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RURAL UNIONIZATION IN BRAZIL

By

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All views, interpretations, recommendations and conclusions expressed in this paper are those of the author and not necessarily those of the supporting or cooperating organizations.

I N D E X

PREFACE

- I. The Labor Legislation of Brazil
 - A. General Historical Background
 - B. Chronology of Rural Labor Legislation
 - C. Institutional Characteristics of the Union Structure
 1. The Geographical Hierarchy
 2. The Economic Class Structure
 3. Institutional Unity and Recognition by the Ministry of Labor
 4. The Foundation of a Rural Union
 5. Union Prerogatives
 6. Administration of the Union
 7. The Ministry of Labor
 8. The Labor Judiciary
- II. The Social Reality of the Rural Union
 - A. The Rural Social Structure
 - B. Recent History of Rural Labor Associations
 1. The "Peasant Leagues"
 2. The Advance of Rural Unionization. Rio Grande do Norte. Pernambuco. São Paulo. Other States.
 3. The National Direction of the Rural Unions
 4. The Position of the Land Owners' Association
 5. The Attitude of the Federal Government
 - C. Economic Accomplishments
 - D. The Social Reality of the Rural Labor Statute
- III. Epilogue

PREFACE

The general purpose of this monograph on Brazilian rural unionization is to illustrate the importance of the organization of rural labor in an attempt at agrarian reform in an underdeveloped country. Often, in the discussion of agrarian reform, this aspect has been ignored by the non-communist writer or adviser: perhaps, it is supposed that there shall appear in a particular country liberal elements who will legislate the necessary reforms without pressure from the appropriate class, but this has not been the case in the underdeveloped countries, nor, for that matter, in the economically developed nations. Without the economic strength that results from organization, there will be no laws of economic improvements nor will there be the application of existent social welfare legislation. The labor law which regulates rural work conditions and organization has been relegated to a secondary consideration --the soi disant "indirect measures of agrarian reform"-- by the agricultural economists, perhaps, without the realization that, without this labor law, there may be no adequate law of agrarian reform or, in the eventuality of its passage, there will be no enforcement of it. Furthermore, it is even the opinion of a small number of economists, such as the Mexican Ramón Fernández y Fernández, that the primary stress of agrarian reform should be directed towards the improvement of the salaried agricultural class

and not a generalized diffusion of minifundios among the landless.

The perspective of the monograph is comprehensive: legal, political, sociological, and economic. However, the major stress has been legal, with the other perspectives included in order to assure an understanding of the legislation. Some of the cited material, especially the political, has become of historical interest because of the April revolution which deposed President Goulart but I did not believe that these developments warranted an excision of that material since there still exists the chronic instability in the Brazilian government, a condition which could lead to the actualization of some of the historical material, especially that which relates to communist subversion, and, in any event, it is an interesting commentary on the influence of subversion in the rural sector in the Goulart government. The cited legal material, although of especial interest to those with a legal background, should also be of interest to researchers of the social sciences, for example, the sociologist should be better able to appreciate Brazilian rural class groups within an economic context and even, perhaps, criticize the somewhat artificial categories of the union classification, and the political scientist may be interested in the still existent remnants in Brazil of labor legislation from fascist Italy.

A brief introduction to the social situation of Brazil may facilitate a readier comprehension of the monograph and even contribute to a realization of the importance of the topic in Brazil. Initially, I might restate the truism that Brazil is still a rural nation where great masses of agricultural laborers, small property owners, renters, and sharecroppers live in poverty, especially in northeast Brazil. The rural poverty is not a recent event but, perhaps, it has received new proportions because of the increase in population due to an extremely high birth rate and the increasing political consciousness of the rural class that there is the possibility of changing their situation. Until recently, there had been no great interest by the government in the rural labor class, but, since the Cuban revolution, this interest has been awakened since the Brazilian rural class itself began its own organization, quite naturally, in the poorer Northeast. In the earliest organizational phase, the most active group appears to have been the Communist Party, but, not too long afterwards, the Catholic Church also began to participate in the unionization of rural labor. Then, the Brazilian government, under President Goulart, also became interested in the rural union movement and, in 1963, passed a Rural Labor Statute which facilitated the organization of these unions and emphasized already existent rural labor

legislation. There was a resultant acceleration of the rural organization and, placed within the context of agrarian reform pressure in Brazil, contributed to the April revolution. It is within that context that I suggest a consideration of the monograph, especially since the condition of poverty in Brazil is still a dominant social fact in that country.

--Robert E. Price

I. THE LABOR LEGISLATION OF BRAZIL.

A. General Historical Background

This historical aspect received an excellent summarization by one of the leading commentators of Brazilian jurisprudence in a recent text.

The juridical history of labor can be divided into a pre-historic phase and two historical phases, the following:

1. The period, that dates from Independence to the abolition of slavery (1888), in which slave labor, which constituted the rule, effectively impeded the development of specific legislation. In this period, there can be noted an occasional law which regulated limited sectors of human activity, such as that of 1830 on labor contracts of Brazilians and foreigners, that of 1837 on labor contracts of tenant farmers, and, finally, the Commercial Code of 1850, especially important since it regulated commercial transactions which, in that epoch, included many of the institutions now regulated by the labor law.
2. The second period dates from 1888 to 1930. It is characterized by liberty of association (Constitution of 1891) and its regulation (1893); and by the laws of unionization of 1903 and 1907, respectively applicable to the unionization of workers in agriculture or rural industry and the liberal professions.

There were also laws that had inadequate application and, in the few instances of application, slight success: the Civil Code (1916) which, containing a chapter on labor contracts, treated it in a pure Roman classical style; a law on labor accidents, the spurious fruit of an insensible Labor Code, which was retained for years by the National Congress (1918); a law on pension funds (1923); and, finally, a law on vacations.

3. The third and final period began with the Revolution of 1930. It is characterized by the feverous intensification of ordinary legislation and the extensive internal adoption of anterior international labor regulation which had been elaborated for years by the I.L.O. The culminating points of this period are the advent of the Constitutions of 1934, 1937, and 1946, all three allowing ample space to the regulation of labor; the legislation on union organization by no less than three successive enactments; the creation of Mixed Conciliation Commissions (1932); the regulations of the Institutes of Social Security, which, subsequently, were unified in the Organic Law of Security (1960); the institution of the Labor Judiciary (1939); a new law on labor

accidents (1944); a law on strikes and lock-outs (1946); a law on a remunerated weekly rest (1949), and finally, the Consolidation of the Labor Laws, where then is compiled, revised, and in continual legislative actualization almost all of the material pertinent to labor law. 1/

The labor legislation of Brazil is a dynamic area of the law which has continued its rapid growth since the publication of the above historical condensation which traced the movement of the labor law up to 1963. Also in 1963, the national Congress passed the thirteenth month bonus, the family salary, and, most important from the perspective of this monograph, the Rural Labor Statute.

B. Chronology of Rural Labor Legislation.

The first law relative to rural labor was that of September 13, 1830, enacted under the Imperial Constitution: it regulated the "written contract of labor made by a Brazilian or a foreigner within or without the Empire" and also provided

1/ Gomes, Orlando and Gottschalk, Elson. Curso Elementar de Direito do Trabalho. Ed. Forense, 1963. 390 p. pp. 18-19. Also see the historical analysis of Cesarino Jr., A.F. Direito Social Brasileiro. Ed. Freitas Bastos. 5th Ed., 1963. 2 Vol. Vol. I, pp. 133-144. For background material, also see the following. Alexander, Robert J. Labor Relations in Argentina, Brazil and Chile. MacGraw-Hill, 1962. 411 p. pp. 25-136. U.S. Department of Labor, Labor in Brazil. B.L.S. Report No. 191. 35 p.

a prison penalty and indemnification to the injured party when there were contracted "African barbarians, excepting those who are actually in Brazil." 2/

The next legislative enactment was Law 108, of October 11, 1837, regulating "the labor contract, executed within or without the Empire, by which a foreigner obliges himself as a laborer."

Then, the Commercial Code, Law 556 of June 25, 1850, by virtue of an ample formulation of the commercial lease provisions of Article 226, was also applicable to rural labor contracts.

The first legislation which attempted a thorough coverage of rural labor was Decree 2,827 of March 15, 1870. It contained 86 articles and regulated "agricultural labor contracts," which then included sharecroppers' contracts. It also revoked the prior laws of 1830 and 1837.

The Provisional Government, shortly before the Constitution of the Republic in 1891, issued Decree 213, of February 22, 1890. In its hasty attempt to rectify past injustices to the rural labor class, it again revoked the laws

2/ Catharino, José Martins. O Trabalhador Rural Brasileiro. Ed. Freitas Bastos, 1958. 142 p. The citations and historical scheme of this section follows the treatment of this author on pages 23-33.

of 1830 and 1834, and revoked the law of 1879 and "all exorbitant dispositions of the common law relative to agricultural labor contracts." Accordingly, there was no applicable legislation for the rural labor contract until the Civil Code of 1916.

