lots with two meter high walls.

An important observation must be made here. It would be incorrect to affirm that in the slavocratic city there was not a clear separation between the public and the private domain, and describe the changes that occurred at the end of the nineteenth century as a radical break with the past. Actually, as Sennett has already shown in his analysis of the transformation of the concept of public and private with the development of capitalism and modernism, this transformation was not like the metamorphosis of a butterfly - or that is one system of social relations did not end with a revolution for another to be established. The error would be in not seeing how one way of life began to infiltrate another.37

The opposition between house and street was throughout the eighteenth and nineteenth centuries fundamental to the

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* Arruador street marker
definition of the roles and social hierarchies in the city.

Maria Odila Leite da Silva Dias tells us: 38

The city, in the epoch of independence, was far from favoring habits of bourgeois sociability: only procession days, religious "te deums" and civic festivals animated social life. The much talked about seclusion of the housewife was a custom imposed by still precarious urban space, by the badly paved streets on which it was difficult to pass and where armed men, cattle drivers, and their companions would dash around on their horses, shooting-off their guns; the garbage piled up close to the house walls; the streets were space for the slaves and domestic servants carrying the *tigres* or latrine barrels, seeking water in the fountain, with much talking, at times with uproars and knife-fights. Travelers interpreted the absence of women of the dominant class as a symptom of the patriarchal customs, of the oriental harem.

The sheltering of wealthy heirs in cloisters like Santa Tereza and Luz was also a sign of the seclusion of women.

Poor white women could barely go out in the light of day. After sundown, they went out in the streets wrapped in black cloth, their faces hid under hoods and pulled down hats to fetch water or do the shopping - tasks of slaves and not white women. Yet according to Maria Odila Dias: 39

The Governors and magistrates recently arrived from Portugal found these customs strange, they could barely understand them. In 1775, Governor Martim Lopes complained of the furtive discretion with which the Paulista women traveled under cover, as if they were criminals...veiled under two lengths of black wool, just as it was cut in the shops and with hats pulled down over their

39 Maria Odila Leite da Silva Dias, op cit, p. 69.
heads; and in this manner, with their faces completely covered both in the streets and in the churches, they hesitated considerably before entering houses with men, even during the day. ...Prejudiced against the Paulista colonial way, they considered the custom very strange, as well as the poorly disguised concubinage in a land where marriage was rare and seldom practiced. They considered as lewd and libertine this common custom which was widespread and tolerated, as long as it was discrete and properly concealed.

That's how the streets were: public spaces, the place of slavery as well as wantonness and lewdness. They were closely identified with those who frequented them. The public as an immoral dominion signified different things for men and women. For women, it was where they could lose their virtue, be disgraced. For men it had a connotation of moral diversion. To go out in the street meant the possibility of freeing oneself from the repression and authoritarianism of respectability embodied in the figure of husband and father. In this way, for men, the immorality of public life was a region of liberty compared to the disgrace it was for women.

At the turn of the century, public space was redefined. Lit by the recently installed gas urban lighting, redesigned by the regularity of the facades and transformed in exclusive circulation space (without the undesirable presence of the so-called street professions), the public space was seized by the coffee society. This was, however, a new public space, clean and exclusive, where bourgeois respectability ruled. Beginning at this time, this would be
one of the essential goals of urban policy, expressed in legislation.

In the code of 1886, the minimum width of the streets increased, passing to 16 meters, introducing a minimum width for the avenues of 25 meters. The height of buildings was also defined at the alinhamento - the first floor could be five meters, the second 4.88 meters; the third 4.56; and a building could reach a maximum height of 17 meters. The doors should measure 3.2 by 1.3 meters and the windows 2.2 by 1.1; the floor should be built half a meter above ground level. The dimension of the protrusions was also regulated: 0.15 meters for the foundation, 0.3 for the first floor porch, one meter for the the second floor balcony and 1.8 meters for the third floor, 0.15 for the cornices, and so on. The property owner that opened a crooked street or one of inadequate width was subject to straighten or widen it, without right to compensation.40

The concern evident here, in addition to preventing obstruction of the street, was the configuration of the street as a location where a new public life could sprout up. A location built geometrically, symmetrically and ordered, in opposition to the irregularity of the heights,

40 Municipal Code of the City of São Paulo - October. 6, 1886 and Municipal Standard of August 11 1886. The Code of 1875 announced that constructions must be regulated by a building code, yet this was only established in 1886. The definition of the new code, amended the old code, generating the code of 1886.
protrusions, recesses and undefined zones between the inside and the outside of the colonial city.

Such movement does not contradict the privatization of public bourgeois life, which occurred with the transformation of domestic space. On the contrary: the sala de visitas or visiting room, and other richly decorated bourgeois interiors, functioned in continuity with the interior of the cafes, theaters, stores and concert halls where the exclusive social life was conducted. Junius, who returned to São Paulo in 1882 after 30 years of absence, admired the fast and vibrant life of the city. Contrary to what he observed during his first visit, the traveler described the intense movement of the streets, including the unaccompanied women who were attracted by the fashionable shops, bakeries, cafes and garden concerts.41

Thus, the contrast between the public and the private already present in the colonial city was reinforced, with the more precise demarcation of the limits between house and street - at the same time in which within public space a scene for exclusive public life was constructed. The women won the elegant streets, yet these streets lost the richness of diversity.

...And Intervene in the Poor and Working Class Territory.

The first legal references to the cortiço* appeared in 1886, although two distinct treatments arose - one in the Código de Posturas do Município de São Paulo of October 6, 1886, the other in the Padrão Municipal (Municipal Standard) of August 11, 1886. Article 20 of the Code prohibited the construction of cortiços in the capital, unless they occupied a lot more than 15 meters in width, with a separation of more than 5 meters from each line of cortiços. In cases where there was only one structure, it was required to be of at least 5 square meters, with windows of at least 90 centimeters, a pé direito (height between the floors) of at least four meters and elevated 20 centimeters from the ground. In the Padrão Municipal, a separate chapter entitled "Cortiços, Casas de Operários e Cubicles" (Cortiços, Workers Houses, and Cubicles) was introduced. The effect of these regulations was the demarcation of an urban zone, corresponding to the central area of the city, where the construction of cortiços was prohibited. (MAP 3)

In other locations, for constructions of this nature, the property owner must request a permit from the City Council which could accept or reject the request, as it found convenient.

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* Cortiço is a tenement-type arrangement of one or more, precarious buildings which take their name from the beehive- (cortiço in Portuguese) like clustering of tiny apartments for the poor.
In these cases, the cortiços were required to have a minimum area of 30 square meters in front of each residence with a garden or walkway; a well, a wash tank and a latrine for every six residents; a closed common entrance with a wall or gate; a pé direito of four meters for one-story residences, 3.5 meters for a second floor; doors of 2.75 by 1.1 meters, windows of 1.7 by 1 meter; flooring on at least the first story with tiles; comodos with wooden floors; internal walls plastered and whitewashed; three comodos of at least 7.5 square meters per residence, each open to the exterior and the flooring 0.50 centimeters above the ground.

All these standards were much above the reality of the cortiços, which were collective rental residences that proliferated in the last decades of the nineteenth century, a result of the increased demand for housing and the appreciation of land values that stimulated the intensified utilization of lots and of construction with rooms divided into the maximum possible number of cubicles. A sanitary inspection report in the Santa Efígenia district in 1893, when the population of the city was already 130,775 inhabitants, pointed to the existence of 60 cortiços in a total of 4,692 buildings in the district, and described the various types of collective residences that were found:42

The cortiço commonly occupies an area on the inside of the block, almost always the backyard of

42 Relatório da Comissão de Inspeção das Habitações Operarias e Cortiços no Distrito de Santa Efígenia a Camara Municipal de São Paulo, 1893, p. 47.
a building where there is a simple shop or bar. A side gate opens to a long and narrow corridor that runs to a patio of 3 by 4 meters in the most favorable cases. To this patio, or free area, opened the doors and windows of the small houses aligned in the same position, with the same construction, the same internal divisions, the same size. Rarely is each house more than three meters wide, 5 or 6 meters deep or 3 to 3.5 meters high.

According to this report, this was the cortiço-pátio; there were also hotel-cortiços (boarding rooms with collective quarters for workers without families), basements rented for residence, sobrados converted into cortiços by dividing and sub-dividing the rooms, or rooms for rent in the back of shops, storage rooms, coach-houses or stables. That is, there were various types of precarious collective residences, the only cheap option in a city with an exploding real estate market.

The first concern of municipal legislation, along with the redesign of central streets, was to eliminate these forms of occupation from the most valuable region - the center of the city. With the prohibition of the installation of cortiços, workers houses and cubicles, the presence of the poor was generically prohibited from the center of the city, which was also the object of investments through the so-called Planos de Melhoramentos da Capital, or Improvement Plans for the Capital. This type of intervention in the "popular" territory complemented the urbanistic municipal project of building a new public image for the city, that of a clean and ordered setting that corresponded to the
bourgeois respectability with which the coffee elite identified. This concern was explicit in the code determinations for the buildings which were not collective or destined for workers: despite the fact that even in the large and wealthy sobrados, most of the sleeping rooms had no windows or openings to the outdoors\(^{43}\), illumination and ventilation requirements were not established in these cases.

In contrast, when it referred to workers houses, the law entered into interior details, proposing a model based on the idea of minimal quantities of cubic air space and light per habitant, from which was derived an entire series of architectural requirements. The idea of intervening in the layout of workers residences stemmed from the correlation between the sanitary conditions and the spread of epidemics which hit the city at this time. Districts like Santa Efigênia, contiguous to the center of the city, and where the population passed from 14,025 residents in 1890 to 42,715 in 1893, were especially hard hit by a yellow fever epidemic in 1892, which raised the issue of overcrowding and of the hygiene of the residences and of ways to combat these epidemics.

The subject of hygiene dominated a large part of the international urbanistic debate at the end of the century,

\(^{43}\) According to Nestor Goulart dos Reis Filho, op cit, the disappearance of the alcoves or sleeping quarters only occurs completely well into the twentieth century.
the result of the rise of large cities, marked in their beginnings by the highly precarious sanitary conditions and ravaged systematically by epidemics.\textsuperscript{44}

Within Brazil's urban history, the cities of São Paulo and Rio de Janeiro were the object of several studies that explored the theme of urban sanitation and its role in the process of organizing the relations of salaried labor.\textsuperscript{46}

Although considered in the Municipal Code, the issue of sanitation, which emerged at that time in the city, was treated more deeply and thoroughly by the state government. In addition to promoting a Sanitary Code in 1894, the state also established the Diretoria de Higiene, with sanitary police and inspection powers and which directly intervened

\textsuperscript{44} This theme was passionately explored by urban historiography, since the works of Stedman Jones about London (Outcast London. a Study in the Relationship Between Classes in Victorian Society. London: Pennguin, 1971), the Recherches collective about Paris (RECHERCHES Disciplines à domicile. n.25. Paris: CERFI, 1976; RECHERCHES L'Haleine des Faubourgs. Paris: CERFI, 1978), with references to E.P.Thompson (The Making of the English Working Class. New York: Vintage, 1966) and Michel Foucault (Surveiller et punir - naissance de la prison. Paris: Gallimard, 1975; La volonté de savoir. Paris: Gallimard, 1976). Many historians have researched the urban formation of the working class and the transformation of the city in the industrial era. For these works, the question is to demonstrate how the disciplinary process of the expropriated - subject to the rhythm and way of life of salaried factory work - related to the formation of a working class identity.

in Sanitation projects. Pressured by the spread of a Yellow Fever epidemic in 1892 in Santos and in various cities of the interior of the state, the president of the state sent a grave message to the legislature: intense epidemics have devastated various parts of the state for months... the epidemics which are devastating our principal ports not only gravely disturb the economic operation of the state and threaten serious difficulties in its commercial communication with the exterior, but also expose the entire Paulista territory to the invasion of Yellow Fever, stealing from us useful labor that we import at great sacrifice.... It appears that the Sanitation of the Capital, although entrusted by law to the municipality, should be delegated to the state because of its importance and because of the quantity of resources required to be executed.46

It was the state apparatus and not the municipal government that in 1890 would create the Sanitation Service and in 1894 decree the first Sanitation Code of the state of São Paulo.47 This was because of the role the state government would fulfill in relation to production - real and symbolic - of salaried labor, redefining the notion of work and supplying new agricultural and industrial sectors.

with cheap and docile labor, which began with a state-subsidized policy of promoting European immigration to coffee plantations.

Slavery as a labor relation entered in decline exactly when *Paulista* coffee production expanded voraciously, consuming more and more land towards the west of the Province. The scarcity of Africans caused by the termination of the slave trade was compensated for by the inter-regional transfer of slaves, principally from Minas Gerais and Rio de Janeiro, where coffee production lost the competition for productivity with the new *Paulista* coffee plantations or *cafezais*. Nevertheless, domestic abolitionist pressure, the escape of slaves and the increase in the price of importation of a slave from one province to another, increased the price of the slave, encouraging the utilization of free labor. Confronted with this imperative, before mobilizing nationals - considered in the discourse of the *Paulista* coffee planters as inept for disciplined and collective work on farms - they opted for the immigration of foreigners.

The economic crisis in to which Italy sunk beginning in 1870 provided a good opportunity to get cheap and abundant labor. Through pressure from the coffee planters, who had absolute control of the political machine of the state - and the nation - the government came to have an active immigration policy, subsidizing the large scale
importation of European settlers. In 1881 the government paid half of the costs of transportation, in 1884 it completely reimbursed the farmers for the payments that they made for the shipments of labor and, in 1885, three years before Abolition, began to subsidize the total cost of transport directly to the immigrants.  

The active role of the provincial government of São Paulo in the resolution of the labor problem for coffee planters created a state government commitment to assist in the supply of labor and the process of formation of salaried labor in the state:

Paulista production rises and peaks with coffee. The undeniable responsibility to resolutely support it is up to the public power, furnishing coffee production with the labor that it needs, promoting credit to sustain it, opening its consumer markets. We will comply with this responsibility without exhaustion.  

The state government adopted both an immigration policy in order to lower the cost of production as well as a corollary policy of control and social reproduction of the workers. For this reason the state organized and

48 In the following chapter we explore in greater depth the tensions caused by the substitution of labor. The theme has been greatly explored by Brazilian historiography. In addition to the bibliography cited in note 20, we point specifically to the discussion of the role of the provincial government in the process discussed in Michael Hall. "The Origins of Mass Immigration in Brazil 1871 - 1914". Columbia, 1969. PHD thesis, Political Science, Columbia University.


50 Maria do Carmo Bicudo Barbosa. op cit, p. 22.
redefined the functions of a public security policy and established a sanitation policy.

The link between immigration and the issue of sanitation is found in the concern that the epidemics would compromise state government efforts to generate a permanent supply of labor, as well as tarnish the image of Paulista territory abroad. The fear inspired by the threat of epidemics, especially that of yellow fever, drastically reduced the number of immigrants. Between 1890 and 1899 close to 120,000 immigrants arrived in Brazil each year. Between 1900 and 1904 the annual entrances dropped to 50,000.51

Investments in sanitation projects were justified in this way - principally focused on the establishment of a Comissão de Saneamento das Várzeas (Low-land Sanitation Commission), investments in the increase of reservoirs, water distribution, and sewerage, and the enactment of sanitary legislation controlling real estate activity.

European sanitary legislation inspired the Código Sanitário Estadual of 1894 and its later versions. The French law of residential hygiene, enacted in 1850 served in particular as a model for the Paulista legislation.52 Although the residential conditions in São Paulo were different than those of the large European industrial cities

in the 19th century, regarding both the extent of the problem as well as the types of housing, the medical theories that inspired the French legal instruments quickly influenced generations of hygienists, principally those graduated from the *Escola da Medicina do Rio de Janeiro*.

Confronted with the spread of epidemics, medical researchers developed a theory of contagiousness, developing the idea that the propagation of disease was a function of the presence of an unsuitable environment. Initially, physical conditions were studied; types of soil, topography, wind direction, and the presence of beaches, rivers or swamps, promoting a classification of locations more or less propitious for disease.

According to the theory of fluids, which dominated medical thinking, principally that produced in France since the Eighteenth century, air and water were considered morbid carriers, transmitters of fetid and putrid effluent, known as *miasmas*, which were vehicles of disease. The inhalation of these *miasmas* could provoke disturbances in an

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organism's equilibrium, obstructing blood circulation causing a rise in fevers. Swamps and all places that accumulate detritus, waste, insects and decomposing material were considered breeding grounds for miasmas. In this way, the medical theses furnished a paradigm for the orientation and design of residential construction, which constituted the first regulations present in the codes. From a thesis presented to the Faculty of Medicine at Rio de Janeiro in 1886 three determinations for the São Paulo Code were extracted directly: concerning the alinhamento of the buildings, the design of buildings at corners and the height of the floors.

The narrow streets impede the sea breeze from cleansing the city, carrying away the miasmas (...) the cut of the houses at the corners would help to expand the wind currents channeled by the orientation of the streets. In this way the shock of the wind currents produced by their crossing would not be so violent and brusque. (...) to guarantee the quantity of air necessary at the height of the pavements the following dimensions were maintained: first floor 5 [meters]; second 4.8; third 4.6.53

Medical inquiry and the theory of contagiousness shifted quickly, however, from the physical agent to the social agent, and from the public space to the private, blaming the propagation of epidemics on the habits and way of life of the urban poor. Passages from the reports of

eminent doctors and engineers furnished to the Superior Council of Public Health in Rio de Janeiro in 1886, help illustrate this position:

Common living facilitated by this spontaneous solidarity of the poor classes, which in order to defend themselves in the struggle for life congregate and unite in houses nearly in ruins, in basements, in cortícios lacking the most elementary hygienic requirements and which are the source of many molestations, such is the cause of the multiple fragilities. (..) In general, this population is constituted by people of inferior culture. And among these the simple in spirit, the tolerant, who do not value the most important precepts of decorum and mutual respect, and this intimacy is linked in a tight web of the most diverse mentalities, as well as the proximity at times to these tendencies. Resulting from this heterogeneous mass is criminality, prostitution, disease and the repression of the moral and physical level of these people.54

Diminishing the number of residents in the houses destined for the poor is a useful and hygienic precaution, and for this reason certain police and municipal measures should be adopted. As is known, it is in the poor lodges and cortícios that live together the hundreds of bums and capoeiras* etc. that morally pester the city.55

Disease, immorality and poverty were spun together so that the precarious housing conditions were immediately

54 Dr. Francisco Figueira de Mello. Parecer apresentado pelos membros do Conselho Superior de Saúde Pública na sessão de 8 de Julho de 1886. (Report presented by the members of the Superior Council of Public Health, at the session of July 8, 1886.) Rio de Janeiro: Imprensa Nacional, 1886.

* Capoeiras were men who formed parts of gangs organized around the practice of "capoeira" an African-based martial-art. The gangs often participated in criminal activity.

55 Report of Dr. José Maria Teixeira, idem. p. 21
related to immorality and disease, demarcating a rejected a
territory rejected in the urbanistic culture of the city.
This scheme has remained with urban legislation until today.
According to Corbin,

in the nineteenth century an increasing concern
with the fetid odors of the earth, stagnant water,
 garbage, is replaced by the "odors of poverty,"
 the stench of the poor and the infected residence.
The change from natural inspection by scent to
social inspection, from the exterior to the
interior, that induced a disciplinary strategy in
which disinfection and submission were assimilated
symbolically: the dream of making the poor
odorless, suggests the possibility of making the
worker well-behaved and productive.56

Intervention in the transformation of worker's
residences was fundamental to the ability to eradicate the
two basic evils of poverty: the physical destruction of
workers and the impossibility of their reproduction in the
city, and their moral degradation, making them unfit for
work. Some theses on sanitation express this concern in a
clear manner:

(... the improvement of the workers homes, has a
goal which in addition to being material, is also
moral and political. (...) it is important not to
forget that before being seduced by the bar, the
worker is almost always chased from home by
darkness, sadness and unhealthiness of the rooms.
The disorder will have lost its most powerful
helpers when these apartments are brighter, more
comfortable and clean. This is because a home with
pleasant space, well ventilated and lit, clean and

comfortably laid out, influences the morality and well-being of the family.\textsuperscript{57}

The foul air breathed through the lungs and skin, in contact with substances often in a state of decomposition, altered still by effluent from unclean kitchens or apartments, after a certain time cannot be only insufficient but also damaging and dangerous.\textsuperscript{58}

The theory of microbes formulated by Pasteur in the 1870s questioned earlier medical theories to show that contagious disease was not transmitted by the inhalation of contaminated air, but by infectious germs carried through indirect contact established between people through objects. For Pasteur, microbes did not arise spontaneously in decomposing substances as the theory of miasmas believed; nevertheless the entire preventive apparatus was mounted with the scientific justification of the earlier medical theories. As sanitation ideology penetrated the poor and working class territories with the object of controlling in order to transform, it would provide repressive state policy with the legal and institutional means to accomplish this mission.

The supporting elements of the strategy were the construction of a system of permanent vigilance, sanitation

police, and the formulation of a body of detailed laws which defined that which must be monitored by these inspectors. Nevertheless, the permanence and the reproduction of the cortiço in the city's history revealed the limitation of the proposed model. Contrary to the sanitation projects, which were able to significantly diminish the mortality caused by epidemics in the city, the model found in the law was never truly enforced. Although state legislation prohibited the construction of collective residences and permitted the evacuation of and demolition of houses, the "housing crises and repugnance that it caused, these violent circumstances impeded the action of the Serviço Sanitário." 59

Nevertheless, the ideological component of the sanitary movement - the web that linked high density and poverty to immorality - and the generic rejection to this housing form expressed in the law and tolerated in practice - is one of the strongest continuous elements within the urbanistic order of the Brazilian city.

Social Revenue Versus the Hygenic Housing Model

Men join together in groups to reap the advantages of cooperation, the division of labor, to produce, in one word, more economically. (...) This community life, leads on one hand, to inconveniences the extent of which are unknown. Inconveniences that present an extremely varied range and that extend from the direct weakening of the conditions of resistance of the individual organism to threat to the moral order, and dissolution of the very family.

These inconveniences are going to have repercussions in the productive capacity of society, the very capacity that they sought to increase by this grouping. They tend to diminish this capacity. By death: 10 to 20 contos is considered the equivalent of one Brazilian, legal and capable of working. By illness, by degeneration, by prostitution, by drinking, by loafing, and by crime, requiring the state to multiply the number of hospitals, asylums, prisons and police.

Some, and not a few, similar inconveniences are going to find their origins in the housing conditions, which directly depend on respective distribution, fabrication and access. (...).

What they must understand is that these sanitation and municipal codes have a dual objective:
First - positive, of protection and support - to provide that portion of the population that aspires to live in a healthy and decent environment, and educate their offspring in dignified conditions, mechanisms to facilitate the realization of this so very legitimate ambition;
Second - negative, of repression and policing - to prevent that the rest, which have little concern with all these things, or who are incapable of making the necessary effort to achieve, can create situations that come to constitute a threat for the neighbors, for the community and the civilization.60

I have transcribed this passage by Victor da Silva Freire, the municipality's director of works for 37 years,61 because it reveals, at its origins, one of the

60 Victor da Silva Freire. "Códigos sanitários e posturas municipais sóre habitações (altura e espaços) um capítulo de urbanismo e de economia nacional". In: Boletim do Instituto de Engenharia, Feb. 1918, p. 231.
61 Victor da Silva Freire studied engineering in the Escola Politécnica de Lisboa and in the École des Ponts et Chaussés of Paris. In 1895 he settled in São Paulo and in 1899, at the invitation of Antonio Prado assumed the direction of the service of municipal works, a position that he held until 1926, cf. José Geraldo Simões Jr. "O setor de obras públicas e as origens do urbanismo na cidade de São Paulo". São
strongest conceptions of urban legislation, and one which is completely in force until today.

Although the City Council did not have at this time complete legislative autonomy, the city possessed its own management structure, which included, beginning in 1890, a sector of municipal Public Works, charged with the urbanistic policy of the capital. At certain times, as occurred in 1918, when the State decreed a new Sanitary Code, based on the same assumptions of the precedent, there was a divergence between the proposals of the state and the vision of the municipal engineers, expressed by Victor da Silva Freire. More connected with the U.S. experience of urbanism and legislation, the vision of the municipal urban engineers reinterpreted the social question of housing for the poor, introducing the theme of profitability of urban land and assuming the reality of a dual housing market.

This was not a break with the moral and social principals of urban hygiene: the mission was the decongestion of housing for the poor, to free the poor from the moral and deadly threats. According to Freire, death, disease, crime and immorality had a high cost for the state - 10 to 20 contos for each dead worker, in addition to the

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Paulo, 1990. Dissertação de mestrado apresentada à EAEESP/FGV. According to the author, until 1889, the urbanistic proposals as well as the public works, were elaborated by the provincial government through its Inspector General of Public Works.
need to multiply the number of hospitals, asylums, prisons and police.

Nevertheless, there was a new element in the discourse which significantly changed the meaning of municipal urban legislation: the profitability of urban land. In his critique of the Sanitary Code, Freire states:

The subject involves a problem of income. It is the social income of human organization that is in play. (...) Didn't our profession determine the achievement of maximum income in all fields as the final goal of our technical efforts?"

And defending verticalization and reduction of the pés direitos argued:

The advantage that exists in reducing the pés direitos does not consist exclusively, as is customarily calculated, in the reduction of the vertical elements: walls, doors, windows, stairs. The shrinking of the horizontal elements accompanies this reduction with an analogous effect: to the degree in which the height increases between two successive floors, the floor surface to be capitalized on also increases.62

The vision was obviously introduced with an understanding of housing construction as a business. The pragmatic discourse of the engineer would be the conduit for the vision of the real estate investor. The thesis - repeated throughout the century - was that the advances of urban techniques allowed the guarantee of sanitary and morally defendable conditions and, simultaneously made urban investments highly profitable. Freire would seek these advances mostly from the U.S. urban experience, particularly

in the "Model Housing Law" prepared under commission of the Russell Sage Foundation by Lawrence Veiller, in 1901, but also in all "new urban legislation," developed in Germany, beginning with zoning in Frankfurt and multiplied with great success in the United States. This trend countered the tradition of French sanitary legislation, which exported to the world the paradigm of the city seen from a medical perspective. Quoting the paper presented by Lawrence Veiller at the Second National Conference on City Planning, Victor da Silva Freire defended the adaptation of real estate technique to sanitary purposes. His basic thesis was that it was necessary to simultaneously consider hygiene and revenue in order to induce a policy of increased density without congestion. For this he proposed:

- the utilization of cellars for habitation, differentiating cellars from basements (rooms that were

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63 Franco Mancuso in Las Experiencias del Zoning. Barcelona: Editorial Gustavo Gilli, 1988 tells us the story of the change in the strategy of control of the growth of the city, which arose with the introduction of zoning in Germany at the end of 19th century. The zoning - or subdivision of the city into zones establishing for each of them differentiated regulations which specified density and use of the buildings, penetrated the United States principally through Benjamin Marsh, social reformer and Secretary General of the Committee on Congestion of Population of New York. Since 1909, City Planning Conferences held in the United States rapidly spread adherence to the new urbanistic tools among U.S. planners. For U.S. zoning, and particularly its connection with real estate see Seymour Toll. Zoned America. New York: Grossman Publishers, 1969.

partially underground), and techniques for ventilation and illumination of these basements.

- the drastic decrease in the height of each floor and the increase in the number of floors:

Lowering the floor heights, utilizing the sub-soil in acceptable conditions, the people will not revolt against this transformation that would soon provide immediate relief in the pocket-book.\textsuperscript{65}

The technical justification presented differed from the chemical doctrine of ventilation, based on the idea of a minimum amount of cubic air space per inhabitant. He opposed overcrowding, but considered the number of people living together in a room a matter for the sanitation authority, and not of building regulations.

Concerning the height of the buildings and the width of the streets, Victor da Silva Freire criticized the uniformity of the width of the streets and block sizes proposed by the Code, proving that the different uses and different densities generated distinct street widths and block sizes, a product of the distinct utilization of lots. Nevertheless,

when there does not exist in a city a division in neighborhoods with certain and immutable purpose, such as is practiced in Germany and is now beginning to be practiced in the United States, it is necessary to provide lots suitable for what arises.\textsuperscript{66}

As such, based on Alexandre de Albuquerque's studies of ventilation, a standard lot size was proposed with depth

\textsuperscript{65} Victor da Silva Freire. op cit. p. 272.
\textsuperscript{66} Idem. p. 312.
varying between 9 and 16 meters, which among other advantages would diminish the risk of an owner constructing houses for rent in back.\textsuperscript{67}

Although completely engrossed in the debate about zoning taking place at that time in Europe and the United States, Victor da Silva Freire did not defend its immediate adoption in São Paulo:

The International Urban Congress ("Art de Construire les Villes") meeting in Gand in 1913, has approved the resolution inviting governors and Municipal administrations to take the necessary measures to establish specified construction codes, once the extension plans of the cities are adopted, obeying the different neighborhoods and streets projected and in accord with the nature of the buildings to be erected. We are among the cities that still have not conceived their expansion plan - the solution will come here in its time; our situation appears to me to be still not ready for this progress, which constitutes the true orientation of the sanitation legislation.\textsuperscript{68}

Considered an impossible advancement for the Paulista situation, the logic of zoning, which only established itself completely in 1972, was nevertheless incorporated conceptually and introduced in a piecemeal fashion. The idea

expressed in Freire's text, that legislation has a positive role (to protect investments) and a negative one (to avoid the threat represented by contact with indecent and unhealthy uses and social groups), was introduced early on in urban legislation in São Paulo, constituting one of its fundamental aspects. Although not implanted in a complete way through zoning for the entire city, it was expressed through the prohibition of installation of cortiços in the urban zone, and later in the central zone, and through the specific regulations for high-income sub-divisions.

Divide and Rule: The Exclusively Residential Neighborhood is Born

In 1879, two Germans, Glette and Victor Nothman bought the old Chácara do Capão Redondo (which later became the property of Visconde de Mauá, Chácara Mauá) and, spending 100 contos de reais, opened wide streets and tree-lined boulevards. Having sold large lots only to families residing in the capital, they amassed 800 contos de réis after sales.69 This was how the Campos Elysios neighborhood was born, the Champs Elysées Paulistano, marking the birth of the model of the aristocratic, exclusively residential and high income neighborhood. In 1890, the recently opened

69 CF. Antonio Egídio Martins. op cit. p. 163 Glette also constructed and was the owner of the Grande Hotel, on Rua São Bento, the only luxury hotel in Brazil at that time, and which hosted illustrious visitors such as Prince Henry of Prússia, nephew of the Emperor, as well as Sarah Bernardt.
neighborhood of Hygienópolis came to concentrate the most
elegant palaces of the city. Avenida Paulista followed,
built by Joaquim Eugênio de Lima and inaugurated on December
8, 1891.
In 1894 Joaquim Eugênio de Lima succeeded in securing a law
exclusively for Avenida Paulista, requiring future
constructions to obey a set-back of 10 meters from the
alinhameneto, as well as two meters on each side. In 1898
Municipal Law 355 "specified the style of construction on
Hygienópolis and Itatiaia Avenues," requiring minimum set-
backs of six meters, obligatory gardens and trees, and a
space of no less than two meters on the side of each house.
These laws defining the specificity of construction style in
the elite neighborhoods corresponded to a characteristic
completely striking in the construction of urban legality in
the city of São Paulo: the law as a guarantee of the
protection of space for the elites. As Victor da Silva
defined very well, this was one of the fundamental missions
of legislation.

If we analyze the content of the specific regulations,
we find the hygienic model, with all its physical and moral
implications: the single family house isolated on a large lot
separated from the street and neighbors.

The key to effectively establishing a precise social
territory is evidently in the price: large lots, large set-
backs, with no co-habitation, was a formula set by those who
could pay. The law, by defining that within a territory only a certain standard could occur, performed the miracle of designing an invisible wall, and at the same time, created an exclusive product in the land and building market, and thus permitted a high return on investment, even considering, as Freire indicated, the very low productivity of the lot.

Moreover, the foundation of a social geography of the city was thus designed, and until today we have not been able to escape it. The southwest vector drawn from the path Campos Elysios/Hygenópolis/Paulista, along with the subdivisions of Cia. City in Jardim América formed the elite center of the city, the space that concentrated high real estate values, the most elegant shops, the richest houses, the fashionable cultural consumption, and the largest quantity of public investments. In the First Republic the image of this social topography was built along the dry, ventilated and illuminated hillsides where the stately houses overlooked the swampy low-lands that were home to the poor. And it could not be otherwise, given that this was the hygienic vision that made up the corresponding urban image.

At the same time in which the law designed the territories of the rich, it would also mark those where poverty would reside. Since its birth the movement has been centrifugal, or that is, it defines the borders of the urban zone, or even the rural zone, as the place destined for the
poor. The logic of saving the remote regions for the poor survived the century without a significant change.

The constitution of a dual housing market, in which the poor were located on the periphery, began with the prohibition of the installation of cortiços in the central zone as determined in the codes of 1886 and reiterated by the Sanitary Code of 1894, which definitively prohibited the construction of cortiços and permitted the hygienic working class vilas to be built outside the urban core. Law 498, of 1900, exempted from municipal taxes property owners who built working class housing in accord with the municipal standard, and outside of the urban perimeter delimited by the law. (MAP 3)

In 1908, in a city of 370,000 inhabitants, Mayor Raymundo Duprat increased benefits for those who built "houses destined for rental or sale by installments to those who are not home owners and do not have resources to rent a home that is hygienic and detached," 70 and even offered the concession of municipal land "in appropriate locations," that is, outside of the urban region. What was built under this series of laws was the other side of the proposed social geography: another imaginary line that defined the walls of the city; on the inside was commerce, the inoffensive factories and housing for the elite; on the outside could be found housing for the poor and everything

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70 Law 1098 July 8, 1908.
that smelled bad, polluted or contaminated, (slaughter houses, chemical factories, insane asylums, quarantine hospitals etc).

This demarcation was already present in the law of 1886, which defined the urban perimeter - where alinhamento must be obeyed - and the rural zone, where the constructions could have a distinct design. The same applied in relation to the arruamentos or subdivisions of private properties into lots, which since 1913 were required to present plans before opening streets. While inside the urban zone, they had to follow the regulations of the law, in the rural zone this was not required; nevertheless they could not count on the public paving and sidewalk services (paid completely until this day by the municipal government).\textsuperscript{71} (MAP 4)

In the revision of the municipal codes, which had been drafted in 1917 and were finally approved in 1920, when the city had 587,072 inhabitants, the demarcation of the urban limits was set (denominated the second zone) as well as the rural (the fourth zone) added to the demarcation of a central zone (the first zone), and a suburban zone (the third zone). In reality, for the purpose of the code determinations, the differentiations between the zones

\textsuperscript{71} In 1904, with the passage of law 1194, the municipality came to demand from the property owner that they contribute half the cost for settlement of channel stones; in 1905 the landscaping, leveling, construction of small spans and larger bridges over running water must be executed and paid for by the property owner. The municipal government, meanwhile, revoked these laws in 1913 and continued until 1923 providing all of the costs of paving.
distinguished themselves in relation to: alinhamentos, (no set-back was required in the central zone, a minimal set-back of four meters in the urban and sub-urban zone, six meters was the required setback along Avenidas Hygienópolis, Angélica and Água Branca; and 10 meters at Avenidas Independência, Paulista and the Canal of Tamanduateí) back yard requirements (10% of a lot in the commercial triangle, 12% in the rest of the central zone and 15% in the urban zone) and the issue of alvarás de construção, or building permits, which were obligatory in all zones, except in the rural zone if a building was six meters away from the public thoroughfare. (MAP 5)

The 1920 law incorporated most of the specific earlier laws and introduced the proposals of the municipal engineers, such as the lowering of the floor height, the "scientific calculation" of insulation, the specification of building materials and a series of new questions that came with the verticalization which began to occur in this period (elevators, over-loading, reinforced concrete). In addition, construction was only permitted by those with a degree in architecture or engineering, or by government licensed contractors.

The Missing Link - The Loteamentos Legislation and its Partner, the Mass Officialization of Streets.
In 1923 "modern" rules for loteamentos, or subdivisions, were included in the urbanistic formula. In the new law, the process of arruamento was associated with the use and occupation of the lot, thereby taking one more step in the direction of use and density zoning.\textsuperscript{72}

The law determined that those who desired to open streets had to present a sub-division plan, designed on the basis of a request for instructions previously sent to the Municipality. The developer was required to present a plan, with contour lines every meter, defining the streets and open spaces, the level of the streets and the drainage system for rain water. The law demanded the donation of an area to the municipality: 20\% for streets, and 5, 7, or 10\% (in urban, suburban and rural regions respectively) for open space. A lot was to be minimally 300 square meters, with a minimum frontage of 10 meters.

The law defined usage zoning, permitting local streets to be opened (between 8 and 12 meters in width, where commerce and industry were prohibited) and an hierarchy in the road system that peaked with luxury roads more than 25 meters wide. It also defined for the first time a maximum lot occupancy - 1/4. The 1923 law was the product of three years of negotiation in the City Council, beginning in 1920

when the urbanist and city councilman Luis de Anhaia Mello presented proposed legislation about the subject.\textsuperscript{73}

In this proposal, Anhaia Mello included a mechanism - the sharing of the costs of sidewalks between the municipality and the developers - with the objective of curbing the excessive growth of the city, and inhibiting the opening of streets.\textsuperscript{74} This measure was incorporated in the Law of 1923, yet under pressure from the developers, a loophole in the law allowed the number of streets to increase without providing for any of these requirements: the law allowed that in addition to the official streets the beds of which were donated to the government and officially recognized, that private streets also be opened which remained under private control and responsibility. These private streets must be maintained clean and in a condition allowing the passage of traffic, yet were not required to follow any urban regulation.

The legal existence of private streets made official a duality that already existed since 1913, when the opening of streets was no longer permitted without a request for authorization from the municipality. In 1913 a law

\begin{footnotesize}
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\item\textsuperscript{73} Luis de Anhaia Mello, urbanist engineer graduate of the Escola Politécnica, was a student of Victor da Silva Freire and Alexandre de Albuquerque; played an important role in Paulista urbanism. In addition to being a professor and responsible for the creation in 1927 of the course of Urbanism in the Escola Politécnica he was councilman and mayor of São Paulo.
\item\textsuperscript{74} Cf. Luis Anhaia Mello. "Problemas do urbanismo. Mais uma contribuição para o calçamento" apud Grostein. op cit. p. 146.
\end{itemize}
\end{footnotesize}
expressed the desire to control the opening of streets and in 1914 an act made already opened streets official.\textsuperscript{75}

The legal order would not be complete without a mechanism that marked a highly detailed and specific law, based on the homogeneity of the ideal standard. But this was linked to the definition of the areas of the city (the rural or unoccupied suburban zone) and categories (the private street) where everything that was not included in the law would be tolerated, though not be under the responsibility of the state.

This legal_EXTRA-legal duality permitted the preservation of the elite territory from the invasion of undesirable and degrading uses, in order to maintain their market value, at the same time in which it accommodated the explosive demand for housing. During the entire República Velha this mechanism worked well, alleviating tensions. Nevertheless, beginning in the 1930s, when the urban masses entered more decidedly on the political scene, this mechanism would be highly politicized.

The promulgation in 1929 of the Código de Obras Arthur Saboya, a type of systematization of the earlier legal instruments, culminated this period and this strategy. But the discussion around its approval revealed a new role for

\textsuperscript{75} It consisted of Act 671/14, which recognized as official all the open streets identified in the plan of the city developed by the Directory of Works and Streets. The same procedure was repeated with Act 972 in 1916.
the duality legality/extra-legality beyond the constitution of a dual housing market: its investment by politics.
CHAPTER II: FRONTIERS

Unicity of Urban Law and Multiplicity of Territories

Within the urbanistic legality that was being created in the city of São Paulo, the popular territories occupied an ambiguous space. On one hand, within the law was the model of hygienic vilas, small single family houses built in rows, always on the periphery of the urban nucleus. The law explicitly condemned and prohibited the existence of collective habitations in the city, identifying the narrow spaces and high density of these territories with the impossibility of developing a healthy and balanced family life, an essential condition for the civilized progress of the nation. Along with the definition of the housing model, the law also proposed a specific form of utilization of public spaces, destined exclusively for circulation and promenades, the bourgeois sidewalk especially designed for this purpose.

The ambiguity consisted in the creation within the legal order of a possibility of getting around the law, defining a space - the suburban area and later the rural area - where this could happen, without it being the responsibility of the state. Nevertheless, although the
possibility of not obeying the law was part of the legal order itself, the condition of resident in a collective dwelling or that of occupant of a public space in a form not foreseen in the law, was rejected by this very order. All the forms of spatial organization of daily life that did not correspond to the model of the single family home, the maximum isolation on a lot, and the "cleanliness" of streets, were rejected.

The existence and forms of occupation of semi-public space, such as the patios and corridors of the cortiços and vilas, as well as the street professions and uses not predicted in these spaces, as well as the social relationships that did not exclusively pertain to the family, comprised the vast field of urbanistic illegality or informality.

This vast zone of social obscurity first corresponded, in the the history of São Paulo's urbanistic legislation, to the place of blacks in the city. It later was incorporated within the popular neighborhoods of immigrants until it was completely identified as foreign territory by the 1930s. Territory outside of the law, in addition to embracing regions that concentrated blacks and immigrants, was also historically composed by the zona*, which as with the other territories of the city, had distinct characteristics over

* Zona: red light district
the course of the century.

It is necessary, nevertheless, to carefully examine two very relevant details if we want to understand the material from which the law was made. First, ever since the enactment of the first body of urbanistic law, most real estate activity took place outside the law. For example, from 1886, the year that the Código de Posturas Municipal went into force, until 1893, 3,132 requests for alinhamento were sent to the City Council. In the same period, the number of buildings in the capital increased by 11,305. This meant that 72% of all new constructions did not adhere to the legislation.¹ This proportion remained impressively constant throughout the century, which allows us to speak of the history of the inhabitants of land and houses outside of the law as the history of the majority of the city of São

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¹ The number of requests for alinhamento or the definition of a property line with the street, as well as their distribution in various neighborhoods, was obtained from the following sources: from 1886 - 1909 - Arquivo Histórico Washington Luís. After 1909 in the Arquivo Geral da Secretaria Municipal de Administração; see introduction for the methodology employed in the research. The information concerning the total number of buildings was based on Cadastros Imobiliários (Real Estate records), or that is the register for the levying of municipal real estate property taxes, street cleaning and maintenance taxes, etc. and are found in the Mayor's Reports sent to the City Council, usually at the end of each administration. It can be presumed that this data can be under-estimated, lacking, above all, constructions in the rural region. Nevertheless, this would only increase the number of constructions built without permit requests, which reinforces the argument.
Paulo.

The second important detail is that, since the end of the 19th century, the distribution of the illegalities in space have not been uniform. While there was an increase of 2,116 inhabitants in the Santa Efigenia neighborhood between 1886 and 1890, there were 160 requests for alinhamento (one request per 1,322 inhabitants); in the neighborhood of Brás, in the same period there were 10,809 new residents and 117 requests for alinhamento (one request per 9,238 inhabitants). What began to be defined were concentrations of illegalities - or legalities - that would roughly correspond to the heterogeneous cartography of the city. In Santa Efigenia was located the "aristocratic" sub-division recently opened in Campos Elysios, the streets of which concentrated more than half of the neighborhood's requests for alinhamentos. Brás, meanwhile, was one of the first regions to house the new poor of the city, the foreign immigrants, who in 1890 already numbered 14,303 in the capital.² (MAP 20)

The spatial forms had different meanings and were part of the distinct strategies of insertion in the market of the different social groups that inhabited the city establishing different territories. Nevertheless, the urban legality was built upon a single, supposedly universal standard, which generically corresponded to the way of life of the Paulista elites, at the time in which the legal instruments were proposed.

A detailed analysis of the types of territories outlined in the law reveals how urbanistic law, as a process and a discourse, functions as a mechanism of creation of a concrete yet imaginary space which defines limits, dominions and hierarchies, rejecting divergent singularities. Meanwhile, analyzing the forms and uses of space condemned by law, we find a logic, reasons and meanings that go far beyond simple precariousness or poverty.

**Black Territories in the Struggle for Abolition**

When Lino, the son of Apollo, founder of Athens died, the people, the trees, and the animals cried. Athenian space went as far as the grieving reverberated, as far as the music could resonate.³

São Paulo, Beco das Minas. The nightspot of black women who were street vendors. Slaves and forras* in their uprooted exile in the Americas practiced their traditional


* Forros(as) or libertos(as) are freed slaves.
art of comércio ambulante*, or peddling, hawking food and items of general need. Escravas de tabuleiro**, selling quitutes or snacks and cookies, mixed with the free merchants, caipiras***, mestiças**** selling garapa, aluá, saúvas, e peixes (sugar-cane, rice and corn drinks, ants and fish). Trading also took place among the slaves: who exchanged goods such as aguardente (sugar-cane alcohol) and tobacco - or magical-religious goods such as herbs, candles, clay statues and chickens. Trade acquired more than an economic importance, establishing community relations, recreating links that small commerce sealed and perpetuated.⁴ On the west coast of Africa, the origin of some of the blacks that were shipped to Brazil as slaves, commerce was an essentially feminine practice, which in addition to providing economically for the clan, also had a social and religious importance, and a role in the tribal cult of dead ancestors.⁵ Street peddling established contacts, permitting the exchange of information,

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* Comércio ambulante: the hawking of food and items of general need in the streets.
** Escravas de tabuleiro were slaves who sold sweets and snacks in the streets from trays.
*** Caipiras are people of rural origin.
**** Mestiços(as) are people of Indian and black, Indian and white or black and white descendance.
⁴ Maria Odila Leite da Silva Dias, op cit. p. 117.
guaranteeing the survival of the urban quilombos*. Campos do Bexiga, at that time Mata do Saracura, was settled in this way when ex-slaves survived in the woods by fresh-water fishing and crabbing, and collecting hearts of palm, and other products of the forest that they could sell in the tabuleiros (carás cozidos, pinhões quentes, ibás, cuscuz de bagre, jabuticabas, araças, guabiroba, grumixamas, pitangas, cambucis) [cooked potatoes, large hot pine nuts, catfish couscous, and native fruits] or by selling wood. 6 This was also true in what later would become the neighborhood of Ypiranga, which had a brickyard that helped runaways, or served as a temporary shelter for those who came down from the mountains heading for Santos on their way to the sea. 7

Another focal point of the black urban territory in the last years of slavery were the markets (Rua das Sete Casinhas and later, the little market of São João in the Acu Valley) which supplied street vendors and the negras da nação. African herbalists also had their shops in the markets. The herbalists were essential for the healing rites of the pais de santo** and the ritual obligations of their

* Quilombos were the places where escaped slaves took refuge.
** Pais de santo, or parents of the saint, are Afro-
filhos.* The region of the then Largo do São Gonçalo (which today is between Rua Riachuelo and Rua Tabatinguera) where the pillory was located, near the wall of Piques - where the cattle drivers and camp followers who came from the old colonial centers around the city stopped with the customary food, animals and crafts for sale - was also a focal point for black life in São Paulo at the end of the slavery period.

In 1854, the city had 31,824 inhabitants, of whom 23,834 were free and 7,086 slaves: there were also 922 foreigners. The information for 1872 is more detailed:

Table II
- São Paulo Population by Color and Status

<table>
<thead>
<tr>
<th>Color</th>
<th>Free</th>
<th>Slave</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>white</td>
<td>18,834</td>
<td></td>
<td>18,834</td>
</tr>
<tr>
<td>mulatto</td>
<td>5,761</td>
<td>950</td>
<td>6,711</td>
</tr>
<tr>
<td>black</td>
<td>2,090</td>
<td>2,878</td>
<td>4,968</td>
</tr>
<tr>
<td>black/mulatto</td>
<td>7,851</td>
<td>3,828</td>
<td>11,679</td>
</tr>
<tr>
<td>Indigenous</td>
<td>872</td>
<td></td>
<td>872</td>
</tr>
<tr>
<td>Total</td>
<td>27,557</td>
<td>3,828</td>
<td>31,385</td>
</tr>
</tbody>
</table>


Brazilian religious priests.
* Filhos de santo means children of the saint, or member of an Afro-Brazilian religion community.
8 According to photos of the stand of father Inácio in the old market in Ernani da Silva Bruno, op cit.
The principal occupation of the slaves was domestic service in the sobrados of Sé and Santa Efígenia and in the surrounding chácaras, although a significant percentage of them were employed in trades and involved in agricultural work.

The presence of the black in domestic service, whether as a slave or free person, determined the contiguity of the black territory in relation to the space of the white masters. Wells, fountains and rivers, where the slaves would seek water, and slaves and libertos, or freed slaves, would wash clothes, were also nodes of a territory composed of multiple connecting points that designed an invisible thread around the space of the masters' houses. These included: Sul da Sé, Largo da Força, Paredão de Piques, Bica do Largo do Carmo, Várzea do Carmo, Mercado do Acu, Largo do Rosário, Tanque do Zunega. (MAP 7)

Saint Hilaire described the intense movement of the blacks scrubbing clothes at the Carmo plateau, and in Efígenia, at a lake called Zunega, that later became the Largo do Paissandú.10 In the richest houses, with domestic slave women, the washing never was sent out, so that the washing services depended on clients from houses without servants; their services were in a greater demand in the central neighborhoods, from institutions, seminaries, institutions.

10 Auguste de Saint Hilaire. op cit. p. 400.
student residences and hotels. The men worked as coachmen, carriage drivers, attendants on the donkey-pulled trolleys, the domestic servants, brick-layers, cooks or craftsmen (iron-workers, tailors, painters), police patrolmen, rag men, merchants, packers and bearers. Quitanda and cangalha, are African words (meaning fruit stand and shoulder yoke) that indicate the places of blacks in the streets - both freed and slaves - in slavocrat São Paulo.

In addition, the space of the religious brotherhoods had a fundamental role in the African cartography of the city. Concerning one of these, N.S. do Rosário, one of the oldest members of the brotherhood, Raul Joviano do Amaral, recounts:

in the small houses, (cômodos) originally the property of Venerável Irmandade N.S. do Rosário dos Homens Pretos (The Venerable Brotherhood of Black Men of Our Lady of the Rosary) until about 1890, lived forros and escaped slaves, whose work was to provide services: carry water, clean the large houses, small farms, clear land and clean chácaras and country houses, or at the market.

The brotherhoods of Rosário and Remédios were active members of the abolitionist movement, whether collectively sponsoring the purchase of alforrias*, through emancipation

12 The information about occupations were taken principally from the documentation of crimes in the capital involving blacks, found in the Arquivo Histórico do Estado de São Paulo: Auto de Crimes da Capital - latas 3963/4027.
* Alforria - document that conceded freedom to a slave at.
funds, or by functioning as a secret support network of liberation movements, as was the network of Caifazes that worked in conjunction with the Brotherhood N.S. dos Remédios under the leadership of its purveyor Antonio Bento.

Francisco Lucrécio, an active leader of the black community of São Paulo since the 1930s, tells how caifaz strategy occupied the city, on the eve of abolition:

Over there, where today is the Ladeira da Memória there was an auction site of black slaves. When the Irmãos da Alma [Soul Brothers] knew the slaves would go to auction, they organized a march dressed in purple clothes with torches in their hands. They left the church, descending Rua Riachuelo and when it was time for the auction they let loose. The torches became clubs. Then they stole the blacks and took them to the quilombo of Father Felipe, up in the mountains. He knew the trails in the forest that led to Jabaquara.

In addition to participating directly in the abolitionist struggle, the brotherhoods had an important role in the daily life of the community, representing one of the pillars of African urban space. In the plazas in front of the church the batuque dances and celebrations took place, drumming and dancing sessions on Sundays and saint days. Antonio E. Martins recounts:

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14 The action of Caifazes consisted in the establishment of a communication and support network for the runaways that passed through railroad workers - among whom many were libertos - coachmen and wagoners who carried news and protected runaways.

15 Interview by the author with Francisco Lucrécio conducted May 20, 1982.
On occasion of the festivities that used to be held in the Igreja N.S. do Rosário, in honor of this saint, they also had, in front of the same church, popular festivities, during which gathered a large group of black Africans who proudly and beautifully performed the traditional music called the Tambaque, singing and dancing with their partners, who, adorned in white cloth wraps around their heads, silver bracelets, and red and gold rosary beads on their necks, grabbed their skirts and swayed, and were thus treated to a strong applause by the many on-lookers.16

**Terreiro - An Afro-Brazilian Space**

Besides the role of supporting legal and illegal struggles for abolition, the space where the black brotherhoods met, the Catholic Church, at times served as a location for the cult of Orixás. The collective cult of the Orixás was part of the Yoruba tradition, a term that in western Africa now designates a linguistic group which occupies vast portions of Nigeria, Benin and Togo. In Brazil, they corresponded to the Nago, the last group of slaves brought to the country at the beginning of 19th century. Much of the knowledge of African civilizations was preserved in the Americas by the contingents of slaves - the Ketu - who were captured in the Dahomey wars and brought over in the 18th century - and contributed in a special way to the maintenance of the Nago traditions in Brazil. The many followers of the Orixás provide a "structure", a

ritualistic model to which the different black ethnicities or nations, as they are called in Brazil, became more, or less, adapted. 17

This structure also incorporated the mystic experiences of various cultures: in the form of the Caboclo* and the Indian, the original owner of the land who appears ritualized; the incarnation of spirits and ancestors - the eguns, still conducted by the groups of Bantu origin - opened space for the entrance of elements of popular European spiritism. Through the terreiro** the large part of the black African cultural heritage was transferred to Brazil. It was flexible enough to respond to the concrete situation experienced in the diaspora. 18 The symbolic

17 There are various authors, such as Roger Bastide. *African civilizations in the New World*. New York: Harper 1971, pp. 90-98, who analyzes the maintenance, over a long historic period, of African nations as separate cults, such as Alufa, Oya, Gege, Cabula etc.. Nevertheless we work with the argument of Muniz Sodré, who defines Ketu, according to whose affirmation in Bahia this would indicate an "accord" between groups of Nagô/Yorubá origin, with Gege/Fon and even the Bantus/Angola/Congo, group through a structure that also incorporated the mystical experiences of various single structures, sufficiently moldable to incorporate and allow diversity.

* Caboclo is person of mixed Indian and European descent.

** Terreiro is the organized liturgical association and also means yard the space were the ritual takes place.

18 According to Muniz Sodré. op cit. p. 50. The author discusses the notion of heritage but in addition to adopting the etymological meaning of inheritance, in a sociological sense, he incorporates a group of particularities acting on the acquisition and transmission of wealth and power, where economic determinants are blended with ethnic, political and symbolic factors.
heritage of the black Brazilian affirmed itself in Brazil, which was seen as a mythic, political, and religious territory. With the ancient dimension of the warrior power lost, and with the members of the civilization deprived of physical territory, the possibility of re-territorializing in the diaspora remained through a symbolic heritage, substantiated in the knowledge linked to the cult of many gods, the institutionalization of the festivals, the danced dramatizations and the musical forms.

One of the most solid supports of this heritage was, since the times of the senzala*, the very body of the slave, his or her space of existence, container and limit. Torn from his or her place of origin and dispossessed of any goods, the slave was a bearer - not even the owner - of his or her body. It was through the body that, in the slave quarters, the slave affirmed and celebrated his or her community connection; it was also through the body that the collective memory could be transmitted, celebrated. It was in this way that the patio of the senzala, the symbol of oppression and control, was transformed into a terreiro, a place of celebration of the forms of community connection.19

The space of the terreiro was not exclusively a

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*Senzala is the slave quarters.
location of the cult. It always has been, and until today this is true, simultaneously a sacred and profane space, functioning as well as a locale of the permanent or temporary residence of various members of the community of the terreiro, called pais e filhos de santo (fathers and sons of the saint). In the definition of Juana Elbein, within the topography of the terreiro live together two types of sacred space, with different characteristics and functions: a space that qualified as urban, including the constructions of public and private use, and another, virgin, that includes the trees and a fountain, considered a forest, equivalent to the African forest.  

This is an important element that distinguishes the cult of the Orixás in Western Africa and in the black diaspora in Brazil; in Africa to each region corresponds an orixá, which supposedly would also have an ancestral relationship with the local dynasty which is worshiped.

In Brazil where the existence of the clan was rendered impossible, the clan was recreated without kinship ties, in the family of the "saint," the community that sustains and

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is sustained by a collective terreiro/residence. In this sacred space all the divinities and orixás of the Nagô pantheon were represented, agglutinating in a single, small space all of the symbolism of the Cosmos. As such, the size (physical/ geometric/measurable) of the space of the terreiro was not important, because within it fit all of Africa, qualitatively, condensed and reterritorialized.

In São Paulo, on the eve of abolition, rooms for rent, many times grouped around a collective yard, were the predominant form of residence of blacks in the city, who in 1886 numbered 11,000, only 593 of them slaves. Basements or adjoining rooms in collective residences were the types of housing accessible to libertos. The architecture of the collective residence, the only cheap housing option in the city center, resulted in an arrangement in which, most of the activities of daily life occurred in a semi-public space, an intermediary between the interior of the house and the street - the collective patios and quintais. The rooms were used practically only to sleep and store household utensils. Cooking, relaxing, talking, playing with children, washing dishes, as well as liturgic rituals and dance took place in the yards.

There is an incredible similarity between this form of living and the urban African "compound" or "collectivité", urban clan housing, found in various cities in West Africa.
Sidney Mintz, studying the African-American tradition in the Caribbean, also points specifically to the significance of the yards:

The organization of affective and ceremonial life around the yard as a repository of tradition, and as expressing the continuity of a kin group, is one of the most promising subjects of research for those interested in the role of the African past. This perhaps is particularly the case in Haiti, where the yard often served both as a burying ground and as the locus of the omfo, or vodoun temple, which expressed the religious continuity of the family group with its ancestors.21

These collective residences - rooms and basements in Sé, or small villages on the outskirts of the city, principally in the neighborhoods of N.S.Ó. and Penha - characterized by the grid of the street, the points of the market, the fountains and wash tanks, the meetings in the market, the quilombos in the woods and the space of the brotherhood in the city, constitute the black territory at the end of slavery. To disassemble it, wiping out the traces of Afro-Brazilians in the city, was fundamental to intensify the power of European appearances and confer a "metropolitan" image to the city in the emerging Republic. (MAP 7)

The attack is simultaneously real and imaginary; as in all of the urbanistic operation, it consists in associating a set of physical interventions with a network of cultural

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and political meanings. In the specific case of Brazil, the politically important new leaders of the nation - the bankers, industrialists, merchants and coffee planters - inscribed themselves as the victorious class in the physical space, while in the meantime, of course, transforming it into a source of profit in the new terms defined by the urban economy. This was established as much through urban reform, which as we will see dislocated black territories, as in the broad disqualification and stigmatization of this territory, in the name of fighting promiscuity.

**Clean-up Operation: Down With Promiscuity**

The dismounting of the so called Centro Velho, or old city center, which was symbolically and concretely a black territory, a source of physical and spiritual survival of the community, began with tensions that involved the attempts to remove the quitandeiras from the Largo do Palacio in 1877. In 1893, new conflicts arose because the residents of Largo do Rosário and "many common people" opposed the removal of the fountain (that had been installed in 1874), as a way to require the residents to install running water in their houses. Police force was necessary to execute the removal. But it was during the administration of Mayor Antonio Prado (1899-1911) and the Planos de

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Melhoramentos da Capital (Capital Improvement Plans) under the direction of Victor da Silva Freire, that the work of reconquering the old city intensified. The plan included widening of streets and plazas (15 de Novembro, Alvares Penteado, Quintino Bocayuna), and the transfer and demolition of markets, such as Mercadinho de São João. It was necessary to rebuild the markets because in the words of City Councilman Alcântara Machado, in 1900 "this ignoble warehouse that is here, two steps from downtown, is insulting our culture and defiling the city".23

In order to construct Praça Antonio Prado, the church and houses of the Brotherhood N.S. do Rosário dos Homens Pretos were expropriated and demolished. This demolition had a long history that is recounted by Raul J. Amaral:

it appears that the greatest concern of the councilmen was to remove the blacks from the center, by proscribing them and their properties from almost all the locations around the church. Inspector Flávio Alves Ramos testified to the City Council in 1870 that at the location called the dead-end street, in the direction of Rua Porto Geral, a small building belonging to the "Preta Quitéria" was under construction, and that its construction could cause a serious accident, and for this reason he determined to bring it to the knowledge of the City Council. In 1872, the Municipal Council decided to expropriate for six contos, the small buildings and land that served the cemetery contiguous to the church, to widen Rua São Bento and Rua do Rosário. (...) In 1903, the City Council recognized the need for widening the plaza, and for this purpose expropriated the

23 According to Ernani da Silva Bruno. op cit. vol. III, p. 78.
Igreja do Rosario, for 250 contos, renaming the plaza remodeled Praça Antonio Prado. In the place of the church, the First National City Bank stands today.24

The batuque or drumming and tambaque that took place in the old Church Plaza, scandalized Affonso de Freitas: "the unruly swaying, in grotesque contortions, without art or style, lascivious stirring of the hips".25

Dance, ritual and rhythm had an essential function in the Afro-Brazilian existence. Through dance, the spirit was rejuvenated with the cosmic force reactivating the knowledge of the cult. In this sense, dance had an initiative meaning, expressing and communicating a knowledge incommunicable in absolute terms because it could not be reduced to the signs of a language - spoken or written. The knowledge transmitted by the dance recomposed a mythic memory; making the body vibrate to the rhythm of the Cosmos, provoking in it an opening for the on-coming of divinity, the body transforms itself into a metaphor of divinity.26

Dance was seen by bourgeois culture of the time as an expression of lewdness, moral degeneration and the lack of stable family institutions. For Muniz Sodré Afro-Brazilians

were strongly touched by this conception:

by placing the liberty of the body at the center of the entire communication process, black culture clashed with European bourgeois culture, which imposed distance between bodies. Courtesy and refinement are directed by norms that prohibit mutual touches, as well as free bodily contact in public. The intensification of a normative rule of this order, corresponding to the increase of power of the European appearances in Brazilian urban space, would make the notion of promiscuity include the entire sphere of acts not guaranteed or authorized by the metropolitan codes.27

In the eyes of travelers and Brazilian intellectuals of the 19th century, the way of life of the blacks, what they define as the "habits of the blacks," especially the sexual life of the slaves - and later of the free blacks - were completely promiscuous. Robert Slenes comments that this vision is present in the sociology of Gilberto Freyre, who spoke of the "animality of the black, this indecent prostitution within the home"; in the work of Emília Viotti, who points to "the sexual promiscuity in which the slaves live," of Roger Bastide, who argued "the same woman sleeps by chance at once with one male at once with another."

Although these authors reject racist explanations, they point to the heritage of slavery - that separated the families, impeded the forms of solidarity among the slaves - the explanation for which was denominated by Florestan Fernandes as "social pathology or anomaly."

Slenes, however, researching slave registers, found surprising indications of solid marriage and unions of slave families. With this foundation he discussed the sources used by Gilberto Freyre, Emilia Viotti, Roger Bastide and Florestan Fernandes: the report of travelers and bem-nascidos (well-born) Brazilians in the 19th century, who had great difficulty perceiving, and even greater interpreting, the strategies and life programs of the slaves. Racism, the cultural and ideological prejudice concerning work - which according to the vision of the dominant class at the time required the tutelage of the very bourgeoisie and of the state in order to impose themselves on the poor and working classes - predisposed European travelers and well-to-do Brazilians to see blacks, who did not follow the regulations, as unruly.28

This point is fundamental, because at the center of the condemnation of the life styles of the poor is the question of promiscuity, or that is the non-separation of the nuclear family in the strict sense and, within it, the sexes and age groups. The fact that part of the chores and daily

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experiences take place in a space that mixes families, races, ages and sexes, and even more, that the rules of social contact, bodily postures and ways of expressing affection are not equal to those that the elite defend as dignified and respectable, are sufficient for the popular territory to be seen and characterized as promiscuous and intemperate. Through this powerful mechanism which remains in force until today, material precariousness is linked to moral stigma, condemning what is, in the first instance, different and unknown, to the condition of marginal.

The Brazilian elite by the end of the century believed that the substitution of slaves and libertos in the work force through a policy of massive immigration of Europeans could overcome the impediment to hygiene and modernization threatened by the non-civilized culture of people of African origin.

Lead by the Paulista coffee planters, hit by the fall of slavery and needing laborers for the coffee plantations, the government of the province of São Paulo subsidized immigration, which meant a radical transformation in the province's ethnic composition. In 1872, the population of African origin represented 45% of the state's population. By 1890 this portion dropped to 30% and to 10% in 1920. 29

To understand the meaning and implications of this change in the social topography of the city it is necessary to look at the process of the substitution of slave labor for free labor, and how the place and image of Afro-Brazilians and foreigners was built.

**Blacks Won't do as Free Laborers**

The substitution of black slaves by free immigrants was accompanied by a discourse that presented the solution as a progressive alternative, to the degree that "civilized and hard-working" Europeans would bring their culture to develop the nation. In statements by state deputies to the Provincial Assembly of São Paulo, during discussion about the labor question, explicit opinions were offered in favor of rejecting employment of the freed slave or of the poor national as options to meet the demand for field labor. Yet from a strictly numeric point of view the question was not considered: in the state of Sao Paulo alone, in 1872 there were 156,612 slaves, 167,999 freed blacks and 235,923 mestiços, without counting the possible dispossessed whites, included in the total of 433,482 whites that year.\(^\text{30}\)

The following testimonies represent the common sentiment:

The slave, once freed, does not offer service to anyone. The idea that he was a slave before, is a motive for such strong repugnance for him not to

\(^{30}\) According to Samuel Lowrie. op cit.
subject himself to any contract with the farmer. 31

[The ex-slave is] a man avidly relaxed and idle; and history has shown that in all of the nations in which they had been liberated from slavery, the freed slave has given in to idleness and the most extreme indigence. 32

Two aspects must be taken into consideration in the interpretation of this discourse: the violence of the master-slave relation during slavery which marked the notion of work, and the need of the planters to produce surplus labor, to maintain low salaries:

with the unconditional freeing of the slaves, payment to field-laborers of salaries compatible to their effort, competition appeared in the search for laborers and hence high salaries and other demands, requiring a landowner to pay 20$000 to 25$000 a month and sustain a worker who did not stay. 33

According to George Reid Andrews:

the real danger posed by abolition was not so much physical violence as the empowering of Brazil's ex-slaves to join in the planters in negotiating the terms on which both parties would live and work together. Many planters were unable to imagine, let alone accept, the concept of bargaining with their former slaves, and those who were capable of either were deeply pessimistic about the likely outcomes of such a negotiation. Their pessimism was based on the assumption, the product of centuries of experience with slavery,

31 Deputy Arouca in statement to the Provincial Assembly of São Paulo March 12, 1874, cited by Paula Beiguelman. op cit.
that workers would not work unless forced to. The planters believed this to be true, not only of those Brazilians who had been born slaves, but those who had been born free as well. By the time of abolition, those beliefs were being strongly reinforced by the currents of scientific racism sweeping the Atlantic world, which decreed the irredeemable inferiority of nonwhite and racially mixed people. (...) The pessimistic evaluation of Brazil's racially mixed population struck a responsive chord among the nation's elite, who over the previous three centuries had been developing their own autochthonous ideologia da vadiagem, a firm and unshakable belief in the innate laziness and irresponsibility of the black and racially mixed Brazilian masses. (...) To the planters the conclusion to be drawn from the experience of slavery was: slaves and free workers alike were "vadios" bums and vagrants, who would not work except under the threat of extreme force - and often not even then.34

As a result, according to Deputy Arouca:

The free workers are now haughty, because they are already aware of the scarcity of labor. And on top of that, they want to loaf on Mondays because Sunday they passed the night in the 'caterete' [dance] and Saturday as well because its the day of Nossa Senhora (Saint's day). They want to get by well during the four days of the week, roll and smoke their cigarette during work and eat very calmly.35

Indolent, nomadic, wasteful, working strictly as was needed to survive with a wide margin of idleness, lack of discipline, a lot of dancing, smoking, drinking, affirming control of their own time; all these traits were

incompatible with the "voluntary" subjection to salaried work. The personality of the ex-slave thus remained associated with the bum, the idler, the bandit, a personality who until today inhabits our political mythology.

Lilia Schwarcz analyzed how scientific thinking of the time explained these characteristics, defining blacks, mulattos and people of mixed indigenous and white blood as anthropologically inferior:

Soon after abolition, the already weakened Empire also fell, and with it all of the administrative and political machinery. Beginning in 1889, and in spite of all the economic and political specificities of the time, more than a political project was necessary to establish the nation. A nation is highly conditioned, according to the theories of the time, by the characteristics of the races that compose it. Many national intellectuals, influenced by the European schools, debated over the "mazelas" [blemishes] that the black race and its "African blood" that "flowed within us" could bring to this young nation eager to equal itself to the other nations considered civilized. As such, with Abolition decreed, the racial question remained latent. Participating in this pessimism were men such as Nina Rodrigues and his followers, who at the end of the 19th century established in their books an hierarchy of various peoples, seeking to demonstrate the incapacity of the black race to adapt itself to civilization. (...) Without rigidly using the date of May 1888, we perceive that the closer we get to Abolition, the more we find representations that refer to the degenerate character of blacks gaining prominence. Alienated blacks, drunks, immoral and practically barbarous (of the sambas, capoeiras and feitiçarias [witchcraft]) become increasingly frequent in the pages and sections of the newspapers. As such, while the scientific
editorials came to divulge the new positivist deterministic theories or the maxims of Criminal Anthropology, that insist in analyzing hereditary characteristics and degenerations, it was the news articles and the other sections that "exemplified" the "depraved" and barely civilized charcter of the black population which resides here (...) As such, the black at the final moment of the century appears to be associated with two stigmas: that of captivity and the mark of his origin.36

Even among the radical defenders of the abolitionist cause, such as the newspaper A Redenção, distinctions in terms of racial inferiority of the black remained, although they stemmed from arguments that were not exactly racist. Here the blacks were inferior not because they were inately so, but because the detrimental effects of slavery had penetrated to the point that they could never be as good as the Europeans who had never been slaves.37

The policy of repression of idleness, which was strong in São Paulo in this period, had its favourite target in blacks in particular and in the "life of the streets" in general. The records of "Crimes in the Capital" are full of examples of occurrences of this type:

Criminal action - Florentino Francisco (June 5,

37 The newspaper A Redenção was founded in 1887 by public prosecutor Antonio Bento, together with the poet Hypolito da Silva and lawyer Fernandes Coelho. In addition to publishing abolitionist propaganda with an irreverent and aggressive tone, the newspaper was also the principal element of communication between the caifazes. According to Alice Aguiar de Barros Fontes, op cit. pp. 216 and 225.
1896)/vagrant and disorderly, arrested at 7 o'clock at Rua do Brás; 3 witnesses, sergeants of the 5th Battalion, affirm that he is a vagrant; questioned the witness: 30 years old, single, rag-picker, Brazilian, born in Taipó, illiterate, denies all, affirming that he lives off his work and he gathers rags during the day and night selling them to an Italian women in Pari. Characteristics: black, average height, short beard. Defense of the defendant: that when he was arrested he was practicing his trade, that the police officer seized him because he sees him working every night and that he thinks he is a vagrant. Sentence: 22 and a half days in a prison cell plus costs of the suit.38

May 23, 1893/Defendant: Ambrosina Maria da Rocha, 20, single, washerwoman, born in Bahia, lives in São Paulo, illiterate, regular height, black eyes, black hair, special marks: lack of teeth. Accused of always being in the kiosks of the Rua da Estação, without exercising a trade, office or any service in which she earns a living, seeking subsistence in a means manifestly offensive to morals and good customs. Given the chance to speak and told to make her defense she said that she does not have bad habits and that she was arrested simply because she would not acquiesce to the libidinous desires of the soldier that arrested her, who she knows by sight for some time.39

Work opportunities for blacks in São Paulo were limited. The impact of foreign immigration on the place of blacks in the labor market was devastating, both ideologically and quantitatively. It is not possible to precisely determine the number of foreigners living in the city of São Paulo at 1889. Many, above all the subsidized immigrants were directed right to the farms of the interior, although even these eventually abandoned the farms for the

capital. On the other hand, the majority of the free immigrants, after 1900, settled in the capital. Between 1908 and 1920 Santos received 190,000 subsidized immigrants, almost all of which, at least initially, went to farms; and 340,000 free immigrants, of which 80% found employment in industry or commerce of the capital or in other cities. A chart revealing the number of immigrants that entered the state between 1888 and 1915 reveals the dimension of this phenomenon.

Table - III

São Paulo. subsidized immigrants as a percentage of total immigration

<table>
<thead>
<tr>
<th>Period</th>
<th>Total immigrants</th>
<th>% subsidized</th>
</tr>
</thead>
<tbody>
<tr>
<td>1888/1890</td>
<td>158240</td>
<td>63,4</td>
</tr>
<tr>
<td>1891/1900</td>
<td>719595</td>
<td>79,9</td>
</tr>
<tr>
<td>1901/1910</td>
<td>420447</td>
<td>40,1</td>
</tr>
<tr>
<td>1911/1915</td>
<td>356045</td>
<td>36,0</td>
</tr>
</tbody>
</table>


Definitely preferred for work in the factories opened in São Paulo at that moment, the immigrants also occupied some sectors (such as civil construction) where libertos were found in the mid-19th century. In 1890 there where 14,303 foreigners in a total population of 64,934

inhabitants; in 1893 there where 71,468 in a population of 120,755. The Census of 1893 conducted in the Capital of São Paulo found that foreigners constituted 54.6% of the total population and a still greater percentage of the work force. Of the 10,241 craftsmen, 85.5% were foreigners, in manufacturing, 79% and in commerce 71.2%.

<table>
<thead>
<tr>
<th>Sectors</th>
<th>Foreigners</th>
<th>Nationals</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>2,389 = 79%</td>
<td>774 = 21%</td>
<td>3,667</td>
</tr>
<tr>
<td>Crafts</td>
<td>8,760 = 85.5%</td>
<td>1,481 = 14.4%</td>
<td>10,241</td>
</tr>
<tr>
<td>Transport</td>
<td>8,527 = 81%</td>
<td>1,998 = 18.9%</td>
<td>10,524</td>
</tr>
<tr>
<td>Commerce</td>
<td>6,776 = 71.6%</td>
<td>2,680 = 28.3%</td>
<td>9,456</td>
</tr>
<tr>
<td>Gov. and teachers</td>
<td>330 = 13.5%</td>
<td>2,110 = 86.5%</td>
<td>2,451</td>
</tr>
<tr>
<td>Banking and Finance</td>
<td>267 = 29%</td>
<td>651 = 71%</td>
<td>918</td>
</tr>
<tr>
<td>Domestic Servants</td>
<td>8,226 = 58.3%</td>
<td>5,879 = 41.6%</td>
<td>14,104</td>
</tr>
<tr>
<td>Agricultural</td>
<td>783 = 31.8%</td>
<td>1,673 = 68.1%</td>
<td>2,456</td>
</tr>
<tr>
<td>Without work</td>
<td>360 = 70.7%</td>
<td>149 = 29.2%</td>
<td>509</td>
</tr>
<tr>
<td>Total</td>
<td>36,992 = 68%</td>
<td>17,394 = 32%</td>
<td>54,340</td>
</tr>
</tbody>
</table>

Source: Relato apresentado ao cidadão Dr. Cesário Motta Jr., secretário do Interior do Estado de São Paulo, pelo diretor do Depto. de Estatísticas e Arquivos, Dr. Antonio de Toledo Piza. Rio de Janeiro, 31/07/1894.

The limited work possibilities for blacks included for women: domestic service, washing clothes, and street peddling, which had become limited by competition from Portuguese and Italian immigrants who rented rooms and shops.
in the city or went to the city center with wagons carrying grapes, milk or butter from their small farms on the periphery of town.  

For black men, the situation was even more difficult, work was restricted to loading cars or changing rails in the railroads, or employment as fare collector on the trolley or as a mason's servant.

The position of blacks and immigrants in the labor market and in the economic, political and social structure of the city corresponded to a territorial definition where the vast low-lands were predominantly white and foreign; the exclusive neighborhoods of the Southwest sector, white, rich and Brazilian. At the edges and rear of this white rich sector, the black territory of São Paulo was formed at the beginning of the century, taking advantage of the proximity with the wealthy houses, one of the large labor market for blacks, and with the sources of casual labor.

**Black Territory in the White Republic**

Before charting the black territories in São Paulo in the Primeira República (First Republic), it is important to note the nature of Paulistana territoriality from an ethnic point of view. Far from forming ghettos, where the localization of elements of certain ethnic origins excluded others and clearly defined segregated spaces with defined

41 Maria Odila Leite da Silva Dias. op cit. p. 185

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limits, in São Paulo it was possible to identify areas of concentration of certain ethnic groups. These neighborhoods, or portions of neighborhoods - concentrated ethnic institutions (such as locations of religious cults, restaurants, dance halls, social clubs, and schools) generating a special environment. They also brought together housing, in various intensities of mixture with other social groups, which only an analysis of census data per block is able to distinguish more precisely. 42

In 1890 the population of African origin in the city represented 16.5% of the total. This proportion appears in the census of 1890 to be repeated in practically all the districts, with the exception of Brás (where it is less -

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42 Utilizing census data of 1934 by block, various ethnic maps of São Paulo were made, which were our principal sources of information for the 1930s. Cf. Oscar Egídio Araújo. "Enquistamentos étnicos". In: Revista do Arquivo Municipal. São Paulo: Departamento de Cultura, 1940, pp. 227-245. Quantitative studies were also conducted with students enrolled in the public school system, focusing specifically on nationality and color of the parents of the students. Cf. Samuel Lowrie. op cit and Departamento Municipal de Cultura. "Ensaio de um Método de investigação dos pais dos alunos dos grupos escolares da cidade de São Paulo". In: Revista do Arquivo Municipal. ibid. For 1893 and 1920, years for which exist census date by district it was impossible to obtain access to the originals of the field research, which would permit a tabulation by block, which was not performed in the epoch. To mark the territories before the 1930s we principally utilized the location of black institutions and references to housing in life stories of Afro-Brazilians and those of other nationalities. The mapping of this information permitted the identification of some marks of concentration in this space.
about 13%) and Nossa Senhora do Ó (where it is greater, about 40.16%). Stories of the lives of Afro-Brazilians point in a more detailed manner to the "places of race" at the turn of the century. Dona Celisina Rosa, who was born in São Paulo in 1902 recalls:

I was born in the district of Santa Efígenia (which is today Luz). My father worked on the railroad, my mother worked at home. My grandmother, Inácia, my father's mother, was a slave. We lived together with another family at home. From there we moved to Lavapés, which had many blacks.43

And seu Henrique Cunha:

born in 1904 in the neighborhood of Barra Funda, São Paulo. My mother washed clothes outside, in the houses of Campos Elysios. At 9 years old I went to work as a delivery boy in a pharmacy. We lived in the basement of a house, because blacks could not rent a house by any means.44

In the redefinition of city space that was undertaken with the abolition of slavery, the massive immigration of Europeans and the dynamic coffee economy, new black territories were established: the basements and cortiços of Centro Velho, above all in Sul da Sé, where there was not much renovation, in the region of Lavapés (alongside Sul de Sé), in the planes of Bexiga and in Barra Funda.

The implantation of the railroads that crossed the city - caused a territorial reordering of the city's supply

43 Interview with Dona Celisina Rosa, conducted in April 1982.
44 Interview with Henrique Cunha, leader of the black community of São Paulo, conducted in May 1982.
routes. The railroads established three new axes: São Paulo-Rio, via the valley of Paraíba; São Paulo-Santos, via the Serra do Mar coastal mountain range; and São Paulo-interior, through Jundiaí, draining the old colonial centers of the periphery, such as N.S. do Ó and Penha. The new supply routes also shifted the points of commerce of foodstuffs from the bridges that led to these centers to the train stations. For this reason, Piqyes, the traditional black quitanda market area, gave up its role to the surroundings of Luz, Brás and Bom Retiro. With the decline of commerce, Piqyes decayed into a zone of cheap prostitution, the zone of black prostitution, in the surroundings of Rua Riachuelo. Both the region of Lavapés and the cortiços of Sé were black neighborhoods as a result of the expansion and consolidation of the centers that already existed in the mid 19th century.

The black territory of Bexiga sprung up from two movements. First the expansion of Lavapés itself, in the

45 The first coffee railroad was the Society of Railroads of Pedro II, created in the Imperial government, beginning operation in 1859. This railroad extended through the Paraíba Valley, penetrating Paulista territory in 1875. In 1867 the Santos/Jundiaí railroad had already been opened for traffic, linking the Paulista plateau to the port of Santos. Other companies built railroads: the Paulista, which reached Campinas in 1872, the Sorocabana, which reached Sorocaba in 1875 and Botucatú in 1889 and the Mogiana, which reached Franca in 1887. C.F. Maria do Carmo Bicudo Barbosa, op cit. pp. 31-33.
direction of the road to Santo Amaro. Bexiga was also the outcome of the expansion of the original nucleus of Saracura, of the semi-rural occupation where there was a quilombo at the end of slavery. At the beginning of the century, with the opening of Avenida Paulista, cortiços in Bexiga would house blacks that worked in the elegant houses of Paulista. (MAP 7 and 8)

This pattern was repeated for all of the black territories at the turn of the century with the exception of the semi-rural N.S.ó. The women, working and living in the edículas* of the bourgeois houses, had links with the directly adjacent poor neighborhoods where their kin lived in cortiços. The pattern was thus set - at the edge of the wealthy and exclusive zones were situated the black zones of the city, the place of general servants, marking a border of extremes.

The black nucleus of Barra Funda followed this pattern - it was contiguous with Campos Elysios, where domestic servants and washerwomen could find work. But black Barra Funda was also the product of its proximity with the Railroad Station warehouses, where black men could find

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46 Beginning at Sul da Sé, there were until the mid 19th century two axes of expansion: one was the Vergueiro road, in the direction of Ribeirão Ipiranga that made its way to Santos; the other, the Santo Amaaro road.

* Edícula - is a room, generally outside in the rear of a house, destined to the servants.
casual labor as loaders. There, at the Largo da Banana, was the territory of the valentões, rowdy blacks. As Dionísio Barbosa, one of the founders of the Bloco da Barra Funda, the first bloco de carnaval (carnival troop) of São Paulo recounts:

The valentes, da pesada, (rowdies, tough ones) da Glette, waited for me at the corner with Av. São João to see if I had $400 réis to buy pinga [cane whiskey] for them. When we held a dance here, they would stay in the bar at the corner all night, ready to enter `if anything happened.' They didn't come in, but they protected the people of the neighborhood. (....) They would sack coffee. When there was no work at Paulo Chaves, that big warehouse behind Sorocabana, there at Conselheiro Nébias, they would go to Santos to carry a sack of coffee from one warehouse to the other for $200 réis a piece. They would come on Saturday with money to buy a turn to dance in the ball (....) Félix Costa, João Caboclo, Arnaldo Tinuteiro, Ildefonso, Amargoso, they were the toughs. Their samba was: `its time to zumzumzum whoever can't with two, take one.' They would samba, making like gentlemen, and suddenly one would knock the other down: it was capoeira.47

The Bloco of Dionísio Barbosa, which was created in Barra Funda, at Rua Vitorino Carmilo 141, later called Cordão Camisa Verde (one of the principal escolas or samba groups in São Paulo today, in addition to Vai-Vai, from Bexiga) and the Cordão do Geraldino, had their origins in extended families of African origin, lead by matriarchs


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known as tias, who practiced the jongo (African song) or samba de roda as an extension of family life. Tia Olympia's house, for example, at Rua Anhangüera near the train line, was one of these locations that wound up congregating other residents of the neighborhood, in this way transforming the family block into a Cordão or samba group for carnival. Both the Bloco of Dionisio Barbosa, as well as the Cordão do Geraldino or the group Campos Elísios (located at Rua Frederico Abranches, on the other side of Rua São João) had this origin.48

The region of Barra Funda-Campos Elysios was, at the beginning of the century, the most characteristically black territory of São Paulo. The birthplace of São Paulo samba, it was in this region that the urban African clans were located in the cortiços and small houses. The terreiro, the sacred/profane space which could be a place for the cult or macumba*, but also the place for samba and daily life, was the patio or the hallway of the cortiço and the backyards of the houses. These were small places for interaction, where the subordinated classes and ethnic groups worked hard for the appropriation of some part of the social product -

48 Ieda Britto Hori. op cit. p 54.
* Macumba, according to some Afro-Brazilian religion practitioners, is a cult for the Orishás following a Bantu or Angolan tradition, which differs from the Yoruba tradition of candomblé. But macumba is also a popular name used mainly by non-practitioners to designate any form of Orisha cult, especially in São Paulo.
eventual employment, business, or an odd job - as well as for the appropriation of social space, in search of a space of their own.