The first legislation relative to the rural labor union was Decree 979, of January 6, 1903, as implemented by Decree 6,532, of June 20, 1907. Article 1 of the 1903 law provided: "Persons engaged in agriculture and rural industries of any kind may organize unions for the study, support, and defense of their interests." A sociological criticism of this law, in english, has been published by one of Brazil's sensitive observers of the rural scene: to avoid repetition, the reader is referred to that article for a comprehensive analysis. 3/ A leading commentator on labor law has indicated the existence of a curious phenomenon in the evolution of the law of unionization in Brazil: the inverse development of the law in regard to class coverage, since the class first protected was rural and not urban, and in regard to the usual social

3/ Freitas Marcondes, J.V. First Brazilian Legislation Relating to Rural Labor Unions. A Sociological Study. Monograph 20 of the School of Inter-American Studies, University of Florida. June, 1962. 63 p. Also see by the same author "Social Legislation in Brazil" in Brazil, Portrait of Half A Continent, 1951. pp. 382-400.

conflict precedent to the passage of social welfare legislation, since the union organization was constructed by the state and not by private associations. The author then explains this unusual occurrence: "It is a consequence of our regime of predominance of servile and agricultural labor and the abolition of slavery. There was a necessity to bring colonists here in order to substitute slave labor for free labor.... Thus, the government had to create various inducements for the immigrants, as occurred with the first measures in favor of the unions." ^{4/} The formation of a mere thirteen unions indicates the ineffectiveness of the first attempts at rural union organization in that epoch.

The unionization of cattle workers was next provided for by Decree 1,637 of January 5, 1907.

The Civil Code of 1916, the same code which still governs the civil law of Brazil, included articles applicable to the rural class. These provide that a labor contract cannot exceed a four year period (Article 1,220), that the contractor is obliged to furnish the laborer with a certificate of fulfillment upon the completion of the contract (Article 1,230), and that the laborer under contract has the option to

^{4/} Cesarino Jr., A.F. *Direito Social Brasileiro*. Ed. Freitas Bastos, 1963. 2 Vol. Vol. I, p. 236.

continue his contract with the new owner of an agricultural establishment that has been alienated (Article 1,236). In regard to salary protection, the debt of salary to an agricultural worker which is to be paid in the product of a harvest on which he has contributed his labor has preference over other debts, including mortgage or pledge (Articles 759, 1,560, 1,563, 1,566, 1,567).

Then, by Decree 23,611, of December 20, 1933, Decree 979 of 1903, the first law which provided for rural unions, was revoked and there was provided the institution of professional cooperative consortiums.

There was extended to the rural workers a 1919 federal labor accident law by Decree 24,637, of July 10, 1934, in accordance with the provisions of the Constitutions of 1934.

The minimum wage was also extended to the rural worker by Decree-law 2,162, of May 1, 1940.

The most important enactment in labor legislation was the Consolidation of the Labor Laws, approved by Decree-law 5,452, of May 1, 1943. It is still the basic labor statute of Brazil. Although Article 76 provides that "The provisions contained in the present Consolidation, except when expressly stated to the contrary, do not apply to rural workers...", there are certain provisions expressly applicable to the rural worker. These are the extension of the minimum wage

(Article 76-128), right to annual vacation, without prejudice to compensation (Articles 129-147), general regulation of the labor contract (Articles 442-456), provisions respective to remuneration (Article 1157-467) right to prior notice of termination of the labor contract (Articles 487-491), and a final provision relative to labor contracts with payment in kind. (Article 506). Many observers have referred to the non-fulfillment of these provisions of the Consolidation in the rural areas.

Legislation on rural unionization was again enacted by Decree 7,038, of November 10, 1944. Article I provided: "All those who exercise rural activities, whether as employer or employee, are permitted to form associations for the purposes of study, defense and coordination of their economic or professional interests." The following Instructions from the Ministry of Labor implemented the decree: No. 14, of March 19, 1945; No. 126, of June 28, 1959; No. 209-A, of June 25, 1962; No. 355-A, of November 20, 1962; No. 356-A, of November

21, 1962. 5/ In accordance with these provisions, the Brazilian Senate, by Legislative Decree 24, of May 29, 1956, ratified Convention No. 11, of 1952, of the International Labor Organization, which provided that the signatory countries would guarantee to agricultural workers "the same rights of association as unions of industrial workers." 6/

The most recent and farthest advance for the Brazilian rural worker is the Rural Labor Statute, Law 4,214, of March 2, 1963. The Statute had its origin in a bill for the protection of the rural worker which President Getulio Vargas sent to the federal Congress in 1954. This bill took the number 4264-54, was distributed initially to the Justice Commission where it was amended and received approval (May 24, 1955), then passed to the Social Legislation Committee where it was replaced by a substitute bill, No. 4264B, and continued

5/ Gomes, Orlando. p. 48. "Ministerial Instructions in labor law have a significance that they do not normally possess. It is certain that ministerial instructions do not obligate the labor tribunals. It is also certain that, because of their multiplicity and effective application, they do contribute in an evident manner to model determined sectors of labor law, not only in the regulation in the rendering of labor but also in social security. Georges Scelle, treating Ministry circulars, observed that if they do not modify the norminative order that they can be considered "as formative elements of the customs."

6/ Coleção das Leis dos Estados Unidos do Brasil, de 1956. Vol. III, p. 21.

to the Congress, where it was approved in the first discussion, but, during the requisite second discussion, it was returned to the Economic Commission (November 11, 1956) where it was rejected (August 7, 1956). It returned to discussion later the same month and many new amendments were proposed, among them Amendment No. 16, "Rural Labor Statute," of Senator Segadas Vianna and Fernando Ferrari. However, this bill appears to have rested in the committees of Congress, ignored by the legislators. Then, Fernando Ferrari presented another bill, No. 1837-D, to the Chamber of Deputies in 1960, and it was approved by that Chamber on June 28 of that year. During its consideration in the Senate, a special commission was formed to consider the project, now numbered No. 94/61, under the leadership of Nelson Maculan. After empirical research in the rural areas of Brazil and an examination of the national legislation and the international conventions of the International Labor Organization, Senator Maculan presented a substitute bill, which was approved by the Senate on August 16, 1962. It was returned to the Chamber of Deputies, received alterations, and was approved on January 29, 1963. It was then sent to the President for his sanction. On March 2,

1963, President Goulart approved the "Rural Labor Statute." 7/ Later in the same year, the Ministry of Labor issued the Ministerial Instructions to implement the law: No. 346, of June 21, 1963; No. 347, of June 14, 1963; No. 531, of November 11, 1963; and No. 532, of November 11, 1963. Then, in accordance with the more general provisions of the Rural Labor Law, President Goulart, by Decree 53,154, of November 13, 1963, approved the implementation of Rural Social Security. 8/ In general, the Rural Labor Statute emphasized provisions of the Consolidation of the Labor Law of 1943 which were already applicable to rural labor but had been ignored, extended these benefits to sharecroppers, and repeated the unionization

7/ Vianna, Segadas. O Estatuto do Trabalhador Rural e Sua Aplicação. Ed. Freitas Bastos, 1963. 321 p. p. 46. Mesquita Barros Jr., Cássio. "O Estatuto do Trabalhador Rural" Legislação do Trabalho. No. 301. May-June, 1963. pp.287-293. "El Estatuto del Trabajador Rural en el Brasil." Revista Internacional del Trabajo. Vol. LXVIII, No. 4. October, 1963. pp. 472-478.

8/ Rotta, José. "A Regulamentação do Estatuto do Trabalhador Rural." O Estado de São Paulo. October 11, 1963. A Congress of Rural Workers in Araraquara, S. Paulo, organized and directed by the Federation of Agricultural Workers of the State of São Paulo, of which the author of the article is the President, suggested the implementation of various provisions of the Rural Labor Statute: the issuance of the identification cards for rural workers; the observance of hygiene and security measures; adequate rural habitation; the health provisions; the creation of primary schools, a special section of the Ministry of Labor to deal with rural union questions; the creation of Counsels of Arbitration, supervision of the compliance with the provisions of the Rural Labor Statute; and the creation of a separate Rural Workers Pension Institute.

provisions of the Consolidation of Labor Laws and Decree 7,038, of 1944, which specifically regulated rural unionization. The advantage of the law is not in the introduction of new benefits to the rural worker, since he had been extended them by prior legislation, but in the emphasis which the new compilation lends to the ignored provisions of earlier law.

C. Institutional Characteristics of the Union Structure.

A comprehension of the traits of Brazilian unionism, rural as well as urban, will be facilitated by an awareness of the political influences from Europe which inspired the Brazilian labor law. In the era of formulation of the legal principles for unionization in Brazil, in the 1930's and in the 1940's until the end of World War II, Italy had instituted the corporate state under the Carta del Lavoro. The principles of the Italian labor law were private initiative, social function of property, collaboration of classes, and the prohibition of strikes and lock-outs. The countries that closely followed this legislation were Portugal and Spain, and, to a certain point, Brazil. In Brazil, the Constitution of 1937, in the chapter dedicated to "Economic and Social Order," was often inspired by the Carta del Lavoro and the Italian law of unionization of 1926. The actual Constitution of Brazil, that of 1946, does not establish the

earlier fascist principles of labor law but relegates this to ordinary legislation. Accordingly, the Consolidation of Labor Laws, of 1943, although influenced by Italian fascism, still governs unionization in Brazil although the Italian legislation itself has been suppressed long since. 9/ The Rural Labor Statute of 1963 was formulated under the inspiration of these same principles.