At the turn of the century, both Barra Funda and Luz were part of the Santa Efigenia district. As the census of 1893 demonstrated, these were the districts that had the highest percentages of blacks and mulattos - 14% - at a time in which São Paulo rapidly Italianized, and the black and mulatto population represented less than 10% of the total population.

If Santa Efigenia, followed by Sé, was the most black of the districts, Brás was the most characteristically foreign. Nevertheless, what the two districts had in common was that both contained part of the illegal region of the city of São Paulo, in terms of urbanistic legislation.

Between 1893 and 1920 the district of Brás had an increase of nearly 13,000 buildings, 24% of all the new buildings constructed in the city at that time, according to construction statistics. But the number of permits issued for Brás in the same period, (in 1920 the neighborhood also included Móoca and Belenzinho) did not reach 10% of all the permits in the period.49 (MAP 20 and 21) As such, illegality

49 The information about the number of buildings was taken from the censuses of 1892 and 1920, the percentage of alvarás was obtained by counting a sample of 100 permits per year, from 1892 to 1920, identifying those located in Brás. Between 1892 and 1901, the streets of Brás accounted for an
in the face of urbanistic legislation was not a privilege of blacks, victims of vicious racism of the white elite. The European immigrants, from whom was hoped the "oxygenized blood of a free and hard-working race" also did not meet the images of civilization and hygiene idealized by this elite.

**The Virtual Proletariat**

In the lowlands along the Tamanduateí and Tietê Rivers, near the railroad stations, along the railroad tracks, grew the Paulistano industrial park, because of the low price of land and the ease of transport of products. It was comprised principally by mid-size companies, small shops, factories and craftsmen, many of them household industries. With these characteristics, Brás, Bom Retiro, Moóca, Água Branca, Lapa, and Ipiranga were created and expanded rapidly, marked by the landscape of small factories, little houses, vilas, and cortiços. Around 1901, more substantial industries concentrated in these centers, co-existing alongside an incalculable number of tents of shoe-repairers, cabinet makers, producers of pasta, grease, oil, paint, clothes, shoes, and hats in addition to foundries and household workshops that produced food, drinks and chemical products.

average of 15% of the permits issued per year; between 1902 and 1910 this average fell to 9%; between 1910 and 1913 and rose again to 15%; falling drastically between 1913 and 1917 to about 5%. The general average of 10% was obtained considering the total sample. See research methodology of the permits in introduction.
such as soap and candles.\textsuperscript{50}

The census of 1907 indicated the existence of 326 companies in the capital employing 24,196 workers.\textsuperscript{51} The majority of these industrial establishments were small, employing an average of 5 workers. The censuses of 1907 and 1920 clearly indicate that the only sector that was truly industrial, highly mechanized, with a high concentration of workers and which utilized electrical energy, was that of textiles. Although the statistics presented by Bandeira Jr. may be over estimated, in 1901, the textile sector employed some 50,000 people, when the population of the capital was 239,820.\textsuperscript{52}

From these characteristics of Paulista industry at the beginning of the century, we can extract two important consequences that allow an understanding of the poor and working class territories. First, regular salaried factory employment was rather scarce, even if we consider only the universe of immigrants, which made daily life of these neighborhoods very different than the elite's dream for a

\textsuperscript{52} The numbers of industrial establishments and their employees were found in Bandeira Jr. op cit. and Wilson Cano op cit.
disciplined and organized work force. Second, for most poor foreign families streets and domestic spaces were productive spaces, a reality that directly conflicted with the conception of "legal" habitat formulated at that time, based on the idea of "home," or the house as a space destined exclusively for the nuclear family and strictly for eating, sleeping and cohabitation by close family.

In relation to the structure of the labor market, Pinto comments:

Analyzing the structure of the labor market of the Paulistana metropole at the end of the 19th century and the first decades of the 20th century, the accentuated predominance of small independent informal occupations are observed, sectors included in the so-called invisible hidden, underground, submerged, parallel, non-official economy. (...) It is calculated that the large majority of the poor population was composed of workers whose livelihood depends on small independent occupations, of temporary work with low remuneration, as well as marginal functions and those of illicit returns. The immigrationist policy of the coffee bourgeoisie, stimulated and intensely promoted immigration in a percentage much above the possibilities of employment on the farms, and greatly favored the growth of an unemployed population, contributing to the extension of a casual labor market in the Paulistana metropole which was the center of recently arrived immigrants and of the recruitment for agriculture. As a steady salaried labor market in the urban zone was also extremely restricted, a considerable number of foreigners that were not absorbed by the mono-culture of exportation, or that later were expelled from agriculture because of the cyclical crises, established themselves in their own businesses or lived off temporary
work.\textsuperscript{53}

In addition to the labor market structure, the impact of the financial crises of the First Republic of 1897 and 1900 also contributed to generate unemployment by closing some establishments and diminishing employment in others. The seasonality of some sectors such as beverages, or the cyclical overproduction crisis in sectors such as textiles, led to mass lay-offs, as in 1901, 1902 and 1904.\textsuperscript{54} Such oscillations caused the persistence of low salaries, the necessity for the entire family to work to augment the family income, and the proliferation of free lance jobs, when steady employment was low.

As such, in the backyards, in the poor houses or in a room of their owner's house, operated glaziers, paint-shops, jewelers, calligraphers, tie-makers, shoe-repairers, craftsman of gloves, hats, saddles, harnesses, leather goods for riding, tailors, and sewing shops.\textsuperscript{55}

In most of these situations the work was done by the owner, helped by the family group, and many times fellow countrymen, who worked in exchange for learning a trade, lodging, and food.

The existence of these types of family enterprises,

\textsuperscript{53} Maria Inez Borges Pinto, op cit. pp. 102-103.
\textsuperscript{55} Maria Inez Borges Pinto, op cit. p. 107.
that in moments of expansion could employ up to 30
employees, defined a multi-functionality in the space of the
house and the yard. At the same time it defined a common
living of the extended family or individuals without kinship
ties in the same physical space.

In addition to the small workshops and factories, the
tasks conducted by the women complemented their domestic
chores and sought to compliment the family income, such as
the production of home-made snacks and sweets, to supply
street-sellers. Sewing or embroidery also defined the house
as a productive space. Feminine labor also took the form of
temporary work, servicing the bourgeois families, as day-
servants, washer-women, ironers, or caterers. The fact
that various family members lived close to one another, so
that some families organized themselves in extensive units,
or even the proximity of immigrants from the same country
and friends of the diaspora, made possible an assistance
network composed of grandparents, uncles, aunts, in-laws,
and other close companions who cooperated with their
relatives. Mothers had help taking care of small children
and in domestic chores, so that they could work out of the
home, making possible the paid work of married women.

Another strategy commonly used to increase low incomes
was to rent rooms or part of a house, which often became the

56 idem, p. 175.
only way to pay the rent. As Andric Malandrin, a Yugoslav immigrant recounts:

I worked in Filepo, with two looms, earned 200$000 reais and paid a rent of 80$000 to the Portuguese that owned the cortico in Rua Ubirajara, in Belenzinho. There were two rooms and a kitchen - I lived in one and the Portuguese and his family lived in the other, and we all cooked together.57

The fact that Sao Paulo functioned as a center for immigration stimulated the proliferation of small inexpensive family boarding houses that accommodated rural workers in transit, recently arrived immigrants, single workers, or those without family in the city. Countless boarding houses of this kind were run by women and identified by the owners name, such as Luiza Napolitana or Anna Maria Caputo.58

As such, what was generically considered "promiscuity" included a multiplicity of household associations, of networks of family influence, productive strategies of survival support, of craftiness to make the best possible use of space to extract a dignified life from the underprivileged position, in the swampy low-lying areas, far from the concentrations of the rich and prosperous.

An ethnic group, the "Contadini", or "landzman", which

57 Interview conducted by the author with Cosmo Andric Malandrin, Yugoslav immigrant that arrived accompanied by his parents in 1904. Interview conducted in October 1980.
58 Maria Inez Borges Pinto, op cit. p. 113.
had recently immigrated, could not be defined either as a family or as a group of strangers. This distinction between the family, defined as the intimate sphere, and the unknown, which was so important for the construction of urban legality, is, from this point of view, frowned upon.

COSMOPOLIS - Ethnic Inscriptions in the City Space
Hungarian women dressed in chintz, a shawl on their shoulders, scarfs on their heads, tangles of necklaces. The remains of remote gypsy roots. (...) A Japanese restaurant, immaculately clean, whose petite waitress, between curtains with designs nearly as Japanese as she, coldly informed: we don't have meals for whites! (...) The Jewish neighborhood with its houses of ready-wear garments, furniture, furriers,. Clothes, furniture and furs. Always and forever. (...) In the Spanish neighborhood the smell of burlap and cebola. The sacks yawn, opening their mouths to the cereals, stuffed pot-bellies in the doors of the warehouses; braided onion and garlic hung from the roofs, curled up along the dirty walls....Bars. In each bar a woman in mourning, dressed in black, at the counter. (...) The neighborhood of the near east. The kingdom of bugiganga (knick-knacks). Ganga e missangas (beads). Quinquilharia vistosa (Colorful ornaments). Bagatela barata (Cheap stuff).

Guilherme de Almeida, 1929

Under the stereotype of the foreign immigrant hid a multiplicity of urban environments which formed micro-scenarios. The foreign communities, intermediate space

59 Guilherme de Almeida. "Cosmopolis". O Estado de São Paulo 10,17, 24 e 31 de março, 7 e 21 de abril, 5 e 19 de maio de 1929.
between the familiar and the totally unknown, appropriated spaces and occupations, embellishing in distinct ways the vast world of the popular neighborhoods.

Contrary to the eminently white and Brazilian bourgeois neighborhoods, which over time selectively incorporated foreigners who became wealthy; the high density and the open borders of the popular territory encouraged a permanent intermingling between nationalities and origins. That is not to say that these micro-scenarios blended into each other and became confused; only that they were not ghettos, in the sense of a neighborhood absolutely exclusive to one group of settlers.

The mapping of the building permits issued in the first decade of the century points to a higher concentration of approved constructions in the elite neighborhoods, and scattered approvals in the "popular" neighborhoods, although the demographic sources point to high growth rates in the period analyzed. This meant that a large part of what at the time were considered irregular regions from an urbanistic point of view, corresponded to the space occupied by the foreign settlements. (MAP 20 AND 21)

By 1920 the largest immigrant group in the city was the Italian, followed by the Portuguese and Spanish.
Table - V
City of São Paulo/immigration by nationality 1888/1920

<table>
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<th>Portuguese</th>
<th>Spanish</th>
<th>Other</th>
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<td>5.8%</td>
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</tr>
<tr>
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<td>857149</td>
<td>32.1%</td>
<td>22.3%</td>
<td>27.7%</td>
<td>17.9%</td>
</tr>
</tbody>
</table>

Source: Departamento Estadual de Estatística de São Paulo and the Serviço de Imigração e Colonização de São Paulo.

Italians, Portuguese and Spanish occupied the popular low lands forming the working class neighborhoods of Bom Retiro, Brás, Barra Funda, Água Branca, Lapa, Ipiranga, Cambuci, Bexiga. (MAP 10)

There were so many Italians at the beginning of the century, that one could almost not speak of an Italian community but of an Italian city. In 1908, the Italian doctor Gina Lombroso Ferrero in a visit to the city reported:

What stands out most in the city is its Italian flavor. More Italian is heard spoken in São Paulo than in Turin, Milan or Naples, because we don’t speak dialects among us. In São Paulo all the dialects blend under the influence of the Venetians and the Toscans, which are the majority. (…) In the shops one sees mountains of cans of Sicilian tomatoes and Napolitano pasta, wine, bread, clothes, fabric, books, advertisements, everything is Italian. 61

Although in the majority, the Italians, according to

their region of origin, occupied distinct spaces, forming small regional communities. In the popular low lands it is also possible to identify concentrations of Spanish, and the Portuguese were situated in greater intensity in the rural zones of the city, where they set up small farms sites.

In addition to the Italians who lived along the streets without light and pavement of Brás, were a large number of Portuguese and Spanish. The Portuguese opened "onion stands on Rua Santa Rosa," and soon monopolized the shops of the poor and working class neighborhoods.62 The Spanish were also involved in the trade of grains, but principally in "scrap iron, and in factory work, although not many of them, the majority preferred to set up their own shops. Selling scrap iron, in Rua Piratininga."63 Other sources say that the Spanish also installed themselves as scrap dealers, tinsmiths, cobblers, and re-sellers of bottles and other refuse. They passed through the streets crying: Tchumbo, metal y cobre! Hierro viejo también!(lead, metal, copper, scrap iron too)."64

Dealing with scrap was one among many street professions in which immigrants were involved in São Paulo at the beginning

63 Bosi. ibid. p. 96.
64 Jacob Penteado. Belenzinho, 1910. Retrato de uma época., s.d.
of the century: the Italian with the potatoes, the turkey seller, and the fish-monger remembered by Jorge Americano:
every day Salvador the fish-seller carried on his shoulders a stout pole from the ends of which hung two baskets, like the fish-hawkers in China: mullet, grouper, snook, shrimp. Like other Italian fish-mongers, he was happy and noisy, and of course, devoted to Saint Vito Martir, whose shrine was at Rua Alvares de Azevedo no. 54.65

In addition to these, the seller of straw and wicker baskets, the "turks", hawkers of small goods, the dyer, tinsmith, sharpener, chair menders, the pizzaiolo, milkmen, with goats and cows pulled by a cord, who passed through the city with their cries in hybrid languages of Portuguese and their native tongue. And there were artists: story-tellers, the Neapolitan cantastorie who carried a kind of easel which had a series of cartoons presenting a story of a popular hero or of celebrated criminals. While a boy held the frames, the cantastorie described the scenes with a pointer. Completing his task, he would collect nickels from the audience in his big hat. Or the blind Portuguese singers, who accompanied by their guitars, plucked the sad songs from their native land.66

As were these, many street professions were specific to certain regional groups. Tripe sellers, for example, were all from Bári

66 Jorge Americano. op cit. p.45.
"they used large moustaches and wide-brimmed hats. They were a type of Camorra: if someone attacked one of them, they would have to account to all the rest. They passed in the streets of Brás and Belenzinho trumpeting an ox-horn." 67

The wagoners and cart drivers were above all Calabrese:

At about six or seven o'clock the Calabrian cart-drivers would end their daily routine. When they arrived, they un-hitched the animals from the harness, in Rua Treze da Maio, Rua Rui Barbosa. Very close to there, they had their corticos and their stalls, where they left rations for the animals. Evening marked the end of the work shift (...) The Calabrian cart-drivers were very short and used gold earrings in only one ear. They gathered in front of the house, placed chairs in the sidewalk and a friend would come, then another, and they would talk. The arrival of more than one friend created a festive and euphoric climate. Greeting, 'Buona sera, come va.' He would have a thin Calabrian sausage hanging from the mouth, and would be chewing, on the other side a long clay-pipe with bamboo. 68

The neighborhood of Bexiga brought together a peculiar mixture: - blacks and so-called lower Italians (Neapolitans, Calabreses, and Sicilians) united by the common trait of non-proletarianization. Jose Scaramuzza, who arrived in Bexiga in 1890 when he was one years old in 1890 commented on this mixture:

My parents left Calabria and arrived in Brazil in 1890 after passing through Buenos Aires. My father was a tailor and was much better prepared to make clothes for the elegant of that time than any ex-slave. (...) for many years the freed blacks and their descendants commemorated May 13 with a party in the church that stood at Largo de São Manuel.

67 Jorge Americano. idem, ibidem.
68 According to the descriptions of Jorge Americano. ibid. and Ecléa Bosi. op cit.
They called it *Festa de Santa Cruz*. But the church was demolished before the First World War and only then the feast moved to Rua Celeste, which later was called 13 de Maio, where there were a number of *cortiços* inhabited by ex-slaves. The last of these *cortiços* still exists: it is the "Navio Negreiro". The Italian residents of the neighborhood attended the party, placing tables on the sidewalk, with food and drink for the partyers. It was a mixture of a big fire with African dance. You know how it is, the southern Italians also like to party!69

The limited demand for industrial labor and the proliferation of the sporadic informal occupations of irregular and low pay, without a fixed place of work, which were conducted in the streets and corners, left a large part of the poor workers unattached to the regular service which characterized the factory system, and even without determined hours, marked in logically equal units by the clock, and which artificially regulated the human activities, linearly dividing the moments of work and relaxation.70

If the world of labor of the European immigrants did not correspond to what the working class had imagined, the foreigners' popular territories also did not correspond to

69 Interview with José Scaramuzza published in the newspaper *Folha de São Paulo*, May 14, 1985, p. 19 under the title "O Velho Scaramuzza lembra as origens do Bexiga".
the housing model found in urban legality.

The urbanistic legality was built upon a division of
times, to each of which corresponded a space: home time,
which unfolds in the interior of the family house, time for
work in the factory, office or shop; time for movement from
one space to the other, in the streets; time for pleasure,
in the cafes, cabarets, brothels, or bars. Any space that
mixes these times is destined to be stigmatized as deviant.
Any character out of the previsible space and time is
marginal: a women in the cabaret is a prostitute, a man at
home during the day is a bum, a party at the work place is
undisciplined, a boy out of school is a truant. In the
popular territories the two worlds - that of work and of
daily life - were superimposed in space and time.
neighborhoods where these divisions of space and time were
not clear and rigorously determined synthesize, in their
space, a marginal condition. From there springs an inversion
of reasoning: the location is marginal, and therefore those
who live there are contaminated by this image.

The example of the zone of prostitution, because it is
an extreme, gives us a clear idea of how this mechanism
operates in the city. In the housing model found in the law,
the street is only a circulation space, stritu-sensu,
banning therefore improper uses such as sale stands, party
spaces -not included in the official calendar - and all

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types of groups of people who are not "in transit." The famous expression "keep moving," widely used by the police to impede groupings (of any kind) in the cities, is a sign of this concept which equates the use of the street by someone who is not moving, with potential danger and destabilization of order.

Municipal laws explicitly prohibit other uses of the street, as did the land use codes that impeded the sale of products in the street in certain points in the city, or the police regulations of morals, which since 1896 prohibited prostitutes from going out in the street or even standing in doors and windows - thus banning them from using street space without, however, impeding their activity.71

Depraved Streets

Police officer Guido Fonseca, author of a history of prostitution in São Paulo, cites the Rio de Janeiro writer João do Rio who affirmed that "streets, like human beings, have a soul. There are honest streets, nobel streets, elegant streets as well as no-good, evil and depraved streets."72 The latter, according to the author, correspond to those streets that have prostitutes as their principal

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inhabitants.

If we examine the territory of prostitution in São Paulo until the 1950s, we see that there is a coincidence between the concentration of the so-called casas de tolerancia or pensões alegres ("houses of tolerance" and "happy lodges" both of which were names for brothels) with large concentrations of "cortiços". According to Sarah Feldman:

The casas da tolerancia unite the functions of residence and work of the prostitutes, in such a way that the organizational structure of prostitution is intermediated by the residential system. The organization of the casas de tolerancia is analogous to that of the cortiços: the owner rents the property to one or two people and these sub-let to the tenants or intermediaries, who work as managers of the house.(...) Cortiço and prostitution cohabit the same universe of social representation while they are in opposition to the family and threaten the established order, and in this sense can be linked. The coincidence of social representation and coincidence of structural organization allow, nevertheless, the coincidence of territorialization of the cortiços and the casas de tolerancia.\(^{73}\)

In São Paulo, at the turn of the century, there were three principal spaces that constituted the zone of prostitution: the Ruas da Esperança, Quartel, Senador Feijó, Beco do Trem e dos Mosquitos; Rua Libero Badaró; and Rua São João, where it meets Largo do Paissandú. The three regions

were removed when urban reform was undertaken in the capital beginning in 1911.\textsuperscript{74}

The first region, was the zone of cheap prostitution and also the principal concentration of cortiços where blacks and mulattos lived. It was demolished in 1911 for the construction of Praça de Sé and all of the residents were removed in an eviction action assisted by the police. Ahangabahú, Largo do Piques and Rua Riachuelo region received a portion of the evicted residents, and was transformed into the point of prostitution of the city, as it remained until 1940 when the zone as a whole was confined.

The widening of Líbero Badaró was part of the Capital Improvement Plans, a project debated during the administration of Antonio Prado and implemented in the government of Raymundo Duprat.\textsuperscript{75} The projects aimed to solve the problem of circulation in Centro Velho - and the narrowness of Líbero Badaró was an obstacle, but they principally aimed to aesthetically integrate the Vale do Anhangabahú into the landscape of the city, creating an esplanade that had as a focal point the new municipal theater, built as a replica of the Paris Opera, and the Viaduto do Chá, which traversed the valley, integrating the

\textsuperscript{74} Cf. Guido Fonseca. op cit. pp. 152-153.
\textsuperscript{75} Concerning this point see Marco Antonio Osello. op cit. p. 54 and José Geraldo Simões. op cit. p. 77.
Centro Velho to the aristocratic Cidade Nova. Líbero Badaró was one of the margins of the Valley, it could not continue to have such a decadent use.

Once again the prostitutes were dislodged, forming a new nucleus at Rua dos Timbiras, Ipiranga, Amador Bueno, the nucleus at Santa Efigênia, which remained until today, and even resisted the confinement imposed in 1940. It is interesting to note that this region was initiated in the center of the Cidade Nova, the aristocratic expansion of the city, and very close to Campos Elysios, which in 1910 already showed signs of "deterioration." Once the neighborhoods of Higienópolis, Av. Angélica, and Av. Paulista were consolidated as aristocratic spaces, the region of Santa Efigênia began to house cortiços. Once again there was a coincidence between a neighborhood of cortiços and a zone of prostitution; in this case the result of territorial redefinition of a sector legally planned to house wealthy residences, which abandoned by their former uses and importance, were illegally sub-divided to house another population. Nevertheless, this zone of prostitution, as well as the surroundings of Av. São João, situated in the wealthy neighborhoods, supplied the out-of-the-home pleasures of the rich, while in the surroundings of Centro Velho, notably at Sul da Sé, brothels frequented by blacks were established. Finally, to the east of Tamanduateí, which
was structured as a sector of the city occupied by "workers," in the surroundings of Rua Cruz Branca and later Rua Chavantes, near Estação do Norte, in the neighborhood of Brás, the "prostitution rabble" was installed. 76

Nevertheless, none of these territorializations of prostitution in São Paulo were so closely linked with the segregatory process of a neighborhood as in the case of Bom Retiro between 1940 ad 1953. Bom Retiro, one of the "working class" neighborhoods which sprung up after the establishment of "the Estação Inglesa" train station, had a significant immigrant population since its first days. First Portuguese and later Italians, in 1920 the neighborhood had a population of 29,804 in 3,017 buildings representing one of the highest residential densities of the city - 9.8 residents per building, only Bexiga was denser - with a large number of cortiços.

In addition to the Italians and Portuguese, a structured Jewish community already existed in this period. A network of Jewish institutions (Sociedade Ezra, Talmud-Torá, Biblioteca Israelita and Clube Philo-Dramatico Musical, in addition to the Sociedade Sionista Ahavat Sion) were established by 1916. In the same year the first Jewish school in São Paulo was founded, located in Bom Retiro as

were all these institutions.\textsuperscript{77} But it was after 1925, and above all in the years before the Second World War (1928-1936), that the great wave of Jewish immigration from Poland and Russia arrived in Brazil, so that by the 1940s Bom Retiro could already be considered the Jewish neighborhood of the city, with its press, its institutions, and a bilingual daily life. (MAP 11)

In 1940, by determination of the federal intervenor in São Paulo, Adhemar de Barros, all of the prostitution establishments would be located in Bom Retiro, in a stretch of the neighborhood composed by dead-end streets, cut by a train line, principally the streets of Itaboca and Aimorés and a stretch of Ribeiro de Lima. A "segregated zone" was created, composed of some 150 brothels, housing some 1,400 women, three anti-venereal posts, and a police station, in addition to some bars and restaurants controlled by the police. Beginning with the establishment of the confined zone, all prostitution conducted outside of that space came to be considered illegal.\textsuperscript{78} The establishment of the restricted zone also changed the landscape of this portion of the neighborhood, principally in the evening when the women would post themselves on display in the doors and windows,

\textsuperscript{78} Sarah Feldman. op cit. p. 63.
waiting for the parade of men that increased with the arrival of night.

"The initiations and gestures to the passersby were the most depraved possible. Abominable phrases and repugnantly vulgar terms, plainly indicating what degree of human degradation the women had reached." 79

The choice of the neighborhood of Bom Retiro for the installation of the red-light district was not accidental. It perfectly combined a requirement for territorial control of an activity considered "quasi-legal" - in that it was permitted within determined physical limits - and in a community, the Jewish one, considered at that time as suspect of "generating a racial cyst," a foreign body within the social organism. 80

In the 1930's a re-elaboration of the notion of labor, as well as a new nationalist policy of nation-building were put into gear, with the foreigner becoming the fiend, and the national worker an object to be produced through a strong state intervention. 81 A new immigration policy was then put into force vis-a-vis the dissemination of

79 Report presented to Exmo. Sr. Dr. Getulio Vargas by Dr. Adhemar de Barros - 1940, p. 92 apud Guido Fonseca. op cit. pp. 210-211.
81 Chapter 4 will deal in more detail with the new policies of the Vargas era (1930-1945), especially regarding State intervention.
xenophobic attitudes, from which among the Europeans, only spared the Portuguese.

The most recent immigrant communities of this period, such as the Jews, who arrived more intensively after 1925, and the Japanese, who began to enter the city in the 1920s and numbered more than 75,000 by 1940, were more toughly hit, by being at that time framed more clearly in the category of the new "other" to be excluded.

The 1934 Brazilian constitution, in addition to imposing restrictions on the entrance of immigrants in the national territory, prohibited the concentration of immigrants in any point of the national territory, with the goal of avoiding the formation of "racial cysts." In this way the foreigner, from whom at the turn of the century the elites hoped for a new blood for national salvation, was transformed into a hurdle on the road to the construction of nationality.

The Foreign Enemy

During the two first decades of the century, the hopes for modernization and civilization that arrived in the city and the nation with the immigrants, were dissolved by the territorial and social tensions of the Primeira República. During World War I, immigration receded, together with the ascension of the anarchist union movement, lead by Italians
and Spanish borrowing from the political traditions of their countries.

With the return of the flow of immigrants after the war, the composition of the immigrant population transformed, progressively decreasing the portion of Italians and appreciably increasing other nationalities such as Arabs (Syrians, Lebanese, Armenians, Egyptians), Jews and Japanese.

Table - VI

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<th>Japanese</th>
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São Paulo in the 1930s, a cosmopolitan metropole composed of a large number of foreign communes, was faced with the racial theme. Inspired by the goal of building a nationality and interested in controlling the degree of miscegenation and cultural integration, the Department of Culture of the City of São Paulo conducted a series of surveys and studies about the ethnic composition of the Paulistana population, searching for ghettos and "racial
cysts" and Brazilians. 82 (MAP 11)

The work of the Subdivisão de Documentação Social e Estatística do Departamento de Cultura, provides us with an ethnic geography of the city in the 1930s. One report in the survey based on the nationality of the parents and students in public schools revealed:

We have a map in which the Brazilians appear as a community of foreigners in the city of São Paulo. The center of greater and more important concentration forms a plateau that begins close to the center of the city and extends to the southwest and south, including all of Jardim América and Vila Mariana, toward the west including part of Perdizes. (...). There are other small centers of high concentration, all of them at the margins of the urban perimeter at Preguezia do Ó, Santo Amaro, Tatuapé e Penha. (...). The Italians appear, as was expected, widely scattered through the city. Their greater concentration was in Brás, Móoca and surrounding areas. There are other centers, in Lapa, Bom Retiro and Itaim. (...) The map of the Portuguese is completely different. In the center and the industrial part of the city their percentage is low. Along the railroad lines, the location most sought by the industrial establishment, the Portuguese are less numerous. Removing ourselves from the means of communications and approaching the semi-rural zone both in the North and South, we see their numbers increase. (...) The map of the Spanish presents a

82 The Secretary of Culture created a division of Social Documentation and Statistics and counted on participation in the research by the recently created School of Sociology and Politics, by U.S. sociologists such as Horace Davis and Samuel Lowrie, the Institute of Hygiene of the Univeristy of São Paulo and the university's Education Department. See principally Oscar Egídio Araújo. op cit. and Departamento de Cultura. "Ensaio de um Método de Estudo da distribuição da Nacionalidade dos pais dos alunos dos grupos escolares de São Paulo". In: Revista do Arquivo Municipal, n. 25, São Paulo, 1936.
point of maximum concentration in Brás and in Móoca (...) The Spanish appear, like the Italians, concentrated in the industrial areas; but in sharp contrast with the Italians they are not widely spread out through the city (...) They appear to be rare in the more prosperous residential districts. 83 (MAP 10 and 11)

The conclusions of the research are reconfirmed by the study of Samuel Lowrie, about the distribution fo blacks and mulattos in the capital, conducted in 1938. Lowrie points to a greater concentration than average in the city, which was about 10% at this time, in Bexiga and Barra Funda - black territories since the beginning of the century; in addition to the new nuclei in the region of Saúde, Casa Verde e Limão. A vast white and foreign area is also revealed to the East (and in the neighborhoods of Lapa e Bom Retiro) and confirms that the population becomes darker as it approaches the periphery, although with higher concentration in Pirituba, the North Zone and Lageado, in the East zone. 84

The discourse concerning the revival in value of national labor, which opened the road for the large internal migration beginning in the 1940s, included the theme of integration of the black, within and without the black community. For the members of the community, the demarginalization was placed clearly in territorial terms, it was necessary to leave the cômodos and basements to organize a new black family territory. Family was one of the

83 Departamento de Cultura. op cit. pp. 197-237.
84 Samuel Lowrie. op cit. p. 57.
key words of the Frente Negra Brasileira (Black Brazilian Front), a political association founded in 1931, which among other actions, promoted the purchase of land in recently opened sub-divisions at the periphery of the city, founding black centers comprised of private homes. Casa Verde, Vila Formosa, Parque Peruche, Cruz das Almas and Bosque da Saúde are example of this new form of territorialization. 85

It is in the study of Oscar Egídio Araújo, that the issue of foreign territories would encounter a clearer political expression. This was used to justify the need to understand in detail the melting-pot of ethnic groups and races in the Brazilian caldron, through well-controlled scientific research. The federal government would need to know the behavior of various nationalities that have sought Brazilian territory in the process of assimilation, to better orient immigration policy, facilitating the permanence of assimilable elements and making more difficult, or even impeding the entrance in our ports of the elements that cannot be taken advantage of in a beneficial crossing. 86

The study specifically called for the isolation of the Syrians, Jews and Japanese. The Syrian neighborhood - around

86 Oscar Egídio Araújo. op cit. p.228.
Rua 25 de Março, Cantareira and Av. do Estado; the Japanese neighborhood among the streets of Ruas Conde de Sarzedas, Conde do Pinhal, Irmã Simpliciana, Estudantes and Glória, in Liberdade; and the Jewish neighborhood in Bom Retiro. In each of these, the dominant housing type was the cortiço.

To define these neighborhoods, in addition to identifying the institutions and commerce of the respective nationalities, it pointed to the concentration of the population of the same origin, by block, in accord with the 1934 Census data. These were, according to Oscar Egidio, the most closed communities, and most resistant to participate "racially" in the construction of the national character.

Based on these assumptions by the municipal government of São Paulo, the confinement of prostitutes in Bom Retiro met a dual objective. It functionally facilitated control over those who must be kept under watch and control: the prostitutes because they represented a danger to health and morals, the Jews because they dared to maintain self-determined territory in the city. From a symbolic point of view, mixing the prostitution zone with the Jewish zone contributed to identifying both as obscure and as such forged an image where the depraved of the street of whores framed the Jewish neighborhood.

A new urban-political relation and a reconception of the nature of internal boundaries was formulated during the
1920s and became explicit in the 1930s. First, the focus of difference shifted from the blacks and their barbarian African background opposed to European civilization, to the "foreigner" as opposed to the "national."

Second, the strategy of guaranteeing that the "other" does not occupy the same space, without nevertheless, intervening directly in the poor and working class space, is going to suffer a deep change in the 1930s, when a much more interventionist policy in the "illegal" territories will be put in gear.
CHAPTER III: MARKETS

Urban legislation and Real Estate Values

In addition to establishing borders that distinguish and dissolve territories, the norms that regulate construction and the subdivision of land intervene directly in the formation of real estate markets. Together with infrastructure investments, legislation generates axes of land appreciation, establishing an hierarchy and price index in markets.

Repeated innumerable times throughout the city's history, this process synthesized the movement of a market where the rhythm of appreciation and profitability were defined by a double logic. On one hand were the locations capable of generating greater density and intensity of use - which had the highest value, on the other hand were the highly specialized or exclusive regions that also appreciated significantly. We will examine in greater detail how the various segments of the real estate market were formed at the turn of the century and the impact of urban legislation in the creation of these different markets.

At the end of the 19th century, a considerable real estate market already had been established in the city, comprised of houses, workshops and rooms for rent and the
subdivision of old chácara. The demographic growth and economic diversification which intensified in the last quarter of the 19th century, stimulated the dispute over locations in the city, generating a promising market for sales and rental of land and buildings. At the end of the 19th century, the market was already segmented into submarkets: the business houses of Triangulo, the high density of residential rooms and houses for rent in various neighborhoods, the elegant and exclusive sub-divisions, the large tracts to be divided.

The construction of rooms and houses for rent increased beginning in the 1870s, yet much earlier, together with large sobrados, they marked the landscape of Triangulo. In 1822, the traveler Auguste de Saint-Hilaire\(^1\) commented upon the existence of houses and rooms for rent: small, very low constructions of mud and lathe walls, with falling roofs, trodden dirt floors, in the poorest stretches of streets such as São Bento, Ladeira de São Francisco, Rosário or Boa Vista. Many were next to large sobrados, as at the corner of Rua do Rosario with Travessa do Colégio and of Senador Vergueiro with Rua Direita, in the heart of the central triangle.

Obviously the extent of this type of real estate investment was quite limited, considering the insignificant number of potential consumers - or that is propertyless

\(^1\) Auguste de Saint Hilaire, 1932, op cit. p. 293.
salaried workers - in a social context ruled by slave labor. Moreover, even workers who had salaries usually lacked the resources to acquire their own residence, and if they did not have compulsory ties with the casas senhoriais*, they often lived de favor** in houses or rooms owned by wealthy families without paying any rent. Maria Odila Dias² has described the many situations in which slaves inherited small houses from their masters, or of free and poor men and women linked to the casas senhoriais by paternal networks or service, who lived not within the houses but in small houses nearby.

Until the 1870s real estate property was not an important component in the composition of wealth. When the Baron de Iguape died in 1875 his granddaughter Ana Brandina da Silva Prado, who married Antonio Pereira Pinto Jr. against the will of the family, was deserted by the family. Ana received as inheritance her grandfather's house, an old stucco sobrado at the Quatro Cantos, or four corners, where Rua São Bento meets with Rua Direita, one of the main thoroughfares of Triangulo. Her sister Anésia, the favorite granddaughter, was given a chest of drawers!³

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*Casas senhoriais* - the proprietaries houses
**De favor as a favour
² Maria Odila Dias, op cit, p83-105
³ Maria Cecília Naclério Homem. *Higienópolis - grandeza e decadencia de um bairro paulistano.* História dos Bairros de São Paulo. São Paulo: Prefeitura Municipal/Departamento do patrimônio Histórico, s.d. p. 61. Antonio da Silva Prado (1790-1875), Barão de Iguape, was one of the guiding personalities of São Paulo in his time. A prosperous sugar and cattle merchant, he received from the Imperial
An inventory from 1868 also demonstrates the insignificance of real estate property in relation to other forms of wealth: 10,000 square meters of land near the city (currently at Rua dos Guianazes) was worth 100$000 réis; a sobrado de taipa de pilão at Rua Boa Vista, in the heart of the city 1:000$000 réis, Chácara Pacaembú (including the current neighborhoods of Perdizes, Pacaembú and part of Barra Funda, Lapa and Várzea do Tiete) 2:400$000 réis; slaves that range from Maria, 60 years old, 40$000 réis to Faustino, 35 years old, mulatto, tailor - 600$000 réis; a piano 100$000 réis, and a copper basin was 60$800 réis, etc. A piano was worth as much as 10,000 square meters of land near the city; a young skilled slave (such as Faustino, mentioned above) cost nearly as much as a big sobrado in the center of the city....4

As we saw in Chapter I, this situation changed at the end of the century, predominantly as a result of the movement of capital from slaves to land, and from the opportunity opened by banking institutions to use land to secure loans for planting and other businesses. It is also possible to raise other hypotheses for the establishment of a real estate market in the city: the collapse of the Mauá

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4 Richard Morse, 1958, op cit.
bank, one of the most solid banking houses in the Empire, had generated apprehension about bank deposits among capitalists. On the other hand, Raffard points to the spectacular conversion of urban property into highly valuable investments by farmers, who had been occupied building railroads, which had passed to a consolidation phase, and therefore provided lower returns. Farmers also feared the depreciation of agricultural and other properties, as a consequence of the Abolition of slavery and of the Proclamation of the Republic. In any case, demographic growth, immigration, and the presence in the city of increasingly larger groups of salaried workers, craftsmen and merchants, linked to the availability of investment capital, made the real estate market not only possible but highly profitable.

This market was formed from the elements that composed the real estate scene at the end of the Empire: the sobrados of Triângulo, mixed with small houses, stores and shops, chácaras where the wealthy families resided - permanently or temporarily - and the regions occupied by small farmers who supplied the city with produce. In addition to the change in the use and intensity of occupation of the old properties, a burst of new constructions and sub-divisions took over the city, establishing a rising curve of new development and

increasing nearly uninterruptedly the value of land until the onset of the First World War.

The available data offers a portrait of the real estate frenzy, which gained momentum in the last decade of the 19th century and advanced voraciously during the first decade of the 20th century. In 1840 the city had 1,843 buildings, over the next 30 years an average of 25 new buildings would be added per year. Between 1872 and 1886 this average rose to 310 per year; between 1886 and 1893 the average jumped to 1,613, remaining relatively stable at this level until 1909 when it began once again to rise until it reached 5,591 new constructions in 1913.6

This, however, indicated not only an expansion of the built city, but above all revealed transformations in the economic relations that were established among owners and occupants, with an emphasis on the role of the real estate developer, the capitalista*, according to the terminology of the period.

At the end of the century emerged a new specialized real estate market, organized around the functional specialization of the Central Triangulo in tertiary

6 The number of buildings per year was calculated from data extracted from the following sources: for 1840 - 1872: João Pedro Cardoso (org.). "Planta geral da cidade de São Paulo". Comissão Geográfica e Geológica, 1914; for 1893 - "Recensamento do Município da Capital" 09/09/1893; for the other years information came from Relatórios de Prefeitos, the annual reports of the mayors of the capital.

* Capitalista is the real estate developer who invested in urban property transforming it into new products for sale.
activities: shops, small production factories, cafes, theaters, banks and import houses, offices, studios and doctor's offices. This process occurred parallel to the formation of the exclusive residential neighborhoods and the popular industrial zone.

Triangulo as Elegant Commercial Space

The specialization of Triangulo was the consequence of inter-related processes: the price rise for land and rent in the region; the exclusion of popular residences, industries and street commerce; the movement of elite housing in direction of the exclusive residential neighborhoods and the spread of a new custom: nightlife.

Triangulo's old sobrados, where the wealthy coffee merchants and growers lived, were transformed into commercial houses by 1880-1890, or were demolished to make space for new construction. For instance Barão de Souza Queiroz left Rua São Bento for Rua São Luís, Conselheiro Antonio Prado and his brother-in-law Elias Chaves, who were neighbors on Rua São Bento moved to the Chácara do Carvalho in 1891 and the Palácio dos Campos Elysios in 1898 when the old sobrado of Barão de Iguape at Quatro Cantos was rented in 1880 to a commercial enterprise on the ground floor and upstairs to the Grande Hotel de França.

The old sobrados of the Barons and Conselheiros* of the Empire came to house the commercial establishments, many of

* Conselheiro was an honorary title granted by the Empire.

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them owned by foreigners, who also were the proprietors of the majority of São Paulo's hotels. Until the Grande Hotel was opened by the German immigrant Glette, the most important hotels were the Italia, O Europa and O Globo. The Hotel da Europa, run by the French M. Planel, had one of the best French restaurants in the city. The bookstore of the Frenchmen Garraux offered newspapers, magazines and the latest literary novelties of France. Various barber shops, and elegant tailors were also French. The British Henry Fox opened a commercial house where he traded English books and travel items - "by horse, rail or sea, all received directly from Europe at reasonable prices."

German residents founded a printer (Tipografia Alemã de Schroeder), a brewery - "a Stadt Bern," owned by Victor Nothmann, who in association with Martinho Burchard, was also the owner of the firm V. Nothmann and Cia., the first fabric importer of São Paulo. Müller and Trost were two other Germans who had an import house on Rua da Quitanda, which sold a variety of goods from thread to machines. Henrique Schaumann, founder of the Botica o Veado de Ouro, on Rua São Bento was another German that set up a business in Triangulo. The old center was thus converted into a new source of profits for the old property owners, (through the rental of commercial space and the sale of property) at the same time it was where the new fortunes in the city were

8 Maria Cecília Naclério Homem, op cit. pp. 33 - 83.
consolidated: the merchants and foreign professionals who, by selling a European lifestyle to the coffee elite, came to incorporate themselves within the group.

New customs brought by the Industrial Revolution also entered the city, among them was profuse street lighting at night which permitted a new utilization of the city. In the colonial city nothing was done after six in the afternoon, after vésperas*, if not for praying by the dim light of kerosene lamps. Artificial illumination, the technology of which advanced rapidly, introduced nighttime activities into the family schedule, opened public space for circulation - above all for women - and established social life in the cafes, sweet shops, saloons and theaters as a mark of civility.9 These new products thus competed in the real estate market, increasing the sale of properties and regions capable of housing these new nocturnal uses.

The municipal urban policy, promoted by Conselheiro Antonio Prado, was not indifferent to this process of functional specialization and real estate valorization: the prohibition in 1886 against the establishment of cortiços in the so-called central area made it impossible to compensate the increase in property costs by a more intense residential use. The sub-division of the sobrados, a strategy widely adopted by the poor to confront high rental prices, was also

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* Vésperas is after the first evening star appeared in the sky.
one of the possible formulas for the owners to increase their rental income in a context of increasing real estate prices, and property taxes. The situation of Conde Prates who mounted a fortune during the Empire, and who possessed a series of houses on Rua Nova de São José (currently Líbero Badaró), many of them boarding- or subdivided houses, was an example of this strategy. This practice, which could also be considered one of the residential market segments, was clearly opposed by the municipal and provincial authorities of São Paulo, whether by the already mentioned prohibition of cortiços in the center, or through the so-called improvement works. The remodeling works, as we saw in the earlier chapters, forced the expulsion of certain social groups and meant the impossibility of continuity for certain markets, this time by the pure and simple elimination of the properties where they were located. This is the case, for example, when large blocks of sobrados which had been broken up into cortiços, were demolished to make space for the construction of the Praça da Sé.10

The so-called improvement works - street widening, installation of praças*, boulevards and public facilities - by increasing the price of real estate, contributed to accentuate the commercial and service character of the city center. Such change occurred because only highly profitable uses could meet the rent payments required in that location,

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* Praça is a plaza or square.
which was made more valuable by public investment. At the same time these novel uses created a new landscape, which corresponded to new customs adopted in the city. The project of the Esplanada and the Teatro Municipal, a million-dollar investment by the parameters of that time\textsuperscript{11}, were the high point of a series of interventions in the central region of the city, which in addition to improving traffic conditions and accessibility, produced a new cultural product, the consumption of which was exclusive to the elites, and identified with them in landscaping terms.\textsuperscript{12} The renovated centro* came to concentrate political and financial power, transforming itself into the new image of the city.\textsuperscript{13} It is significant that until the 1970's, Paulistanos usually referred to the city center as a cidade or "the city". The city historical center, even when São Paulo had already

\textsuperscript{11} The construction of the Teatro Municipal and its Esplanada cost about 5\$000 contos, which between 1904 and 1911 corresponded to an entire year's revenue of the city government. This calculation does not include the works of Anhangabauh, mentioned in chapter 1, conducted later, projected by Bouvard and financed largely by the Provincial government. See Vasco Caldeira. "Os bondes elétricos e a transformação do espaço urbano". In: Centro da Memória da Eletricidade no Brasil. "A Energia elétrica na urbanização de São Paulo 1900-1930". Rio de Janeiro: 1990, mimeo. p.10.


* Centro is the city center.

\textsuperscript{13} Vasco Caldeira, idem ibidem.
several centers, was symbolically "the city". To go to centro was to go to the city.

Once again the legislation had an important role in the configuration of this new market: on October 19, 1904 a law was published which prohibited the circulation, within the perimeter of centro, of animal driven carts, or carroças*, with the excuse that the law was needed to protect the macadam, a road surface used for high traffic streets that was smoother than cobblestones, but of lower resistance. The prohibition, which sought to preserve the road surface for more sophisticated vehicles (horse drawn cabs with rubber wheels and automobiles), insured a more civilized aspect for the "city" streets. The carts with wooden wheels reinforced with iron, an important tool of low income Brazilian and immigrant craftsmen and chacareiros, were thus eliminated from the new landscape.14

The combination of these elements eliminated the possibility that the central region would serve as a residential market. High real estate prices meant that the poor could only afford to live there through the intense sub-division of houses and lots. But this was banned by law. The rich already had moved to other regions. In this way "the city" was born for the first time in São Paulo's history: a place exclusively for commerce and services, an expensive and exclusive symbol of modernity.

* Carroça are carts or wagons usually powered by animals.
14 Vasco Caldeira, op cit.
...And the Scenery of the Exclusive Residential Neighborhoods

The abandonment of the old sobrados de taipa for chateaux, chalets and cottages surrounded by gardens was a trend that linked a reterritorialization of the elites to an emerging land business: the loteamento. This was above all an urbanization process of the elites: large farmers who until the last quarter of the 19th century used their homes in the capital as occasional residences, came to have the urban house as their principal home.

This was the case of Donna Veridiana Prado, daughter of Barão de Iguape, who, since 1848 used the 18th century sobrado de taipa at her chácara at Rua da Consolação, when she spent her vacation in São Paulo or to give birth to her children, leaving the farm where she lived with her husband. In 1878 she moved permanently to São Paulo and in 1884 ordered the construction in Santa Cecília of the palacete* of Vila Maria with all the construction material and plants imported from Europe.15

Dona Angélica, daughter of Barão de Souza Queiroz and married to the son of Barão de Itu, changed her life in a similar way, leaving her farm in 1874 to live in the Chácara das Palmeiras. There, at the corner of Ave. Angélica with Alameda Barros, she ordered the construction of a replica of the Castle of Charlottenburg, with plans, material and

* Palacete - small palace
15 Maria Cecília Naclério Homem, op cit. p. 44.
In these two cases, two new living customs were introduced: the abandonment of the sobrados de taipa of centro for palacetes of European inspiration, and the progressive transformation of the old chácaras into jardins aménagés**. The Chácara do Carvalho, property of Antonio Prado, and the Palácio dos Campos Elísios, of Elias Chaves, are similar structures which in conjunction with the palacetes of Dona Veridiana and Dona Angélica were the city's most important residences in the 1890s.

The prestige of these noble homes undoubtedly contributed to the success of the "exclusive subdivisions" that were established in the city in the 1890s. The localization of the first exclusive subdivisions coincide exactly with the location of the Chácara do Carvalho and the palace of Elias Chaves in Campos Elísios, the Vila Maria in the Vila Buarque neighborhood and the palacete of Dona Angélica in Higienópolis.

Since the end of the 1870s, successive investments were made by the municipality, especially during the administration of Mayor João Teodoro, to stimulate the subdivision of chácaras located in the western side of centro. The most important project was the Viaducto do Chá, which would link the old center to the Morro do Chá, overcoming for the first time the obstacle caused by the Anhangabahú

16 Idem ibidem.

** Jardin aménagé - designed garden
Valley. In this way the Cidade Nova, or New City was established in the western zone of the city where the land, according to Mayor João Teodoro, "was in the hands of people of great fortune." 17

The construction of the Viaduto do Chá provides a good illustration of the relationships that were established between the political process that determined infrastructure supply and the growth of subdivisions and the appreciation of real estate values in the city. The Morro do Chá, the dominion of the Barão de Itapetininga at the beginning of the 19th century, had begun to be occupied at the Rua da Palha (today Rua Sete de Abril) and Largo dos Curros (today Praça da República). Nevertheless, access was very difficult between this region and Triângulo. It was necessary to cross a river with steep slopes on both sides. In 1868, the French designer Jules Martin visited São Paulo at the invitation of Joaquim Eugenio de Lima - who also undertook the development of Avenida Paulista - and who was interested in promoting urban investments. In the 1880s, the Companhia Paulista do Viaduto do Chá, of which Eugenio de Lima was one of the stockholders, in addition to Pedro Vicente de Azevedo, who was twice elected city councilman, won a concession from the

17 See Benedito Novaes Garcez. O Mackenzie. São Paulo: Casa Editora Presbiteriana, 1970. The map of the chácaras of the city in 1884 (MAP 2) - confirms the mayor's declaration: in addition to those already mentioned of Antonio da Silva Prado, D. Veridiana, and D. Angélica, the Barão de Ramalho, the Baronesa de Limeira, Marechal Aroutche Rendon, Conselheiro Martim Francisco and others also had chácaras in this region.
City Council for the construction of the viaduct in 1887. The metal structure manufactured in Germany arrived in 1890, and in 1892 the Viaduct was inaugurated.18

The construction of the Viaduto do Chá was essential for the expansion to the southwest that followed. Its installation made possible the most important real estate developments of the end of the century: Hygienópolis and Paulista. Growth of these regions involved landowners, potential investors, engineers and politicians, who all counted on the fact that the region of Consolação was the den of coronéis* of great political prestige at the onset of the Republic.

The march toward the west had already initiated with the occupation of the Rua da Estação (today Rua Mauá) and other streets of Santa Efigênia such as Rua Alegre (currently Brigadeiro Tobias) Rua Timbiras, Aurora, Florencio de Abreu.

Glette and Nothmann's development at Campos Elysios marked a new style: broad tree-lined avenues, large lots with large frontages, (about 35 meters) and proportionally small depths (about 40 meters on average), as opposed to lots in "centro" which had small fronts - of 5 to 10 meters yet were very deep - 45 to 60 meters.

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The configuration of the new subdivisions presented characteristics that defined their possibilities for occupation: the new street layout with large lots made possible the fusion of residential chácaras with the urban sobrados. The layout was also a disincentive to the construction of houses and rooms for rent, based generally on the succession of small houses or rooms with a common narrow entrance corridor.

The success and profitability of the development was an incentive for new sub-divisions that opened nearby. The city government, during the administration of Conselheiro Antonio Prado, offered tax exemptions for their first five or six years in order to provide an incentive to developers. In 1899, the Baroneza de Limeira was exempted from taxes because she opened streets in her Chácara do Riachuelo. In the 1880s the descendants of Dr. Rego Freitas sold their chácaras to the company "formed by Senator Rodolfo Nogueira da Rocha Miranda and by Conselheiro Buarque de Macedo and engineer Manuel Buarque de Macedo,"19 which promoted the opening of streets in Vila Buarque; in 1890 Joaquim Eugenio de Lima began the sub-division of Chácara Bella Cintra (one of the properties that originated Avenida Paulista) and in 1901 Dona Veridiana and Dona Angélica were offered tax exemptions for opening streets at Chácara das Palmeiras and Consolação respectively.20

19 Maria Cecília Naclério Homem, op cit. p. 61.  
20 Maria Cecília Naclério Homem, idem ibidem.
In addition to the tax exemptions, the development along Avenida Paulista also took other forms of direct and indirect participation of public administration. The viability of establishing water supply, one of the important attractions for the neighborhood's occupation, was guaranteed years earlier when the Companhia Cantareira de Esgotos, which was formed in 1877 to provide water supply in the capital, inaugurated the first water reservoir in the city near the neighborhood. Coronel Antonio Proost Rodovalho, a resident of the neighborhood, was in charge of the company, and was elected city councilman a number of times.21 In order to guarantee the passage of trolleys along the recently opened Avenue, in 1891 Joaquim Eugenio de Lima became a stockholder of the Companhia de Carris Urbanos, which had the concession for trolley service in the city. (MAP 12,15,16,17)

Legislation had a decisive role in the increase of the development's value, by precisely defining uses and forms of occupation exclusively for Avenida Paulista. For example, law no. 100 of 1894 prohibited the movement of cattle in the recently opened avenue. In the same year, the city government established through law no. 11 a minimum

21 Clóvis de Athayde Jorge. op cit. p. 98. In the same book there is a reference to a request made by Rodovalho as councilman in 1870. In Eva Blay. Eu não tenho onde morar. Vilas operárias na cidade de São Paulo. São Paulo: Nobel, 1985, p.84 there is a reference to a debate in the City Council involving among other councilmen, Cel Antonio Proost Rodovalho and Pedro Vicente de Azevedo in 1897.
setback of 10 meters for gardens and plantings inside the lots. In 1906, law no. 960 prohibited the establishment of factories or the construction of buildings for this purpose.22

With the opening of Paulista, the western axis inaugurated with the occupation of Cidade Nova, rose up the hillsides in direction of the Caaguassu Ridge.

The development of Hygienópolis - initially Boulevards Bouchard - established a new standard of residential subdivisions for the wealthy. Added to the large lots and wide tree-lined streets of Campos Elysios, were new distinguishing elements: the panorama and wholesomeness of the neighborhoods at high elevations. As in the case of Paulista, municipal legislation established the exclusivity for residential use and the water supply, sewerage and gas networks were already installed when the neighborhood was sold.

A newspaper advertisement for the development emphasized these qualities:23

"Boulevard Bouchard

These splendid lots situated at the highest and healthiest point of the city, with a trolley line along all of Avenida Higienópolis, are also served by the trolleys which run along Rua D. Veridiana, as well as by water, gas and sewerage services. The delightful neighborhood contains 14 gorgeously tree-lined streets, a children's elementary school and the Ginásio Americano (Colégio Mackenzie). The Sinobal Seminary of the

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22 Clóvis de Athayde Jorge, op cit. p. 105.
23 Ibid, p. 64.
Presbyterian Church of São Paulo is under construction, as well as a variety of buildings of excellent taste, all of which are continually increasing the recognized value of the lots. Because of the elevation of these lands well above the city, every point has the most exhilarating and enchanting panoramas of the city.

In this way investors with good taste have well employed their capital. For information contact R. São Bento, 59.

A Place with a View

By the middle of the eighteenth century, landscape painting had become so successful that in northern Europe rural scenery began to be viewed as if it were in a picture. Whether it was the seignorial countryside of the English enclosures and corresponding village, or the flatter landscape of the Netherlands, landscape was increasingly seen as mediated by means of form. The material landscape mediated by a process of cultural appropriation and the history of its creation was subsumed by visual consumption.24 25

The success of the landscape panorama, a type of cultural appropriation of nature as a represented form in the modern city, was one of the marketing trumps of Hygienópolis, Paulista and later the Paulistana "garden-cities," the Jardins.

The restrictive legislation completed the marketing appeal of the neighborhood by perpetuating through law no. 355 of June 3, 1898 the prestigious condition of residential exclusivity. According to the law, home constructions along Ave. Higienópolis and Itatiaia (today Ave. Angélica) were required to respect at least a 6 meter space between the alinhamento and the front of the house for gardens and trees, as well as a space of not less than 2 meters on each side. With these prescriptions, the law aimed to guarantee that the spaces would not be sub-divided or used for non-residential purposes, at the same time guaranteeing the presence of the landscape - gardens and trees - a gentrified reminiscence of the farm in the interior of the city.

These characteristics, although limiting the potential for construction, and therefore the opportunities for future commercialization, introduced a new element that guaranteed their value: exclusivity.

To be among equals, in a pleasant environment with many gardens, became a sign of adhesion to a new lifestyle: that of the Yankee world of Americans and English, who became increasingly closer to the world of Brazilian business.

British capitalists were involved in the construction of railroads, linking the farmers and coffee traders; British also participated in the companies offering public services - such as trolleys, gas, telephone, electricity, water and sewerage.
The sub-division business was clearly Anglo-Saxon; Campos Elysios, the first milestone, was developed by two Germans, and aimed at the coffee artistocracy. In Hygienópolis, the second landmark, the "Yankees" - British and U.S. Presbyterians - entered the picture as residents and developers of large facilities in the neighborhood such as Colégio Mackenzie and the Hospital Samaritano. The investors in those developments were still people linked to coffee plantations, but also merchants and wealthy foreign professionals who composed an emerging elite.

According to the terms of the advertisement, prestige has recognized value. The advertisement is directed at possible buyers, but also at possible investors in the construction of houses for rent in the newly opened neighborhood. A common situation in Campos Elysios, Hygienópolis and Vila Buarque, some buyers (eventually also residents of the neighborhoods) bought more than one lot and built houses to rent, which many times they would sell to less prosperous branches of the family. On the edge of those exclusive neighborhoods, alongside the palacetes, cottages and chalets, were built row houses for rent. In this way a type of sub-market was established within this market, a strategy of diversification of investments by those who wanted to invest in real estate, but not enter into the business of sub-divisions or complete developments. This type of undertaking was so common in Hygienópolis that
pressure was generated to revoke the special setback law along Av. Angélica in order to permit the construction of sobrados and row houses along the alinhamento. This change was obtained in 1902, with law 587 of June 6.

Also from the point of view of infrastructure supply, the situation of the exclusive neighborhoods was internally differentiated: the city government had macadamized some streets, others were paved with cobblestones, and others received the first experiments with asphalt. In the case of Avenida Paulista, the bed of the principal avenue was leveled with fill and the surface macadamized with white gravel since 1903, while Alameda Santos, the first parallel street to Paulista, remained without any kind of pavement for years.26

In Hygienópolis, Rua Sergipe was paved with cobblestones in 1906 while certain stretches of Rua Piauí were still without any paving in 1914.27

Within the neighborhood different real estate values were established and thus openings for different sectors of the market, in accord with the type of occupation, the availability of public services and the level of investments made by the city government. On Avenida Paulista the large wealthy palacetes were located between Rua Augusta and Rua Pamplona; Hadock Lobo and Bela Cintra had more

27 Maria Cecília Naclério Homem, op cit. p. 71.
sobrados geminados*, in addition to some rows of vilas.28 The same occurred along certain streets within Hygienópolis, such as Rua Piauí and Ave. Angelica between Sabará and the Estrada Municipal.

This middle class market was in a certain way a type of parasite of the other, surviving principally based on the prestige and capacity to attract improvements for the region of the exclusive and wealthy segments of the neighborhood. Its existence, on the other hand, established an arrangement with poorly defined borders and functioned as a transition zone for other markets.

The municipal urban investment policy clearly benefitted the developments situated in the west-ridge vector. The infrastructure supplied directly by the city administration included sidewalks, drainage, bridges, paving and tree-planting. Water and sewerage remained the responsibility of Companhia Cantareira until 1892, when its concession was rescinded by the State government and the company became state-owned. The remaining services and infrastructure were the responsibility of private companies including: energy supply, street lighting, trolleys, telephone, public cleaning and gas. We have already mentioned how the participation of capitalist developers as shareholders in the companies with concessions for public services made possible the prioritization in the servicing

* Geminado refers to houses built in rows with common walls. 
28 Ebe Reale, op cit.
of specific neighborhoods. On the other hand, connections with politicians, which could include the participation of city councilmen in the businesses of sub-divisions and infrastructure supply - would contribute to have those priorities supported by the City Council in its role as overseer of contracts for the concession of public services.

The direct investments made by the city government also privileged the new residential neighborhoods of the elite. An analysis of investment spending by the municipality -- which during the entire First Republic was completely dominated by spending for roads: widening and leveling roadbeds; cobblestone or macadam paving; the placement of curbs and gutters; as well as the construction of sidewalks, plazas, parks and tree-planting -- reveals a situation that clearly demonstrates the priorities for wealthy residential neighborhoods.

By 1902, the expenses for road improvements were concentrated in Campos Elysiós and Consolação, in addition to Centro. In the first three years of the century 170, 234, and 690 contos de réis were spent respectively, in addition to 100 contos in the Brás/Mooca neighborhoods. To have an idea of the significance of these expenses, note that the total expenditure with on-going works in the years 1900, 1901 and 1902 were respectively 224, 926 and 1,550 contos de réis or a total of 2,700 contos de réis. These four regions of the city enjoyed nearly half of the public investments.
for the period. The paving, construction of sidewalks and tree-planting in Campos Elysios continued at an accelerated pace between 1904 and 1906 (512 contos de réis in three years) and in 1904, the neighborhood received macadam, and its streets were covered with a layer of tar. In this period investments in the industrial and working class regions of Brás/Mooca/Belém were 430 contos de réis in three years and in the region of Lavapés/Cambuci, 180 contos in the same period. A comparison of the total resources invested in the "popular neighborhoods," with investments in the noble regions is revealing: the repaving of Paulista (365 contos in 1904-1905), the improvement in various streets of Vila Buarque, Hygienópolis (346 contos) added to the improvements in Campos Elysios, totaled 1,223 contos de réis, double the resources invested in the poor regions.29 The gap is even more significant if we consider that of the remaining investments, more than 80% corresponded to expenses in centro and improvements in Triangulo; although by that time new "popular neighborhoods" such as Pari, Quarta and Quinta Paradas, Liberdade Bexiga, Bom Retiro, Ipiranga, Vila

29 Conforming to the annual report of the Diretoria de Obras for the works executed by work-orders and contracts filed in the Mayoral Reports of 1900 to 1902 and of 1904 to 1907. Only differences above a certain sum are considered, given that in each year the expenses were divided in hundreds of categories. The totals per neighborhood are in rounded values. The annual total of investments by the city government does not include the repair of sidewalks damaged by utilities in the placement of tracks, pipes and wires, the costs of which were reimbursed by the companies to the city government. Apud Vasco Caldeira, op cit. pp. 6-14.
Prudente, Barra Funda and Hipódromo already had opened streets and were in the process of being occupied. (MAP 15,16,17,18)

As a result, the development of exclusive sub-divisions for the wealthy was inevitably profitable. In the case of Campos Elysios, the purchase of the Chácara do Campo Redondo, for 100 contos, yielded 800 contos with the sale of the lots.\(^30\) In the case of Higienópolis, the lands of Barão de Ramalho, which constituted the first phase of the development undertaken once again by Nothmann, this time in association with Burchard, were purchased for 200 contos or 550 réis per square meter.\(^31\) In 1900 the land along Avenida Higienópolis was being sold for 1:150$000 réis a square meter.

A price comparison reveals that land costs in Higienópolis (which varied between 900$000 to 1:150$000 réis a square meter) were equivalent to that along Ave. Paulista (from 800$000 to 1:500$000 réis a square meter) and

\(^{31}\) According to Maria Cecilia Naclerio Homem, op cit, p. 62.

The episode of the acquisition of the land of Barão de Ramalho remains in the memory of Paulistas: one morning the Barão received a visit from Burchard, who offered 200 contos, a total considered tremendous at the time. The Barão accepted the offer, closing the deal on his word. A short time later Nothmann offered 250 contos. "After all, what's going on here, have the gentlemen discovered a mine of gold in those fields?" And, without waiting for a response added: "But I cannot accept the offer, I gave my word and the land has been sold."
Triangulo (an average of 1:000$000 réis) and constituted the highest values in the city around 1910.32

To have an idea of the scale of these values, in 1910 the value of a square meter in these locations was equal to one year's salary of a loom operator or a mason's helper, whose salary averaged about 3$000 réis a shift.33

Obviously there was not the least possibility that these areas would represent an alternative for massive location of salaried workers, not even the most skilled, whose shifts reached a maximum value of 12$000 réis.

Nevertheless, there was also a real estate market for the city's majority income category, and although this market was of a much lower standards, it offered investors much higher profitability than markets aimed at wealthy residents.

Non-Regulated Space as Income: The "Popular Suburb" is Born

32 The land prices were extracted from the following sources: Hygianópolis - information furnished by the offices of Germaine Lucie Burchard to Maria Cecília Naclério Homem, op. cit. p. 77; Av. Paulista - research of prices found in advertisements published in the O Estado de São Paulo newspaper in 1905 cited by Maria Cláudia Pereira de Souza, "O Capital Imobiliário e a Produção do Espaço Urbano. O Caso de Companhia City." São Paulo 1988, dissertação de mestrado apresentado à FGV/FAESP p. 54. For Triangulo data came from the study "Comportamento Diferencial dos Preços de Terrenos no Município de São Paulo". São Paulo: COGEP/PMSP, 1975, based on the collection of data in daily newspaper advertisements from 1900 to 1975.
At first there was no marked difference in the property structure between the lands at the environs of the city along the western zone and the ridge - which gave origin to the exclusive residential neighborhoods - and other areas of the city outskirts.

Neighborhoods such as Bom Retiro, Lapa and Brás that were transformed into popular suburbs, also had been composed of chácaras and, beginning with their sub-division, formed small urban nuclei that linked the city across great open spaces. (MAP 2)

In the case of Brás, the immense floodplain at the confluence of the Tiete and Tamanduateí Rivers was the distance that separated it from the city. Crossed by both the road that led to Rio de Janeiro, the home of the Imperial Court and with the founding of the Republic, the Federal Capital, and the road that led to Penha and its shrine, Brás was a region widely sought for chácaras and had a small urban nucleus since the 18th century. Yet it was essentially a rural neighborhood with small wineries and breweries, when it was crossed in 1877 by the Estrada de Ferro de Norte (the Northern Railroad) - the rail link between São Paulo and Rio de Janeiro. Since that time a process of intense occupation of the neighborhood began, with the sub-division of chácaras for the installation of industries and homes.
The coming of the railroad, and the construction in the neighborhood of the Estação do Norte (The North Station), generated a demand for land destined for warehouses and factories. As such, since 1878 manufacturers of pasta, furniture, sheet metal, forges, and later fabric mills were installed in the region, which consequently also became a residential neighborhood "for workers." According to Ebe Reale, "a large number of Italian immigrants settled in Brás. They were attracted by the ease of transport, by work opportunities, and above all by the cheap prices for the low lands, considered unhealthy due to the floods. The Diário Popular [newspaper] advertised houses for rent along the Rua do Gasometro for only 7$ or 8$ (April 4, 1886)." 34

Brás became one of the first popular suburbs, where a strong real estate market was emerging, formed by warehouses, factories, houses and rooms for rent.

The occupation of Bom Retiro, another of the first popular suburbs, experienced a similar process. At the mid 19th century, Bom Retiro was a rural neighborhood, close to the city, but separated from it by chácaras. In 1860 a brick factory was located there, but only in the 1880s were subdivisions opened, beginning with the purchase and laying of streets within an old chácaras by the capitalist Manfred

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34 Ebe Reale. op cit. p. 24.
Meyer, who also enjoyed municipal tax exemptions, as did his fellow developers in other regions of the west zone.35

The railroad Estrada de Ferro Inglesa was the first to cross the city, and arrived in the neighborhood in 1867, linking the port of Santos with the interior of São Paulo state. The implantation of the railway attracted warehouses for the storage of goods coming from the port and destined for the supply of Paulistano commerce and industry. Factories for soft-drinks, fabrics, machinery and sheet metal were installed. Around them gravitated countless craftsmen and their small shops intermixed with rental housing. (MAP 1 and 2)

Contrary to the exclusive residential neighborhoods, which sought to pre-define the type of use, by establishing a lot size and later, guarantee a legal form of implanting these standards, the sub-division in the popular suburb had what Victor da Silva Freire called the lot for "whatever might come up."36

In addition to the lack of a previously established specific form of use and occupation, activities were not restricted in the popular suburbs as in other regions of the city, above all in the Triangulo and later - with the establishment of four zones in the city - in the urban zone. In this way the suburban zone was distinguished from the

exclusive residential one. The attractiveness of investments was based on the possibility of mixed use. In addition to the accessibility generated by the railroad, and later by the urban trolley lines which linked the neighborhood to the commercial center of the capital, permitting mixed uses would open real estate opportunities for both small and large investors.

Buchard and Nothmann, developers of Hygienópolis, also were involved in this type of land market; they were responsible for the laying of streets of a part of Brás, for the sub-division of Hipódromo (Móoca) and of Várzea dos Salles (Barra Funda), regions with processes of occupation similar to that of Brás and Bom Retiro at the turn of the century.

In addition to the large companies such as those cited above, another type of investor operated in the real estate market of the popular suburbs. This one linked investments in manufacturing to the development of real estate in the region where a factory would be installed. This was the case of Antonio Álvares Penteado, who built the Fabrica de Tecidos de Aniagem (burlap factory) along Rua Flórida, in Brás, in 1889, which within a built area of 12,000 square meters employed 800 workers by the year 1900. In the same year, Penteado built a wool mill on the same street, and houses and vilas to be rented to the workers, employers and
commercial establishments. The industrialist also undertook the opening of streets, by requesting:

authorization to construct on the land annexed to his Fabrica Santana where he intended to extend the Rua Barão de Parnaíba, offering in exchange an area of equal size on his property for the lengthening of Rua Flória.38

Another similar case was that of the Falchi Brothers who in 1890 founded in Vila Prudente "big buildings for factories, houses for the workers, residence quarters for employees and for others not part of their companies who conducted business there." To reach Vila Prudente one took the Estrada de Ferro Inglesa and got off at Estação Ipiranga. Owners of a candy factory at Rua Florencio de Abreu established at that "deserted location a brick factory and a workers' vilá."39 The Falchi brothers also were responsible for laying the streets in part of Lapa, and one of the stretches of Bom Retiro, two "popular neighborhoods" that had similar characteristics.40

The real estate expansion of the city opened space for small experiments of utopian living, generating profits for the developers. The case of Vila Prudente is a good example: the development sold itself as a model of a factory town,

39 According to Antonio Bandeira Jr., op. cit. p. 188.
a factory town full of life and work, adorned with beautiful buildings, with local commerce relatively developed. A school, temple, factories and residences of elegant architecture as well as workers housing, establishing a whole that attests to the determination of its founders who in homage to Dr. Prudente de Moraes gave the development his name.\footnote{Antonio Bandeira Jr., idem, ibidem.}

In a sense the development could be compared to Av. Paulista, its contemporary. Situated on high land, it also promised wholesomeness. Nevertheless, unlike Paulista, it did not propose exclusivity. Based on the possibility of a mixture of uses and social groups, it did not succeed as a model: for many years it remained rather empty.

In 1901, the Falchi brothers sought to have Light & Power, the private company that had the concession for trolleys, power and lighting, install a trolley station in Vila Prudente. In 1909 the owners sent a letter to the city government asking municipal authorities to forward to Light & Power their request for an extension of the Ipiranga trolley line to Vila Prudente, with promises of many advantages to the concessionaire. Nevertheless, Light's superintendent, Alexander Walmsley, refused the proposal. In Paulista, thanks to the strategy of Eugenio de Lima, and the involvement on Light & Power's Administrative Council of landowners along the avenue, although the Avenue was empty, a trolley ran there. Initially pulled by mules, the line was electrified soon after Light assumed operation of the system. Vila Prudente did not have such luck. Because the
trolleys didn't come, some manufacturers decided to build a workers' vilas near the factories, as was the case of the Manufactura de Chapéus Italo Brasileira, which did so in 1911.42 (MAP 12)

Other workers' vilas owned by industrial companies such as Vila Maria Zélia, the property of Jorge Street, built in Belenzinho, also had schools, day-care, library, and a church for the workers/residents. But this was an exceptional case. As a rule, companies built vilas in order to profit from capital invested in land purchases and in order to diversify their investments in the city. Or even, as in the case of the glass works, whose tall furnaces could not be turned off, to guarantee the presence of workers. In any case, this type of investment required an involvement of the boss beyond the realm of labor. It also offered greater control over strikes and protests, because for the residents of such vilas, unemployment also meant eviction.

Another case was that of Jafet in Ipiranga, in addition to installing fabric looms, it also undertook the laying of streets in the neighborhood. In this case, the palacete where the owner lived with his family was in the most elevated portion of the neighborhood, reproducing on the small scale of Ipiranga, the social geography of the city.

In 1903, Light inaugurated a mixed trolley line (both electrical and pulled by animals), until Ipiranga. There were only a few residences there, including a few palacetes of Lebanese merchants and industrialists who worked in the region, as well as The Independence Monument. The presence of these wealthy residents, and the proximity of some industries situated near the São Paulo Railway bed, established good development prospects for the region, stimulating Light to build an electrical distribution substation there. In 1907, Light built an electrical transmission line of 1,230 meters linking the Ipiranga line with the Namy, Jafet & Cia. mill, which shifted to the use of electrical energy in its looms.43

Although these two examples do not represent the most common situations, one of their characteristics - the residence of the owner/developer within the development - can be considered common of the relationship between owners and renters in the popular suburbs. Merchants and craftsman, who established themselves in the neighborhood with grocery stores, shops and workshops, also wound up building small houses to rent in the back of their lot, or on other lots they purchased. Many immigrants, mostly Portuguese and Italians, utilized this strategy to invest their savings.

The mechanism could be reproduced to the extreme: in addition to houses, some rented rooms, with common kitchens and bathrooms, and even beds. The small rented houses or rooms were situated on long and narrow lots - 9 by 60 or 65 meters, usually with a house in front and a side gate with access to the other houses in back.

Families also sublet rooms within rented houses, to complement their income, in such a way that a complex network of landlords and renters shared the same space, forming a high density market and generating a broad range of rental alternatives for various income ranges as well as a process in which real estate values appreciated more quickly and intensely than in the wealthy neighborhoods.

It is interesting to note how social mobility of the tenants and owners was interlaced over the period of their lives. This is made clear by the description of the housing history of Jacob Penteado in the first three decades of the 20th century:

Our first residence at Belenzinho was at Rua Dr. Clementino, 36, a house so big that we even sublet two rooms. The rent was 30$000. In 1916, we went to Rua Passos, 67, an even bigger house, owned by a Portuguese man, Manuel Duarte Calado, where the rent was 45$000. From there we went to house no. 36 on the same street, the property of Captain Rocha, chief of delivery of the Correio Paulistano [newspaper], where the rent was 40$000. When I married, I went to a large room, in the same house, at no. 8, where we paid 20$000 with kitchen rights. In August 1924, I moved to Rua João Boemer, 204: a room and kitchen for 30$000 and in 1927 moved to a new very pretty house with two-rooms and a kitchen on Rua Tuiuti, owned by my
friend Antonio Guarnieri, a salesman, an old acquaintance. (...) In 1928, I moved to Rua Silva Jardim, 21, a house with three rooms and a kitchen, at the corner of Rua Herval, of a Mr. Amaral, from where I returned to Rua Passos, 26, also owned by Capitão Rocha, with three rooms and a kitchen, for 50$000. In 1930, I shifted to number 61 house 8, which had two rooms and a kitchen, in a vila of Mr. Miguel Lapenna, the owner-resident in São Miguel, paying 40$000. When things began to get better, in 1938, I came to live in palacete no. 204, on the same street, with a garden and backyard for 240$000, owned by the manufacturer Scuracchio."

Jacob Penteado's story reveals the various types of landlords and market segments found in a popular suburb such as Belenzinho. They include: the Italian manufacturer that built palacetes geminados for rent, probably in the same neighborhood or in neighborhoods near to the factory; the Portuguese salesmen who owned a room and a kitchen; Captain Rocha, who rented various spaces ranging from a room in his house where he shared his kitchen to a three room house. Also present in the vila was the owner who "lives in São Miguel," in the east zone, farther along the train line, and the Penteado family, which sublet rooms in its house to complement their income.

The various segments of the real estate market represented one of the principal possibilities for social mobility for immigrants who arrived with little or no savings. Raffard describes the strategies of families of immigrant workers and craftsmen who initially lived in

cortiços and who came to buy land in installments. After full payment, a second mortgage was taken to provide the initial capital for a small business. In this way, real estate investment was at the same time a survival strategy and a possibility for social mobility.

The description of Jacob Penteado includes these two situations. In the first case, the family sublet two rooms of a house to cover their rent expenses and later to have some surplus, which permitted the formation of a small savings. In 1916, the family income of a working family could reach 216$000 réis, if a man, woman and one or two minor children worked in São Paulo industry. If only one worker sustained the family, its income would be around 100$000 to 120$000 réis.45

At the same time the average rent for a single family home with two rooms in the popular suburbs was 48$000 réis to 60$000 réis. Rent for a room and a kitchen was around 45$000 réis a month and a room in a cortiço was some 25$000 to 30$000 réis a month.46 Newspaper advertisements in 1913 offered lots at Freguezia do Ó, without interest for monthly payments of 35$000 to 40$000 réis. In 1916 lands in Villa

45 The calculation of family rent was made from the following sources: the average salaries in manufacturing industry in 1919, cited by Wilson Cano. op cit. p. 128; was applied to the index of the increase of average salaries of industrial workers cited by the same author, ibid, p. 171.
46 According to "Boletim do Departamento do Trabalho 1916 - 1930" trimestre pp. 373 - 380. For the values of renting a house: A Lanternêa, 22/06/1914, p. 2, for the cost of renting a house in a vila and ibid 29/08/1914 p. 3, for the cost of renting a cortiço.
Progresdor - 1,500 meters from the Pinheiros trolley - cost 150$000 réis and could be paid for in monthly installments of 15$000 réis. In the same year and for the same price it was possible to acquire lots in Villa Carrão. 47 The distinct alternatives correspond to the distinct ranges of available finances and stages of a family's life cycle. (MAP 13)

Recently arrived singles rented rooms or beds in houses of families, often including a pensão completa* in which they also received meals. Young couples with small children, where the woman had an income, could pay for a room in a cortiço, or sublet a room in some house, paying around 30$000 réis a month -- about one third of a salary.

But, as the children grew, the women and older children could also be employed, generating the possibility of earning enough to meet the rent for a larger house, that could even be sub-let to start a savings. This is the stage described by Jacob Penteado. Seven years after his mother began working in a factory, the family was able to build a house. But only at the edge of the suburban zone, or in the rural zone, where the land prices were compatible with the family's savings.

In 1916, land values in the city varied in the following way:

47 O Estado de São Paulo, 6/03/1913; 21/06/1916; 17/07/1916.
* A Pensão completa was a rented room that includes meals.
Table - VII
Average value per square meter48

<table>
<thead>
<tr>
<th>Zone</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Triangulo</td>
<td>1,000$000</td>
</tr>
<tr>
<td>Central Zone</td>
<td>165$000</td>
</tr>
<tr>
<td>Urban Zone</td>
<td>23$000</td>
</tr>
<tr>
<td>Suburban Zone</td>
<td>3$000</td>
</tr>
<tr>
<td>Rural Zone</td>
<td>$100</td>
</tr>
</tbody>
</table>

Belenzinho which in 1916 was part of the suburban zone, was at the limit of continuous urbanization, the external flank of a border that had advanced from Brás between the Caminho da Penha (Penha Road) and the Railroad. Beyond Belenzinho, occupation was much more sparse, concentrated around the Caminho da Penha. At this time, to the east, the neighborhoods of Tatuapé and Maranhão began to be formed, and the old center of Penha began to have a proletarian occupation. (MAP 4)

Beginning in 1901, electric trolleys circulated along the old Caminho da Penha (past Ave. Intendencia, after Rangel Pestana/Celso Garcia). Nevertheless, as with other trolley terminals such as Santana, Vila Mariana, known as Matadouro because there was a slaughterhouse, and later Lapa and Santo Amaro, Penha was still an isolated nuclei, linked to the urbanized regions through regions of low population density. For Light & Power, which had the trolley concession, the lack of demand along the middle stretches of

48 According to the Relatório Anual do Prefeito Firmiano Pinto, 1924, p.178.
48 According to the Relatório Anual do Prefeito Firmiano Pinto, 1924, p.178.
the routes was compensated for by the charging of cumulative fares. Light's contract for the concession stipulated that the lines would be divided in three zones, with sections of 3 kilometers, counting from the initial common point, at the corner of Ruas Quitanda and Comércio. In each section Light would have the right to charge a maximum of $200 réis. The payment of the trolley fare thus became costly for the residents of neighborhoods close to the last stops. As such, although they had transportation access, these regions did not experience a real estate boom. Between 1911 and 1918, when Belenzinho grew from 2,120 to 5,370 buildings, Penha grew from 353 to 478.49 (MAPS 12 and 13)

Belenzinho was a frontier neighborhood and because of the great demand generated by the industrial expansion of Brás, there was a high and immediate return on investment. Investors also benefitted from the increase of the neighborhood's value over time, when the city limits extended, and when it would finally have the infrastructure other neighborhoods already had: paved streets, trees, public lighting, domestic electricity, piped water, sewerage, and gas. In 1928, Belenlzinho was already serviced by water and sewerage systems and had some of its streets paved.

The sub-division, which began as an advance frontier post, served only by a rail and trolley lines and practically no

49 According to EMPLASA. op cit. p. 201.
other infrastructure, enjoyed a tremendous increase in value once infrastructure was installed.

This is revealed by data referring to the increase in urban land values in the 1916-1924 period.50 (MAPS 4 and 5)

<table>
<thead>
<tr>
<th>Table VIII</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VALUE</strong></td>
</tr>
<tr>
<td>1916</td>
</tr>
<tr>
<td>Triangulo</td>
</tr>
<tr>
<td>Central Zone</td>
</tr>
<tr>
<td>Urban</td>
</tr>
<tr>
<td>Suburban</td>
</tr>
<tr>
<td>Rural</td>
</tr>
</tbody>
</table>

Land in the suburban zone in 1916, could have increased in value five times in eight years, if the region in this period benefited from "all of the improvements." In the rural zone the price could appreciate in value 10 times; well above the rate of appreciation in Triangulo and the Central Zone, where values increased three fold in the period.

In the same eight years, an investor who had acquired suburban land of 9 by 60 meters at 3$000 réis a square meter and built a vila of six houses for workers, at a cost of

50 According to the Relatório Anual do Prefeito Firmiano de Moraes Pinto, 1924, p. 180.
approximately 3,000$000 réis each, had a total capital investment of 20,000$000 réis in 1916, which could yield a monthly rent of 270$000 réis or 1.5% per month of invested capital. The popular suburb was, therefore, one of the best and most profitable real estate investment markets.

But for this profitability to be viable, two conditions that depended on the concessionary power of the state were required: the land had be occupied with an intensity and density of construction beyond the municipal standards, and the so-called urban improvements had to be provided in the neighborhoods.

Legislation and Appreciation of Value in the "Popular Suburbs"

The layouts of the vilas and cortiços, intense occupations at the centers of blocks with tiny individualized spaces, were completely contrary to the municipal construction regulations, which since 1886 had already defined the minimal dimensions of the cortiços, workers houses and rooms. The municipal code demanded a wide minimum frontal width of 15 meters, and the separation of each row of houses by at least 5 meters. The required

51 A lot of 9 x 60 meters was used as a reference because, as we mentioned, it was a common lot configuration in the region. The cost of construction of workers houses was calculated from two indicators: from the application of the construction cost table for the year 1914 published in the Boletim do Departamento Estadual do Trabalho and from advertisements of construction companies in O Estado de São Paulo, 1913-1917.
minimum area of each apartment was 7.5 square meters, and each was required to have one bathroom for every two residences and 30 square meters of open space in front of each residence.52

As we saw in chapter 2, a large part of the popular suburbs were built "outside of the law." A comparison of the number of building permits issued with the demographic increase in the neighborhoods revealed this discrepancy. In the 1880s the largest concentration of building permits was found in the districts of Santa Efigenia (excluding Bom Retiro) and Consolação, while the greatest demographic increase occurred in the district of Brás (10,000 new inhabitants between 1886 and 1890).53 In the 1890s the requests for alinhamento reached Belenzinho, Móoca, Bom Retiro and Barra Funda. (MAP 21, 22)

In 1895, an official state government report indicated the existence of 121 manufacturers in the capital. Eleven employed more than 100 workers: three mills, one brewery, three hat companies, one match factory, a forge, and two railroad shops.54 Of the 11 largest companies mentioned, at least nine were in Brás, Belenzinho and Mooca. (Cervejaria Bavária, Cotonifício, Crespi, Fábrica Santana, Funilária Mecanica a Vapor, Companhia Mecanica Importadora, among others). Between 1890 and 1893 the demographic increase in

52 Padrão municipal august 11, 1886 - section VI.
53 The demographic data were taken from census, cf. note 6.
the district of Brás (that included Belenzinho and Mooca) was more than 15,000 people. In the same period there were 33 alinhamento requests in Móoca, 28 in Belenzinho and 30 in Brás. Obviously, popular houses were built in these neighborhoods which did not obey legal conditions. 55

In 1894, the first Código Sanitário Estadual, (State Sanitary Code), adopted an even more rigid position in relation to collective housing: any collective dwelling was prohibited and ordered to be eradicated. In addition, workers vilas could only be arranged in groups of six residences, and were to remain outside the urban region. 56 (MAP 3) Nevertheless, the report of an Examination and Inspection Commission of workers houses and cortiços in the district of Santa Efigenia, published in the same year, found 65 cortiços within an area of only 14 blocks. 57

The same report included the first government response to the gravity of the crises, a proposal to provide incentives for developers to build "hygienic" workers houses on land within a 15 kilometer radius from the city: "the most convenient situation for the workers vilas must be, without a doubt, that which joins an ease of communication to a low price for land." Several incentives were proposed:

55 Bandeira Jr, op cit. The numbers concerning alinhamentos were extracted from the study of building permits, annex I. Until 1895 all of the construction requests for private constructions were consulted.
56 Decreto n. 233 2/03/1894.
the legal establishment of a standard different from the
official one - which implied a more intense horizontal lot
occupation (what was called "a workers comfort"); the
establishment, by the government, of suburban trains linking
the locations to the employment centers, and exemption from
all municipal and state construction taxes.