1. The Geographical Hierarchy.

The concept of territorial base is one of the directives of the labor law: this means that each entity of association has a prescribed geographical order in which it and it only is allowed to function. The union ("SINDICATO"), the foundation of the hierarchy, according to the Consolidation of Labor Laws, "may be organized on a district, county, inter-county, State or interstate basis" (Article 517) and "No more than one union representing the same economic,

9/ Cesarino Jr., A.E., p. 233, 250. Cf. Brandão Filho, Francisco de Moura. Teoria e Prática da Organização Sindical do Brasil. Ed. Borsoi, 1961. 207 p. pp. 13-14. "Theoretically, our legislation is distinguished from the fascist principally because it did not conceive the union organization in totalitarian molds and it prefers an indirect control of the repressive type." Also see, Alba, Victor. Historia del Movimiento Obrero en América Latina. Libreros Mexicanos Unidos, 1964. 598 p. p. 389. "In no other country of Latin America are the unions so regulated as in Brazil."

occupational or professional category may be recognized in the same territorial zone" (Article 516). The Rural Labor Statute did not explicitly include these propositions, but Instruction 346 of the Ministry of Labor clearly implies the same intent when it provides that "If a union possesses a territorial base that encompasses more than one county..." and "There will not be recognized more than one union representative of an economic or professional category in a given territorial base" (Article 5). Actually, the territorial base of the rural union is county or inter-county. The federation, an association of unions, is a superior institution within the labor structure. The consolidation of Labor Laws provides that "Unions numbering not less than five... may merge in the form of a federation" and that "Federations will be confined to each separate state" (Article 534). The Rural Labor Statute stipulates that "The unions, when in number not less than five... are capable of organizing themselves into a federation" and Instruction 346 states that "For the rural federation, there will be a state base, excepting special purposes which shall be within the judgement of the Minister of Labor." The confederation is the highest institution within the hierarchy. The Consolidation of Labor Laws states that "A confederation shall be constituted by the merger of at least three federations..." (Article 535). The Rural Labor Statute extends the same principles to the rural

federations: "The National Confederation will be constituted by at least three federations..." (Article 131,51). Instruction 346 reiterates this position: "The Confederation shall always be of national scope."

2. The Economic Class Structure.

The configuration of associations also has an economic structure based on class lines: this means that the union hierarchy includes groups other than the employee. The Consolidation of Labor Laws states: "All persons who, as employers, employees, agents or independent workers, or persons pertaining to the professions (i.e. doctors, dentists, lawyers, etc.), having, respectively, the same activity or profession or activities or professions of a similar or connected nature, have the legal right to form associations with a view to furthering the study, defense and co-ordination of their economic or professional interests" (Article 511). The Rural Labor Statute also provides for these categories: "The association in union for purposes of study, defense, and coordination of their economic or professional interests by those who exercise a rural profession, whether as employee or as employer, is licit" (Article 114). Instruction 346 provides: "The confederations shall be two in number: the National Confederation of Agriculture and the National Confederation of Agricultural Workers..." The Rural Labor

Statute, in Article 25, enumerates the class groupings:

The rural unions will be organized in accordance with the following list of activities and professions:

National Confederation of Agricultural Workers --

1. Professional Category: Agricultural Workers (salaried);
2. Professional Category: Workers in cattle raising (salaried);
3. Professional Category: Workers in rural extractive production (salaried);
4. Professional Category: Independent workers (renters and squatters who perform rural activities without employers or under a regime of family economy);
5. Professional Category: Small property owners (who perform rural activities without employees or under a regime of family economy).

National Confederation of Agriculture --

1. Economic Category: Agricultural Employers;
2. Economic Category: Employers in cattle raising;
3. Economic Category: Employers in rural extractive production.

One commentator observed the difficulty that had been created by the placement of the independent workers, the above mentioned Professional Category 4, in an isolated category instead of with the salaried workers in Professional Category 1 since an earlier decision of the Federal Supreme Court held that there existed a labor contract when the sharecropper is independent and subordinate. "Placed in the scheme of unionization among the independent workers, how will they solicit the rights guaranteed to them by the Statute: the rights of the employee, demandable from the employer." ^{10/} The

^{10/} "Os Critérios de Sindicalização." O Estado de São Paulo. March 8, 1964.

commentator also noted that the other independent workers, those of Professional Category 5 should have been grouped into an economic category within the National Confederation of Agriculture.

3. Institutional Unity and Recognition by the Ministry of Labor.

The extremely important principle of unity or union monopoly, in contrast to union plurality, is that aspect of the Brazilian labor legislation which has generated most controversy. Succinctly, this is the doctrine that the legal existence of the union requires the recognition of the Ministry of Labor, and, once recognized, the competition of another rural union is precluded from the representation of that economic group in the given area. The Consolidation of Labor Laws states: "Only those occupational associations constituted for purposes and in the form set forth in the foregoing article and registered in accordance with Article 558 may be recognized as unions (employers' associations and labor unions) and be granted the privileges defined in this law" (Article 512). The Ministry of Labor, in its determination of recognition, is obliged to abide by the following rule of the Consolidation of Labor Laws: "Union investiture shall always be conferred on the trade association offering the most representation merits in the opinion of the Minister

of Labor, Industry and Commerce, whose decision shall be based on the following factors (Et al): a) the number of members; b) the social services founded and maintained; c) the value of the association's assets" (Article 519). The Rural Labor Statute follows the principles of the Consolidation of Labor Laws in its formulation of union exclusiveness: "There will be recognized as unions those entities which possess the charter of recognition signed by the Minister of Labor" (Article 119).

The controversy on unity vs. plurality has been summarized by a leading commentator of Brazilian labor law in this way:

The partisans of unity affirm that "since the profession is one, representing a corpus, it would not be acceptable if there was given to it a plurality of representatives. Since the union represents not only the collective body of its associates but the total professional collective body, the unitary condition of this representation is obligatory." Oliveira Viana argues in this way. In the same way do Scelle, Waldir Niemeyr, and Joaquim Pimenta. Plurality is a factor of struggles and weakenings, Oliveira Viana, noting examples, often accountable for by personalism and a factious spirit. They affirm, along with Temistocles Cavalcanti, that plurality can only prevail in liberal systems since it would not be possible to admit union plurality within a corporate pattern where there is the integration of corporations within the political structure of the state. Thus, from the pure economic point of view, concentration is recommended, under the form of unions that are neutral, inter-confessional, etc. as noted by Muller, partisan, as a social-catholic, of plurality.

In their turn, the adepts of union plurality, as Roger Bonnard, respond that "to impede individuals from grouping themselves together in distinct unions and to

adhere to those unions, to compel them into a single union, is to impede their choice, defense of their professional interests, the processes, the ideas, and the policy that they consider most efficient. Now, since this choice is a right in a liberal democracy, to suppress it constitutes a threat to liberty of the individual, inadmissible in a democratic regime." Tristão de Ataíde and Rêgo Monteiro among us follow the same line of thought. In this respect, Muller notes that the union fills an educational mission and assumes the effective direction of the worker movement; a precise doctrine and a moral rule that neutrality cannot furnish is necessary to him.

In regard to myself, I have the impression that, on the merely theoretical level, the question is important, the reasons espoused by both sides are forceful, but, de fato, it loses all interest since the practice forces the adoption of union singularity. 11/

Another position, with especial reference to the Rural Labor Statute, is a denial of the existence of a procedure of "recognition." "As we have said on another occasion, there is not, in reality, recognition, but registration through bureaucratic formalities." 12/ The language of the Rural Labor Statute appears to corroborate this position since it provides that "The issuance of the charter of recognition will be automatically granted to the rural union that requests it, in accordance with proof of fulfillment of the requirements established by Article 119 and its sub-paragraph" (Article 120). It may be that the terminology of the article

11/ Cesarino Jr., A.F. pp. 240-241.

12/ Vianna, Segadas. p. 240.

when it refers to the procedure as "automatic" more fully explains the significance of "recognition." However, despite the observation of that commentator, whether the procedure is described as "recognition" or as "registration", union singularity is continued in the Rural Labor Statute. 13/

4. The Foundation of a Rural Union.

The requisites for the establishment of a rural union is sparsely treated in the Rural Labor Statute but receives more ample coverage in the Instructions of the Ministry of Labor. Instruction 346 provides: "In order to constitute professional rural unions, there must be united a minimum number of 50 (fifty) workers, who will elect a provisional directory, and, within the period of 2 (two) years from the date of its recognition, reach a minimum number of 200 (two hundred) members" (Article 4). Instruction 531 clarified the economic status of the initial 50 members: they could belong to any of the five professional categories of the rural worker indicated in Instruction 346; however, if there are present representatives of at least three of the five categories, the association will be entitled "Union of the Rural Workers of the County of...", but, if there are represented less than

13/ Cf. "Pluralidade de Sindicatos no Estatuto do Trabalhador Rural." O Estado de S. Paulo. July 14, 1963 "... the Statute adopted union plurality... All of the dispositions of the State reject the unitary system, they are in accord with plurality."

three of those categories, then the association is to be entitled "Union of Workers..." with the indication of the category and the county (Articles 1-2). Another provision relative to the original membership of the union, Article 117, paragraph a, of the Rural Labor Statute, was vetoed by Presidente Goulart in his approval of the bill: it required that there be a "reunion of at least 1/10 (one tenth) of those that form the respective class in the county of its territorial base." The veto of the President stated: "There are not conditions that permit the corroboration of this requirement; it would only create a fundamental obstacle to the constitution of rural unions." One commentator criticized the veto: "Really, the suppression of paragraph "a" is going to permit the recognition of phantom unions, that represent nothing and are not authentic." 14/

The composition of the charter and by-laws ("estatutos") of the unions are provided for in the Rural Labor Statute and a model in Instruction 531: this includes the denomination and address of the association, the represented activities, an affirmation that the association will cooperate with the government and other unions for the national interest, the administration and electoral process of the association, and

14/ Vianna, Segadas. p. 235.

a statement of the conditions that will dissolve the union (Article 117). 15/

5. Union Prerogatives.

The labor law of Brazil, a detailed compilation of directives and regulations which direct the activities of the labor class, has enumerated the prerogatives, or raison d'être, of the union. The Rural Labor Statute, in Article 115, a reproduction, with slight alterations of Article 513 of the Consolidation of Labor Laws, states:

The prerogatives of the rural unions are:

- a) to represent to the administrative and judicial authorities the general interest of the classes of which they are comprised or the individual interests of the associates in relation to an exercised activity;
- b) to close collective labor contracts or conventions;
- c) to elect the representatives of the classes of which they are comprised in that territorial base;
- d) to collaborate with the state, as technical and consultant organs, in the study and solution of problems relative to the represented classes;
- e) to levy contributions on all those that comprise the represented class.