In 1893 a request was submitted to the city council
soliciting; the transfer of municipal lands, tax exemptions
for construction and transportation for 20 years, in return
for which a developer would commit to building hygienic
housing and public equipment at that location. Despite a
favorable report from then City Council president Guilherme
Rudge, the project was rejected.58

In 1897, a similar project was presented by the same
Guilherme Maxwell Rudge, soliciting the concession of an
area of 500,000 square meters exempt from; foros for 25
years, tax exemptions, the right to expropriate necessary
land for public use, and extension of water and sewerage
service at municipal expense. In return he offered to
construct 2,000 houses at an annual rent of a maximum of 12%
of the real cost of the house. A strong opposition rose
against Rudge's offer from the city councilmen, led by Pedro
Vicente de Azevedo, who defended the establishment of
general criteria for the concession of rights to construct
working-class vilas and who was against individualized

58 Atas da Câmara. Session of May 27, 1894 apud Eva Blay, op
cit. p. 81.
concessions. After a long debate the law was approved, but "the portion concerning the concession of municipal lands" was declared null one year later.\textsuperscript{59}

Finally in 1900, law 498 was approved establishing "prescriptions for the construction of houses for habitation by workers." The law defined an urban perimeter (excluding Brás, Belenzinho, Móoca, Pari, Luz, Barra Funda, Água Branca, Ipiranga, Vila Prudente) outside of which was permitted the construction of workers' vilas with special standards, which remained exempt from municipal taxes "as were the companies that were formed to build them."\textsuperscript{60} (MAP3)

The debate around this question, and above all the various positions that were taken by the Paulistana bourgeoisie represented in the City Council, is important for an analysis of the relation of urbanistic legislation and the real estate market. First, there was a supposition that a profitable development of workers houses presupposed the more intense utilization of a lot and its location outside of the "city." With these conditions it was possible to protect the value of real estate contained in the central area or the urban area, as was successfully determined in the legislation and, at the same time, guarantee a high return on investment. The high return stemmed precisely from the possibility of offering a higher number of units on the

\textsuperscript{59} Law no. 315 of 14/08/1897 and Atas da Câmara session of July 7 and August 11 of 1897 apud Eva Blay, op cit. pp. 81-85.
\textsuperscript{60} Law 498 of 14/12/1900.
lot, and from the tax exemptions. There was no disagreement on this point. The disagreement concerned the utilization of municipal land for this purpose, and the guarantee of a concession and the use of public services.

Along the dividing line marked by this theme, are on one side those who need these specific favors and on the other those who don't need these conditions in order to make the business viable. In the vote over Rudge's proposal in 1897, it is possible to identify that some councilmen who were against his proposal were already owners of large areas of land in the area "liberated" for the construction of vilas. Some in addition to being property owners were, or had been, stock-holders in the companies with concessions to provide public services, many of which benefited from concessions from the provincial government.

This condition included: Elias Fausto Pacheco Jordão, who was an associate of Mayor Conselheiro Antonio Prado in the Fabrica Santa Marina Vidraria, located in Agua Branca. The factory was situated in a large tract where workers houses were also constructed. 61 Coronel Antonio Proost Rodovalho: an owner of a considerable amount of property in the capital, was one of the principal shareholders in the Companhia Cantareira (which provided water supply) and the São Paulo Gas Co., the public lighting concessionaire. He was the owner of Companhia Locomotora, a company that rented

61 Bandeira Jr. op cit. pp. 150-151.
vehicles and had the funereal transport concession in the capital. He also possessed a factory that produced animal-pulled carts and land on Rua da Móoca.62 Pedro Vicente de Azevedo, who was President of the Province of São Paulo in 1888-1889 was an associate of Eugenio de Lima in the Cia. do Viaduto do Chá and also the heir of a great quantity of datas and aforamentos in and around the capital.

Anyone of these councilmen could immediately benefit from a generic law. Conceding municipal lands and advantages in the exploration of public services, would expose to dangerous competition the restricted circle of stockholders in companies that furnished public services, as well as landowners. For those - who were not part of the group, but nevertheless were also in the real estate market - remained the less attractive business of developing the "out-of-the standards" city.

Everything indicated that while the law of 1900 far from resolved the problem of workers housing, it resolved the problems of a certain group of developers, among them manufacturers interested in building rental housing for their workers, guaranteeing the possibility of a highly profitable investment - in a "wild west" environment. The question would then disappear from the parliamentary debate for some years. Even when it came back, through a new law offering favors in 1908, after a situation agitated by the

workers' protest strikes concerning high rents and by a proposed rent strike convoked by the anarchist press and unions, it reiterated the same proposals as before: favors, exemptions etc.63

In addition to making possible secure and profitable opportunities for large investors, the form of non-regulated expansion was also of interest to the masses of immigrants, to the extent that it represented one of the available means for social ascension.

But the "housing question" arises as a social issue in moments of crises and high inflation, mostly when salaries did not rise at the same rate as rents. This occurred during the First World War when imported construction material disappeared from the market. With the exception of sand, bricks and lime, which were produced in Brazil, other materials were European: French tiles, metal gates and fences, hinges, locks, windows, electrical and plumbing material, toilets and faucets, ceramic and cement floor tiles, paint, nails, screws, glues and other materials.64

63 Law 1098 of July 8, 1908. The big difference between this law and that of 1900 was that this one included a "representation to the Legislative Congress of the State" a 15-year state tax exemption, (on the transfer of property inter-vivo on the transfer of property causa mortis, on the transport of construction material, on buildings, sewers, on the capital of corporations or industrial companies involved, and a representation to the Federal Congress soliciting authorization to the "Caixas Economicas" banks to apply part of their reserve funds in mortgage loans to the "sociedades de construção de casas hygienicas e baratas" (Societies for the construction of cheap and hygienic housing).
The material supply crisis was more severe for expensive constructions, but it also interfered in the production of vilas and popular houses for rent. The result was a radical decrease in the pace of construction, and the consequent elevation of rents for existing houses, as demonstrated in the table below:

**Table - IX**

**Prices and salaries in São Paulo**

<table>
<thead>
<tr>
<th>Year</th>
<th>Food</th>
<th>Rent</th>
<th>manufacturing</th>
<th>rail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1913</td>
<td>95</td>
<td>94</td>
<td>100</td>
<td>...</td>
</tr>
<tr>
<td>1914</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>1915</td>
<td>117</td>
<td>107</td>
<td>75</td>
<td>101</td>
</tr>
<tr>
<td>1916</td>
<td>119</td>
<td>113</td>
<td>86</td>
<td>101</td>
</tr>
<tr>
<td>1917</td>
<td>132</td>
<td>119</td>
<td>86</td>
<td>104</td>
</tr>
<tr>
<td>1918</td>
<td>148</td>
<td>125</td>
<td>130</td>
<td>122</td>
</tr>
<tr>
<td>1919</td>
<td>146</td>
<td>138</td>
<td>160</td>
<td>119</td>
</tr>
</tbody>
</table>


Food prices and rent values increased more than salaries, generating a wave of protest against the cost of living and destabilization in the rent market. The rent increases destabilized the market in such a way that at the beginning of the 1920s pressure grew for changes in the market structure. These pressures would result in a new expansion of the city limits, invading the rural zone with
street layouts and sparking the occupation of unused municipal land.65 (MAP 13 and 14)

The limit of this expansion was set by the trolley network, which after 1914 did not expand at the same pace as in earlier years. In that year the trolley network reached 230 kilometers of track, having increased 40 kilometers in two years. In 1924 the track grid totalled 266 kilometers, having grown since 1915 at a rate of 3.5 kilometers of new line per year (the lowest rate since Light & Power began operations). In addition, industrial demand for electrical energy increased substantially and the tariff had been frozen since 1900, pushing Light to promote a policy of energy conservation in transportation in order to steer the supply towards industry. The great drought of 1924, which forced the rationing of energy at 40%, aggravated the economy even more, sparking a decrease in the number of trolley runs and greater distance between stops.66

The limits on a neighborhoods' density established by the availability of the trolley, produced two responses in the real estate market. First, in the central region, a verticalization process was initiated, and second, in the "popular suburbs" the expansion of the city limits began to

65 Since 1901, there had been criticisms in the city council that "day by day municipal lands are being invaded by intruders." The charge by the Comissão de Justiça da Camara was included in its report in favor of the concession of municipal lands for the construction of workers vilas, prepared by Arthur Descamps de Montmorecy in that year. According to Atas da Camara apud Eva Blay, op cit. p. 87.
free itself from the dependence on the trolley, relying instead upon diesel buses.

The Vertical City and Unlimited Horizontal Expansion

From the point of view of urbanistic legislation, the theme of verticalization was introduced rather early in the city, when in 1911 it was established that in the central zone and in the streets of Conceição, Barão de Itapetininga, São João and Conselheiro Crispiniano new constructions and renovated buildings would have at least three stories. But it was in the 1920s that the legislation truly advanced and regulated tall buildings. Law 2332 of 1920 established for the buildings constructed along the alinhamento of public streets the following height specifications: buildings must have at least five meters, and at the most two times the width of the street, when this is less than 9 meters (two or three stories), no more than two and a half times the street width, when this is superior to nine and inferior to 12 meters (five to seven stories), or three times, when the street width is greater than 12 meters (more than nine stories tall). The next article, inspired by the Building Code of New York, opened the possibility of increasing the building heights, allowing a set-back from the public street in order to achieve the street width measures defined in the previous article. The fact that the legislation did not

68 The relation of the Municipal Standard of 1920 with the Building Code of New York was established by Nadia Someck "A
permit buildings to be setback from the alinhamento in the central zone clearly set up the verticalization of centro, establishing limits and criteria for the process. It cannot be forgotten that at this time a portion of the streets of the central zone had already suffered widening and remodeling, opening greater possibilities of building density.

Buildings with more than three or four stories remained the exception in 1920; but they would increase in the 1920s. By 1929 new buildings with more than two stories already accounted for 45% of all the buildings approved\(^6\), conflicts began over the height limits of buildings. In 1924 the Sampaio Moreira building, 14 stories or 50 meters tall at Rua Líbero Badaró, became the first to exceed the legal limits, which was 15 meters wide. Engineer Christiano Stockler das Neves, who designed the building, convinced then Director of Works Victor da Silva Freire to approve the project, establishing a precedent for the approval of the Martinelli Building, inaugurated in 1929. It was 25 stories or 72.5 meters high along the same 14 meter wide street.

When in 1929 the Arthur Saboya Code introduced zoning in the central district that required buildings of more than three stories, verticalization for office use had already been incorporated into the landscape of this region. The

\(^6\) Ibid. pp. 140-141.
1929 law sought to stimulate verticalization in the region, transforming into minimum limits what in 1920 had been determined as maximum limits. According to the Arthur Saboya Code, the buildings constructed along the alinhamento of the central zone were required to be at least five meters tall, or at least two times as high as the street width when this was less than 9 meters; at least 2.5 times as high when the street was between 9 and 12 meters wide; and three times as high when the street was greater than 12 meters wide. Outside this zone, buildings could not be more than one and a half times as high as the street width; yet the measure to increase the number of floors in buildings situated along streets less than 15 meters wide was reiterated, by incorporating the setback included in the Standard of 1920, although with a restricted application in the central and urban zones. Thus, verticalization was compulsory in the central zone, acceptable under certain conditions in the urban zone and prohibited in the suburban and rural zones.

By permitting the construction of tall buildings only in the central zone, the legislation bolstered the central zone, conferring a new construction potential which guaranteed the continued increase in prices of land and buildings in the region in the 1920s, despite the consolidation of the region. Between 1916 and 1936, the price per square meter of land in Triângulo increased from 1:000$000 to 4:500$000 réis and in the central zone from
165$000 to 600$000 réis, a higher level than the urban zone, where the average price increase in the period was 350%.

At the same time, a new segment of the market was established - the construction of skyscrapers. In addition to giving a new profile to the city, reflecting the images of U.S. cities displayed on the dozens of movie screens across São Paulo, the construction of skyscrapers accelerated a change in civil construction. Many construction companies, which since the beginning of the century already had been specializing, started to manage their own properties, giving up their character as simple contractors.

Since then, verticalization has been an strategy to bring up to date high value areas in the city, and the expression (together with the exclusive subdivisions) of one of the extremes of a divided market. The other extreme, sometimes more profitable than those wealthy developments, is the non-regulated expansion in the rural zone.

On of the evidences of the dynamism and profitability of this market is the explosion in real estate values that

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70 Richard Morse, 1958, op cit. p. 293. The average price per square meter in the urban zone in the period increased from 26$000 to 91$000 réis.
71 Nadia Someck, op cit. p. 153. An example is the Escritório Técnico Ramos de Azevedo, one of the most prestigious builders of São Paulo since the 1920s, responsible for the construction of the Teatro Municipal and numerous other public buildings, by the 1930s the company was managing a vast real estate portfolio of its own developments.

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occurred in the rural zone, which between 1916 and 1936, experienced a rise in the price of land from $10 to $50 réis or 7,500 percent! The relation of these developments to legislation was not found in its restrictions on the market. Rather it was to a laissez faire approach that permitted high intensity use of lots, to the degree streets remained private and constructions were set back from public thoroughfares. In other words, it permitted high densities as long as this did not imply the need for public investment - for street maintenance - and as long as the high density uses were as far as possible from what the law considered the "city." (MAP 5 and 6)

The huge profits were due to a high-density development made possible without much investments. Since the demand for these popular markets was, because of the rapid population increase in the city, continually growing, the appreciation of these investments was immediate. The simple conversion of rural land to an urban use - despite the quality of these urban - was sufficient to elevate land prices several times.

Nevertheless, the rhythm and level of land appreciation afterwards, would depend basically on the pace and quality of urban improvements, introduced by public powers in the city frontier.
Public investments became the Alcilles Heel (and the principal reproductive mechanism) of this market. Mayor Pires do Rio's 1925 report clearly identified that:

the constant elevation of prices in the central and urban zone resulted in the dividing up of empty lots in the suburban and rural zone; and once the huge and formidable profits that the lands negotiated in installments returned to the happy owners, the city saw its land surface cut up, with a proliferation of streets that were turned over to the public, without the requirements that modern science recommended. (…) Once submitted to municipal power, the sellers of lots, those who are reaping fabulous, easy and lucrative profits, are the first to come ask and even demand from the public coffers, improvements and maintenance for which only they should be responsible. 72

The "reckless" expansion of the city limits created a de facto city that increasingly, since the 1920s, would pressure the public powers to make urban improvements. For that reason, infrastructure became crucial for real estate appreciation, not only for wealthy markets, but also for popular ones.

**Infrastructure and Real Estate Appreciation: a Very Delicate Relation (The Spectacular Case of City Improvements Company)**

In addition to the possibility for large profits from real estate deals in the suburbs and rural zone, opened by the demarcation of a space not regulated by legislation, the

profitability of an investment also depended on the pace of arrival of so called urban improvements to a neighborhood. As we saw, the exclusive residential neighborhoods used the presence of already implanted infrastructure networks as a marketing device, quickly raising the price level. But in the "popular neighborhoods," the basic infrastructure - such as piped water and sewerage, public lighting, electricity, cleaning, paving and drainage could be delayed for years, or decades.

The criteria for extension of these services did not always include attending those portions of the city with the highest quantity of users. Clauses were included in the contracts of companies providing services to permit greater flexibility in the compliance with their obligations, to attend the interests of stockholders. These interests in many cases were set in the lands and streets owned by those who would be reached by the improvements. In other cases, they were simply dictated by the users' capacity to pay.

For example, the Cia. Cantareira sold water in 1885 at $500 réis per 1,000 liters for the first 10,000 liters, $400 réis per 1,000 liters from 10,000 to 20,000 liters, and so on until the price dropped to $150 réis for the fifth 10,000. In 1887, this price doubled. This tariff policy, increased the cost of water for small consumers, to the extent that it was nearly prohibitive for some consumers. Concerned with this situation three city councilmen issued a
joint demand for the government to take measures against abusive pricing by Cia. Cantareira considering it "extortion against the population." 73 Even though they could connect to the piped water system, many residents did not do so, preferring to use wells, due to the high cost of service. In 1887, the hygiene inspector Marcos Arruda wrote in his report:

Even in the region served by Cantareira there are houses where, fearful of clogging their toilets and having to pay a $30,000 fine, the owners and tenants still use old cesspools, which are simple holes open in the ground and susceptible to any type of evaporation and infiltration because they have no impermeable siding on the walls. 74

The workers neighborhoods, according to Bandeira Jr. were the most affected by the lack of sewers and a "lack of water for all needs." 75

Another example of consumer difficulty with service providers is that Light & Power demanded a minimum monthly consumption to connect a residence. Despite the fact that Art. 16 of the law which regulated distribution of electricity in the city established the obligation of furnishing electricity to "any person who requests it" 76 Act no. 878 which was issued to regulate the law, stated in Article 1:

73 Clovis de Athayde Jorge, op cit. p. 99.
76 Municipal law no. 407 21/07/1899, art. 16 and clause X of the contract of 28/09/1899.

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every resident of the city of São Paulo has the right to have their private installation linked to the general network (…) as long as the point in the city in which the connection is requested has consumption superior to 350 watts for 1,000 hours per year, for each 10 meters of line that is required to be established, regardless of how consumption is distributed along the line, and guarantees the minimum monthly consumption of 3$000, if the current is distributed by meter.77

This regulation, as well as paragraph two of the same article, which prohibited a consumer who had more than one installation to total their consumption (to benefit from the lower rates), allowed Light to deny requests for installation of lighting in residential units (with low consumption - because they did not have domestic electric appliances which were increasingly common in wealthier homes), particularly those located at the limits of the suburban and the rural zone.

Plans for the infrastructure network demonstrated that the installation of services had an accumulative affect. Many streets had either all or none of the services. An example of this can be found in the contract between the Empresa de Limpeza Pública (Public Cleaning Company) contained in Mayor Antonio Prado's report for the year 1900. According to this report, as the number of streets and their extensions doubled between 1892 and 1898, the company with the concession for these services was sweeping only the macadamized streets, which constituted a very low percentage of the total opened streets in the city space. For that

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77 Act no. 878, 20/03/1916, art. 1.
reason the mayor proposed the establishment of an urban perimeter, which the company should cover: (MAP 3)

the contracted parties are required to execute the cleaning and sprinkling service for the streets... manholes and storm sewers of the Capital, as well as the removal of garbage from private houses on all of the streets served by water, gas and sewage within the perimeter determined in the plans that are an integral part of this contract.78

The fact that the extension of electricity, water, sewerage and public cleaning services as well as those of street paving and tree planting, were not deemed basic criteria in the most densely populated regions resulted in a city where the inequality in urbanistic conditions served as a master price index in the segmented real estate markets. The supply of urban infrastructure had no connections with the demographic density of the city. This characteristic generated a pattern of exclusion but also a regulatory mechanism in the market.

No one understood better than the directors of Light how to utilize the provision of these services for their own benefit - and that of the company's shareholders. Light had the right to expropriate land at its expense, in the name of the public interest, in regions in which it had interests, in order to construct buildings for the storage of material, equipment, to park cars or handle other functions. Nevertheless, Light's documents indicated that part of its tremendous real estate holdings were taxed for not being

78 Relatório Anual do Prefeito Antonio da Silva Prado presented to the City Council. São Paulo 1901, p. 27.
walled in or for not being built upon, which indicated that part of these lands were held for their potential value. A letter dated June 8, 1909 from Mr. Walmsley to Alexander Mackenzie, then superintendent of Cia. stated: "I believe that the property in Pinheiros will increase in value in coming years and that Cia. can invest in and rent the 'Clube de Golfe.' I am certain that the return on investment will be good when it is needed." The company's real estate strategy often determined its strategy for the extension of lines: first it would implant small runs, creating a demand for real estate and its consequent appreciation in value. After completion of the line, the lands acquired by Light along the land inevitably increased in value.

In order for Light to act as it pleased, and avoid compliance with clauses in its contract - such as the requirement for trolley runs for workers with tariffs reduced to $100 réis and in which workers could ride barefoot, in force since the 1909 contract reform but only complied with in 1916 - it was necessary to establish close relations with Mayors and city council members. It is symptomatic that in Mr. Walmsley's speech to the directors of the company in 1908 there was a mood of general euphoria because of the re-election of the mayor and councilmen: "the

79 Maria Luiza A. Paschkes op cit. p. 45.
affairs of the company in the hands of these gentlemen can continue to receive polite and honorable attention." 81

Nevertheless, the most spectacular example of how an infrastructure implementation strategy was undertaken through a network of political relations -- with participation by the various companies involved -- and of how the urbanistic legislation generated a highly profitable real estate development, is found in the case of Cia. City.

Around 1911, a Belgian specialist in the extraction of tropical primary materials, who since the beginning of the century was involved in trading fine Brazil lumber, realized the tremendous real estate potential of the city at that moment of vertiginous growth. Eduard Fontaine Lavelaye, "capitalist and banker," presented himself to the city government in the company of architect Bouvard, ex-Director of the Tavaux Publieques de Paris, and was immediately invited to consult and participate in remodeling and landscaping works in the city. 82

Victor da Silva Freire, then Director of Works of the Capital, placed Lavelaye in contact with large land owners, among them Cincinato Braga, federal representative for São Paulo and his associate Horácio Sabino, who at that time was buying large quantities of land for future real estate developments. This contact resulted in a detailed contract for the formation of a real estate company, in which the

81 Maria Luiza A. Paschkes, op cit, pp.45.
82 Maria Claudia Pereira de Souza, op cit, pp. 35-36.
Brazilian partners committed themselves to sell land to the company, and the Belgian was assigned the role of financial incorporator of the company. Returning from Europe, Lavaleye put together a series of English, French, Belgian and Russian investors all with experience in overseas business and they formed the City of São Paulo Improvements Company (City) with its headquarters in London and offices in São Paulo and Rio de Janeiro. Through the contract established with Sabino, City bought 12,380,098 square meters of land in the city, issuing debentures in the value of 2 million British pounds guaranteed by a second mortgage on the land taken with the Imperial and Foreign Corporation, founded by City itself.83

On the Board of Directors of City, at its foundation in 1911, were various actors needed to conduct the undertaking: the President, Lord Balfour, was also president of São Paulo Railway; the Vice President was Bouvard, who worked as a consultant to the city; and the president of the São Paulo board was Cincinato Braga a federal representative. The board also included Campos Sales (senator and an ex-president of the Republic); Quellenec Conselheiro of the Compagnie Universele do Canal de Suez and director of Rio de Janeiro Tramway, Light and Power which together with São Paulo Light and Power would in 1913 form The Brazilian

Traction, Light and Power holding company; and various other 
men linked to international finance and British and French 
overseas business. Some of Light's directors were on the 
City's Administrative Committee and Victor da Silva Freire 
himself entered City's board in 1939.84

Increasing its land purchases around 1912, City became 
owner of 37% of the total urban region of São Paulo. In 
1913, City's attention turned to the development of a parcel 
of land near the Pinheiros River not contiguous to the urban 
region - which ended at Alameda Jaú, parallel to Av. 
Paulista, and which was considered inhospitable given the 
high humidity of the location; "some stretches of the land 
were real bogs."85 At this site, City would develop the 
first garden-city project in South America: "Jardim 
America," designed by the prestigious architectural firm of 
Barry Parker and Raymond Unwin.

The only access to the region was through Rua Augusta 
which was not paved. City initiated efforts to have the city 
government pave the streets and negotiated with Light for 
the extension of a trolley line along Rua Colombia until 
Avenida Brasil. In the contacts established with Light in 
1914, Light demanded in addition to the guaranteed minimum 
demands for use of the lines, the transfer of land in the 
regions along the track. In 1915, the contract signed 
between City and Light established the implantation of 15

84 Maria Claudia P. de Souza, op cit. pp. 60-62. 
85 Ibid. p. 67.
kilometers of new trolley lines along City's land (including two kilometers to make possible access to Jardim América along Rua Augusta) which guaranteed Light an annual income of 760 contos de réis. Light accepted the premature laying of track which was still not profitable because in addition to the financial compensation and the land embedded in the Garden-City, Light was interested in extending urbanization in that direction because it owned a considerable amount of property along the Pinheiros River.86

In conjunction with the São Paulo Gas Company, a subsidiary of Light, contracts were established in the same form, and also for the supply of water, sewerage, street lighting and electricity. City financed the installation cost and later was reimbursed by the concessionaires through the returns on consumption. Between 1918 and 1928, the only new neighborhoods that were served by water and sewerage networks were the City's Jardins.

In 1928 paving of the neighborhood was begun, and in 1934 asphalt was laid (at no cost to City) in exchange for the cession of 7,000 square meters of City's land needed for

86 In turn, City would support projects to establish a channel for the Rio Pinheiros proposed by Light in 1927, along which the developer also had extensive properties. In 1937 Light proposed ceding an area of some 900,000 square meters or the payment of 3:200$000 contos de réis in exchange for the control of the river flow and construction of sewerage along the stretch of the Pinheiros River that crossed City's property. According to Roney Bacelli. "A presença da Companhia City em São Paulo e a implantação do primeiro bairro-jardim". São Paulo, 1982. Dissertação de mestrado apresentada à FFLCH/USP, p. 36.
the opening of Av. Nove de Julho, part of Prestes Maia's "Plano de Avenidas" and which substantially increased the neighborhood's value by establishing a rapid link between the neighborhood and the city center. In 1934, City also gained the concession of a bus line: "by the fact that the management of our company obtained from the Mayor the concession needed for the said buses to leave from Patriarca and not from another secondary point. This concession was difficult to obtain and only through intervention by our company was it achieved. (...) The improvement will be noted in the advertising, as well as the laying of asphalt." 87

Thanks, therefore, to its connections with Light and with key figures in local politics, City enjoyed access, in privileged conditions, to basic infrastructure services, and was able to count on priority service from the city government and on the supply of water and sewerage which were state services. This relationship was in detriment to the more populated and needy regions of the city, where the necessity for infrastructure was urgent. 88

Finally, with a different design - the garden-city, which realized a utopian model beyond that of a landscape, created a versatile and engaging way of moving within the city, making available all of the urban services and access to credit to make possible sales. City only lacked special

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88 Nicolau Sevcenko, op cit. p. 126.
urbanistic legislation which would make permanent Jardim America's residential character and the basic characteristics of implantation of the original project.

The contracts to buy and sell lots in Jardim America contained requirements concerning: the location of structures; their height; the characteristics of the layouts of the lots; the exclusively residential use; a maximum height of three floors; a maximum lot occupation varying from 10 to 20% of the lot; front setbacks of at least 10 meters; rear setbacks of 8 meters; a minimum lot size of 900 square meters; and a minimum frontage of 25 meters. These characteristics were recorded in a municipal decree in 1929 (establishing the residential character and the setback), and regulation concerning the lot layouts were contained in the Artuhur Saboya Work Code. In 1941, City's construction regulations were made official by municipal decree.89 In this way, the Cia. City could transform a humid unhospitable riverbank which it purchased at a low price, into a high quality urbanistic neighborhood taking advantage of the post war boom.

The formation of City and the development of Jardim America can be considered an epitome of the real estate policy model of the First Republic, where private interests strongly infiltrated the public power associating

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89 Contract for the sale of lots in Jardim America cited by Maria Claudia P. Souza, op cit; Anexo I do Decreto Municipal 3227 de 1929; Decreto-Lei Municipal 99 13/06/1941.
participation in the companies with concessions for supply of public services linked to fantastic profits from land speculation. In this model, the role of the state, although it was an important intermediary among the entire network of service providers, is small from an investment perspective. Between 1899 and 1915, when the city government spent some 132,000,000 contos de réis (of which 28,000,000 contos were passed on from the state for the realization of the work plan of 1911), Light alone invested 120,000,000 contos de réis.

The omnipotence of Companhia Light in its relation with the city government, is partially explained by this fact. The same can be said about City, which if we consider the resources that it paid in advance to the service companies (around 4,000,000 contos de réis) it alone invested some 20,000,000 contos de réis in its developments in the city between 1912 and 1937.90

Nevertheless, the wild city in the 1920s gave signs of not conforming to these exclusionary policies, which were also manifest in a repositioning within the city government. In 1921, the city engineer responsible for inspecting Light charged that the minimum consumption criteria established by the company to attend residential connections was unjust and inappropriate for São Paulo; in 1925, the new director of Works, Luis Pedroza - who substituted Victor da Silva

90 Maria Claudia P. de Souza, op cit. pp. 88-89.
Freire, demanded from the City Council new methods and powers to monitor Light's actions and for access to its records concerning costs and electrical demand.91

At the end of the decade, pressure grew to limit the liberty and self-sufficiency of Light - which simultaneously dominated the trolley, gas, lighting and energy services. There were movements within the city council to control the policy of the state "Repartição de Aguas e Esgotos" (Water and Sewerage Department), which was not meeting the requests and demands of city government. The clamor was for more direct intervention on the part of city government, oriented by criteria that were broader and more just from a social perspective. From the point of view of urban policy, these tensions would contribute to the downfall of the "Republica dos Coronéis" as we will see in the next chapter.

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91 Leopoldo Ferreira Nunes "Estudo sobre as leis regimentando o fornecimento de energia elétrica aos habitantes do município" In Relatórios Anuais de Prefeitos de 1921 e 1925, pp. 294-295 apud Vasco Caldeira, op cit. p. 42.
CHAPTER IV: COMMITMENTS

Urban Legislation and Citizenship

In the earlier chapters it was possible to identify how urbanistic legality was built in the city of São Paulo at the same time as a zone of illegality - largely composed of popular housing - was formed. Extra-legal urban development was found on sites where the plans were not approved by municipal engineers, or in the sharing of lots or houses by various families, creating spaces of high demographic density. Entire neighborhoods thus existed without being recognized as part of the official city. The resulting high density of such popular territories disgusted and worried the elite, who used legal means to defend themselves: they built exclusive neighborhoods for the wealthy and offered fiscal favors and relaxed construction requirements for developers who wanted to build low-cost popular housing in regions specifically marked for this purpose, outside the perimeter of the central city.

Urbanistic legislation, as we have also seen, established a dual real estate market that was capable of providing location alternatives for the different purchasing capacities of the city's population, while guaranteeing the
profitability of real estate investment whatever the income range of the population to be housed.

There were also cultural implications deriving from the conditions of urban illegality. During the 20th century the paradigm of legality was built around the exclusive cidades-jardim or garden-cities inhabited by monied families of the Paulista elite. At the same time, the paradigm of extra-legality was being defined as the high density subdivision of houses and land in an urban arrangement considered promiscuous, undisciplined and unruly, or as a marginal, out-of-the-law space that constituted an opaque zone in the social fabric. Initially these areas were Afro-Brazilian territories, but over time immigrants were incorporated into them. By the 1930s they became defined completely as the territory of foreigners as a wave of xenophobia tainted the dominant class.

To each of these distinct moments correspond distinct phases in the political relationship between the urban elite, well represented among the legislators, and the people.

The urbanistic policy of the República Velha did not consider essential care for the poor or investments in their living conditions. Michael Coniff, analyzing the urban policy in Rio de Janeiro during the First Republic argued that:
French positivism, which deeply infused the governments of this generation, provided a rationale for neglecting the less fortunate. Society would progress, according to positivism, if led correctly by a scientific minded and determined vanguard. The masses would be pulled along and up if society as a whole progressed. It was wrong to expend scarce resources on the poor, who did not know how to invest in progress. There was also Spencerism, a radical version of laissez-faire applied to social relations. Also known as "Social Darwinism", this approach recommended that the intelligent and talented be encouraged to excel through economic rewards, while the unfit, infirm, dull and unskilled be allowed to languish and die through natural selection. These two social policies held sway throughout Latin America and especially in Brazil during the period 1880-1910.1

In this way, the popular territories were not investment priorities in municipal policy, which was related to the very low representation of its inhabitants among voters and elected politicians. This condition, nevertheless, began to change beginning with the political crises of the 1920s and the Revolution of 1930 when the middle classes and workers came to be understood as political interlocutors.

The history of urbanistic legislation in São Paulo, in addition to the cultural and economic aspects raised, was also deeply marked by this aspect of a political nature. To analyze the intricate relation between urban laws and policy it is necessary to analyze the relationship between the state and the city during the República Velha and the

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changes that would occur with the Revolution of 1930.

Urban Services and popular Neighborhoods" in the República Velha.

In the first decades of the century, São Paulo's municipal budget was entirely consumed in the so-called Improvement Works, the great majority of which were for the widening and paving of the road system and the construction and reform of parks and plazas. Since the end of the 19th century, the municipality had transferred a large part of its public responsibilities, as they were defined in the colonial period, to the private sector; this was especially true for the provision of services and urban infrastructure. At a time when the city was growing rapidly, the state resolved the problem of building new infrastructure required by urban development - water and sewerage systems, electricity, urban transport and telephones - through monopolistic concessions to private companies to a large degree formed by British, Canadian and U.S. capital.

São Paulo's approach to the problem of securing an adequate water supply is illustrative of this process. In 1860, faced with a permanent water supply crises at the sources supplying the public wells, the City Council sold water (pennas d'água), and with the profits invested in a system of reservoirs. In 1875 British investors founded the Companhia Cantareira de Aguas e Esgotos, to supply water to
the city through an underground piping system. Water was distributed to residences through iron pipes. At the same time as Cantareira sold water to consumers connected to the pipe network, little by little the city government deactivated and demolished all of the public fountains. In 1880, the Provincial government notified the City Council of the expropriation of the land at the Serra da Cantareira and the Morro de Sant'Anna [mountains at the water source] needed for the water supply system, later conceded to the Companhia de Aguas.

The development of the Companhia de Aguas is a good example of the special method of providing services that was established in the city at the end of the 19th century and which survived the República Velha, before entering into crisis in the 1920s. Beginning at this time, infrastructure services were no longer the responsibility of the state and were required to obey the logic and rationality of private companies. This logic was defined by attending that demand which could pay for the services offered, and by benefitting from the appreciation of value generated by the very provision of the service, which was obtained through the right to expropriate land needed for the implementation of the water system, and from associations with real estate developers in joint ventures.

In this way, the relation between the supply and demand

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2 Marco Antonio Osello, op cit. p. 49.
for services was established almost exclusively in Centro and the residential neighborhoods of "appreciated value" or in the opening of new markets of the same type, on lands that still were not desbravadas. *

The contracts of the companies set the limits of their operations to what was defined as the perímetro urbano**, thus subject to specific construction regulations. With whatever was left out, or was not in accord with the conditions established in the contract, the Cia. (water company) was not required to comply. Records of the City Council of 1881 indicate Cia.'s concern with having the city government define the perímetro urbano as well as land use and occupation regulations, in order to be able to comply with the terms of its contract:

Another petition of the Companhia Cantareira de Aguas e Esgotos, has been read the 12th day of this month, declaring that, in compliance with Art. 1 of its contract celebrated with the Government of the Province for the construction of a complete system of sewerage and waste from buildings of this Capital it orders the demarcation of the region within which buildings are subject to the conditions of the said contract under the terms of Art. 10 of Law n. 45 of 1875.³

By marking the perímetro urbano, the City Council would determine the operating region of the companies providing infrastructure. The implications were immediate: what was

* Desbravada means tamed but implies clearing and opening streets
** Perímetro urbano urban perimeter...
³ Janice Theodoro, p. 168
inside the perímetro immediately appreciated in value, what was outside was automatically excluded.

The logic of the Cia. das Aguas also held true for other companies that furnished services: the São Paulo Railway Company (established in 1860), The São Paulo Gas Company Ltd. (1869), The São Paulo Tramway Light and Power Co. (1900). The latter, through the successive purchase of failed companies, simultaneously held monopolies over energy supply, telephone, and urban rail transport - the "bonde" or trolley. This simultaneous monopoly of the most essential services would provide the company substantial power to generate the appreciation of urban land values. Associating itself with real estate developers, Light corrupted authorities and institutions to ensure that its plans were approved. (MAP 3)

In 1909, for example, when the Light & Power contract with the city was to be renewed, Antonio Prado issued a

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5 The Companhia de Água e Luz de São Paulo, which since 1890 furnished electrical energy to the city of São Paulo from its steam turbine, began to suffer pressure from its competitor Light & Power up to be liquidated and purchased by Light & Power, its principal stock holder and creditor. In 1899, the Cia. de Viação Paulista won the rights for urban transport for 40 years. In 1901, after a war between Light and Viação Paulista, Viação outbid Light in auction, in this way becoming a monopoly. See Departamento de Patrimônio Histórico da Eletropaulo: A cidade da Light 1899 - 1930. São Paulo, 1990, vol. 2, pp 22 and 50.
report against renewal. Resisting Light's pressure, he decided against the renewal. This decision was celebrated as a victory by the population which was upset over high tariffs, Light's failure to comply with its guarantee to supply a special reduced-rate trolley for workers, and the poor quality of the company's services. Nevertheless, the Justice Commission of the City Council overruled the Mayor's report and reinstated the monopoly. A popular uprising exploded against the decision, with residents occupying the city's central Triângulo and part of Ave. São João crying "down with Light! down with the monopoly! Viva Antonio Prado!" In spite of the mayor's position, the contractual conditions were maintained and Light continued dictating the rules for the indexation of land prices, generating an expansion axis, and defining, based on market criteria, who should benefit and who should be excluded from the infrastructure supply.

Even in services that were executed directly by the city, such as paving and drainage, what guided its action was not the necessity of universality of service or a guarantee of coverage for all residents. As such, the desires and demands of the poor and working class counted

6 See Nicolau Sevcenko, op cit, p. 122.
for little in the political market.

A system of urban legislation corresponded to this management model, to guarantee the quality and adaptability standards set by the companies providing public services, for construction and utilization of the land in the central zone and certain streets or neighborhoods in the suburban zone. In the remainder of the city, destined for popular settlements" and unhealthy uses, an absolute laissez-faire system ruled. This corresponded to the region's nonexistence from the official/bureaucratic point of view. As we have seen, the majority of popular settlements" were established without passing through any legal approval process on the part of the municipal Diretoria de Obras (Board of Works). This mean that, for the bureaucracy, the streets and constructions did not exist, although they were laid out and occupied.

The city of the Paulista oligarchy, the territory of the figurões* and their close circle of constituents was recognized, and the regulations ensured a certain level of amenities there. On the other hand, the bureaucratic invisibility of the popular" settlements corresponded to their nonexistence in political terms.

However, this liberal and privatist model and the entire construction of political relations which

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* Figurão refers to those with political power.
corresponded to it entered in crisis in the 1920s, victim of the voracity of its creation: a city that in 1920 reached 600,000 residents, dense and concentrated like a barrel of gunpowder ready to explode.

In 1931, when the city passed the one million mark, Mayor Anhaia Mello, armed with maps and statistics told the audience assembled at the Housing Congress at the Instituto de Engenharia that the clandestine city was much greater than the official city. At that time the powder keg already had exploded and the urban masses, who did not fit into the narrow limits of the urban project of the Paulista oligarchy, were making themselves heard.

It was in the 1920s that this transformation in urban policy began to occur. In the 1930s a new paradigm in the relationship of public power with the city was consolidated, one which would be the base of populism, at the end of the 1940s, when once again there were elections in the city.

The Political Crisis of the 1920's

During the entire República Velha when the Paulista Republican Party dominated (Partido Republicano Paulista - PRP) the ruling classes never recognized the existence of the poor and working class as a political force. The central

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8 Eng. Luís de Anhaia Melo, mayor of the capital, opening speech offered at the First Housing Congress of São Paulo in "Annaes do Primeiro Congresso de Habitação", 1931, p. 300.
problem of the government of the coffee growers was how to fill the labor shortage. The foreigners that came to substitute slave-labor, had the same political condition as the slave; they did not vote, nor could they be elected. They did not exist as citizens in the decisions about the destiny of the city or the country.

During the entire period of the República Velha, there were direct elections for mayor and city council. But electoral representation was very limited, because of the criteria for voter registration as well as manipulation and fraud that assured victory to the ruling party.

Electoral rules were defined by the constitution of 1891, in which the theses of civil and liberal Republicanism of the Paulista Republican Party dominated. The Constitution made clear the narrow range of political innovations that came with the Republic. According to the 1891 text, all literate males over 21 years of age would have political rights - they would be complete citizens. The income requirement was eliminated, but the social indicator of literacy was retained, at the same time as the state reneged its responsibility for primary education, which existed during the imperial period. Social rights were unknown and political rights were restricted to those who had access to private education.9

9 See further José Murilo de Carvalho. "Republica e
In addition to meeting these requirements, one needed
to register in order to vote. This implied a marathon of
requirements to be fulfilled that needed to be accompanied
by confirmed documentation of all of the items. The
registration made it difficult for even those who were
eligible to become voters. It was especially hard for
workers who did not have free time to run after documents.

In addition to the constitutional and bureaucratic
restrictions, the "electoral machines" determined the course
of the debate. Voting was not secret, permitting a wide
margin for manipulation by the PRP* machine.

The coffee growers, allied with other rural oligarchies
in various states, did not retain power through military
force, but through an electoral machine that extended
throughout the country and which was operated by the coronel
and his family, friends and relatives, who within each state
controlled legislative, judicial, and administrative powers.

In order to confer legal appearance to the coronel's power,

20, n.2 pp. 143-161 and Angela de Castro Gomes. A Invenção
do Trabalhismo. São Paulo/Rio de Janeiro: Vértice/IUPERJ,
10 Maria Lígia da Silva Prado. A democracia ilustrada (O
Ática, 1986, p. 59. In the residence requirement, for
example, someone seeking voting rights was required to prove
residency with rent receipts. But he also needed to prove
that who signed the receipts was the owner of the house.
That is they were required to confirm the signature of the
owner. The same was true in relation to income.
* PRP - Partido Republicano Paulista
workers or small property holders were required to votar com ele*. Sometimes the illiterate learned to sign their name just to vote for the candidate indicated by their boss. On the eve of an election, these voters were taken to the voting sites, where they were housed - in so-called quartéis or currais -- sleeping quarters and corrals. The interior of the country, where this system was strongest, accounted for some 70% of the population, always guaranteeing a wide majority in the electoral results.

Finally the guarantee of the success of the elite political agenda was fulfilled by the "recognition," after the elections, of the results of the process by the Senate and Council. The candidates which the executive commissions of the parties had named in their bulletins were elected, certified, and recognized. On election day entire electoral sectors might not function, the registers and books remained in the hands of judges linked to the group that controlled municipal politics. At times the dead and absent voted. With these procedures, known as the degola** the elimination of undesired voters was guaranteed. The elections were a fulfillment of a formality through which was maintained the

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* Votar com ele was a political phrase that translates as "vote with him." It indicated that workers or small property holders were required to vote as the coronel commanded.
** Degola means decapitation, but in the electoral context of the República Velha it referred to the elimination, after the elections and before the results were proclaimed of undesirable candidates.
illusion of constitutional compliance, and, as such, prevented a debate over issues important to the city, state or nation. It revolved instead around political bosses, or figurões and their circles.\textsuperscript{11}

The city of São Paulo during the República Velha was predominantly illiterate and foreign. The naturalization process was slow and expensive. It required fulfilling an infinite number of formalities and stiff requirements, among them 10 years of continuous residence in the country. As such, representation of city residents did not increase much through naturalization.\textsuperscript{12}

\begin{table}
\centering
\caption{City of São Paulo - República Velha Total Population /men/foreigners/illiterate}
\begin{tabular}{|c|c|c|}
\hline
 & 1893 & 1920 \\
\hline
Total population & 130,775 & 587,072 \\
Men & 70,462 & 293,193 \\
Foreigners & 71,468 & 205,245 \\
Illiterate & 46,120 & 241,331 \\
\hline
\end{tabular}
\end{table}

Source: 1893 and 1920 Census.

The relationship between voters and the elected officials was not proportionate to the size of the interest groups relative to the population. The restricted number of

\textsuperscript{11} Sertório de Castro. \textit{A República que a Revolução destruiu.} Rio de Janeiro: Freitas Bastos 1932, pp 156 - 168
\textsuperscript{12} Annibal Villello and Wilson Suzigan. op cit. p 259 presents a chart with the following naturalization data; from 1889 -1899 1,619 people were naturalized; from 1900 -1909 2,882; from 1910 - 1919 1,754; from 1920 - 1929 6,604.
voters, the non-secret ballot, and the economic and social selectivity, determined that the most strongly represented interest groups pertained to the Paulista elite.

The Paulista elite included owners of large rural properties, rich businessmen and bankers, and by lawyers, doctors and engineers linked to this group by family and professional ties. The elite's political base was not in the capital but in the interior of the State where the large farms were located. The capital had little political significance until the 1930s. ¹³

The popular vote, when it existed, was moderated by an hierarchical relationship based on ties of obedience, loyalty and protection. In this way there was not a true relation with popular demands; the poor and working class did not participate in elections by exercising their rights, but through networks of personal relationships, beginning with those through which favors and personal opportunities could be obtained. Although these practices were much more evident in the rural zones, the old family ties and dependencies that defined relations during the Empire were still present in the city.

The new working class, product of immigration and the

¹³ In 1892 only 8% of the state's voters were in the capital. Regions such as the Paraíba Valley, which accounted for 30% of the vote, or Mojana which had 18%, had much greater political weight. According to Joseph Love. São Paulo in the Brazilian Federation (1889-1937). Stanford: Stanford University Press, 1980, p.141.
increase in salaried labor, was not a player in the electoral-political game. First because it was foreign, but also because of its political organizations - which when they emerged - were anarchist and thus did not have as the final goal or strategy an electoral struggle for power of the state and overthrow of the PRP.

In the 1920s, however, the situation was different. The entrance of new players on the political scene put the electoral process in check.

The 1920s were a special time for São Paulo: during the decades in which coffee cultivation expanded in the province -- and later in the state - São Paulo was the largest point of attraction of capital and people in the country. For this reason, in the 1930s the city passed the landmark of one million inhabitants, becoming one of the great cosmopolitan metropolis' of the Americas. Having been the capital of the coffee oligarchy during the República Velha, the city was home to the representatives of economic power and provided the federal government with presidents and ministers, all linked to PRP.

During the First World War, because of the collapse of international trade routes, São Paulo enjoyed a surge of industrial growth, of an import substitution nature. Warren Dean offers the following table illustrative of this first great moment of industrial expansion:14

14 Warren Dean. A industrialização de São Paulo. São Paulo:
Table XI

<table>
<thead>
<tr>
<th>Years</th>
<th>Number of firms</th>
<th>Value of Production</th>
<th>Number of Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1907</td>
<td>326</td>
<td>127,702 contos</td>
<td>24,186</td>
</tr>
<tr>
<td>1920</td>
<td>4,154</td>
<td>537,817 contos</td>
<td>83,998</td>
</tr>
</tbody>
</table>

Source: Censo Industrial do Brasil, Comissão de Expansão Econômica do Brasil, O Brasil, II; Censo 1920, vol 1, p. 139.

The immediate result of this large scale industrialization was, in addition to the appearance of an urban proletariat, an intense demographic growth that was felt in the increased demand for land and residences and a widespread price rise that boosted the cost of food, clothing and rent in a great inflationary swell, at the same time that new fortunes arose which were not directly dependent on the production and exportation of coffee.

The inflationary spiral was also fed by the policy of supporting high coffee prices, which was extremely important to coffee planters but costly to the country.

The high price of exported coffee, responsible for 70% of the gold value of Brazilian exports in the first two decades of the century, stimulated the growth of plantations. In 1902 the first over production crisis hit. Although limited by a policy of planting restrictions, this did not prevent 11 million sacks of coffee from being left unsold on the international market. From then on a policy of

EDUSP/DIFEL 1971, pp. 91-162.
retaining stocks with federal government support was initiated. The purchase of coffee - and many times the burning of stockpiles - was conducted through foreign loans and capital injections. The massive capital transfers between 1921-1923 were in large part responsible for the currency devalorization and inflation. 15 The policy was linked with maneuvers to keep currency values high to benefit coffee growers, thus "socializing the losses" and predominantly benefiting financial agents. The farmers, although directly interested in protecting coffee, were not the greatest beneficiaries of this policy. Foreign capital secured for itself the greatest advantages, increasingly assuming the control of foreign commerce. This situation generated discontent within the ranks of PRP. 16

In addition to coping with the economic crises in the twenties, the city had to acknowledge the new territorial-political reality of the decade;

the dense presence of immigrant groups in São Paulo formed, through their threatening turbulence, the first "internal front." On one hand the uncontrollable increase in the members of the foreign settlements, involved principally with industries and commerce of basic goods, of which

the firmness, reliability and tendency to dominate were monitored by the British consulate in the city, which advised the authorities and their subjects to direct their capital at these products. On the other hand were the proletarian masses, eternally upset with the long work day, the insufficient salaries and the precarious living conditions, excited by radical speeches, in a state of imminent war.  

After the War, there was an atmosphere of scarcity, as well as speculation, inflation and to top it off, an epidemic of Spanish Flu that killed more than 5,000 people and raised discontent in the city. This context worsened the widespread tension and conflicts that existed in the city: social, ethnic, cultural, political and economic.

Agitation in the streets, marches, strikes and demonstrations were the forms of expression of São Paulo workers, who began to organize under the aegis of anarchism which dominated the Spanish and Italian workers organizations, the origins of the principal Paulista workers union's leaders.

Street disturbances were the anarchist strategy to disseminate liberating ideas of a society without God, bosses or a State. To achieve this end they proposed direct action: strikes, boycotts and factory occupations. In the factories, organized guilds and unions fought against the authoritarianism of the bosses - 15 hour work days, extensive use of child and women workers and low salaries.

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17 Nicolau Sevcenko, op cit. p. 139.
18 Nicolau Sevcenko, ibid. p. 125.
In 1917, a general strike called by the anarchist associations and leagues paralyzed 20,000 workers. In the poor and working class neighborhoods, at the heart of the fight against high prices, "Tenant Leagues" were proposed, movements for the total or partial boycott of rent payments. In São Paulo, from 1913-1914 and once again from 1919-1920 tenant associations were organized by block or by neighborhood in order to mobilize rent boycotts, but above all to espouse anarchist ideas among the discontented workers and add fuel to the street demonstrations.\footnote{Raquel Rolnik, 1981, op cit., p. 87. Concerning the growth of the tenant leagues in São Paulo see the anarchist newspapers in the city, A terra livre 1907, La barricata 1913, La bataglia 1913 and A plebe 1919.}

Meanwhile, it is important to recognize that while the so-called "social question" was being raised above all by the workers movement, a new group entered the Paulistana political scene: the middle classes. Formed predominantly by small merchants, builders and owners of cortiços and vilas, senior government workers and owners of small home and family industries, the middle class also did not have a voice in Paulistana politics, yet it was directly touched by fluctuations in the national economy. In the 1920s the middle class also clamored for recognition in the city, and was particularly sensitive to urban policy, to the degree in which this had substantial influence in the possibility of expanding its businesses.\footnote{Boris Fausto, 1968, op cit. p. 266.}
From a territorial point of view, the middle class combined with the workers, to the degree that it constituted a consumer market: a consumer market still very segmented and rather dependent on the established network of ethnic-cultural relations.

The response that the PRP presented to the city's new political reality was that of repression, increased fraud and impediments to the increase of political participation. Washington Luis, who was mayor of São Paulo from 1914 -1919, governor of the state from 1920 - 1924 and the last president of the PRP era - (1926-1929), defined the conservative and repressive tone of Paulista Republicanism in his famous declaration that the social question is a case for the police. Aligning himself with the new business classes linked to industry and associated with foreign capital, the PRP responded to the social question with arrests, deportations and occupation of public space with a strong military and police scheme.\textsuperscript{21}

In opposition to the PRP policies, the Partido Democrático, (PD) was formed, creating the first split within the ruling elite. Born from a social composition very

\textsuperscript{21} The call for armed repression as the principal weapon against political disturbances was prominent in Washington Luis' presidential discourse. See José Enio Casalecchi. "As plataformas políticas dos candidatos à presidencia do estado de São Paulo na Primeira República". In: \textit{Boletim de Economia e História} n. 1, 1978, p 76 apud Maria Lígia Coelho Prado, op cit. pp.158-159.
similar to that of the PRP, the PD placed itself in opposition to the PRP, with a reform platform calling for moralization of political practice, promoting reform of the Republic's political institutions. PRP called for secret and obligatory voting, minority representation, independence between the branches of power, and submissal of the Judiciary to electoral oversight. From the point of view of the capital's political scene, this meant opening a block of power to incorporate the representation of other groups such as the middle class and the workers.

On the other hand, from the point of view of the voting composition in the state, during the 1920s the capital was winning increasing importance, reaching 20% of the total number of voters in the state in the 1930s. 22

The party was created by a group from the propertied class - farmers, bankers, merchants and lawyers - and won considerable political power in the city of São Paulo, when one of the leading figurões of the city joined its ranks, Conselheiro Antonio Prado. Prado was a farmer, industrialist and mayor of the city from 1899 and 1910. An ex-monarchist converted to a tempered Republicanism, his concept of urbanity, of the urban landscape and of the city left a lasting mark on São Paulo. He invested in the opening and decongestion of the road system and in the construction of

public spaces and monuments.\textsuperscript{23} In addition to building these spaces, he also built the image of a governor. By making appearances in these magnificent locations "as if they were live models, he demonstrated the proper way to utilize with elegance and civility, environments, public parks, and services of a great city. These presentations or displays always had a mesmerizing effect on the population."\textsuperscript{24}

As such, in addition to his leadership in business, and connections to the major sources of wealth -- coffee, commerce, banking and industry -- Antonio Prado became a leading public figure of the city, with great prestige and personal power. By founding the Democratic Party in São Paulo in 1926 he took the initial political step that would align the Paulista elite to the middle classes and some sectors of the working class.

The crises that split the PRP extended beyond São Paulo itself. The war was not only on the internal front. For beyond the State limits, the republicanism of the coffee oligarchy was in check, since the presidential candidate of the Paulista group, Rui Barbosa, lost the elections to a group of states which resented São Paulo's hegemony. From this moment on, regional tensions were stirred, breaking the unity around the existing political system of the agro-

\textsuperscript{23} Nicolau Sevcenko, op cit. pp. 120-121.
\textsuperscript{24} Sevcenko, Ibid, p. 121.
exporting oligarchy. The spark of regional tension created pressure on the hegemony of the coffee bourgeoisie. 25

Finally, military discontent, expressed by the movement of young officers, became in the 1920s the great source of hope for a change in the ruling order. Launched with the heroic Revolt of Copacabana Fort in July of 1922, the identification of the young officers with the calls for change reached the working class - at that time a weakened working class movement - and the dominant regional classes which were opposed to the agricultural exporting block. 26

The military discontent reached the city of São Paulo and came to identify itself with the movement for change in the city's political scene in 1924.

After the strikes and demonstrations against the high cost of living of the War Years were broken up by police repression, 1924 marked another important moment in the political crises of the 1920s when the city was occupied by rebel federal troops lead by General Isidoro Dias Lopes with support from State Forces. On July 5th, rebel troops occupied strategic points of the city, which, surprisingly, fell into the hands of the rebels. Three days later, the state governor, despite the clear numeric and military

inferiority of the rebels - abandoned the Palace giving up the city to the rebels. Later, with the support of federal troops from Rio de Janeiro, government forces circled the city and began intense and indiscriminate bombardment which hit above all the popular and working class neighborhoods. The bombing lasted 29 days and nights, at the end of which, Isidoro Dias sought a truce to preserve the civil population from the casualties. With the retreat of the rebels, the government troops retook the city with violence, detaining "suspects," in addition to arresting entire immigrant groups which were supposed collaborators. 27

The effects of 1924 were soon felt in the city. On one hand, the physical destruction of residences provoked imbalance in the housing market already rocked by the inflationary crises of the 1910s. In a report presented to Mayor Pires Do Rio in 1927 by a commission named by the mayor to calculate "the extent of the deficiency of housing in São Paulo," the author, Dr. João Cintra affirmed:

The profile of construction in São Paulo from 1901 to 1926 is rather suggestive; it clearly highlights the primary causes of the currently severe housing crisis. We say severe because we were already in crisis two decades ago. There was the war in Europe, and the flu epidemic, between 1914 and 1918 and from 1924 until today the revolution initiated in July of 1924, that once again broke the hard work of readjustment

initiated in July of 1919. This was one of the great ills that the revolution brought upon the city of São Paulo. ...First we trace the curve representing the increase in the number of buildings beginning in 1906 and the population increase curve. Later, beginning in 1913, when there was the largest number of verified constructions (5,791) we trace a curve representing the number of buildings that really should have been built to attend the verified population increase. ...The graph shows us that the difference of practically zero in 1914, grew continuously until it reached 31,200 buildings in December 1926.28

![Number of Building Permits Issued in São Paulo by Year 1901-1924](image)

**SOURCE:** Relatório do Prefeito Firmiano Moraes Pinto 1924, pg 312

In addition to its direct impact on the housing crisis, the revolt of 1924 also sharply raised the political temperature of the city, with the dissemination of the rebel platform which found an echo in the prevailing grievances and tensions. General Isidoro justified the movement in an open letter that was issued to the population during the

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financially, despite the million contos de réis taken from the taxpayer in these last 20 years, and despite thousands of contos de réis in loans, Brazil is almost bankrupt and can't pay the interest on its tremendous debt. Economically, despite, the stupendous national wealth, the indigent and poor classes are troubled by hunger and poverty, in consequence of an artificial and criminal increase in the cost of living, without the public powers, which are conscious and aware of this situation, taking the smallest measure to protect or defend the poor against the fierce exploitation of insatiable speculators, and no one is any longer surprised that the representatives, senators and presidents are nominated to the nation's discovery by the very trusts of the profitable political industry. For these reasons it is proposed: the repeal of the press law, uniform and obligatory primary education, secret voting without third-party scrutiny, guarantee of equal protection under the law.\[29]

The rebel platform aimed precisely at widening the government's political base, to defend the secret vote, the end of the degola and mandatory public schooling. It aimed as well at a new role for the state that would assume the role of "protector" of the poor and needy from the "exploitation from insatiable businessmen." It fit like a glove on the Paulista urban masses, who reacted indignantly to the entrance of legalist troops, indicating their oppositionist tendency. From that moment on there was no

\[29\] The third party scrutiny was the "verification of powers" that caused the degola or elimination of undesirable candidates. See also Leoncio Basbaum, História Sincera da República de 1889-1930. São Paulo: Alfa Ômega, 1968, p. 230 and Capitão Nunes Carvalho. A Revolução no Brasil, 1924 - 1925, s/d, p. 82.
turning back from change.

In 1929 the country experienced one of the greatest economic crises in its history. First, concerning coffee, while domestic production continued to increase, world consumption and Brazil's participation in the market decreased. Thus, with domestic production of 23 million sacks in 1929-1930, world consumption was only 22 million and Brazil won only 61% of the market.\(^{30}\) Coffee was not the only export that collapsed: conserved meat, leather, manganese, sugar, rubber and cacau also suffered sharp drops in their markets, a reflection of the international economic crises of 1929. This caused a widespread drop in business, trade stagnation, and paralyzis of factories. In São Paulo in 1930, 50% of the factories were closed because of a lack of buyers. Others operated only two or three days per week with reduced staff. The salaries were reduced, and layoffs were increased in the city and rural areas. With production paralyzed at the farms, thousands of families of peasants and salaried workers abandoned the countryside in search of a living in the city, increasing the number of the unemployed. The situation was desperate.

PRP policy, hostage to the policies of international banks, which provided the dominant elite with loans during moments of crises and penalized the other sectors -including

\(^{30}\) Caio Prado. op cit. p. 242.
the very "old farmers" - was increasingly generating dissatisfaction within the ranks of the Paulistana oligarchy and its allies, the dominant groups in other states. On the other hand, the incapacity of government leaders to offer a response to the crises, and consequently to the political turbulence of the urban masses, which was accentuated by the nation's reactions to the crises of 1929, was opening space for new alliances between the so-called "rebels" (which included the movement of young military officers, and agitated urban masses), the Paulistano PD, and the dissident groups within Minas Gerais and Rio Grande do Sul states. This coalition constituted the Liberal Alliance, which presented Getulio Vargas in 1930 as a candidate, against the PRP candidate, Júlio Prestes. At that time the political conditions for the coup of 1930 were established. The famous phrase of Antonio Carlos, then governor of Minas Gerais and president of the state's Republican Party, synthesized the character of the revolution of 1930: "Let's make the revolution before the people do." The Liberal Alliance placed itself in front of the discontented masses, assuming the issues of the young officers and workers; secret voting, amnesty, public education, workers rights. The so-called Plataforma da Esplanada, released by Getulio Vargas, repositioned the government, directing it towards the masses.
Urbanistic Changes in São Paulo in the 1920s

The 1926-1930 period marked the transition between the political and territorial model of the First Republic, and the passage to an interventionist state, with a strong nationalist tendency that addressed poor and needy urban residents.

From the point of view of urban policy, the advent and rapid increase in the number of cars in the 1920s, the surge of the first urban buses and the pressure for new housing opportunities wound up spilling the urban broth of the First Republic. The end of the 1920s inaugurated the era of large road projects, increasing government intervention in the provision of services and the emergency of the expansion of the internal frontier was a strategy to accomodate the popular settlements.

As the city expanded and became more dense, from 1920 on the number of trolleys was being reduced: because of the development of industry, which consumed the majority of electrical energy. On the other hand the 1920s marked the first great expansion of the automobile industry, beginning with the popularization initiated by Ford; the first buses in the city date back to 1924. Thirty or forty circulated in the city, most mounted over Ford truck chassis.31 Due to its versatility, bus service soon became serious competition

for the trolleys: which in 1926 had reached 150 vehicles.\textsuperscript{32}

At this time, the terms of Light's contract with the city government failed to address the company's needs. Competition with the buses, fares frozen by the contract despite inflation (which reduced the real value of the fare from 3.2 pence in 1904 to 1.2 pence in 1927); the cost increase due to congestion; and increase in the average trip length: all these new developments were disincentives for Light to maintain the terms established in the contract. \textsuperscript{33}

For these reasons Light proposed to renovate the contract, introducing the following changes: the construction of a rapid transit network with exclusive trolley lanes (some underground), an increase in the number of trolleys to 600 vehicles, the construction of 65 additional kilometers of tracks, creation of a unified trolley-bus system with the acquisition of 50 additional buses. To realize its plan, Light requested a monopoly on the bus service and a fare increase of $100 réis.

The public discussion of the Light contract would mark the city's new geography of political relations. The PD immediately opposed the plan presented by the company, arguing in a report: that the new contract must be

\textsuperscript{32} See Marco Antonio Osello. op cit. p. 101. The same source affirms that Light had in 1925, nearly 478 passenger trolleys.

\textsuperscript{33} O Estado de São Paulo 12/06/1927, p. 21 apud Marco Antonio Osello, ibid. p. 102.
negotiated jointly with the contract for energy and electricity which were provided by the same company; that monopolies should not be conceded, that instead services offered by private companies should be regulated; that the fare increase of $100 réis was abusive and a cost review should set the fare, with a "single equitable system that would guarantee the company a deserved return and guarantee the public a fair price for the services rendered."  

The PD's report included some ideas that would come to establish the new urbanistic order: the strengthening of the role of the state in the regulation of public services, the idea of protection of the poor by regulating fares, which for a long time were already a target of protests and demonstrations, and the establishment of publicized criteria for the calculations, based on real costs and the ability to pay, of a similar rational which would be used to set the minimum wage, a basic element of the labor politics of the Getulio Era.

Faced with the position of the Democratic Party, the city government requested both a report from English transportation specialist James Dalrymple, openly favorable to Light's proposal, as well as the formation of a Consulting Commission of distinguished leaders which

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included Victor da Silva Freire, Alexandre de Albuquerque, Antonio Carlos de Assumpção, José Maria Whitaker and Spencer Vampré. The commission's report, although favorable to the proposal, disagreed with one point - the concession to Light of a bus service monopoly.

The chance of reaching a consensus seemed impossible. In addition, a counter position to the plan based on Francisco Prestes Maia's Plano de Avenidas (Avenues Plan) argued that the execution of Light's proposal would make inviable Prestes Maia's proposal to implant a system of avenues formed around a "radial-perimetric" grid. The city government finally decided not to renew Light's contract and initiated the implementation of Prestes Maia's proposal, with the opening of Avenida 9 de Julho, one of the avenues proposed in his plan.35

The urbanistic conception proposed by Prestes Maia in 1924 and initiated by Pires do Rio was opposed to any physical obstacles to urban growth or to an "a priori" definition of the size limit for the city. This position was completely compatible with the need to spread out a dense and explosive city. The use of diesel buses would make

accessible - in terms of transportation - neighborhoods at the periphery. The flexibility of the bus service, contrary to that of trollies and trains, whose service regions were limited by the distance between stations, combined with a model of horizontal expansion, bringing a solution to the housing crises, with the auto-construção* in the neighborhoods at the periphery. The model of auto-construída homes in the unserviced periphery avoided the decrease in value in the central regions and at the same time, relieved the rent burden from the workers' cost of living.

The Crisis Erupts in São Paulo: the Great Flood of 1929

In 1925 Light initiated construction of a hydroelectric plant at Cubatão to increase the supply of electric energy. To operate the plant Light needed to gain total control of the waters of the Upper Tiete River. It achieved this in 1927 with a concession granted by the state government to capture waters from the Tiete through the Pinheiros River. This required widening, inverting and diverting the original course of the Pinheiros River, a tributary of the Tiete.

Controlling the flow of the Tiete through the Traição and

* auto-construção - Process of popular housing construction in which the owner of a lot builds himself or with help from his family, relatives and friends his home, generally in the weekends.
Pedreira dams, the company would achieve the water it needed to feed the inverted current of the Pinheiros, which flowed out of the dams and reservoirs of the hydroelectric system of the Serra do Mar coastal mountains, thus leaving the reservoirs at their maximum level.

The concession law gave Light & Power the right to expropriate for public purposes land and buildings on the banks of the Pinheiros River.\textsuperscript{36} Light's area of jurisdiction was determined by the floodable region. Thus it was in the company's interest that this region be as large as possible. According to Odete Seabra:

the flood of 1929 served as a criteria to mark Light's jurisdiction area. In an "ad perpetuum" survey, experts from the Judiciary recognized the watermarks indicating the level of water that occupied the entire floodplain...the catastrophic flood had its scope enormously increased by Light's interference, because of the river diversion project, because it was in the company's interest to guarantee a land area along the river banks as large as possible.\textsuperscript{37}

Given the vulnerable condition of the flood plain, as well as Light's system of dams and reservoirs, which were always maintained at their maximum level, any intense summer rain resulted in floods that inundated the river banks which were exactly the areas of land with the lowest rent and purchase prices, and as such the location of the popular

\textsuperscript{36} See "A cidade da Light". op cit. p. 240.
settlements. Hence as early as 1919 considerable flooding was already registered, principally at the confluence of the Tiete and Tamanduateí Rivers.

Nevertheless the flood of 1929 assumed new proportions. In the first place because during the 1920s vast extensions of the floodplain - such as lower Vila Maria and part of Vila Guilherme, along the Tiete and Vila Independencia and Vila Carioca, at the Tamanduateí floodplain, had been occupied. But also because for the first time the flood would hit "noble" properties such as the entire area pertaining to "Cia. City" along the Pinheiros River and Cidade Jardim. At this time, the expansion toward the southwest had already passed the river, reaching Butantã and Morumbi. As such, in addition to reaching the popular neighborhoods," the flood invaded part of the territory of the elite. Moreover, the damages caused by the flood were aggravated by the severe financial and employment crises of 1929.

While revolutionary agitation simmered in the city, at the end of his mandate, Mayor Pires do Rio presented Law 3427 of Nov. 19, 1929, known as the Código de Obras Arthur Saboya. As we saw in the first chapter, the Arthur Saboya Code did not offer significant innovations in the regulations concerning land use and occupation, representing more of a compilation of the laws already enacted than a
truly new urbanistic tool. Its great novelty was to incorporate both partial zonings that had been enacted - defining specific regulations for the occupation of certain streets - as the street rules and the so- called municipal standards and postures. The code was received coldly, when not outrightly criticized by specialists. In the discourse of engineers represented in the city council, such as Alexandre de Albuquerque - the law was already outdated when passed: "I maintained and continue to maintain that the Arthur Saboya Law is nothing more than the codification of scattered laws, without unity or originality."\(^\text{38}\)

Even Arthur Saboya, although indignant with the criticism from his colleagues, responded that the principal quality of the code was:

the consolidation of municipal laws and statutes about construction in general, construction for specific needs, street layout, sub-divisions of land and other subjects related to urban thoroughfares...all of them scattered in some 40 laws, in addition to other acts, a few municipal resolutions and half a dozen state laws and decrees, were urgently needed, an old aspiration of the city. Only the insiders in the municipal administration could, at a certain moment, judge the validity of one or another regulatory device, because of the amount of laws revoked totally or partially. From which it is possible to measure the difficulties, which resulted for the municipal government and for the municipal residents.\(^\text{39}\)

\(^{38}\) Speech by Alexandre Albuquerque during the General Assembly of the I Housing Congress in "Annaes do I Congresso de Habitação", op cit, p. 33.

\(^{39}\) Letter sent to Estado de São Paulo by Dr. Arthur Saboya May 28, 1931 published in the "Annaes do I Congresso de
From the point of view of road construction, and even the policy of urban transport, Pires do Rio initiated a true territorial revolution, by implementing the Plano de Avenidas of Prestes Maia and by regulating bus transportation. The idea of unlimited expansion contained in the plan, linked to the regulation of bus transport, indicated the adoption of a position in relation to the expansion of the periphery by the poor.

But, from the point of view of urban legislation, this still had not been done. The Code, minutely formal and detailed in its 595 articles, directly contradicted the logic of a city that initiated a process of unchecked horizontal expansion, above all of the popular settlements. It simply did not deal with rules for expansion of the city periphery and homes built by their occupants on the weekends, repeating a formula adopted in the earlier legislation, of defining an urban perimeter that must be maintained under control and reiterating the rural condition of many of the regions where the expansion of the city was being driven at that time.

On the other hand, the existence and visibility of the popular classes, a principal theme of the political agenda of the crises of the República Velha, also demanded urbanistic repositioning: how long could urban legislation

Habitação", op cit, p. 349.
ignore the irregularities of the poor and working class city, which at that time had accumulated family investments over decades, generating value and social mobility?

The Code of 1929 was like PRP's response to the social question: pretend that it doesn't exist.

Permission the possibility for auto-construção in the unlimited expansion of the city's borders, was the response, from the point of view of the real estate economy, to the crises. Nevertheless, this questioned the entire logic of public investment and provision of services. In order to attend the popular city it was necessary to recognize it. But in order to do this, an essential element was lacking: what urbanistic legal statutes would make this tremendous portion of the city that was built beyond the official parameters of the codes, viable and acceptable for occupation?

The answer was not in the Code of 1929. It required all of the turbulent years that separated the 1930 coup and the Constitutional Congress of 1934 to formulate the response. During this interim there was a succession of 10 mayors nominated by federal intervenors, each of which lasted only a few months in power before being rocked by the rebellious environment in São Paulo in the face of Getulio Vargas' dictatorial powers and by the growing loss of the political
space of the Paulista oligarchy. In these rebel years were rehearsed what would come into full force with the establishment of new directions in 1934 and 1936.

The Tip of the Iceberg: The Question of Irregular Sub-divisions

A comparison of plans for the city and population data from 1914 and 1930 demonstrate a clear process of horizontal expansion and population decongestion. In 1914 the occupied area was 3,760 hectares and the density was 110 residents per hectare, while in 1930 the occupied area was 17,653 hectares and the density 47 inhabitants per hectare. From then on the density remained nearly constant, around 50 people per hectare until the 1970s and the city spread out voraciously to the surrounding territory, swallowing hills and valleys and blending its urban region with neighboring

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municipalities.

Table XII
Population, Occupied Area and Density in São Paulo

<table>
<thead>
<tr>
<th>Year</th>
<th>Occupied Area hectares</th>
<th>Urban Population (1,000)</th>
<th>Density per hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>375</td>
<td>31</td>
<td>83</td>
</tr>
<tr>
<td>1905</td>
<td>2,739</td>
<td>279</td>
<td>102</td>
</tr>
<tr>
<td>1914</td>
<td>3,760</td>
<td>415</td>
<td>110</td>
</tr>
<tr>
<td>1930</td>
<td>17,653</td>
<td>822.4</td>
<td>47</td>
</tr>
<tr>
<td>1954</td>
<td>47,330</td>
<td>2,834.1</td>
<td>60</td>
</tr>
<tr>
<td>1963</td>
<td>91,340</td>
<td>4,884.9</td>
<td>53</td>
</tr>
</tbody>
</table>


The second half of the 1920s would establish the dominant urbanistic standard of the Paulistana metropolis. A standard based upon horizontal expansion, on the bus and automobile as the dominant means of transport, on auto-construção in the popular settlements and... in a near total irregularity before the laws and codes that set the rules for land use and occupation in the city.41

41 The urban historiography of São Paulo already recognizes the change of paradigm in urban development in the 1920s and its link with buses and auto-construídas homes. What we raise here is the relation of this process with urbanistic legislation and the policy changes of the period, a theme that has not been dealt with until now by this literature.
As we have seen, in 1931 then Mayor Anhaia Mello recognized that the clandestine city was larger than the official one. At that time he was justifying the adoption of measures to regularize the irregular streets. If the city administration needed to begin to consider what existed beyond the protective walls of its Jardins-neighborhoods, how could the administration relate to a city that for the most part was beyond the margin of the law?

As was mentioned in the first chapter, Law 2611/23 created the notion of "private streets," placing responsibility exclusively on the private developer for the provision of infra-structure and services along streets opened without a government permit. The same notion was repeated in the Arthur Saboya Code. Under this formula, space was opened for the existence of an extra-legal form of occupation of territory, which, however, would not be under the responsibility of public authorities.

After 1930 this situation could not continue. The evidence for this is the measures regulating extra-legality that were enacted under the administration of Anhaia Mello, one of the first mayors nominated after the coup. Soon after assuming power, Anhaia Mello enacted Act 25/30, which prohibited construction in any municipal zone without an Alvará* and without the lot fronting with a "public

* Alvará is Construction Permit.
thoroughfare." At that time, the mayor, an illustrious representative of a generation of intellectuals that recognized the political changes as a possibility for "scientific" administration of the city, proposed mechanisms that implied greater possibility for planning and control of city development by public authorities.

Act 25/30 was a drastic measure and critical reactions arose quickly: above all were arguments by legal experts raising the hypothesis of unconstitutionality by infringing on the right to build. Only three months after enactment, the law was revoked by Act 129/31, which relaxed the demands of the earlier act, accepting construction on irregular streets under certain conditions.42 Nevertheless, a desire to control persisted within Act 31 as well as a resistance to recognize the real city: it would be possible to openly build on irregular streets, as long as the constructions were set back ten meters from the front of the lot and three meters from the sides and back. The street should have a minimum width of eight meters, and its surface should be in transitable condition and with a completed drainage system. On the plots that did not have streets - official or private - the buildings must be 50 meters apart from each other.

Although less rigorous than the earlier act, by allowing the possibility of approving building on streets

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open without permission, it was so restrictive that it wound up sparking petitions from land owners and a critical public campaign in the press.\textsuperscript{43} And it was no surprise: in response to the social pressure for public services, it was necessary that the sub-divisions and buildings be official. The public service companies clearly demonstrated this concern at that moment. The Repartição de Águas e Esgotos, for example, requested in a 1931 memo addressed to the mayor that he intercede in order to "end the inconvenience caused by vilas and new neighborhoods which are sub-divided and where streets are laid without water and sewerage service and that are sold to workers and people without resources who remain deprived of these improvements, because the streets, being private, could only accept water pipes paid for by the user.

Confronted with this situation we are faced with the dilemma: either allow the wells alongside septic tanks to spring up threatening public health, or modify the criteria that has been adopted to only extend a water system and sewerage to those officially recognized streets.\textsuperscript{44}

If the revolution of 1930 was made in the name of consumers and producers of the irregular city - the middle

\textsuperscript{43} The newspaper O Correio da Tarde published drawings showing the impossibility of building in accord with the proposed regulations. See Marta Dora Grostein, ibid. p. 206.

\textsuperscript{44} Oficio 447, of May 19, 1931 pages 2 & 9 of Processo 33990/31, of the state Secretaria dos Negocios da Viação e Obras Públicas, cited by Marta Dora Grostein, op cit. p. 188.
classes, the small urban investors and the workers - it would have to incorporate them in some way in the urban administration and provision of services. For that purpose, the restrictive and resistant formula of 1931 would not work.

During the administration of the next mayor, Henrique Guedes, the issue of clandestine streets received a new legal definition, fruit of the debates about the theme at the I Housing Congress, realized in 1931 at the Engineering Institute. One of the propositions voted upon at the Congress was that legislators should find a solution for the issue of private streets that "safeguards the interests of the municipality, giving control to the city authorities over the issue, respecting the common interests from a social perspective." 45 Act 304/32 allowed the possibility for public authorities to recognize loteamentos that were not opened in accord with the law, depending upon the judgement of the Municipal Works Board. The board would analyze and indicate the necessary changes and could then approve these sub-divisions.

The mechanism proposed in Act 32 was innovative: it made it possible to recognize irregular developments; nevertheless the conditions of recognition were not pre-defined, they depended on the criteria of the municipal

45 Annaes do I Congresso da Habitação, op cit. p. 41.
technicians of the Works Board. This time a fundamental step was taken in order to establish a new legal order where clandestinity earned the status of an extra-legality depending on the mediation of the state - in this case the municipality - in order to be recognized. As such, extra-legal territories could achieve a legal status and therefore fall within the realm of public obligations and responsibilities.

Finally after several attempts a formula was found to incorporate who should be incorporated in the new order; although with a filter of choice and at the discretion of who was sitting in the chair of power and from above could concede legality. An era of conceded citizenship was thus inaugurated: the condition of urban legality, fundamental for the inclusion of the vast urban masses as objects of public policies, was a selective concession of the State. Any similarity with the formula of labor law of the Getulio era was not a mere coincidence.\(^46\)

The golden key of the trial phase would be the new

\(^{46}\) There is consensus among analysts of the Getulista era, and especially during the *Estado Novo* (1937-1945) when there was more obvious state intervention in social issues, that the political relation that founded the State was that between the people and the President, which was done through the "bestowing" or "donating" of social legislation to the people. Concerning this theme see Luis Werneck Vianna. *Liberalismo e sindicato no Brasil*. Rio de Janeiro: Paz e Terra, 1978, Maria Hermínia Tavares de Almeida. "Estado e classes trabalhadoras no Brasil (1930-1945)". São Paulo, 1978. Tese de Doutoramento apresentada à FFCL/USP.

A comparison between the two editions, made clear that the novelty of the 1934 version was basically the position adopted in relation to irregularity as was defined by the Act of 1932.\textsuperscript{47}

It is worthwhile to discuss some of the measures touched by the new formula. In the first place the concept of "lots situated in far-away locations" was substituted for "lots situated along roads or lanes without public improvements," clearly indicating the new differentiation: those that receive and those that don't receive the infrastructure investments. This change meant that potentially any place in the city could receive public improvements. The question would be when and how the site could be considered legal and thus deserving of favors.

On the other hand Art. 51 of the 1929 law (that impeded the approval of buildings in zones still without streets in urban and suburban zones) disappeared. Also the paragraph of Art. 54 (that freed from the need to request an alvará only

\textsuperscript{47} Obviously other issues were included, such as restricting the construction market to establish an exclusive right to work on projects for engineers and architects - in the place of the old masters and builders - a result of the professional regulations of 1933; the much larger development of a chapter about the installation of illuminated signs on buildings and other measures. Nevertheless the majority of the alterations referred to the issue of the clandestine city and of housing for the poor and workers.
buildings in the rural zone which were at least six meters from a public thoroughfare) was removed. In the new version, any workers house in the rural zone did not need a permit: it was enough to be two meters from each neighbor and set back four meters from a public or private street to be accepted as regular. This new rule was reinforced by a new Art. 57 which determined that in order to construct workers houses in any zone of the city it was not necessary to request an alvará, but simply to notify the Board of Works and supply plans that could be signed by the owner, builder or engineer; in contrast to the "normal" process that demanded a long process with a lot of paper work and the presence of all three actors mentioned above.

It was up to the Works Board to determine if a proposal concerned a workers house or not, and as such considered "normal" or an exception.

Concerning irregular construction, the consolidation of the 1934 Code introduced Art. 121 which affirmed that all of the private constructions executed without permits - "which by nature could be tolerated" - would be measured and designed by the Works Board. Referring to irregular streets, Act 32 was introduced as a chapter of the 1934 Consolidation to substitute Article 548 of Code of 1929 which prohibited the approval of streets opened in disaccord with the law. To allow streets opened without a previous
permit to be approved, conditions were introduced - something that did not exist in the 1929 version. In order to regularize buildings situated in non-approved subdivisions, the required minimum street width was eight meters; as well as drainage systems, occupation of only 1/3 of a lot, front setback of four meters and other conditions were required.

In addition, workers houses did not need to obey the stated conditions to be recognized: it was enough for them to be set back four meters from a public or private street and two meters on each side and in back.

A review of the modifications introduced in 1934 permits an analysis of the new territorial pact that was established among the dominant classes and the emerging social groups. The old order was not transformed to incorporate different forms of occupation of space. It only selectively tolerated exceptions to the rule. By being recognized, the exceptions were "awarded" the right to receive public investments in infrastructure and urban services. The clandestine majority thus entered urban policy owing a favor to those who judged them admissible.

The political relation that established this territorial pact is what was conventionally called in the literature about the social question "the ideology of grant" or that is, the founding act of citizenship was a
relationship of donation from the state to the people.\textsuperscript{48}

Donation, although in principle a voluntary, free, and generous act, actually has a double dimension. The one who donates does so because of an understanding of a need. As such donation also has an obligatory character, a sense of requirement. On the other hand, the act of donation also implies another obligation; that of receiving. Every gift is only completed with the acceptance of what is given: who gives does so also out of necessity and who receives, behaves this way because of need. As such, to receive benefits is a right, but it is equally a responsibility. For this reason the state needed not only to give, but also to create an obligation to receive.\textsuperscript{49}

Finally, the term that completes and gives meaning to the relation is retribution. One who receives a gift creates a link that naturally leads to the act of retribution. As such, the power of giving is in producing in the receiver the consciousness of an obligation to retribute, as a

\textsuperscript{48} The entire analysis of donation and its political implications, a theme widely debated in Brazilian political science literature, is inspired by the work of Angela Gomes op. cit. pp 246 - 254, about labor law in the Vargas period, and more particularly in the construction of the Vargas image as the "father of the poor." Concerning the theme see also Luis Werneck Vianna, op. cit., where the theory of the "ideology of grant" is formulated as well as the debate of Francisco de Oliveira, Vera da Silva Telles and Juarez Brandão Lopes concerning the text of Tereza Sales "Raízes da desigualdade social na cultura política brasileira". In: Revista brasileira de ciências sociais, n. 25 ano 9, ANFOCS, junho de 1994.

\textsuperscript{49} Angela Gomes, op cit. p. 248.
political responsibility of an ethical nature. It is interesting to note the difference between the retribution of a donation and the payment of a debt; retribution for a donation has neither a deadline nor a previously defined content: it is a recognition of an obligation that goes beyond the utilitarian dimension.\textsuperscript{50} The link that is established presupposes, nevertheless, the ascendancy of the donator over the receiver, whose condition is as a debtor. It involves a compromise that at any moment can be called upon and assumes various forms of retribution.