Sole paragraph. The employees' unions shall also have the prerogatives of establishing and maintaining employment agencies.

15/ Brandão Filho, Francisco de Moura. p. 32. "In reality, the so-called model statute is nothing more than a suggestion or an example..." Cf. Vianna, Segadas. p. 236. "However, in reality, the unions exercising functions delegated from the state (application of union contribution, construction of normative contracts), must have limitations to their activities so that they do not misrepresent their real objectives, and the dispositions of the sole paragraph of Article 117 are to this intent."

The most salient, and apparently most vital, of these privileges is the prerogative to close collective labor contracts, i.e., a previous agreement between organized employees and employers which regulates labor conditions such as salary and hours. In Brazil, the Consolidation of Labor Laws defines it as "an agreement of a regulatory character, in which two or more unions representing economic activities and occupational categories, stipulate conditions which will determine individual working conditions, within the scope of the respective representation" (Article 611). In contrast to the prevalent use of the collective labor contract in many countries, it has an insignificant application in Brazil. One commentator attributed this disuse to the "pre-capitalistic, underdeveloped" stage of Brazilian industry where there is a scarcity of "large industrial and population centers." 16/ The insertion of a similar definition and regulatory provisions for the collective labor contract in the Rural Labor Statute (Articles 103-113) has been criticized as "a lack of objectivity... in the light of Brazilian reality." 17/ Another author disparaged its inclusion in the Rural Labor Statute: "There is no reason for the anticipation of the

16/ Gomes, Orlando. p. 50.

17/ Vianna, Segadas. p. 233.

inclusion of the collective contract in the Statute. It is placing the cart before the horse. Furthermore, the institution of the collective contract is inexistent in the rural area of all countries, even in those where there is advanced rural unionization." 18/ A later discussion will indicate the occasional use of the collective labor contract in Brazil, despite the pessimism of the commentators.

6. Administration of the Union.

The implementary provisions of the labor law have also included within their competence a formulation of union management and specific directives on union elections. The Rural Labor Statute, following Article 522 of the Consolidation of Labor Laws, states in Article 122 that:

The administration of the union will be exercised by a Directory consisting of not more than three members, and of a Fiscal Council composed of three members, both bodies to be elected by the General Assembly.

1. The Directory shall elect the president of the union from among its members.
2. The responsibility of the Fiscal Council is limited to supervision of the financial administration of the union.
3. The representation and defense of the interests of the union before the legal authorities and management shall be carried out exclusively by the Directory of the union, except in the case of a person empowered to do so by power of attorney granted by the Directory, or in the case of a member invested with representative powers as foreseen by law.

18/ Freitas Marcondes, J.V. "O Estatuto do Trabalhador Rural." Cadernos Brasileiros. No. 4. July-August, 1963. pp. 55-59. p. 57.

Accordingly, it is implicit in these provisions that the election by the members is not of several officers but of a Directory, a procedure that might be described as an election by straight ticket which precludes a splitting of the ballot. One author has suggested that one member of the defeated ticket should have been given a position on the Fiscal Council since "the minority would then be represented in an organ of high importance and it would have given a more democratic sense to the union life." 19/ He has also criticized the election of the union president by the Directory instead of by a direct vote of the members since "the function of the union president is of such importance that, in the elections, the associate should know, with anticipation, how he was really voting." 20/

The electoral process, of first importance in the direction of a union is subject to the most comprehensive regulation in the labor law. The Rural Labor Statute, in Article 123, provides that it shall be by "secret ballot" for the "election of associates" and on the "decisions in connection with labor relations or disputes." Instruction 347 of the Ministry of Labor, containing 45 articles,

19/ Vianna, Segadas. p. 242.

20/ Idem.

indicates the procedure to be followed for the elections: for example, the elector must be an adult of 18 years who has exercised the representative rural profession for at least two years, and may mark the voting list by fingerprint if he is an illiterate (Article 11).

There are also restrictions placed on the political activities of the unions. In accordance with Article 521 of the Consolidation of Labor Laws, the Rural Labor Statute provides as conditions for the functioning of the union "the prohibition of doctrines incompatible with institutions and interests of the nation" and "the prohibition of the cession of its headquarters, whether gratuitous or for consideration, to any organization involved in party politics" (Article 118). However, these provisions of the labor law have slight relation to the real situation of labor intrusion into the Brazilian political scene. "Unfortunately, in the union life of the urban proletariat, ... these precepts are systematically not complied with. The legislator intended that unionism be maintained within its natural orbit, circumscribed to the professional interests of the laborer, but this has not occurred. The government ignores the transformation of the union into a political movement, especially when this pertains to the interest of the men of the government, and, on the other hand, the political parties, not

fulfilling their objectives, facilitate this misrepresentation of unionism." 21/

7. The Ministry of Labor.

The Ministry of Labor and Social Security was instituted by Decree No. 19,443, of November 23, 1930 with the name of Ministry of Labor, Industry, and Commerce. Its actual title is due to a provision of Article 10 of Law 3,782, of July 22, 1960. The administration of the Ministry includes Regional Delegations, actually about twenty in number, organizations that supervise the fulfillment of the labor law in designated areas of the country. These Regional Delegations facilitate the participation of the Ministry in union activities throughout Brazil.

One of the important functions of the Ministry has been dealt with in this article in the section of recognition of the labor union. There has been created a National Commission of Rural Unionization in order to accelerate the recognition process which, in former years, was delayed for months, at times, for years. A curious provision of the Rural Labor Statute which was intended to cure the serious effects of this delay, provides that the recognition of the union is effective "from the date of the request of recognition"

21/ Idem. p. 237.

Article 121). It thus permits the investiture of legal prerogatives to a union which does not technically exist.

There is also the possibility of direct intervention in the administration of the union. The Consolidation of Labor Laws provides: "If disagreements or other circumstances occur to hamper the union in the performance of its functions, the Ministry of Labor may intervene through a deputy with powers to administer the association and to carry out or propose the measures necessary to its normal operation" (Article 528). This provision has been criticized by one commentator: "...Members of the Ministry at times practiced abusive interventions in the class organs on slight pretexts. They regarded, perhaps deliberately, the natural disputes of an election, a divergence of opinions --evidently normal in any association--, the complaints and protests, also inevitable, as extraordinary occurrences that precluded the regular life of the association and which justified the exercise of the ministerial prerogative." 22/

Furthermore, there is the supervision by the Ministry in the electoral process of the union, a subject discussed in the prior section on union administration. This aspect of the labor law has been criticized as an "unadvisable

22/ Brandão Filho, Francisco de Moura. p. 47.

uniformity that restricts even more union autonomy." 23/ Another commentator has explained that the Constitution of 1946 did not prohibit union autonomy but "merely did not pronounce on it, leaving the hypothesis to the solution to ordinary legislation." 24/

The union tax ("imposto sindical"), an obligatory contribution in favor of the union which is paid by its members, is also subject to the supervision of the Ministry. The Consolidation of Labor Laws provides that "the payment of the union tax is due from all those who belong to a determined economic, occupational or professional category..." (Article 579) and that the tax should be paid annually in an amount that corresponds "to the remuneration for one day's work for employees" and "for employers a fixed amount" (Article 580). The proceeds of the tax are to be applied by the respective unions for legal, economic, and social objectives that are enumerated in Article 592 of the Consolidation of Labor Laws, and, in accordance with Article 589, 60% of the total amount is distributed to the local union, 15% to the state federation, and 5% to the national confederation. A "Social Service Union Fund" is distributed 20% of the total amount

23/ Ibid., p. 48.

24/ Cesarino Jr., A.F. p. 250.

(Article 590) for "measures which are of general interest to the national union organization or to the social welfare of the workers" (Article 594). A Union Tax Commission, composed of eleven members from the unions and the Ministry, with headquarters in the Ministry (Article 595) have the duty of management and application of this fund (Article 596). The Rural Labor Statute, in Article 135, extended the union tax to rural labor, merely referring to the Consolidation of Labor Laws for its regulation. One commentator stated that the tax "is a necessity in order to assure the necessary recourses for the installation of rural unionism, but, on the other hand, we cannot be silent about our reservations on the adoption of the exact restrictions, without alterations, from the Consolidation of Labor Laws into the Rural Labor Statute." 25/ The same author was especially critical of the Social Service Union Fund: "...the Social Service Union Fund has been an almost uninterrupted source of scandals, and few Ministers of Labor were careful to use it strictly for the purposes foreseen in the legislation." 26/ However, it is interesting to note that there is opposition from many of the rural unions to the union tax itself: at the First Brazilian

25/ Vianna, Segadas. p. 259.

26/ Ibid., p. 267.