During the entire rule of Getulio Vargas this involved the recognition of the government ruler and of an identification with him that permitted the dismantling of any attempt at independent labor organization. With redemocratization, the relation of the state with the people opened space for the construction of clientelism and populism: the condition of extra-legality tolerated by the clandestine majority would then assume the form of an exchange. The improvements obtained by irregular neighborhoods should be retributed with votes. But for this to be possible, in addition to constructing a political pact based on the donation, a new role for the state was also

necessary. A relationship of ascendancy and obligatory intermediation of the state in relation to the masses recently included in the pact was thus established.

After 1930, a new type of political commitment was established in which none of the groups participating in power could offer the basis for the legitimacy of the State. The urban middle classes, which compromised the large force of public opinion that led to the crises of the oligarchic regime, did not possess the conditions to denounce in a radical manner the institutional framework, because they could not deny the fact that coffee, and agricultural export products were still the decisive foundation of the economy. The interests of the coffee growers also could not be the principal foundation of political sustenance, to the extent that they had been dislocated from political power by the weight of the economic crises. The business sectors less linked to exportation also did not assume this role, because of the distance they found themselves from the center of the basic economy. In these conditions, a new personality appears in Brazilian history: the popular urban masses, the only possible legitimate source of the new Brazilian state.⁵¹ Affirming that his legitimacy rested in the urban masses, Getulio Vargas, according to Francisco Weffort,

established the power of the state as an institution. And this came to be a decisive

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category in Brazilian society. Relatively independently, through manipulative mechanisms, the state began to impose itself as an inclusive institution among the dominant economic groups.\textsuperscript{52}

The municipal expression of this new political relation only assumed a more definite shape after 1934, after the Constitutional Assembly and with the pacification of the Paulista rebellion, which exploded with the Constitutionalist Revolution of 1932. It is in the Fábio Prado Administration, the first long and stable city government during the turbulence of the 1930s, that it would be possible to more clearly detect this change.

**Fábio Prado Mayor - State, Masses and Urban Policy**

Fábio Prado, the mayor nominated in 1934 by the new federal intervenor in São Paulo, the Democratic Party member Armando de Salles Oliveira, translated to the municipal level the policy that had been realized on a federal level by Getulio Vargas. In November 1930 the Ministry of Labor, Industry and Commerce was created, and in March of 1931 a decree established new union regulations, defining unions as organs that worked in consultation and collaboration with government. In addition, it determined that only unionized workers were able to enjoy the labor benefits that began to be established. Beginning in 1932 laws began to be enacted that came to regulate labor relations: the length of the

\textsuperscript{52} Francisco Weffort, ibid. p. 51.
work-day, vacations, female and child labor, retirement and pensions. In this way, the state created a union structure that would dominate for all of the following decades and "donate" a labor legislation to the urban workers.

During the Fábio Prado administration legislation protecting municipal workers was created, linked to a purchase plan for private homes and a career plan that guaranteed stability after ten years of service.\textsuperscript{53} In addition to regulating the relation of the city with "its" workers, the city government invested substantially in the generation of technical support for the Local Commissions of the National Labor Dept. charged with analyzing the cost of living in order to establish a minimum wage. Hence, the municipal government came to finance research about living standards, nutrition and housing of São Paulo workers, through the creation of a Subdivision of Social Documentation and Statistics of the Municipal Secretary of Culture.\textsuperscript{54}

The central concern of these studies was to support

\textsuperscript{53} O poder em São Paulo, op cit. p. 61.
\textsuperscript{54} For the social research service, the chief of the Cultural division Mário de Andrade hired University of Texas sociologist Samuel Lowrie, in addition to counting on the collaboration of researchers and professors of the recently created Escola Livre de Sociologia e Política and later the Faculdade de Educação, Higiene e Saúde Pública da Universidade de São Paulo. The result of the studies was published in the magazine of the also recently created Municipal Archive (Revista do Arquivo Municipal). Some of the studies produced were cited on chapter 2.
state intervention in the construction of a new "national worker." The presumption was that through education and formative action - operated above all from the Ministries and the local agents of Education and Health, the state could intervene in the destiny of the poor, forming workers ready for the nation's great modernization push. To achieve this goal it was necessary to understand the daily life of the workers, their eating habits, their housing conditions, the composition of their family budgets, their cultural references. The studies were at the same time a reference for state intervention in the poor neighborhoods and part of a nationalist cultural project that would control and avoid ethnic ghettos and invest in the national worker. The Municipal Secretary of Culture organized both projects, through its cultural activities and its research and statistics service.

To determine the minimum wage that should be paid to municipal workers, a study was requested of the living standards of the public sanitation workers; they sought in this way to "scientifically" determine the salary of the sanitation workers, and contribute with the federal government to "set an example for the private sector."

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During the Fabio Prado Administration city government initiated direct intervention in social problems, implanting for the first time a network of daycare centers in popular neighborhoods of the city. Finally, studies of the public transportation in the city begun in this period in order to prepare the municipalization of the service. The service would only be enacted in 1945, with the creation of the CMTC (Companhia Municipal de Transportes Coletivos) which would replace Light in the management and operation of the entire public transportation network of the city.

The new relationship that was established between the state and the poor and working class masses, was also expressed in urbanistic legislation. The most important creation of this period was the June 30, 1936 enactment of Act 1123, which can be considered the first great amnesty law for popular territory:

houses for the poor and workers built until this date in the second and third urban sub-zones and the rural zone that are in reasonable condition of hygiene and safety will be accepted, under the judgement of the Department of Works and Municipal Services.

The ambiguity and generality employed in the decree - any construction could or could not be accepted - was not simply a slip by the legislator. To truly function as a form of political recruitment of the masses, the law had to be as ambiguous and generic as possible and therefore included potentially everyone. Moreover, it defined the state as the
absolute arbiter which could decide, based solely on its commitment to defend the people's interest. This formulation included components that would be fundamental to populism; the image of state sovereignty over the social complex and the need for participation of the urban masses.

Contradictorily, by not specifying any rule or law, the power of state technocracy was made infinitely greater; composed of scientifically trained members, the Directory of Works was capable of defining what were considered "reasonable health conditions." In the most extreme case, by including within the state well-trained technicians and government officials that ruled in the name of the people, public participation was dispensable.

In this way a macabre love-affair between populism and authoritarianism was established. The history of urban politics, in particular during the Estado Novo, will be marked by this characteristic.

We cannot close this chapter without pointing to the other side of the coin of urbanistic policy. If it is true that the theme of urban policy in the 1930s would be the formulation of a way to incorporate the poor and working class territory into urban administration, it is during this period that the foundation of a zoning policy was also consolidated. Zoning had as its basic goal the protection of wealthy residential neighborhoods. The two developments were
related: when the popular city" was granted amnesty, the
bourgeois city needed to defend itself.

In March 1931 then Mayor Anhaia Mello approved Act no.
127 which "instituted zoning for determined urban districts
and established a Commission for the study of this problem
throughout the city." The introductory justification of the
law explains its objectives: to exercise municipal police
power; to impede a citizen from using property in a way that
disturbs neighbors; to pre-define the characteristics of
urban zones in order to calculate the needed infrastructure
investments; to protect capital invested in urban real
estate; to prevent that the speculation in real estate
values would cause rapid and premature changes in
neighborhood characteristics detrimental to private property
and esthetics. Secondly, the decree established the Jardins
or garden zone as exclusively residential with obligatory
setbacks of six meters, and established a commission to
elaborate zoning for the rest of the city.

The enactment of this decree, as well as the foundation
in 1934, by members of the Paulistana aristocracy and
urbanist engineers, of the Sociedade dos Amigos da Cidade
(Society of Friends of the City) in order to "monitor and
guide the growth of the city," highlighted the territorial
reaction of the elites concerning the specter of the people.

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The elite's desire to control the city was manifest as a desire to protect their own space: the intensity of urban development was a source of both wealth and danger, because it could allow this wealth to change hands or it could terminate some privileges. For this reason it was necessary to protect the city. According to the discourse of the elites faced with the populism of state laws, it was their territory that needed legal protection; a protection that had, contrary to the amnesty for the popular territory, boundaries and rules clearly defined by the law.

The amnesty and the selective zoning are two sides of the same coin: they represent an urban policy strategy in São Paulo that set roots so deep that there were practically no legislative innovations until the end of the 1950s. Their foundation had the mark of the commitment established with the revolution of 1930: the masses came to power without self-determination, subordinated to a protectionist and populist state: the elites shifted without loosing their place. That is everything changed so that nothing would change.
CHAPTER V: CONCLUSION:

Change and Continuity 1888/1990

At the end of the 20th century, the spatial organization of São Paulo, a megacity of 10 million inhabitants, is regulated by an urbanistic-legal order strongly rooted in the principles formulated at the beginning of the century.

This study has simplified the difficult to decipher kaleidoscope which is the spatial organization of the city into a single image, the counterpoint between a landscape contained within the framework of a detailed urbanistic legislation, and another scene, three times greater, eternally situated in an intermediate zone between the legal and the illegal.

This counterpoint is not absolute: the formal or statist legal order is never totally absent, even in the most illicit space. It is always present as a reference and frequently mobilized in negotiations between the residents/occupants of these spaces and authorities who enforce the rules. Similarly, within the spaces built in accord with urbanistic regulations, there are an infinity of violations, often the result of the very attractiveness and
high value of the ultra-regulated regions of the city.

The contrast of these spaces can have countless meanings. From the point of view of the city geography, they compose landscapes that present distinct degrees of prestige and consequently of value in the location market. Generally speaking, the entire southwest vector of the city traced from the old center can be identified as a zone that concentrates formal, rich and valorized landscapes, and the North, East, Southeast and South peripheries, as poor and undervalued regions, marked by the condition of irregularity, or extra-legality.

Once again we must give shading to this description: the condition of irregularity does not refer to a specific spatial configuration, but to multiple ones. We cannot speak of irregularity as if it were an intrinsic attribute of urban space, as is topography or soil quality. Not only because there are many types of irregularity within the urbanistic-legal order, but because in practice, legal norms can have different meanings for different social actors, depending on the prevailing political and cultural conditions.¹ Although both favelas and autoconstruidas "popular houses" on the periphery constitute the same vast

¹ Antonio Azuela de la Cueva. La ciudad, la propiedad privada y el derecho. Mexico: El Colégio de México, 1989, p. 84.
field of irregularity, to build without permit today is considered much less illicit than to live in the favelas. In addition to having its space organized in a particular way that does not fit within the provisions of the law, the favela is a form of appropriation of territory based solely on the criteria of utilization, and not on any properly registered purchase, the foundation of the notion of property as was defined through the "Lei das Terras" of 1861 and consecrated in the Civil Code of 1902. Perhaps for this reason, and as occurred many times in the city's history, the eviction and even jailing of the occupants as punishment was considered acceptable. Nevertheless, the effective occupation by those who have no other alternative residence (and its counterpart, the abandonment of property by the legal owners), has been used as a recurring argument both inside and outside the legal community for this transgression to not be punished with the penalty indicated by law.

After the 1980s, state and municipal governments increasingly extended service and infrastructure networks to the more organized favelas and adopted a differentiated rate policy in relation to the payment of these services. Finally, the owners of shanties in the favelas constituted a monetarized market of consumption sales and rent, inserted in the heirarchy of prices practiced in the city's real
estate market.

There remains, nevertheless, a strong repulsion to this deviation from current law, in such a way that favelado* is immediately associated with "marginal" even if none of a favela's residents are criminal. In this way a space defined as criminal is not eliminated, only rejected.\(^2\)

If the attitude of state and municipal governments, and of public service providers was one of tolerance and even, at times, included the investment of materials, the urbanistic-legal order made clear the rejection of this space, defining the territory as deviant.

This denomination is placed in the category defined as "subnormal" in the language of urban planning, and these spaces are considered in this way in the legislation governing land use and occupation. In the case of the city of São Paulo, the popular settlements of this type are not classified in the Lei de Zoneamento, the set of regulations that govern land use and occupation for the entire city, and

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* A favelado is a resident of a favela.

\(^2\) Fábio Ulhoa Coelho. *Direito e poder*. São Paulo: Saraiva 1992, p. 112. Segundo Nabil Bonduki, op cit. p. 155, although until recently the favelados have been stigmatized as marginal, lazy and idle, since the rise of the first favelas of São Paulo, which date to 1946, the favelas were occupied basically by salaried workers, and in the majority, fueled with their own capital. There was a strong relation between the problem of the evictions caused by the enactment of the Tenant Law of 1942 and the search for this housing alternative.
which has been in force since 1972. That which is considered "subnormal" does not appear in the maps that indicate the boundaries of each zone. In some places there are blanks and interruptions in the city plan. Some of these regions are painted with the same color as the zones in which they are embedded, without really existing within the zone.

In the administrative and political language these settlements are classified as favelas, cortiços, clandestine or irregular sub-divisions and houses without permits. They appear in the government actions (mainly by the municipality but also of the state) through inspection actions, or in requests for services, legalization and incorporation into the city made by the residents of these regions or the politicians who represent them. The issues surrounding building inspection and service supply are negotiated within the executive and the legislative branches; many times the judicial and police apparatus may be involved.

Through this mechanism, the forms of irregular insertion are simultaneously stigmatized and legitimatized on a micro-scale, but on the larger scale of the city the legitimacy of property rights are reinforced. The urbanistic effect of this political-legal regulation is impressive;
there are thousands of hectares of land and kilometers of public streets in which it is not known, in principle, if they are or are not integrated in the city, if they should or should not be the object of public investment, if they can or cannot be integrated to the network of services, information, or health-care.

The inevitable consequence of this extra-legal position is the idea that those irregular settlements are provisory, and that one day they should disappear from the location. The provisory position functions at the urban policy level as a justification for the lack of public investment, which reinforces the urbanistic precariousness and above all accentuates the region's differences in relation to the sector of the city which benefits from investments.

Over time, and through the various mediated forms of insertion into the city of the settlements defined by the legal order as irregular, forms of legitimacy were weaved. These forms result from negotiations between the actors involved in the process of constructing the "rules of the game" valid for each territory. This type of collective agreement was being adopted both by the occupants/residents as well as by the officials and politicians charged with enforcing the regulations to these extra-legal territories.

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The negotiated rules of the game of each settlement function as "laws" inscribed in the economic, social and political relations effectively practiced by the actors who built it. In this way they established territorial pacts, parallel to the official, normative legal order, without stopping to establish a dialogue with this order.

Throughout a century of urbanistic legislation, these pacts were never integrated into the legal order, remaining parallel to it. In this way, a type of unofficial law was created to protect infractions of the law.6

At the beginning of the century, when one third of the city's residences were cortiços, it was believed that they would one day disappear and give place to the workers vila.7 In the urbanistic norms, the cortiço shifted from being explicitly illegal, to that of simply being excluded from a certain perimeter of the city, where its presence devalued the region. For decades, it was in practice tolerated and transformed into the major investment

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alternative for rental capital and the secure possibility - although not without sacrifices - of social mobility. Although, surpassed, beginning in the 1930s, by the model of autoconstruidas homes along the periphery, and more recently by the enormous growth of favelas in São Paulo, the cortiço never disappeared. On the contrary: there is no district in the municipality of São Paulo where there are no cortiços. They exist in the old central neighborhoods of the city, where old single family houses are sub-divided and converted into multi-family houses for rent, as well as in the distant periphery, where rooms are rented and yards are shared. Actually, the construction and subdivisions of rooms and yards for rent is one of the basic strategies of the very process of autoconstrução.8

Nevertheless, the presence of the cortiço was never recognized as an urban issue. With the exception of a short time period during which medical authorities used the

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8 Lucio Kowarick & Clara Ant. "Cem anos de promiscuidade". ed. Lúcio Kowarick. As lutas sociais e a cidade, São Paulo: Paz e Terra/UNRISD, 1988, p. 66. In the process of autoconstrução, the owner normally builds a first house or comodo to live in with the family, freeing themselves from rent payments. Later, to meet the payments for cost of construction, he builds other comedos for rent, sharing the area to wash cloths, and many times the bathroom with other families. The subject of autoconstrução has been widely studied. For a synthesis see Lícia Valladares. ed. Repensando a habitação. Rio de Janeiro: Zahar, 1983 e Ermínia Maricato. ed. A produção capitalista da casa (e da cidade) no Brasil industrial. São Paulo: Alfa-Omega, 1979.
"disinfection" of cortiços as a principal strategy for the combat of epidemics in the city, a process which could even imply their demolition, the cortiço disappeared completely from the field of urbanistic intervention. Yet during the entire century they never stopped being reproduced, reinvented or relocated -- from the casarões* recently abandoned in the old center, sub-divided by subtenants, to those at Campos Elysios, Liberdade, Cambuci or Brás. The successive peripheries reproduced the same form. Brazilians, Italians, and Portuguese became rich, raising thousands of cortiços along the ever changing city limits: until the turn of the century they occupied Barra Funda/Brás/Belenzinho/Bom Retiro/Bexiga/Lapa, in 1916 Água Branca, Ipiranga/Vila Prudente/Móoca/Pary/Tatuapé/Pinheiros were already occupied by the construction of cortiços. With compact floor plans and linked to the trolley lines, the rise of the cortiços generated densities that reached 11.76 inhabitants per residence. Later, when mineiros and nordestinos (nationals of Minas Gerais state and the Brazilian Northeast) began to arrive en masse and São Paulo began to spread out along bus lines into the peripheries, new forms were taken. Vila Maria / Vila Guilherme /Vila Matilde/ Vila

* Casarões - The same as Casas Senhoriais.
Carrão / Vila Aricanduva / Agua Rasa / Vila Bertioga / Vila Alpina / Heliópolis / Sacomã / Parque Edu Chaves / Jardim Brasil / Vila Nova Mazzei / Mandaqui / Vila Gustavo / Casa Verde / Limão / Vila Madalena / Vila Olympia / Mirandópolis / Bosque da Saúde / Vila Guarany: all these were loteamentos opened in the 1920's and which were occupied little by little by the autoconstrução on Sundays, always with rooms for rent. The story of the popular neighborhoods is the story of the collective yards, of tiny rooms rented to entire families, of the eternally changing environment, of the slow progress made with the small family investments. This spatial, commercial and financial logic, and these human rhythms were always absent from the urbanistic norms. And they have no relation to the massive blocks of investment that created the formal city.

A profile made by U.S. sociologist Donald Pierson, who sought to describe what he considered "superior" and "inferior" levels of housing in São Paulo in the 1940s, pointed clearly to this contrast. 10 In the sample chosen,

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10 Donald Pierson came to São Paulo through the invitation of the Escola de Sociologia e Política. His study, conducted by students and professors of the school, was presented for the first time at the annual meeting of the Instituto da Organização Racional do Trabalho /IDORT and published in Economia. Ano II, n. 29, October 1941, pp. 7-13. The most complete conclusion of the work was published by the Revista do Arquivo Municipal, "Habitações em São Paulo. Estudo comparativo". pp. 199-238.
on one hand were houses situated in Bexiga, Mooca e Canindé; on the other were 100 houses in Jardim América, Pacaembú e Higienópolis. The sample chosen did not include houses built in the new periphery of the city. Pierson's statistical description revealed the spatial characteristics of the popular territories that were repeated throughout the century: the presence of various families in the same building, collective yards, mixed uses of buildings, inhabited basements, collective bathing rooms and spaces to wash clothes, multifunctional comodos in the houses, families of different sexes and ages sharing the same room. In the wealthy neighborhoods, the buildings housed only one family, the houses were exclusively residential, the yards, bathrooms and wash areas were private and there was a minimal of 10 comodos per family. From the point of view of service supply, the "inferior" housing had piped water and a sewerage network although access was collective and there was no heated water; wood and coal were the dominant fuels, (while in the "superior" housing the water was heated and there was piped gas supply). From a landscaping point of view, while the "superior" houses had their own gardens and the streets were lined with trees, at the "inferior" level, there was no type of garden nor any trees.

From an urbanistic perspective, the spaces described differed both by density from the exclusive use of the
single-family residence to the mixed and collective use of the buildings, yards and rooms, and to the quality of the services. From the point of view of legislation in force in the 1940s when the study was conducted, all of the houses of the "superior" level met the requirements of the legislation, while all of those in the "inferior" category could not be approved under the legal requirements.

Contrary to the rules of the game that regulated the formation of the popular suburbs and later, of the periphery and favelas; the structuring of space of the elites was, throughout the century, inscribed in an increasingly detailed manner in the urbanistic legislation. Practically all of the urbanistic legislation formulated during the century refers to and applies almost exclusively to a decisive minority of the city -corresponding to approximately 30% today - although a very powerful minority.11

11 The calculation of 30% was made by the Municipal Secretary of Planning of São Paulo in 1990, excluding from the total of buildings those officially considered as irregular structures (345,611 which correspond to 51 millions of square meters approximately 20% of the total built area of the city, not including the favelas) those contained in clandestine sub-divisions (in 1990 the registers of the city government recorded 2,500 cases of irregular sub-divisions underway, occupying 13,088 hectares or 16% of the area of the city), the residences in the favela (in a new census in 1987 placed at 150,000) and an estimate of the number of residences in cortiços (70,000 based on the data of the general census of 1980, /residences of only one apartment and in the building register of the municipal territory).
The wealthy southwest vector is the most regulated area of the city, from the point of view of urban legislation. In the current zoning law, the southwestern portion of the map is divided into dozens of micro-zones, concentrating in a small area of the city the majority of the categories and sub-categories. Throughout the rest of the territory are spread small spots of industrial zones (Z6 and Z7 zoning) and the regions of higher and more concentrated building potential, which more easily permit construction of apartment and office towers and more diverse uses (Z3 zoning), all within a sea of Z2, which according to the zoning law included everything that "was left over" and corresponded to 70% of the city.¹²

The differences are also in the quality and the access to public service, directly linked to the difference between the rhythm and volume of the public investments realized in the distinct cases. From this point of view, it is possible to affirm that, in broad terms, the public investments privileged the Southwest vector, where an accumulated

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¹² From the point of view of land use and occupation rules, the Z2 is a low density zone where the total built area can equal one times the size of the lot area. In this zone, which is predominantly residential, the presence of non-residential space is permitted, although only on a small scale and uses which do not attract much movement and with independent acces from the residential portion.
investment in road works and urbanistic interventions concentrated and linked with the substantial private investments were capable of sustaining values for more than 100 years, and of continuously generating new importance and new polls of attraction within the vector. (Maps 24 and 25)

Thus, the wide Vale do Anhangabahú was spanned with a portentous iron viaduct brought from Germany by entrepreneurs lead by Joaquim Eugenio de Lima who were interested in making urban investments, at the same time in which the old center was redefined as a place for commerce and predominantly that of services. Eugenio da Lima was also responsible for the occupation of Paulista, traced along the high ridge that separated the valley of Pinheiros from Tiete, along which would be established the structure for what until today is the elite zone of the city. In 1900, from Paraíso until Consolação the prestige of the noble avenue was stretched out toward the Pinheiros River, passing it in the 1920s, with the arruamento of Cidade Jardim.

When at the end of the 19th century, the center was being abandoned by the elites, it was redressed with commercial functions; in the second decade of the century, new exclusive residential sub-divisions were opened, establishing fronts of expansion for the bourgeois neighborhoods - the Jardins of City Improvements Co. then introduced a new paradigm of spatial organization. In the
1930s when the income capacity of the first western belt (Centro Novo/Hygienópolis) reached its limit, it was reinvested with the vertical use of apartment buildings. The opening of Avenida Nove de Julho, part of Prestes Maia's Plano de Avenidas (Avenues Plan), the implantation of which was initiated in the 1930s, formed the basis for the migration of tertiary activities from Centro toward the southwest. In continuation of this process, Av. Paulista, symbol of the wealth generated in the First Republic with its palaces of the new and old rich, would be imploded by the towers of banks, large corporations and communication antennas beginning in the 1960s, without disturbing its prestige. Thus, the increase in value rose over the hills and descended to the low-lying areas in waves of redefinition, invariably accompanied by the priorities for public investment in the city. Within the investment rubric of São Paulo's municipal budget of 1993 and 1994, under the administration of Mayor Paulo Maluf, 86% of investment was dedicated to this region, concentrated above all in road works which generate increased value within the already rather valuable regions, as in the case of the Ibirapuera tunnel, the lengthening of Av. Faria Lima and its link with the expansion of office buildings along the major artery
known as the *Marginal* which runs along the Pinheiros River.\textsuperscript{13} (Map 26)

The contrast between the highly regulated and highly invested Southwest and the "rest" of the city, was completely consecrated in the *Lei de Zoneamento*, in force since 1972. In addition to consecrating as law the types of occupation that guaranteed the value in this portion of the city, once again in this century urban legislation repeated the discriminatory *gestalt* of the city.

**Lines of Power**

The laws that insure single family residential use in large lots surrounded by gardens, which at the beginning of the century guaranteed the characteristics of the neighborhoods of Campos Elysios, Hygienópolis and Paulista, span the century, and are made sacred principally by the 2-1 definition in the Zoning Law. The concept of an exclusive neighborhood was successively incorporated in the urbanistic norm. In the revision of the Arthur Saboya Works Code the

\textsuperscript{13} This calculation was made based on the budget of the Secretaria Municipal de Vias Públicas, which is responsible for the road works, executed in 1993 and the first half of 1994. The information about costs of the respective works is showed on Map 26 and were calculated by the staff of vereador Odilon Guedes of the city council of São Paulo.
occupation of streets in the neighborhoods of Perdizes, Alto de Lapa, Jardim América, Pacaembu, Av. Paulista, Hygienópolis, Al Barão de Limeira, Av. Pompeya, Jardim Paulista and Paraiso were required to obey special setbacks and uses. The zoning thus made a given situation permanent: the occupation of these exclusive neighborhoods by a certain standard of living and consequently, by a certain social group.

Unlike the irregular city, in the exclusive neighborhoods, the most outstanding characteristics of the relation between the territory and the law is the perpetuation of the type of commercial contract established between the parties concerning the development. This was necessary to insure that the substantial investments made in these regions would yield returns over a long period, without which the development ran an undesired risk. The apotheoses of this model were the developments of City Improvements Co., in which a large private investment was strengthened by a professionally mounted plan that involved the directors of the service supplying companies and leaders at various levels of government, and which, through the law, guaranteed that this impressive grouping of investments could benefit a small but powerful portion of city residents.

Today the exclusive low density residential zones have
been translated into the Z-1 exclusive low-density residential zone. Within them, characteristics are defined, which only a high income occupant has the capacity to pay - exclusively single-family residential use, a minimal frontage of 10 meters, minimal front and rear setback of five meters, and three meters along the sides, a maximum taxa de ocupação* of 50% and a coeficiente** maximum of one. In this model, the possibility of generating high returns is reduced by the low density, but is compensated for by the increased value offered by the prestige. Over time, the protective mechanisms were perfected in such a way that an infinity of zones and sub-zones were created only to protect the immediate surroundings from uses and occupations not conducive to the model, uses which threatened its landscape and the principal urbanistic characteristics of its comforts. With these aims the Z-17 and Z-18 zones and the corridors in Z1 (Z8CR) were created, avoiding the friction arising from the contact with other forms of occupation of space and thus with other territories that had the potential to be strong enough to contaminate it, and as a deadly virus, do away with it. For this reason a type of

* Taxa de ocupação or occupation rate is the ratio of building measurements at ground level to the total area of the lot.
** Coeficiente de aproveitamento or floor area ratio is the relation between the total built area of the building and the area of the lot.
protective belt was created, a legal wall that involved these zones.\textsuperscript{14}

In practice, the Z-1 zone is permanently invaded by other uses - above all by offices offering a wide variety of services. The irregular occupation of the Z1 with offices is a phenomena which reveals the intensification of the tertiariization of the city, the conversion of the city territory into a space for services and commerce. It is also a sign of the spreading out of these kind of activities through the territory, a recent tendency, contrary to the concentration of specialized activities into functional zones, which were the model clearly in force until the 1970's.

Although the conflict involving Z-1 continues to be negotiated and registered in more and more laws and decrees

\textsuperscript{14} The Special Use Corridors are regions of commerce and services that cross the Z1 and thus present a series of limitations destined to avoid excessive density, to maintain the horizontal character and not permit that these uses become scattered through the neighborhood. The law which created the corridors was Law 8001/73, which was the first measure to modify 7805/72, that instituted the zoning, creating four types of corridors, (Z8CR-1 to Z*CR-4). Law 9049/80 and 9300/81 created two more categories (Z8CR-5 and Z8CR-6) and established more details for the other Z8CR zones. Law 9411/81, created two new zones (Z17 and Z18) transforming stretches of other zones that bordered with Z1 and which permitted distinct uses and building possibilities, in transition zones, where mainly the gabarito (the maximum permitted height) and the intensity of use were controlled, in order to not provoke tarnishing the neighborhood character.
(increasingly through the use of tombamento, the protecting of landmarks through protectionist legislation, which above all has encompassed City Improvements Co.'s sub-divisions as historic landmarks), real estate promotion already found its successor as exclusive and protected space: the closed condominium. This was the pure and simple establishment of walls, from those present in the law and in the urban imaginary, to the concrete walls and electronic control and security circuits, which eliminate the presence of any "foreigner" in the neighborhood. This means taking to the extreme the segregationist model proposed by the pioneer Campos Elysios project.

In the condominium projects, the danger of the existence of the "other" is avoided with the suppression of contact with exterior space and with the construction of a new exterior territory: intimate, protected and secure as a "home." Protected by the walls and high-tech security apparatus, the residents can enjoy a type of imitation city scenery, with streets and plazas, as if part of a city, "but stripping troubled urbanity of its sting, of the presence of the poor, of crime, of dirt, of work."15

Moreover: the condominium has no need for daily

negotiations with neighboring territories and local authorities. It has its own police, its own cleaning brigades, its maintenance service. This is possible because it can pay for all of this, it does not require lobbies or battles for influence in the setting of budgetary priorities. By removing itself from public space, it can also remove itself from the democratic life of the city. The North American denomination of "Edge Cities" identifying the condominiums situated on the periphery of the city, such as Alphaville and Tamboré in São Paulo, has in this case a double meaning - the region is an "edge" because it girdles the territorial limits of a municipality, but it is also on the "edge" because it is at the extent of the limit of belonging to this territory, ready to break with it.

In this way, the movement initiated with the construction of palacetes in exclusive neighborhoods was completed. It was based, as we have pointed out, on the establishment of a "protective" legislation that limited the possibility of use and occupation, functioning as a barrier, associated to a strategy of massive investments in infrastructure projects and urban development, that supplied and gave value to the zone, financed by public coffers and private capital.

Nevertheless, the debate around the Z-1 does not conclude the question of exclusivity and segregation.
Another dimension, that confers an additional role to these zones, a role nearly that of "urbanistic resistance" is inherited from the conflicts that occur in the city and in its legislation around the theme of verticalization, or high-rise constructions.

**Sky-scrapers - Heaven or Hell?**

The theme of density, which at the beginning of the century was restricted to the question of super concentration of residences in the popular suburbs, earned another dimension with verticalization. The possibility of reproducing land area, announced as a type of premonition by Victor da Silva Freire at the beginning of the century, would appear as a chance to maintain a high density - and thus a high economic return from the land - without generating super concentration. In this way, a counterpart to the cortiço was established, announcing a future with large profits and little danger of moral degeneration. The tall buildings were initially welcomed, and they wound up becoming the mark of modernity of the city. São Paulo of the sky-scrapers is an image of prosperity and power yet simultaneously that of an inferno.

Since the 1930s, there have been limits on the height of buildings so that they don't steal the air, light, and sun. Beginning with the great post-war real estate boom, controls...
on the density of high-rise regions, stirred a polemic that divided urbanists, builders and politicians.

Initially, in the 1920s, when the construction of tall buildings was important from a symbolic perspective, but still not significant from a quantitative perspective (by 1929 there were little more than 50 buildings with more than 4 floors) the urbanistic legislation established maximum heights which in reality were much higher than those constructed at that time.\textsuperscript{16}

Beginning in 1937, the enactment of law 3571, established the need to construct vertically, set back from the residential public streets. Maximum building heights (defined in relation to the width of the streets) or the maximum number of floors on certain streets, and setbacks on some residential streets, continued to be the limits imposed by the law concerning the construction of buildings until 1954, when the Comissão do Plano Diretor da Cidade (City Master Plan Commission) under the leadership of Anhaia Mello presented proposed legislation to the City Council raising for the first time the idea of the coeficiente de aproveitamento and of the control of density of the buildings. Beginning at that time, urbanistic legislation introduced the theme of buildability on land, rapidly taking

\textsuperscript{16} Nadia Someck, op cit. p. 186.
over the debate over the city's urban legislation. The idea of controlling building heights then also came to be linked to the idea of a Plan and zoning for the entire city. The Plan, a possibility to steer city development by a rational formula, emerged as a possibility exactly at the time in which the Brazilian state proposed to intervene more intensely in the economic, social, and political relations that wove the country.

Since the enactment of the Arthur Saboya Works Code in 1929, a Zoning Studies Commission was instituted, charged with presenting an overall plan for the city. The Plano de Avenidas de Prestes Maia, executed slowly during the 1930s and accelerated during the Estado Novo also presented a vision of the city as a whole - it was a plan and not a grouping of interventions. In broad strokes, the Plan began with criticisms of the absolute centrality, or as Prestes Mais said: "to spread out the movement, multiply the centers: is the mot-d'ordre of modern urbanism." With this objective, Prestes Maia proposed a model composed of a system of concentric perimeter roads, associated to a group of radial arteries. The model could expand infinitely, like the ripples from a pebble in a pond, which swell in all

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directions until they disappear.\textsuperscript{18}

The Plano de Avenidas was associated to a landscaping treatment of roads and to a type of zoning, the characteristics of which must be, according to Prestes Maia: "moderation, respect for the natural tendencies (except when opposed to the principal essentials of urbanism), collaboration with the general plan, in accord with the existing social structure."	extsuperscript{19} There was no intention at all to change the relative positions that were being defined by the formation of the distinct real estate markets operating in the city. The proposition basically aimed to more rigidly restrict the height of buildings in the central area than at the edge of the perimeter of irradiation, restrict industries in the central neighborhoods (shifting them to the right margin of the Tiete River and the left bank of the Pinheiros River, and polluting industries to the lower Tiete), allow commercial corridors and zones along the radial highways, and nearby intersections, individual residences in the centers of the sectors, and "second class" residences near the industrial district, seperated from the factories by playgrounds.\textsuperscript{20}

Directed at the property owner in the capital, its

\begin{footnotesize}
\begin{enumerate}
\item[	extsuperscript{18}] Samuel Kruchin, idem, ibidem.
\item[	extsuperscript{19}] Francisco Prestes Maia. \textit{Introdução ao estudo de um Plano de Avenidas}. São Paulo: Melhoramentos, 1930, p. 295.
\item[	extsuperscript{20}] Marco Antonio Osello, op cit. p. 142.
\end{enumerate}
\end{footnotesize}
conception of urbanistic legislation was justified in this way:

In São Paulo, as well as in many other cities, the citizen, who ties up a good portion of their wealth in the construction of a home or even in a building for income, is never secure the next day. When they least expect, a skyscraper is built alongside his palacete crushing it. A factory, with its noise and smokestacks, chases away the tenants of his apartments. A warehouse, butcher, a garage or a cortiço will depreciate his buildings. Only zoning can alleviate this, introducing order in construction, specialization in the neighborhoods and organization in the entire city.²¹

Contrary to the various interventions proposed in the Plano de Avenidas, which began to be implemented during the Administration of Pires do Rio and which continued during the mandate of Fabio Prado (1934-1938), the urbanistic norm proposed by Prestes Maia was not established, not even in the long period in which he was mayor of the city of São Paulo.²²

In 1931, in the short period in which Anhaia Mello was mayor of the city, the Zoning Studies Commission instituted since 1929, was finally installed, but a global zoning -

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²² Prestes Maia was the mayor nominated by the federal intervenor of São Paulo Adhemar de Barros during the Estado Novo (between 1938 and 1945) and elected by a coalition of the União Democrata Nacional (UDN), Partido Democrata Cristão (PDC) defeating the candidate of Adhemar, remaining in the position between 1961 and 1965. According to Prefeitura de São Paulo, 1992, op cit. pp. 61 and 81.
for the entire city - was presented only in the 1950s. During the 1930s and 1940s the limits of vertical expansion continued to be regulated only by the rules concerning heights limited to certain streets - and, since 1931, by the Divisão de Censura Estética (Department of Esthetic Control), instituted by act no., 58, which would judge the quality of building facades.

Nevertheless, it was with the real estate boom of the 1940s that the passionate debate concerning the limits of vertical growth emerged, placing in opposite camps the two great names of Paulistano urbanism: Prestes Maia and Anhaia Mello.

Can the City Have a Limit?

The period between 1937 and 1945 constituted a phase of urban transformations of a structural character. Until the 1940s, the real estate circuit was turned into one of the principal spheres of investment for capital generated in industrial, mercantile and agricultural operations. In the absence of a capital market - which was only made viable in 1965 - urban real estate was the financial opportunity

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which presented the greatest profitability and liquidity. During the war, large trade balance surpluses due to the drop in imports inflated the monetary base, elevating the supply of credit. Linked to generalized speculation which affected all of the markets and the expansion of pension funds, securities companies, savings banks and insurance companies (which totally changed the financial markets, broadening without precedent the availability of credit) private national investment concentrated in real estate activity, generating a construction boom. In 1939, Agamemnon Magalhães, President Getulio Vargas' Minister of Labor and one of the most important designers of labor legislation, defined the phenomenon in this way: "capital migrates to the capital and stays idle in the bank safes, or is pulled into the real estate fever. The skyscraper is the symbol of this era, of the placement in real estate of capital in flight". While in 1939 new constructions corresponded to only 20% of private national investment, in 1947 new construction was estimated at 47% of private national investment. This investment was concentrated in Rio de Janeiro and São Paulo, which absorbed 60% of the national investment although its participation in the total

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24 Agamemnon Magalhães. Folha da Manhã. 6/02/1939 apud Marcus André B.C. de Melo, idem ibidem.
population was only 20%.\textsuperscript{25}  

In addition to the financial conditions that generated substantial investment, concentrated above all in the vertical residential and commercial expansion in the Southwest vector, the city of the 1940s initiated a long period where urbanism was marked by large road projects - the Avenidas - and by a much denser vertical growth, with the construction of higher buildings and smaller apartments.

Prestes Maia was the mayor in this era. He built his project for the city during the long period when the City Council was closed and São Paulo grew 5% a year, passing through one of the worst housing crises in its history.

According to Prestes Maia himself, "political periods such as this (the Vargas dictatorship - sic) require more executive than legislative efforts."\textsuperscript{26} Thus, zoning was limited to the restriction of some heights in centro, to requiring minimum heights along Av. Ipiranga, regulating heights, setbacks, and use along Av. Nove de Julho, and to decree the zoning for Jardim America and Pacaembú, incorporating into municipal legislation the contractual

\textsuperscript{26} "Francisco Prestes Maia analisa a Lei 5261", interview with the newspaper A Gazeta, 25/07/1957.
restrictions of City.\textsuperscript{27}

During the long period in which Prestes Maia exercised his mandate in city government, a new vision of the Plan was forged among the specialists involved with urbanist themes. Led by Anhaia Mello, who left the Escola Politécnia to create and direct the Faculdade de Arquitetura e Urbanismo in 1948, this new vision laid the foundation for the following fundamental concepts: the idea of a plan as a process of formation of public opinion about the city; comprehensive planning (or the idea that the plan encompasses the totality of the aspects that compose a city, including those that go beyond its territorial scope); the idea of the plan as a limit for vertical growth and horizontal expansion; and the idea of community (which translates from the urbanistic point of view as the unidade de vizinhança, or neighborhood unit) as the basic unit of the city.

Since the 1930s, by offering a scientific character to urbanism, the positions of Anhaia Mello identified themselves with the scientific treatment of policy-making, one of the components of the ideology of the Revolution of 1930. Nevertheless, an unshakable admirer of the democratic experience of U.S. urbanism, Anhaia Mello believed that to prepare the environment is to conquer public

\textsuperscript{27} Marco Antonio Osello, op cit. p. 146.
opinion, the world's sovereign power. Public opinion, said Lincoln, is everything; without it nothing can be successful, with it nothing can fail.

With this in mind, he organized the "Sociedade dos Amigos da Cidade," imagining transforming businessmen and professionals into interlocutors in a process of defining a global Plan for the city.

This and other ideas of Anhaia Mello would have more resonance beginning with the nation's redemocratization process, which began to occur in 1945, with the return of elections for the City Council. If his vision of urbanism as at once science and politics in the service of science found identity with the ideology of the Revolution of 1930, its concept of urbanism as "cooperation, a job of the entire community" would blossom over the fields of redemocratization. His ideas succeeded in winning broad support among architects - who since 1943 separated from the Instituto de Engenharia, founding the Instituto dos Arquitetos do Brasil (IAB), leading to the decision of the architect Cristiano Stockler das Neves, mayor in 1947, to convoke and organize the Comissão do Plano Diretor, independent and parallel to the structure of city government.

Although the City Council was elected, the mayor continued to be indicated by federal intervenor, until 1953, when Janio Quadros was elected directly by the people for
the first time since 1926. Between 1945 and 1953 São Paulo had seven mayors, two years being the longest period any one of them remained in office. Although planned and established since 1947, the Comissão do Plano Diretor would only begin to function six years later, based on a request presented to the mayor by the City Council.

The commission presented its first proposal for a plan in 1954. This was Anhaia Mello's study, "Elementos Básicos para o Planejamento Regional de São Paulo", known as the Esquema Anhaia (Anhaia Scheme). It contained for the first time the idea of Comprehensive Planning and a defense of the thesis of countering urban expansion, both vertical and horizontal.

The study is based on the idea that a national authority be charged with formulating a national urban plan, capable of combining all of the sectoral plans and building a policy agenda based on national studies and investigations.28 At the state level, the elaboration of a state plan was proposed that would determine population distribution, the use of land, communications channels, an energy plan, the requirement of municipalities with more than 30,000 inhabitants to elaborate their own master plans,

and the formation of a Conselho Estadual de Urbanismo to coordinate the plans and establish norms. In addition to action at the federal and state level, it proposed an inter-municipal plan linked between the municipalities situated in a radius of 100 kilometers around São Paulo, to treat common problems such as population, roads, energy, water, sewerage, river pollution, and the distribution of industrial and agricultural activities.