Convention of Rural Unions, held at Natal, Rio Grande do Norte, in July, 1963, it was concluded that "Article 135 of the Rural Labor Statute, which created the union tax for the rural worker, should be revoked..." 27/

8. The Labor Judiciary.

In Brazil, as in several other countries, such as Germany, Italy, Spain, and Portugal, there is a separate judicial organ which has jurisdiction of conflicts which arise between management and labor. The first Brazilian attempts to form a separate judiciary occurred in the state of São Paulo: the state Law No. 1,869, of 1922, instituted Rural Courts for the judgement of questions of interpretation and execution of agricultural labor contracts, but the courts functioned improperly because of alleged inefficiency and were later abandoned. The present law relative to the labor judiciary is outlined in the Constitution of 1946: the organs of this judiciary are the Supreme Labor Court, the Regional Labor Courts, and Boards or Judges of Conciliation and Judgement, although issues within the jurisdiction of the latter branch may be heard by a judge of the regular judicial branch if there is no Board of Conciliation within the judicial

27/ I Convenção Brasileira de Sindicatos Rurais. Mensagem - Conclusões. July 15-20, 1963. Natal, Rio Grande do Norte. 14 p. p. 10.

district (Article 122). The Consolidation of Labor Laws, Articles 643-721, specifically regulate the procedure of this system. The decisions of these courts are judicial and not administrative since the Constitution of 1946, Article 94, expressly includes them within the judicial organs. 28/

The jurisdiction of the Labor Judiciary is defined in Article 123 of the Constitution: "The Labor Judiciary is to conciliate and judge individual or collective disputes between employers and employees, and any other controversies which arise from labor relations which are regulated by special law."

The strike, the preeminent instrument of economic pressure which is exercised by the labor union, is subordinated to the conciliatory powers of the labor judiciary in Brazil. The Brazilian Constitution of 1946, in Article 150, provides: "The right to strike is recognized, and the law will regulate its use." The regulatory law is Decree-Law 9,070, of March 15, 1946, and, although its promulgation was anterior to the Constitution of the same year, a leading commentator on the labor law expressed the opinion that, since it does not violate any of the later provisions of the Constitution of 1946, "it is in force ... except that part which

28/ Cesarino Jr., A.F. Vol. I, pp. 328-339.

prohibites a strike in activities which are considered fundamental since the latter must be held to be revoked by the Brazilian Constitution." 29/ Decree 9,070 provides that collective disputes between labor and management "must be submitted to previous conciliation or to the decision of the labor judiciary (Article 1), but that a strike in certain activities, "considered fundamental," such as "agriculture and cattle raising" (Article 3) "will be considered a grave default within the intent of this law and will authorize the recission of the labor contract" (Article 10) and "the competent tribunal may determine the occupation of the establishment or service..." (Article 11). The Consolidation of Labor Laws further provides that: "Employees, who collectively and without previous authorization from the competent court, quit work or disobey any decision handed down in a dispute, shall be liable to the following penalties: a) suspension from employment for a period of up to 6 months or dismissal therefrom..." (Article 723). The Penal Code of 1940 also provides

29/ Ibid., Vol. I, p. 308. "My point of view is not admitted by the decisional law, including that of the Supreme Labor Court, which sustained the constitutionality of Decree No. 9,070 (See decision of the Supreme Labor Court in Habeas Corpus No. 30,498 in "Revista Forense", Vol. 130, p. 285, September 22, 1948, revised citation in Volume 123, p. 282, and the anticipatory judgement No. 2, of the Federal Supreme Court, in "Revista do T.S.T." No. 1, 1948).

a penalty for an illegal striker: "To participate in the suspension or collective abandonment of work provoking the interruption of public work or service in the collective interest: Penalty -- detention from six months to two years and a fine from 2,000 to 10,000 cruzeiros."

The Rural Labor Statute has expressly extended the application of the general labor law to the disputes of rural labor and management: "The norms that regulate the respective procedures of the labor law are applicable to the individual or collective disputes which arise from the application of this law" (Article 153). Accordingly, from the foregoing, it appears to be the Brazilian law that a participant in a strike of agricultural workers commits an illegal act for which he may be dismissed from his employment and subjects himself to a criminal penalty: his proper method of defense of his rights is recourse to the labor judiciary. A later discussion of the social reality of the conflict between rural labor and management reveals the non-enforcement of this provision of the labor law.

An innovation of the Rural Labor Statute was the creation of the Arbitration Council. The Statute provides: "There is created an Arbitration Council in each center of a judicial district, composed of one representative of the Public Ministry, two from the association or union of the

employers of the judicial district, and two from the local Association or Union of the Rural Workers" (Article 151). The jurisdiction of the Arbitration Council is limited to the "individual disputes arising from the application of this law," thereby excluding the collective labor disputes, the jurisdiction for their resolution remaining with the Conciliation Boards of the Labor Judiciary, and these individual disputes "must be preliminarily submitted to the Arbitration Council, but it can only "promote agreements between the parties... which will have force of law between the dissident parties..." (Article 152). However, if the Arbitration Council is unable to "achieve conciliation," the parties still have recourse to the Conciliation Boards of the labor judiciary (Article 152,(2)). One author has observed that the "Arbitration Council is not an organ of the Labor Judiciary but a special administrative organ, not a judicial tribunal that could be compared to the boards," 30/ furthermore, "what the Statute really created were mixed commissions for pre-conciliation and not arbitration, since the Civil Code, in Article 1,037, indicates that to arbitrate is to decide or to resolve." 31/ Other commentators have also placed

30/ Vianna, Segadas. p. 110.

31/ Ibid., p. 283.

more empirical restrictions on the Arbitration Councils. One author noted that "the principal defect is in the practical difficulties of making these commissions function in the interior of the country." 32/ Another, even more pessimistic, stated: "In practice, there will be no result. In certain states the judicial division into districts is so precarious, extensive, and even without means of communication between the rural area and the centers that the litigants will not be able to reach the Arbitration Council. Only with difficulty will the Brazilian judicial district have rural unions of employers and employees in order to furnish the four members that are to complete the Council." 33/ Despite the criticisms of the cited authors, it seems that the Arbitration Council may be a viable institution in the rural area. One judicial district, that of Mococa, in the state of São Paulo, issued an optimistic report about its experience with the Arbitration Council. This district, "on the assumption that the Rural Labor Statute does not depend on regulation in regard to the Council," installed the Arbitration Council "since we have all observed the perplexity of the employers

32/ O Estatuto do Trabalhador Rural. Problemas de Vi-
gência e Aplicação. O Estado de São Paulo, June 9, 1963.

33/

and employees before the new law ... The practical result of this orientation is shown by the social peace, the excellent dispositions of the two categories that, by their class organs, sought decisions, and the significant percentage of agreements secured since August 16 in 102 cases heard by the Arbitration Council: 80 persons saw their petitions attended to with reason and promptness, while only 22 unsatisfied petitioners continued the process before the Labor Judiciary, which unquestionably, has had its docket greatly diminished." 34/

34/ Reproduction of Report furnished to the author by the Superintendence of Agrarian Reform ("SUPRA"). 1964.

II. THE SOCIAL REALITY OF THE RURAL UNION

A. The Rural Social Structure.

The first paragraph of this general section will indicate the Brazilian rural labor force and will then conclude with hypotheses on the number of rural workers available for unionization. An accompanying chart, Annex I, using figures from the 1950 Census, shows the size of the respective economic classes in rural Brazil.

The total population of Brazil in the 1950 Census was 51,944,397, with a rural population of 33,161,506. The figures in the 1960 Census have elevated the total population to 70,967,165 and the rural to 38,976,247. Unfortunately, the agricultural census figures of the 1960 census are still unavailable but preliminary reports indicate only a slight increase in agricultural personnel in certain areas, due, perhaps, to the increasing mechanization of the Brazilian farm, which, in turn, stimulates the rural exodus. For example, in the state of São Paulo, the most economically progressive state of Brazil, the number of agricultural personnel in 1950 was 1,531,664 while the 1960 figure increased to 1,683,038, a numerical increase of a mere 151,374, which actually represented no change in the 1950 ratio of agricultural workers to total rural population, 35%. However, the total figures in the classification of the

economic groups are probably subject to relative percentage change because of the increase in agricultural units (these increased in S. Paulo from 221,611 establishments in 1950 to 318,841 in 1960) and the reported preference of the agricultural manager for salaried personnel. With a subjective consideration of these factors, the following chart merely indicates the category classification of rural workers in the rural union structure of the Rural Labor Statute and Instruction 346, in accordance with the statistics of the 1950 Census.

ESTIMATE OF POSSIBLE ASSOCIATES IN RURAL LABOR UNIONS

1. Professional Categories 1, 2, 3 (salaried workers in agriculture, cattle raising and rural extractive industries). 3,729,244

Note: The actual figure may be less since the Brazilian Census title "employee" may include more than salaried workers.

2. Professional Category 4 (Renters, occupants and sharecroppers) 2,379,343
3. Professional Category 5 (Small property owners: an arbitrary figure of a 10 hectare maximum was used by the author). 1,450,683

TOTAL 7,559,270

The complete statistics on the present number of associates in the burgeoning rural unions are not available. In respect to a possible figure of 7 million members, the figures are certainly insignificant. In 1960, with an

urban population of 31,990,983, there were only 1,217,655 associates of the urban unions.^{35/} It is difficult to estimate the total number of the more than 500 recognized rural unions since the membership of each association is so variable: while Instruction 346 provides that at least 50 members are required for the foundation of a rural union, the union of rural workers with headquarters in Palmares, Pernambuco, has a reported membership of 30,000, whereas many of the other unions may not greatly exceed the legal minimum. A confrontation with these disparities makes impossible any intelligent estimate of the number of unionized rural workers, although there have been conjectures as high as 500,000.

^{35/} I.B.G.E. Anuário Estatístico do Brazil. 1962.
p. 273.

B. Recent History of Rural Labor Associations.

1. The "Peasant Leagues".

The impetus to rural association in Brazil began less than five years ago with the appearance of the Peasant Leagues in northeastern Brazil, an event already well-publicized in the international press. These Peasant Leagues first arose under the name of the "Agriculture-Cattle Society of the Planters of Pernambuco," a beneficent society founded on January 1, 1955 in order to unite the dwellers of the plantation Galiléia with the foundation of a mutual emergency fund to purchase coffins for indigent workers on the plantation. Then, five years later, in the beginning of 1960, Oscar Beltrão de Arruda, the owner of the plantation, instituted a successful eviction action against the 180 sharecroppers who occupied his lands. In the subsequent turmoil, the workers obtained the legal representation of Francisco Julião, an attorney who was also an obscure Alternate Deputy of the state Chamber of Deputies. Another socialist deputy presented to the state legislative assembly a bill for the expropriation of the plantation and its partition among its workers. He was successful in his petition, and the expropriated plantation, along with two others, was parti-

tioned among the workers in a state agricultural colonization program.

Later, Francisco Julião legalized the group as a "Planters' Society" and dedicated himself to the constitution of other groups in the neighboring plantations and counties. Presently, these Peasant Leagues have expanded throughout the state of Pernambuco, especially in the counties of Vitória de Santo Antão, Cabo, Jaboatão, São Lourenço, Moreno, Goiana, Tambémé, and Escada, and are also quite active in the neighboring state of Paraíba. There are other isolated Peasant Leagues in several Brazilian states. It is difficult to calculate the number of associates of the leagues, but one reporter recently wrote that there are "nearly 700 militant members in the county of Vitória de Santo Antão" and estimated "at 30,000 or 40,000 persons in the sugar cane area of Pernambuco." As another indication of the evolution of the movement, he cited the political success of Francisco Julião: in the 1958 elections when he was a candidate for the state assembly on the ticket of the Brazilian Socialist Party, he received 3,216 votes, and in the 1962 elections for the federal Chamber of Deputies,

he enjoyed an easy victory with 16,200 votes.^{36/}

The economic group which integrates the leagues is not the salaried workers, but the sharecroppers, the renter, the squatter and the cattle worker since Francisco Julião believes that they have "better conditions than the salaried agricultural workers to organize themselves and struggle against the owner of the latifundio."^{37/}

He has indicated several reasons for his slight organizational success with the salaried rural class:

(1) the juridical factor -- the Consolidation of Labor Laws, which governs the legal rights of this class, is not enforced in the rural areas because the Conciliation Boards rarely exist in many of the interior judicial districts and the civil law judges do not generally understand the labor law; (2) the financial factor -- the salaried agricultural class earns so little that it does not have adequate financial means for the struggle; (3) the economic

^{36/} Rodrigues dos Santos, Rubens. "A Sudene e a Revolução Nordestina." O Estado de São Paulo. April 28 - May 7, 1963. A special reprint. 12 p. p. 7.

^{37/} Julião, Francisco. Que São as Ligas Camponesas? Ed., Civilização Brasileira. 1962. 94 p. p.58.

factor -- the labor instability of the salaried worker, a result of demographic pressure, due to the excess of the labor supply, and the periodic character of the production. ^{38/} It appears that Francisco Julião merely indicates to the salaried agricultural class that the rural union "is the guide that shows you the path to liberty." ^{39/}

There is now the possibility of an eclipse of the Peasant Leagues by the advent of the rural unions. One commentator, a reporter apparently respected by Francisco Julião, noted: "But to organize is difficult. Much more organized than Julião are the Communist Party and the Catholic Church. The Church and the Communist Party say today that the work of the Peasant Leagues of Julião stopped with the foundation of the Rural Unions... Either because the members of the Leagues are few or because he never really counted them, the fact is that Julião does not know how many there are. The Leagues are everywhere but the Unions

^{38/} Ibid., pp. 50-58.

^{39/} Ibid. "Charter of Peasant Freedom." February 21, 1961. It was included as Annex A in his book, "Que São as Ligas Camponesas?" pp. 69-80. Its republication in the weekly newspaper of the "Peasant Leagues," the Liga, on February 5, 1964, indicates that this is still the position of Francisco Julião.

are devouring them."^{40/} There is a definite relationship of the Communist Party in Brazil with the Peasant Leagues, although there have been criticisms of each other by the occasionally dissident groups. There was a reported dispute between the two groups at the "First National Congress of Agricultural Workers," in Belo Horizonte, Minas Gerais, in November, 1961; one newspaper reported that "The leader that the communists intend to oppose to Julião is Lindolfo Silva, President of ULTAB,"^{41/} but a communist newspaper later stated that "In fact, there was established at the Congress a permanent contact between the Leagues of Julião, ULTAB, and the students ..."^{42/} Later, in 1963, a publication of the Brazilian Communist Party, a group that follows the Russian orientation, observed: "The Peasant League should be an organization of extreme flexibility and the peasant should not be perverted by "sectarian" doctrines. It should only inculcate into its members the conviction

^{40/} Callado, Antonio. "Revolução-Piloto em Pernambuco." Jornal do Brasil. December 27, 1963.

^{41/} Jornal do Brasil. November 19, 1961.

^{42/} Novos Rumos. November 24, 1961.

that the judicial struggle does not function and, therefore, that they should prepare themselves to secure by force the right to the possession of the land."^{43/}
The article even indicated the tactics of the Brazilian Communist Party: "Initially, it attempted to play a double role: on one hand it founded its own associations that remained totally under its control and, on the other, infiltrated elements into the work of the Leagues hoping to bring them under their guidance. Nevertheless, the quarrels and disputes were inevitable and, in general, what occurred was a division of the waters in most of the states. ULTAB, with headquarters in São Paulo, was founded and then began to function as a confederation."^{44/} Elements of the Communist Party of Brazil, the Chinese wing of the communist party, have also criticized the Leagues for being "infiltrated with revisionists."^{45/}

^{43/} "O Movimento Camponês no Brasil." Thesis Approved at the Second National Congress of Política Operária. Política Operária. No. 6. 1963. pp. 41-47. p. 43.

^{44/} Idem.

^{45/} O Estado de São Paulo. November 8, 1963. Also see O Estado de São Paulo, May 10, 1964, for the comments of a Communist Chinese who was arrested for espionage after the April revolution. "Those responsible for the peasant movement in Pernambuco are politically backward. Francisco Julião has a fear of becoming a mere "staff" member. The work of Francisco Julião is very important but he does not pay attention to organization. Francisco Julião dislikes an armed struggle. This is my impression. I do not think that we should openly criticize Julião."

Francisco Julião has also been critical of the Communist Party: he has complained that President Goulart intended to transform him into a rural subordinate during the Congress in Belo Horizonte in 1961 but "Since I did not accept the function of a subordinate, he entrusted my demoralization to the Church and the Communist Party. After the assassination of the peasant leader Pedro Teixeira, President Goulart organized the demonstration in João Pessoa and there was formed an actual alliance against my election to the federal congress. I fought alone against the communists, the Church, IBAD, and Cid Sampaio."^{46/} Accordingly, from the available secondary material, it was difficult to determine the nature of the relationship between Francisco Julião and the Communist Party: it seems to be the equivocal personalism of the Fidel Castro of the Sierra Maestra.

2. The Advance of Rural Unionization.

Rio Grande do Norte.

The impetus to the unionization of rural workers was given by Bishop Eugênio Sales in the State of Rio Grande do Norte. The Rural Assistance Service was

^{46/} Callado, Antonio. "Revolução-Piloto em Pernambuco." *Jornal do Brasil*. December 27, 1963.

founded by him in that state in 1949 in order to train rural leaders who would direct the emancipation of the impoverished rural class of Rio Grande do Norte. In 1960, this institute interested itself in the organization of the rural class and, in November of the same year, founded the first rural labor association in the county of Serra Caída. Dra. Julieta Calazans, the director of the unionization program of the Rural Assistance Service, formulated the directives of the movement in 1961 in a publication entitled the Union Charter of the Rural Worker.

The Charter explained the purposes of the rural union:

"1. To teach and assist the rural worker in the securing of the rights that he has as a person and as a worker; 2. To work for the application of the laws that extend benefits to rural life and for the revocation of the laws that do not apply to the rural area at the present time; 3. To work for agrarian reform."^{47/}

Dra. Calazans also emphasized that "The union is a professional and not a political association."^{48/} For better administration of the pro-

^{47/} Calazans, Julieta. Cartilha Sindical do Trabalhador Rural. Ed. Serviço de Assistência Rural. 1961. 19 p. p. 5.