At the municipal level it was proposed that the city Departamento de Urbanismo be equipped to: 1. conduct planning and not simply "operations de voirie"; 2. establish an efficient inspection system capable of impeding the "creation of a clandestine city alongside the legal city"; 3. Speed the aerial ordinance survey of the "urbanistic disorder"; 4. Establish as a norm that nothing be done without research and investigations first; 5. Establish limits of built area, impede "Ribbon development" and "establish a limit defining an ("urban fence"), establishing a type of rural sub-division ("sied-lunge"); 6. Set maximum building heights of 30 meters for commercial buildings and for collective residences a maximum "floor space index" of three and a minimum of 40 square meters of floor per inhabitant; 7. Adopt the principle of unity of neighborhood ("precintual planning") for loteamentos, re-establishing community life; 8. Charge improvement fees for all "unearned
increments," adopt small rural centers, in the model of "ferme radieuse." 29

The Esquema Anhaia established the foundation for the entire urban planning experience in Brazil in the following decades, forming, together with the pragmatism of the large public works of Prestes Maia, a duality around which urbanistic policy has revolved until today.

Prevent and Control

In the first place, by launching a proposed Regional Planning, Anhaia Mello was adhering to a movement disseminated in Europe and the United States, a belief in the ability of planning to overcome conflicts and retain control over the process of the production of cities. This planning ideal, which gained strength in the 1930s - although found earlier in the writings of Ebenezer Howard at the end of the nineteenth century - believed that city planners would coherently design the growth of vast regions, coordinating the physical, economic and social efforts. 30

This way of considering city management included a notion of efficiency derived from the industrial era. In the Machine Era, the parts were determined by the whole, and the pre-conceived image of the whole removed the content from

29 Anhaia Mello, 1954b, op cit.
the production of each part. The result of planning along this notion is that the future environment becomes a function of the planners vision of it in the present, just as the machine is the product of the machine's designer, and not its fabricator.\textsuperscript{31}

The transformation of São Paulo industry in the post-war period was the experience that gave impulse to the planning ideas of Anhaia Mello and his disciples. In São Paulo, where more than a third of all the industrial establishments of the country were located, a new intense surge in demographic growth began in 1945 - with annual rates that reached 5\% in the 1940s and 5.5\% in the 1950s. Growth was accompanied by a change in productive structure and industrial territorial strategy. The consumer goods sector gave way to the productive goods sector, and the most dynamic sectors, such as the automotive industry, moved to ABC, Guarulhos and Osasco, which began to be industrialized in this period. Activity in these locations was a direct result of the opening of new roads including Via Anchieta, the new link with the port of Santos, and Via Dutra the new link with Rio de Janeiro and the Paraiba Valley - both inaugurated at the end of the 1940s.\textsuperscript{32}

\textsuperscript{31} Richard Sennett, idem, ibidem.
The new phase of industrialization and the formation of a metropolitan region with the neighboring municipalities, gave impetus to the idea of controlling the spontaneous and voracious process which exceeded the limits of the territory. The planning process would be based on an efficiency matrix derived from the production line. To succeed in disciplining the metropolis it would be necessary to substitute the old process of uncontrolled growth for the product of planning, creating a transcendental order immune to variety and inevitable conflict.\(^{33}\)

The strategy proposed by Anhaia to construct this order, was to establish a descending scale of norms and principles that would correspond to a fixed model of territorial organization, within which all of the activities and persons must fit in. Obviously, this complete scale was never constructed; nevertheless this idea was consistently present in the thinking of those involved in urban planning. The strategy is ritualistically repeated each time urbanists feel perplexed and impotent when confronting our cities which very rarely obey the plans. The "clandestine city that grew along the legal city and was the greater of the two" was an eloquent exponent of the "urbanistic disorder" which Anhaia

Mello wanted to avoid. (Map 27)

In the Esquema Anhaia the control of disorder in the city of São Paulo would rest on three force lines: the establishment of a clear and precise limit beyond which there could be no urban expansion (the "urban fence", as it was called in the study); the establishment of a maximum height for commercial buildings; maximum densities and a coeficiente and maximum density for residential use; and the mapping and inspecting of the clandestine city, to impede its reproduction. As Anhaia Mello would justify in a presentation for the Sociedade dos Amigos da Cidade in 1952:

it will be necessary, somehow, to substitute the volonté d'acceleration for the volonté de freinage the paleotechnical mentality for the neotechnical. The excellence of cities is not measured by the number of inhabitants, but by the standard of living of all of its inhabitants. It is necessary to limit the growth of the city in extension and in height, drastically reducing the height which the codes permit....

34 Luiz de Anhaia Mello. "O urbanismo... esse desconhecido". Conference held Nov. 8, 1951 in the Faculdade de Arquitetura e Urbanismo da Universidade de São Paulo. São Paulo: Edição da Sociedade Amigos da Cidade, n. 11, 1952. For Anhaia Mello development of the machine and of civilization could be divided in three phases: "eotécnica, "paletécnica" and neotécnica". The "paletécnica" phase to which the text refers corresponds to the 18th and 19th century, steam power, greater concentration as an expression of improvement, of the megalopolis, of class struggle. The "neotécnica" corresponds to the second industrial revolution, the phase of cooperation, integration, science, the reversal of the metropolitan cycle. Inspired by Patrick Geddes and Lewis Mumford, Anhaia Mello developed the notion that only a regional plan was capable of saving the city
Limit Vertical Growth

One of the strategies of control expressed in the *Esquema Anhaia* responded to the motto "São Paulo needs to stop" which together with "São Paulo can't stop," which was the Ademarist slogan of the 1950s, represented positions that alternated from one city government to another, from one director of the *Departamento de Urbanismo* to another and among authors of the various plans that were formulated in São Paulo. In his study presented in 1953, Anhaia Mello proposed reducing the maximum heights of commercial buildings to 30 meters and countering the positions of Prestes Maia: "No to Avenues with 100 meters tall skyscrapers and absurd, anti-social and anti-family condominiums!"\(^{35}\) But the greatest novelty consisted in the establishment of the concept of "Floor space index" and of the minimum land area per unit, simultaneously introducing the theme of constructed density and population density in the vertical housing.

Upon presenting his thesis, Anhaia Mello had a precise understanding of the relation between the

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\(^{35}\) Luiz de Anhaia Mello, 1954b, op cit.

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potential for land use and the appreciation of land prices; "why permit heights greater than 30 meters in any urban zone? They say, but the land has value... it has value exactly because of the heights permitted." By limiting the buildability and density permitted in the city he intended to intervene in the logic of production of the city, decreasing the preponderance of the commercial calculation in benefit of humanization of built space: "the city is not a no man's land for the exercise of commercial competition, but an environment that creates beauty, rewarding the efforts of all that live there."  

From the group of proposals contained in the Esquema Anhaia, the Comissão do Plano Diretor selected exactly this one to propose a new law to the City Council in 1954. The proposed legislation, which wound up being approved as law 5261 in 1957, in the administration of Mayor Adhemar de Barros (when José Carlos de Figueiredo Ferraz was the Secretary of Works), established the following limits: Coeficiente de aproveitamento maximum of six for commercial buildings and four for residential buildings and hotels, net residential density of 600 people per

36 Luiz de Anhaia Mello, 1952, op cit.
37 Luiz de Anhaia Mello, 1954b, op cit.
hectare, and at least 35 square meters of land per residence.

The proposal, according to the press of the period, was an "atomic bomb," and provoked a great clamor among planners and builders. Prestes Maia and the Instituto de Engenharia quickly came out against the law.

It is absurd to claim the skys! The law, as is known, was not discussed in public and not even behind closed doors. ...it moved practically without anyone's knowledge through city government, which did not study it, or propose it, to a mayor who did not understand it and signed completely unconsciously; and a City Council which after having held the measure for many months rushed to approve it, exactly to avoid discussion. ...there are more than 500,000 landlords in the capital, or two million directly affected, if we add their families and dependents. It is a tremendous mass, to which we should add builders, landowners, and the very tenants or lot owner who will see little by little that under the apparent benefit of the law they will be inconvenienced and suffer losses, it won't provide them more housing, it won't resolve the problem of traffic, it won't facilitate transport (on the contrary, the distances will become greater). The very municipal government that determined that the law would have the magic virtue of eliminating various problems, that it would dispense with the large public works...would soon confront reality. Public patience, that can be illuded by the promises of "good" urbanism, with houses among flower beds and sheep in the streets, soon will perceive that their problems won't be resolved.38

In addition, to voicing his criticism of any measure

that opposed market tendencies, Prestes Maia considered the
type of Anhaia a simplistic defeatist and Malthusian
solution - which Maia thought intended to lock the city in
place.39

Another group of criticisms of law 5261 came from
within the city Departamento de Urbanismo. On one hand the
approval of the law interfered with the proposed Plano
Diretor that was being prepared by that department, creating
a situation totally unfavorable to the Plan's presentation.
Thus, Department engineers determined that:

without regulations that establish uses and sizes
of buildings in different urban zones law 5261
could become extremely noxious, because it
stimulated a decentralization that would operate
in the worst conditions possible, without
planning, without protecting the residential
zones, without defining commercial centers.40

According to these planners, it was no longer
possible to reverse the law's impact:

as desperately feared those who had big deals
affected by the law. This is because the city
government has really gotten into a big mess. It
cannot maintain the law on its own because it
would fail... but it cannot revoke it in light of
the panic this would create.41

Luis Carlos Berrini Jr., one of the engineers of the

39 Prestes Maia. Notas sobre o Esquema Anhaia para a
Comissão Diretora do Plano Diretor do Município. Elementos
básicos para o planejamento regional de São Paulo. São
40 Folha da Manhã, 28/07/1957.
41 Folha da Manhã, idem, ibidem.
Departamento de Urbanismo supported the criticisms of the law, attacking the issue of density. Citing Robert Moses and an infinity of international experiences collected at the Urbanism Congress at Edinburgh in 1954, he argued that it is impossible to set a single density for the city, that the measure of density could only be applied to large areas and not to lots and that in São Paulo, the densest neighborhood, Bela Vista, did not reach half the density of 600 inhabitants per hectare foreseen in the law.

While architects - represented by IAB - defended the law - they became involved in passionate debates during seminars in the professional organizations, real estate developers already had begun to by-pass the law, approving buildings as offices and then transforming them into apartments, in this way taking advantage of the highest permitted construction densities. At the same time that they pressured the City Council and the city administration to revoke or soften the law.42

And that's what happened: in 1961, one day before ending his term as Mayor, Adhemar de Barros, giving the excuse that it was necessary to stimulate tourism in the capital, dropped the decree permitting a coeficiente of six

for hotels and lodgings. The same decree changed the formula for calculating the net residential density and establishing criteria for the approval of mixed-use buildings, measures that widened the maneuvering room for developers. In 1964, legislation proposed to the City Council by councilman Sender Fichman proposed a maximum "coefficient" of six for any construction and eliminated the maximum density and maximum quota of land per unit. In the substitute project prepared by the administration, under Prestes Maia, a paragraph was added offering an index of eight for hotels and hospitals, which was supported by the Instituto de Engenharia. The city Departamento de Urbanismo (which found the proposal vague), the IAB (which argued there should be only one coeficiente) and the Sociedade dos Amigos da Cidade (which did not accept the index of eight), came out against the proposed legislation. The project was put to a vote and rejected. In 1965, still under the administration of Prestes Maia, a new proposal was presented establishing a single index of six, which was once again rejected by the City Council. Finally in 1966, Faria Lima once again sent a proposal to the City Council, which was approved because the time limit for a vote had expired, and the capital came to have a coeficiente de aproveitamento of six, with the
exception of garage buildings which could have coeficientes of 15.43

The elimination of the maximum density criteria of 600 inhabitants per hectare and the cota de terreno* (number of square meters of land per residential unit) and the institutionalization of a single coeficiente of six appeared to define new rules for the market, which were maintained for a long time. They would be changed only in 1971, during the administration of José Carlos Figueiredo Ferraz when the Plano Diretor de Desenvolvimento Integrado - PDDI (Master Plan of Integrated Development), once again under the excuse that São Paulo needed to stop, defined as a maximum limit for land use the coeficiente of four.

After 1964, during the period of the military dictatorship, the National State required the production of Planos Integrados (Integrated Plans) and conditioned the supply of federal financing for urban development on a municipality’s presentation of an Integrated Plan. The 1960s were a period of tremendous urbanization in Brazil yet municipalities had no financial autonomy with which to confront this growth.

In this context the Plano Urbanistico Basico (PUB) (Basic Master Plan) was elaborated for São Paulo in 1968 and

43 Maria Adélia Aparecida de Souza, op cit. pp. 240-246.
the Plano Diretor de Desenvolvimento Integrado (PDDI) in 1971, technical works of high-intensity rhetoric, but relegated to a type of altar destined for integrated plans, while the city runs wild to the tune of fighting, pressure and territorial alliances.

Although the general proposals contained in the approved-by-law, PDDI, had never been enforced, the maximum coeficiente of four defined by the plan is in force until today. The city's first Lei de Uso e Ocupação do Solo (or Zoning law) was also directly linked to the model proposed in the plan.

The Zoning law of 1972, reduced even further the coeficiente four, by permitting that only one percent of the area of the city - limited basically to Centro and Av. Paulista, zoned as Z5, could reach this level. Another 10 percent could reach coeficientes of two or three and the large majority of the city, included in Z2, could only build one time the lot area. This time there was no great uproar, and pressure from builders quickly led to approval of law 8001/73 (known as the Lei Adiron), which permitted the raising of all the coeficientes - including that of Z2, by diminishing the occupation rate and inscribing the building within a circle of 16 meters of diameter, with large setbacks.

It is essential to examine the distribution of these
coefficientes in the city. Ninety percent of the area included in the most permissive zones of the city in terms of buildability (including the most restrictive and exclusive Z1) were concentrated in the Southwest vector. In these zones, the proposed zoning law corresponds nearly literally to the type and form of verticalization that was being practiced. Nevertheless, by declaring that only these regions - where the most valuable lots are concentrated - could utilize the highest coefficientes and the most diversified uses, the law was transformed into a price index, reiterating the status quo of real estate wealth distribution in the city.

Finally, by permitting that the Z2 zone could have a greater coeficiente under conditions that only massive remembramentos* operations, or owners of large lots could comply with, (construction within a minimum circle of 16 meters in diameter, an occupation rate of 25%, among others) promoted special conditions for big developers, limiting in this market the real estate opportunities and the spatial arrangements produced by small and medium size builders.

These are probably some of the reasons why the differentiation of coefficientes in force today would be widely defended by the traditional interlocutors of

* Remembramento assembling of lots or parcels, reparcelling
urbanistic legislation: architects and progressive urbanists, inheritors of the Sociedade Amigos da Cidade, residents of Z1 zones who defend because they believe, as Anhaia Mello did in the 1940s, that this instrument represents a "weapon against real estate speculation" and a guarantee of a certain quality of life. Engineers, builders and developers, represented by their trade associations, particularly those with leading positions in the market, defend it because the zoning law fixed a situation where their investments were protected; they also benefited from the differential return which results from the concentration of building potential in their territory.

Obviously the discussion of buildability surrounds a conflict that largely arose within the Southwestern portion of the city. Charting the historic process of verticalization provides us a measure of this concentration, which in a certain way explains which actors or interlocutors are involved in this debate. If the abstract and all encompassing plans are loved by the urbanists, real estate investors want to know from them where the next public investments will be made and what potential for buildability will be defined. Politicians, nevertheless, are concerned with more than this simple equation.

Since the end of the Estado Novo, or more exactly since 1945 when the City Council returned to operation, the vote
from the periphery began to be essential in the elections. For this reason, although very little was invested there by large private capital and public works, the territory of the periphery is largely invested in by politics.

We purposefully left for last the question of legal-urbanistic treatment of urban illegalities massively represented by a migrant periphery, which was slowly consolidated and was reproduced by a continuous expansion of the city limits over increasingly distant lands.

In this respect, since the Esquema Anhaia, planners have dealt with these migrant peripheries based on the supposed provisory nature of the mechanisms that have produced them. Given that everything would change if the plan was properly applied, the purpose of most of the plans and urban legislation was to establish a limit for horizontal expansion and an efficient inspection apparatus to enforce the law.

**Controlling the City Limit: The Question of the Rural Zone**

The idea of establishing a limit for urban expansion had encouraged attempts by Anhaia, when he was mayor, to propose without effect, the establishment of penalties for streets opened without permits. He was forced to desist,
permitting possibilities and openings for the consolidation of these irregular spaces. Some of these streets, as until today some of the clandestine sub-divisions - are situated in the rural zone.

The history of the municipality is marked by the successive demarcation of the city limits between what was considered urban and what was considered rural, almost always determined after the fact, when the urban occupation of the rural zone had already occurred. As we saw along the normative urbanistic history of the city, the non-regulated occupation of the rural zone appears formulated - even as a policy - as a residential alternative for the poor population. In this way the "urban fence" was successively redesigned, under the weight of the perverse effects of the very legislation which, by elevating the relative price of land in the urban zone, "pushed" the "popular arruamentos" to the rural areas.(Map 27)

The invasion of the rural zone was thus historically associated to a model of the city that reserved its periphery for the poor. If such a model was already established by 1930, when 180 square kilometers were already sub-divided (although only 30% occupied) it assumed a more radical position after World War II, when the rhythm of city growth accelerated and the horizontal expansion was more intense.

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The impulse of autoconstrução in the periphery in the post war period won even more strength with the establishment by the federal government in 1942 of a new Tenancy Law, which instituted a rent freeze and a system of rent control, which previously had been left to landlords and tenants to negotiate freely. Although autoconstrução in the periphery already existed, at the beginning of the 1940's the vast majority of the working and middle classes still lived in rented houses. The law was received with great support and was seen at the time as a measure of great political impact, in defense of the "popular economy." But the rent freeze decreed in 1942 and repeatedly renewed in the ensuing years created an unfavorable climate for investment in housing for rent and acceleration of evictions in the city, which had the effect of generating the first favelas in São Paulo and greater occupation of the periphery. Since then, the model of autoconstrução at the periphery has dominated the city.

44 According to the 1940 Census, only 25% of the households in the city of São Paulo were owner occupied; 65% were occupied by tenants and 10% by others or were in unknown conditions. Recenseamento Geral da cidade de São Paulo of Sept. 1, 1940. For a broader discussion of the impact of the Tenancy Law on the housing market see. Nabil Bonduki. "The housing crisis in the postwar years. Social struggles and the city. The case of São Paulo. ed. Lucio Kowarick. New York: Monthly Review, 1994b, pp. 94-120.
45 The autoconstrução at the periphery generated a new residential rental market, which was extra-legal as were the streets and houses the rentals occupied. In accord with the
Today, 700 square kilometers are urbanized, of which 100 square kilometers are in zones considered legally rural. The distribution of the population by income brackets in 1977 confirmed this standard: the Northern, Eastern and Southern outskirts were largely occupied by a low income population.

Part of the residences situated in this condition were produced by public housing programs, particularly intense during the years of operation of the Banco Nacional de Habitação. Cohab, the municipal company established to finance the production of housing for that portion of the population which earned less than five times the minimum wage, produced 100,000 housing units between 1965 and 1989.

census of 1980, 51% of the households in São Paulo are owner-occupied and 43% rented.
47 Rolnik, Someck & Kowarick, ibid. pp. 49-68. The study considered "low income" families whose family income was in the range of 0 to 5 times the minimum wage. The minimum wage in Brazil today is $70 reais or less than US $80.
48 The Banco Nacional de Habitação (BNH) was created in 1964 with the goal of "making each Brazilian the owner of his own home." In 1967 it assumed the administration of the Fundo de Garantia por Tempo de Serviço, the national fund established from mandatory payments made by employers and employees which was responsible for the distribution of social security payments to workers since the establishment of the "Consolidação das Leis Trabalhistas." With this immense mass of resources, the BNH financed regional Companhias de Habitação in programs destined for low income people and the incorporation of private real estate. After a tremendous financial and administrative crises, the BNH was closed in 1986.
The majority of these residents live in housing projects built in the rural zone and removed from any infrastructure network.  

The Zoning Law consecrated this model, by reserving the Z8 100/1 zone, in the first fringe of the rural zone, solely for the location of popular housing by state companies, such as Cohab. Law 9412 of 1981, which created this zone, would make possible according to its authors, the purchase of low cost land by these state companies, since the land was situated in the rural zone, undervalued because of the impossibility of legal occupation for urban uses. Cheap land, according to the logic that ruled the production of popular housing during the reign of BNH, was the condition for producing popular housing. Therefore, considering the difficulties that went along with the placement of these large projects in Z8 100/1 zones, the cost per unit of these residences, considering the extension of infrastructure and service networks, and the recuperation of erosion caused by the very landscaping, was comparable to the cost of middle class housing in the private market. This does not take into consideration the social and personal costs of living in large housing ghettos, without social variety or function, in a monotone landscape at the edge of the rural

49 Ana Lucia Ancona, op cit. p. 78.  
50 Ana Lucia Ancona, idem, ibidem.
zone, without really belonging to the city. By seeking to block real estate speculation with an urban fence constituted by the large housing projects promoted by the state, the law reiterated the model of creating legal possibilities for popular housing where the city did not exist.

**The Giant Periphery**

Despite the plans, laws and regulations which during the century rejected and prohibited the favelas and precarious peripheral neighborhoods, they have not disappeared. It is common, in urbanistic circles, to blame this fact on the lack of planning and a lack of inspection. If more profound reasons are sought, blame is placed on the lack of ethics that allows government officials to neglect plans and negotiate directly with interested parties -- builders, residents and inspectors -- to create relationships based on the sale and purchase of rights and sanctions.

Nevertheless as we saw in chapter four, beginning in the 1930s a territorial pact was established, where illegality was tolerated in order to be negotiated later by the state. One of the conditions for this pact was that the state would assume the role of provider, and residents of the illegal territory, the role of debtors, for receiving
favors from the state, since from a strictly legal point of view, they would deserve punishment. The territorial pact with the periphery was more fully established during the redemocratization process, whereby urban improvements were transformed into votes and neighborhood leaders into cabos eleitorais*.

From a political perspective, the theme of the private home, which for workers became viable in the autoconstrução at the periphery, was placed in strongly ideological terms in the discourse of the Estado Novo. The concept was expressed by Minister of Labor Waldemar Falcão in 1938:

"By giving to these humble workers their own home, the government of the Estado Novo bestowed upon them the physical basis for their economic liberty, an adored hearth for their family life and the symbol of the simple happiness of workers and of the master of each of these domestic mansions honored and dignified for the honest daily work".51

The private house was the materialization of the possibility of stability and social mobility that were compensation for years of sacrifices. In this way the worker

* Cabo eleitoral person in charge of gaining voters for a candidate
and the policy of support for work were awarded, and the
danger of social unrest removed. But the private house also
had a profound micro-political meaning, by guaranteeing an
environment free of the social pathologies associated with
the collective residences, the healthy "home," the basic
cell upon which would be built the society and the nation.
52

"Weekend-built homes, which shake with the wind,"
implied for the residents hours of standing in lines waiting
for packed buses, mud on the feet, well water, and no
electricity or street lighting. Yet they were far from the
super-packed cortiços, and of any vestige of the city.
Between 1940 and 1950 about 100,000 families, more than half
a million people, came to live in private houses in these
peripheries without any public improvements, ironically
called "Vilas" and "Jardins."

Before long, however, these residents demanded from the
state the lacking services and infrastructure. The revival
of Paulistana political life was enough to give rise to a
new voice that came from these new territories. The
communists, in the brief period of legality of the party,
between 1945 and 1947, were the first to recognize the
periphery as a propitious place for the growth of a movement

52 Nabil Bonduki, ibid. pp. 77-88.
to fight for urban improvements and new forms of popular organizing. During the period of legality, in which the Brazilian Communist Party (PCB) constituted the largest party within the City Council, they organized dozens of Democratic and Progressive Committees (CDPs) in the peripheries. The function of the CDPs was to act as mass entities for the party, but they promoted organizing work in the vilas around the many common problems.53

At that time a tradition and a strategy were inaugurated of making demands and pressure on the local governement - its principal interlocutor - which redefined the political geography of the city.

When the PCB was declared illegal the CDPs were closed and the communist councilmen stripped of power. Nevertheless, many of these leaders were incorporated in the Sociedades Amigos de Bairro, a form of organization which transformed into the principal representation of the periphery in relation with the City Council and city government.54

By 1953, the city councilmen - particularly Janio Quadros (a substitute councilman who assumed office in 1948, with the reopening of the Council after the removal of the

communist councilmen) resonated the voice of the periphery, denouncing precarious conditions and making demands. Nevertheless, the institutionalization of this relation only took form during Janio's mandate as the first mayor elected directly by popular vote after redemocratization.

São Paulo, now in its fourth century of existence, had become an industrial metropolis of 2.5 million inhabitants and its immense periphery came for the first time to be a priority for the city government.\textsuperscript{55} One of Janio's first administrative measures was to win approval in the council, for legislation concerning officializing the streets which declared official all the approved sub-divisions, all those registered in accord with the amnesty of 1936 and all found within the city plan annexed to the law. In this way, a mass amnesty was conceded, making any space contained in the plan acceptable for public investment. The legal measure was essential in order to put in gear the Emergency Plan, which

\textsuperscript{55} In accord with the census data of 1950, the total population of the so called Vílas, the peripheral neighborhoods of the city, exceeded one million inhabitants. We included in this calculation the population of the following neighborhoods: Nossa Senhora do Ó, Butantan, Osasco, Límão, Pirituba, Tucuruvi, Vila Maria, Vila Matilde, Vila Madalena and part of the population of Penha, Vila Prudente, Tatuapé, Saúde, Indianópolis, and Santo Amaro. We also added the population of Itaquera, Guaianazes, Jaraguá, Parelheiros, Perus and São Miguel, which are not part of the municipality. This number does not include the population of the favelas and cortiços in the more established neighborhoods.
consisted in placing curbs, gutters, paving and electric
light along the principal roads of the periphery in the
1950s.\footnote{Marta Dora Grostein, op cit. p. 349. Both the legislation
as well as the Plan were initiatives that had been
negotiated since the mandate of Armando Arruda Pereira
(1951-1953), the last of the intervenors named by Adhemar de
Barros, with an eye on the municipal elections that were
announced since 1952.} \footnote{The approval process, as well as the legalization
process, was complex, including 16 steps or requirements for
approval. According to Marta Dora Grostein, op cit. pp. 312-
315.}

Janio's Emergency Plan clashed with the position of the
city Departamento de Urbanismo, which defended that the
streets would be legalized on a case by case basis, in the
exceedingly slow pace in which they were processed within
the city government's bureaucratic machine, in order to
guarantee minimal urbanistic conditions.\footnote{The approval process, as well as the legalization
process, was complex, including 16 steps or requirements for
approval. According to Marta Dora Grostein, op cit. pp. 312-
315.} In this way, the
Departamento de Urbanismo disassociated itself from the steps
taken by the mayor, which on his part established direct
negotiations with local leaders, directing his actions at
them. Countered by the urbanists, his measures were widely
supported by the entrepreneurs linked to civil construction
and sub-division developments.

The electoral success of Janio's action was immediate -
in 1955 he won the state governmental election, confronting
Adhemar, and elected his successor in the city. In his
period as governor, he promoted an increase in water supply,
increasing delivery five times and the piping network by nearly 50%, attending many neighborhoods in the periphery.\footnote{Water supply and the collection and treatment of sewerage, has been since the time of the República Velha the responsibility of the state and not of the municipality.} While he was governor, his influence contributed to the enactment of a Municipal Conservation Law, which permitted irregular buildings to be legalized, a essential step for the provision of services.

With this policy, Janio consolidated a first ring of sub-divisions, occupied between the 1930s and 1950s, planting the roots in these regions of his powerful political base. He also consolidated a relationship between politics and the production of the periphery, which allowed by the very condition of illegality of the settlements, the possibility of transforming public investments into a powerful bargaining currency in electoral accountings.

This territorial pact, sketched since the 1930s, but defined more clearly in the context of redemocratization and populism, was never dismounted. Not even during the years of dictatorship did the scheme discontinue: new mass legalizations were decreed in 1962 and 1968: the SABs continued to be received in the offices of mayors, councilmen and municipal secretaries. During the period in which once again there were no mayoral elections (1969-
1985), the City Council was transformed into a large conduit for neighborhood demands for services, weaving political networks that linked neighborhoods to secretaries, aides and municipal workers. Thus, layers of the periphery were partially and selectively incorporated to the city while new frontiers continued to be formed.

Until the mid 1970s, this territorial policy worked, accommodating housing demand by workers, although in a precarious and exclusive way. At the end of the 1970s, the "Brazilian miracle" entered in crisis, at the same time in which the fight for redemocratization of the intensified. The economic growth sustained throughout the 1970 began to stagnate, revealing the first signs of increasing unemployment and inflation. Beginning with the international economic crisis and the recessive policies adopted by the government, salaries began to lose their purchasing power.

The impact of the crises on the city was found in the exhaustion of the pattern of the peripheral growth. This was explained, on one hand, by the relative decrease in the supply of popular lots due to a decrease in the number of clandestine sub-divisions because of the adoption of more restrictive federal legislation and the inelasticity of supply, established by the distance between the periphery
and the zones of concentrated employment. In addition, the crises also stemmed from the decrease in purchasing power of salaries in highly inflationary conditions, which reduced a worker's ability to save and make initial and consecutive payments for a lot.

Meanwhile, the channels of political interlocution built under the banner of populism - and which survived the years of the dictatorship - the SABs and networks of political intermediation which linked the politicians and the state bureaucracy, began to no longer control the thousands of micro-movements that formed at the periphery to make demands. A political opposition was reborn, after years of repression. This was expressed in the opposition unions, which for the first time since the construction of the Getulist trade union model that linked unions to the state, defended autonomous and independent unions. It was also expressed in the parliamentary victory of an political opposition - the MDB (Movimento Democratico Brasileiro) - in the legislative chambers and in the administrative positions for which elections were permitted. In the neighborhoods at the periphery the movement's grew, forming the workers'
social base in community groups and independent grass-roots organizations.

Groups and associations discussed the degradation of everyday life. In the process they created an awareness of exclusion that served to link the demands of the vast numbers of people living in neighborhoods through the periphery. At that time, mainly through the Catholic Church's base communities (Comunidades Eclesiais de Base), mother's clubs, youth groups, and other organizations, people began to recognize each other, creating a popular camp of resistance and organization. These processes began to awake a spirit of insubordination directed against authoritarian rule and inspired actions of civil disobedience - strikes, demonstrations, land seizures, riots and other kind of protests.60

The language of these movements, and of the Partido dos Trabalhadores - PT - or Workers Party, formed by these new actors was of complete citizenship. Participação popular, auto-gestão, radicalização democrática were the expressions that indicated the desire for a break from political

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relations where the people appear as the object of policy, in a subordinate or debtor position.

On the other hand, the crises of the economic miracle and the military dictatorship were also signs of the fiscal crises of the State. The public works, which for decades sustained political parties and made contractors rich, became unviable because of the scarcity of resources due to the financial stagnation and the impossibility of taking loans, given the high level of internal and external debt.

This meant an increase in demand for public services and subsidies - due to the increase in poverty, at the same time in which the capacity of the state to attend this demand diminished. This is the scenario in which the city entered the 1980s: the so-called "lost decade," a difficult moment of political-territorial restructuring.

**Is a New Territorial Pact Possible?**

At the end of the century, Sao Paulo appears to no longer fit the image it has of itself. Neither an industrial giant, nor the city with the highest growth rate in the world - the city has lost industrial employment and become a highly diversified and sophisticated center of service industries and commerce.

For the first time in its history, the 1991 census indicated that the city lost population - even though the
geographical size of the metropolitan region increased. The inertia of the model of consolidation still clearly marks the Southwest vector as the large concentration of opportunities, employment and consumption. Yet new forms of spatial organization, such as shopping centers and business centers, challenge the logic of a pre-electronic territorial structure.

The city quickly became connected with rapid information networks and means of instantaneous communication. At the same time, during the consistently rainy months of January, ever-greater floods continue to destroy shacks, sweep away cars and houses, and cause the entire transportation system to collapse. There have never been so many Paulistanos living in favelas - today there are more than a million; and the lines for the bus, the mud on the feet and the lack of schools and hospitals on the periphery continue.

With re-democratization, the city experimented with the return of Janio Quadros, ex-mayor, governor and president, and Paulo Maluf (ex-mayor and governor) to the city government (in the period of 1986-1989 and 1992-1996 respectively) and then with the administration of Luiza Erundina, of PT. Although with different styles, from a point of urbanistic policy, the administrations of Janio Quadros and Paulo Maluf were similar. They both promoted
large public works in the Southwest, cuts in social spending, cooptation of neighborhood leaders, and sprinkling of micro-investments in the periphery, brokered by vereadores and other politicians.

Luiza Erundina, who came from the Brazilian northeast and was linked to the social movements and the grass-roots community groups, proposed a break in these policies, both from the point of view of defining investment priorities, as well as the very forms and methods of governing. She gave priority to social areas - above all housing, health-care, education, and public transportation, instead of large public works. She opened spaces for political dialogue and negotiation in the decision making process, organizing counsels and forums where organizations, entities and individuals involved with a sector or a territory shared decision making with the government.

Concerning urban planning, which was not a priority of the Erundina government, a break with the past was also attempted. Required by the federal Constitution of 1988 to construct a new Master Plan for the city, city planners imagined that it was possible to establish new rules for the game through a wide process of public discussion in the city, involving the actors that produced and disputed urban space. They would be rules based on the real city, and not an abstract and ideal model. They were rules that:
incorporated heterogeneity, transformation and conflict as positive values; rules that would liberate the city from legislation that protected reserve markets, designed invisible walls, and which assumed the logic and rhythm of the production of the popular settlements as an integral part of the city; rules which opened access to job opportunities, consumption and real estate investment to a large number of people, decongesting the city and its markets.

These concepts broke with the logic of "keeping out the poor" and protecting the rich within the Southwest. The concepts ran counter to the creation of dormitory neighborhoods, and employment neighborhoods, largely responsible for the city's environmental disasters, and sought to build a less segregated city. The government sought regulations which would institute partnership between private capital and public capital to enact urbanistic transformations that would guarantee the recuperation and improvement in quality of public spaces and broaden the responsibility of citizens in the administration of the city. It sought regulations which would be able to bring urbanistic standards up to date with the new times, allowing the city to enter the third millennium with its borders truly open.

These principles, and the instruments needed for their
implantation, were launched. When they will be incorporated in the urbanistic-legal order that governs the city, only future history will tell.
MAPS
MAP 07
CITY OF SÃO PAULO - 1881
AFROBRAZILIAN TERRITORIES

QUILombo DO SARACUra
STREET MARKET
PILLOry AND IRMãDEDE DOS REMÉDIos
WAY TO QUILombo JABAQUARA
WATER FOUNTAIN
MErcado DO ACÚ
WATER FOUNTAIN
PROCÌSSAO IRMãES DA ALMA CAPTURE DE NEGROS
LOCAL DE LEIÃO DE ESCRAVOS
PRAÌA DA CONSOLaçãó
RUA SANtO ANToÍNO
RUA DO DASMETRóS
MAP 10
CITY OF SÃO PAULO - 1934
REGIONS WITH CONCENTRATION OF ITALIANS AND THEIR DESCENDANTS
MAP 11
CITY OF SÃO PAULO - 1934
REGIONS WITH HIGH CONCENTRATION OF PORTUGUESE, SPANISH, SYRIAN, JAPANESE, JEWS AND THEIR DESCENDANTS
MAP 12
CITY OF SÃO PAULO - 1901-1905
TROLLEY LINES

TROLLEY LINES UNTIL 1901

TROLLEY LINES FROM 1901 TO 1905

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MAP 14
CITY OF SÃO PAULO - 1929
TROLLEY LINES
MAP 20
CITY OF SÃO PAULO - 1934
ZONES "PROTECTED" BY URBAN LEGISLATION
MAP 21
CITY OF SÃO PAULO - 1886-1905
AREAS WITH HIGH CONCENTRATION OF BUILDING PERMITS AND DEMOGRAPHIC GROWTH OF THE DISTRICTS
MAP 23
CITY OF SÃO PAULO - 1921-1934
AREAS WITH HIGH CONCENTRATION OF BUILDING PERMITS AND DEMOGRAPHIC GROWTH OF THE DISTRICTS
MAP 26
SÃO PAULO
GOVERNEMENT PAULO MALUF 1993/1994
DISTRIBUTION OF INVESTMENTS

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MAP 28

LOTEAMENTOS CLANDESTINOS

AREA INCLUDED IN THE MASS OFICIALIZATION OF STREETS

- 1953 AND 1955
- 1962
- 1968
Note on Brazilian money

Brazilian money was, until 1942, the mil-réis. $1000 was equivalent to one mil-réis. The divisionary money was the real (in the plural, réis), and 1000 of which constituted the mil-réis. Two hundred réis, was thus, $200.

The word conto (or conto de réis) was used referring to large sums and was equivalent to 1000 mil-réis. One conto is 1:000$000. In 1942, the mil-réis was replaced by the cruzeiro.

GLOSSARY

Aforamento: simple donation to residents who accepted responsibility for its maintenance.

Agregados: people who lived with a family, and were not relatives or employees.

Alforria: document that conceded freedom to a slave.

Alinhamento: the precise demarcation of the limits of servidão pública.

Alvará: Building Permit

Arruador: street market.

Arruamento: the establishment and design of streets.

Assembléia provincial:

Auto-construção: Process of popular construction in which the owner of a lot builds himself or with help from his family, relatives and friends his home, generally in the weekends.

Caboclo: person of mixed Indian and European descendence

Caipira: people of rural origin.

Candomblé: afro-brazilian religion.
Capitalista: the real estate developer who invested in urban property, transforming it into new products for sale.

Capitania hereditária: Designation of the first administrative division in colonial Brazil.

Capoeira: men who formed parts of gangs organized around the practice of an African-based martial-art. The gangs often participated in criminal activity.

Carroça: carts or wagons usually powered by animals.

Carta de doação: document through which the capitão mor or donatário conceded the right to settle and work land under his jurisdiction to others.

Casa térrea: one storey house.

Casas senhoriais: the proprietaries' house.

Centro: city center.

Chácara: country house on the edge of the town.

Chacareiro: the inhabitant of a chacara, small farmer.

Coeficiente de aproveitamento: floor area ratio. It is the relation between total built area of the building and the area of the lot.

Comércio ambulante: the hawking in the streets of food and items of general needs.

Cômodo: room of a house.

Conselheiro: honorary title granted by the Empire.

Coronel: political boss.

Cortiço: tenement-type arrangement of one or more, precarious buildings which take their name from the beehive like clustering of tiny apartments for the poor.

Data: urban lot

De favor: as favour, without paying.

Desbravada: translates literally as tamed, but implies clearing and opening streets.

Degola: literally means decapitation, but in the electoral context of the República Velha meant the elimination, after the elections and before the results were proclaimed of indesirable candidates.
Direito de vizinhança: established the relation of a house to neighbouring property.

Donatário de capitania or capitão mor: officials entrusted with the administration of large tracts of land.

Escrava de tabuleiro: slave who sold sweets and snacks in the streets from trays.

Escravo de ganho: slaves who was allowed to sell goods or work for somebody else, being required to give a portion of the earning to their masters.

Favelado: resident of a favela.

Figurão: refers to those with political power.

Filho de santo: means children of the saint, or a member of an AfroBrazilian religion community.

Foro/foral: refers to the regulations and confirmations of the cartas de doação. Also known as aforamento, the bearer of a foral or aforamento came to be responsible for the use and maintenance of the land remained under his responsibility.

Forro or liberto: freed slaves

Geminado: refers to houses built in rows with common walls.

Governador geral: the representative of the Portuguese crown in the second administrative division of colonial Brazil.

Intendente: general administrator of the city.

Jardin amenagé: designed garden.

Légua: unit of measurement equivalent a 6000 meters.

Lei de Terras: land tenure law.

Loteamento: land sub-division, which encompass the opening of streets.

Macumba: cult for the Orishás following a Bantu or Angola tradition, which differs from Yoruba tradition of candomblé. But macumba is also a popular name used mainly by non-practitioners to designate any form of Orishás cult, specially in São Paulo.

Mestiço: people of Indian and black, Indian and white, black and white descendence.

Pais de santo: literally parents of the Saint - Afro-Brazilian religious priests.
Palacete: small palace.

Pé-Direito: height between the floors.

Pensão completa: a rented room that included meals.

Perímetro urbano: urban perimeter.

Popular (territory, neighborhood, housing): poor and working class.

Postura municipal: refers to the body of laws that regulated the use of public space in the municipality.

Posse: land merely occupied, without any formal resignation.

Praça: plaza or square.

Prefeito Municipal: municipal mayor.

Província: literally province, was one of the levels of government. After the establishment of the Republic, they were referred to as states.

Quilombo: the place where escaped slaves took refuge.

Quitanda: the common practice of the sale of products on banquinhas (stools), esteiras (straw mats), or tabuleiros (trays) in the streets.

Remembramento: assembling of lots or parcels, reparcelling.

República Velha: refers to the first phase of the Republican period in Brazil, from the declaration of the Republic until 1930.

Rocio: town's common land used for pasture.

Rótula: wooden lattice that impedes the vision from the street of interior space.

Senzala: slave quarters

Servidão de passagem: impedes even the planting of trees except in gardens and orchards destined exclusively for this purpose.

Servidão de vista: guaranteed ventilation for the cômodos.

Servidão pública: literally "public easement", meand public land destined for streets and passages for animals, vehicles, people and rain water.

Sesmaria: land distribution system in which the Portuguese Crown conferia a pessoas interessadas em explorar.
Sobrado: two-story house.

Taipa: construction technique in mud. It can be taipa de mão, when mud is simply agregated into a wooden framework, serving as a wall, or taipa de pilão in which mud walls are pressed inside of wooden forms.

Taxa de ocupação: occupation rate. It is the rates of building measurements at ground level to the total area of the lot.

Termo da vila: territorial jurisdiction of the municipality.

Terras devolutas: unoccupied lands that were neither ceeded by cartas de doação or forais.

Terreiro: the organized liturgical association and also means yard, the space where the ritual takes place.

Vésperas: after the first evening star appeared in the sky.

Vícinal: local

Vila: small single family houses built in rows, with a common yard, internal street or patio.

Votar com ele: translates literally as vote with him. It indicates that the workers or small property holders must vote with the coronel.

Zona: red-light district.
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Map 12-São Paulo.1905-Centro da Memória da Eletricidade no Brasil:loc cit

Map 13-Idem

Map 14-Ibid


Map 19-Basis: idem. Sewarage Network: Departamento de Águas e Esgotos de São Paulo.Rede de Esgotos 1928

Map 20-Basis:idem.Data: Código de Obras Arthur Saboya , Lei n. 3427 - 19/11/1929

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Map 25 - Secretaria Municipal de Habitação e Desenvolvimento Urbano de São Paulo. Registro Geral de elevadores apud Nadia Someck op. cit