^{48/} Ibid., p. 9.

gram, the state was divided into three zones for unionization, with headquarters in Natal, Moçoró, and Caicó, and each of these zones the area for a planned number of unions, for example, the Natal area was to encompass ten unions, with the suggestion that there be an inter-county base for the jurisdiction of the union in order to strengthen the association. The state federation also has a lawyer for the solution of labor disputes throughout Rio Grande do Norte. The president of the state federation said in an interview in 1963 that there were 48 rural unions within the state, 16 of them then recognized by the Ministry of Labor, with a total of 48,000 associates and he hoped to unionize 25% of the rural population by 1965.^{49/} An indication of the political position of the rural leaders of Rio Grande do Norte was perhaps expressed at the First Brazilian Convention of Rural Unions, held in July, 1963, and attended by 10,000 rural workers with 210 delegates from 16 states: "There is an urgent need for agrarian reform, with an amendment of the Constitution (Article 141, paragraph 16) so that the utilization of the land is in accord with its social function, with the government enabled to make the necessary expropriations

^{49/} Jornal do Brasil. August 16, 1963.

with long term public bonds at the tax valuation of the land..."^{50/}

Pernambuco

It is the state of Pernambuco that is the focal point of labor disturbances that have resulted from the association of rural workers, either as "Peasant Leagues" or as rural unions. In an attempt to counteract the influence of the "Peasant Leagues" in rural Pernambuco, the Catholic Church, in 1961, through the local direction of the Bishop in Recife, indicated several priests to direct the foundation of rural unions. Father Paulo Crespo, a parish priest of Jaboatão, expressed the attitude of the Church movement: "The Peasant Leagues, by themselves, within the framework of Brazilian democratic organization, are not the best instrument for the solution of the peasant problem. By their very constitution, they more closely resemble a beneficent society, without positive goals. It is more a paternalistic organization than a society in which the peasants themselves struggle for their own development, they

^{50/} I Convenção Brasileira de Sindicatos Rurais. Mensagem - Conclusões. Natal, Rio Grande do Norte. July 15 - 20, 1963. 14 p. p. 8. For a report on the Convention, see Visão, August 2, 1963, p. 14.

themselves the defenders of their liberation, in the affirmation of themselves as social beings. In the midst of all of these contradictions, there arose the rural unionism movement, as a force of pressure, for the perfection of our democracy. It is the final hope for the peasant...^{51/} Father Antônio de Melo, whose parish is in Cabo, is another Catholic priest in Pernambuco who is well known for his activities in rural unionization. However, the force of the Catholic Church in Pernambuco does not enjoy the apparently exclusive direction of the rural union of the Church in Rio Grande do Norte.

There is also the pressure of the communists, assisted by "CONSINTRA," a communist group which exercises control over the urban unions in the Recife area. The state administration of Governor Miguel Arraes, receiving the support of CONSINTRA, has reciprocated their attentions by preferential treatment of that organization. A knowledgeable observer of the northeastern rural scene recently wrote: "The Communist Party has more organization in the rural area than the Church. Nevertheless, the Church has

^{51/} Crespo, Pe. Paulo. "O Problema Camponês no Nordeste Brasileiro," Síntese. No. 17. January - March, 1963. pp. 55-66. p. 60. For a sociological treatment of the rural labor associations in Pernambuco, see Wilkie, Mary E., "A Report on Rural Syndicates in Pernambuco," Centro, Rio de Janeiro, 1964, 16 p.

one advantage. It is, at the moment, principally in Pernambuco, in evolution. From the greatest disinterest for the fate of the peasant, it has passed to militancy among them. Furthermore, the Communist Party did not arrive very early since it was a prisoner to the idea that the revolution should be urban. The tradition of the Church for the peasants is enormous."^{52/} A correspondent for a communist newspaper explained the participation of the communists in Pernambuco: "Among the different political forces that are active in the rural union movement in Pernambuco are the communists... Without pretending to be the exclusive directors of the movement, it is they who exercise the principal influence in the largest rural labor unions: in Palmares, Barreiros, Jaboatão, També, Goiana, and Igarassu. In these unions are concentrated more than 60,000 of the 95,500 unionized workers of the costal sugar cane zone ("Zona da Mata") of Pernambuco. In other unions, such as those of Escada, Moreno, Vitória, São Lourenço, Timbaúba, Condatado, Nazaré, and Carpina, there is intensive activity underway, with the assistance of the federal authorities..."^{53/} The Communist influence on the govern-

^{52/} Callado, Antônio. "Revolução-Piloto em Pernambuco." *Jornal do Brasil*. December 29, 1963.

^{53/} Almeida, Josué. "Fortes Sindicatos Rurais Comandam a Luta nos Campos de Pernambuco." *Novos Rumos*. No. 7. February 21-27, 1964.

ment administration in Pernambuco has been demonstrated in several recent occurrences. In Jaboatão, the parish of Father Crespo, the regional delegate of the Ministry of Labor, decreed intervention in the local rural union during a dispute over direction of the union.^{54/} After the intervention, Father Melo, on a local television program, attacked Governor Arraes as "a man dominated by hate, who does nothing else but hate" and said that the state authorities intended to eliminate the influence of the Church in the rural unions.^{55/} An intervention of the regional delegate of the Ministry of Labor, in the parish of Father Melo, in Cabo, also eliminated his participation in the direction of the local union, electing the president of the local Peasant League the head of a governmental board which was to direct temporarily the activity of the union.^{56/}

Pernambuco has been the site of the most heated dispute between rural labor and the plantation owners. A formal protest of the rural plantation owners was drawn up in 1963 and presented to President

^{54/} O Estado de São Paulo. September 3, 1963.

^{55/} O Estado de São Paulo, September 7, 1963.

^{56/} Liga. February 19, 1964

Goulart. It denounced "The stimulus to the struggle of the classes, the incitement to strikes, often unaccompanied by no legitimate demand and the insubordination that is destroying the labor hierarchy, for the purpose of creating disharmony and rendering impossible the cooperation of those who lead and those who execute, intends to destroy the agricultural and industrial firms... The presidents of the rural unions, by letters and notifications, enjoin, in disrespectful and aggressive terms, the owners and administrators of the plantations to appear at the headquarters of those class organs; their agents announce, in the presence of the dwellers on the plantation, that, if they disobey, they will be led away in rope, which unfortunately has occurred repeatedly... Strikes are called for political reasons..."^{57/}

It then described in various pages the numerous violent incidents that had occurred recently in Pernambuco. The culmination of the class dispute in 1963 was a successful two day strike in November by 200,000 salaried agricultural workers which tied up the entire sugar cane area of Pernambuco: the resultant Collective Labor Contract raised salaries 80% in

^{57/} O Estado de São Paulo. October 23 - 24, 1963.

those areas that were in the jurisdiction of the rural unions.^{58/} The organization of rural labor, in a movement which integrated the forces of the rural unions directed by the Catholic Church, the Communist Party, and the Peasant Leagues, demonstrated their strength in the first widespread strike in the history of Brazilian agriculture.

São Paulo

The most populous and leading agricultural state of Brazil has also been the scene of intensive rural unionization, but it has not been characterized by the extreme violence of Pernambuco. The Federation of Workers' Circles, a national movement first organized in Brazil in 1936, under the leadership of José Rotta and certain Catholic priests, claim the initiation of the rural union in the state of São Paulo. The first union founded by this group was the Professional Association of Rural Workers of Presidente Prudente in August, 1961. Then, there was founded in each diocese of the state a rural union, although later administrative directives intended the foundation of unions in each judicial district. The orientation of the Workers' Circles, considered by some observers

^{58/}Novos Rumos. November 29, 1963.

and by other Catholic groups to adopt a conciliatory position in labor disputes, expressed its labor position in a recent publication: "It is appropriate to emphasize that the union cooperates with the government and other associations for the development of social solidarity. He is in error who thinks that the union, since it is a class organ, should be an organ in class struggles. The defense of legitimate interests by legitimate means does not create an incentive to class struggle."^{59/} On the critical question of agrarian reform, the Workers' Circles adopted a moderate position in its first manifesto, since they admitted expropriation for agrarian reform "provided there is guaranteed just indemnification to the owner, in accordance with the actual value of the land, as is prescribed in the Constitution,"^{60/} but later expressed the possibility of a change in position if "the government furnishes to the people evident and conclusive proofs that the cited reform is essential

^{59/} Os Cristãos e o Sindicato na Cidade e no Campo. Ed. Saraiva. 1963. 37 pp. p. 19. Also see Feitosa Martins, Araguaya. "Alguns Aspectos da Inquietação Trabalhista no Campo." Revista Brasiliense. March-April, 1962. pp. 62-81.

^{60/} Círculo Operário de Lins. Manifesto. December, 1961. 4 p. p. 1.

for the realization of an authentic Agrarian Reform."^{61/} Relative to agricultural strikes in the state, the federation stated in a report: "There have been several strikes in São Paulo, but all of them of a passive character and for salary disputes. Not all of them had the participation of the unions or the federation. Some had the leadership of the Directors of the Laborers' Association, a group whose orientation is extremist and leftist."^{62/} An estimate of the strength of the Workers' Circles in the rural unions in São Paulo is difficult to estimate, but they do control a recognized state federation at perhaps half of the rural unions.^{63/}

The Union of Agricultural Laborers and Workers ("ULTAB"), an organization founded by the Communist Party of Brazil in 1954 in order to activate its influence among the rural labor class, is also important in the interior of São Paulo. This group, with the

^{61/} Federação dos Trabalhadores na Agricultura do Estado de São Paulo. Resoluções do Congresso de Araraquara. September 1, 1963. 12 p. p. 5-6.

^{62/} Federação dos Trabalhadores Rurais do Estado de São Paulo. Relatório. 1963. 4 p. p. 2.

^{63/} O Estado de São Paulo. January 28, 1964. "According to a survey, there has been founded rural unions in 200 of the 550 "paulista" countries... In spite of less personnel and material, the Catholics have secured at least 100 of the actual rural unions."

assistance of the Agrarian Front, a radical Catholic group under the direction of Friar Carlos Josephat, politically aligned to the Democratic Christian Party, is estimated to control the other half of the rural unions. It operates as the Federation of Agricultural Workers of São Paulo, with José Portela Alves as its president. At a convention in 1963, attended by 221 delegates and 69 directors of rural unions, it reaffirmed the resolutions of the 1961 Congress in Belo Horizonte and approved resolutions in favor of a constitutional amendment which would enable the federal government to issue bonds for land expropriation, the transfer of the rural land tax from the county to the federal government, a limitation on the concession of public lands to 500 hectares, and the legal regulation of rental contracts.^{64/} In early 1964, the Department of Social and Political Order, a division of the state government, announced the receipt of reports that this group was arming with guns the rural workers in the interior of the State.^{65/}

^{64/} Fôlha de São Paulo. September 9, 1963.

^{65/} O Estado de São Paulo. January 29, 1964.

Other States.

Information on rural unionization in the other states of Brazil is sparse but the available material indicates the same general trend of influence from either the Catholic Church or the Communists.

In Goiás, at the First Peasant Meeting, held in October, 1963, attended by 1,300 peasant delegates who represented 43 rural unions and associations, there were approved resolutions in favor of agrarian reform and the legalization of the communist party.^{66/}

Rural organization in Paraná appears to have received its impetus in 1960 after the Congress of Rural Workers, held in Londrina in August of that year, was attended by 307 rural workers, representing 200 farms of the State, and Francisco Julião of the Peasant Leagues.^{67/} Later in the same year, the Bishop of Maringá, Dom Jaime Luis Coelho, announced the formation of the Agrarian Front of Paraná and the intention of the Church to direct programs of rural unionization

^{66/} Vera, Nestor. "O Primeiro Encontro Camponês de Goiânia." Revista Brasiliense, November - December, 1963. pp. 94-98. Also see Novos Rumos, November 1, 1963. A criticism of "ULTAB" participation in the assembly is manifested in the organ of the Communist Party of Brazil, the Chinese wing of the Communist party in Brazil. See A Classe Operária. November 16-30, 1963.

^{67/} Silva, Manoel. "I Congresso dos Trabalhadores Rurais do Paraná." Revista Brasiliense. January-February, 1961. pp. 55-62.

at the parish level.^{68/} There are no available published reports on the success of the movement. In 1963, during the second anniversary ceremonies of the foundation of the Agrarian Front, Bishop Coelho referred to communist direction of the rural union in Maringá and denounced the Ministry of Labor since "it refused to recognize the rural unions which were christian and democratic, but recognized at the same time unions of communist orientation."^{69/}

In Bahia, a group of ex-communists, led by Raimundo Schann, Carlos dos Santos Friedrich, and Arlindo Ambrósio Mateus, acting within the Renewed Labor Movement ("Movimento Renovador Trabalhista"), began the organization of salaried agricultural workers in the southern cacao region of the state. In May, 1962, in Itabuna, there was the First Congress of Rural Workers of the North and Northeast of Brazil, attended by the Bahia group, Bishop Sales of Rio Grande do Norte, and Fathers Melo and Crespo of Pernambuco. There is an indication of the political policy of the Bahia group in its reservations to the resolutions of

^{68/} Serviço Social Rural. Arregimentação do Trabalhador Rural. 1962. 20 p. p. 12.

^{69/} O Estado de São Paulo. August 16, 1963.

the Natal Conference in 1963: "The Bahia Delegation, interested in the unity of free and authentic unionism... when we voted against the amendment of the present Constitution, it is because we cannot agree that this powerful instrument for demagoguery and persecution be given to a government that does not merit our support because it represents an oligarchy of large land owners and corrupt businessmen who are favoring the development of communism in our country and who, dominating the country for so many years, is responsible for the entire situation of the misery of our families."^{70/} The rural union in Itabuna has been estimated at 10,000 associates, but there are 150,000 salaried agricultural workers in the region who are potential associates of the union.

Rio Grande do Sul is also a region that has witnessed the appearance of rural unions. The Movement of Landless Farmers ("MASTER"), whose charter and by-laws were forwarded to the Regional Delegate of the Ministry of Labor by a federal deputy of the Brazilian Labor Party, Ruy Ramos, and which had received the support of the then Governor Leonel Brizola, was

^{70/} Peralva, Oswaldo. "Os Rumos da Sindicalização Rural." *Jornal do Brasil*. September 1, 1963.

founded in September, 1961. It was reported to be active in at least ten countries in mid 1962. A group of Capuchin fathers, directed by Friar Eugénio Glovenardi, of Ijuí, a participant at the Belo Horizonte Congress in 1961, founded the Gaucho Agrarian Front and in mid 1962 was said to have founded 72 nuclei of rural workers, mainly small landowners.^{71/}

In Santa Catarina, there have been limited attempts at the formation of rural unions. An Agrarian Front, in a reunion of 3,000 workers in 1963 in Tubarão, protested against the "existent discrimination in bureaucratic sectors of the Ministry of Labor" towards the recognition petitions of Christian rural unions.^{72/} A recent report presented to the state assembly by deputies of the Democratic National Union (UDN) protested against "the tension which has arisen in several counties because of the formation of rural unions by persons of leftist tendencies."^{73/}

The movement for rural uninnization appears to be of most recent origin in Minas Gerais. Governor

^{71/} Serviço Social Rural. Arregimentação do Trabalhador Rural. August, 1962. 20 p. p. 13.

^{72/} O Estado de São Paulo. August 20, 1963.

^{73/} O Estado de São Paulo. February 9, 1964.

Magalhães Pinto recently supported the unionization efforts of such priests as Francisco Lage, an alternate federal deputy for the Brazilian Labor Party and representative of the federal agrarian reform agency SUPRA in the state. The resistance to the unionization movement has created "a tension of transition," according to one local economics professor.^{74/} There were recent disturbances in the city of Governor Valadares when the Rural Workers Union of that area, a group founded in July, 1963, with 117 associates but which in less than six months counted about 2,000 workers, many of them farm laborers who had been driven to the city by unemployment, demanded the expropriation of unexploited land in the area. The leader of the union, a shoe repairman and former agricultural laborer, in response to the question of a reporter if he was a communist, announced: "I don't know what it is to be a communist. I am a radical member of the Brazilian Labor Party and an ardent supporter of President Goulart."^{75/}

In Ceará, the Federation of the Associations of Agricultural Laborers and Workers ("FALTAC"), inte-

^{74/} Jornal do Brasil. December 22, 1963.

^{75/} O Cruzeiro. March 15, 1964. Also see o Estado de São Paulo. February 8, 1964.

grated into the "ULTAB" front, has been active for several years in the regimentation of rural labor. It has received the support of the Regional Delegate of the Ministry of Labor. He recently stated that "In Ceará, there are now approximately 25,000 rural workers unionized in a total of 60 unions spread throughout the area of the state. The reaction of the large landowners has been pacific because we direct our protests on a legal level."^{76/} The associations are generally composed of sharecroppers since there are few salaried agricultural workers in the state.

3. The National Direction of the Rural Unions.

The National Confederation of Agricultural Workers ("CONTAG"), organized in December, 1963, and recognized by President Goulart in February, 1964, is the maximum representative association of the rural unions in Brazil. In the December, 1963 elections for direction of this union organ, the communist "ULTAB" group secured control of the confederation. The participants in the elections were the delegates of 29 federations from 19 states and directors of 743 rural unions, 263 of them then recognized, composed of political elements representing

^{76/} Jornal do Brasil. February 25, 1964.

"ULTAB", a radical Catholic "Popular Action" group, and "democratic-christian" elements. It appears that an alliance of the "Popular Action" group with "ULTAB" was able to defeat the Church group, apparently representative of only two federations. The president of "ULTAB", Lyndolpho Silva, was elected president of the confederation.^{77/} In an interview with a communist newspaper shortly after his election, he stated: "In regard to basic reforms, one of the most important points is possession of land by the peasants. "CONTAG" includes within its program the struggle for agrarian reform, with a modification of Article 141, paragraph 16, of the Constitution and, at the side of the urban workers and the people in general, it will participate in the battle for urban and banking reforms, in addition to the extension of the minimum wage, the family salary, and the thirteenth month's salary to the peasants."^{78/} The Treasurer of "CONTAG" Nestor Vera, also the second vice president of "ULTAB", wrote, in a recent article in a communist newspaper, an exhortation "for the mobilization of the peasant masses, the democratic political

^{77/} O Estado de São Paulo. November 26, 1963. November 30, 1963. December 21, 1963. December 24, 1963.

^{78/} Liga. January 8, 1964.

forces, especially the communists..."^{79/} Father Melo, the Catholic priest active in rural unionization in Pernambuco, commented on the apparent communist success and stressed the importance of strong local unions since the communists can secure only the domination of the summit organs, citing the situation in "CONTAG" because the rural federations, with the exception of Pernambuco, do not have mass."^{80/}

4. The Position of the Land Owner Association.

The National Confederation of Agriculture, the former Rural Brazilian Confederation, is the maximum organ of the landowners established by the Rural Labor Statute. It represents 2,000 rural county associations, 22 state federations, and 320,000 associates. It adopted a position in 1954 of intransigent opposition to the formation of rural unions. Its report to the National Security Council helped lead to the dismissal of the then Minister of Labor João

^{79/} Novos Rumos. February 28, 1964.

^{80/} O Estado de S. Paulo. February 26, 1964. See the comments of Father Veloso, national director of the Workers' Circles, in regard to the urban labor unions. "The communists dominate the summit organs. On the national level, they control three of the five confederations. They are the National Confederation of Industrial Workers ("CNIL"), the National Confederation of Commercial Workers ("CONTEC"), and the National Confederation of Maritime, Railway and Airline Workers ("CNTMFA"). Vozes. "Situação Ideológica dos Sindicatos Brasileiros." July, 1963. pp. 537-540. p. 538.

Goulart. In a 1954 session of the directorate of the confederation, it is stated in the minutes: Several current matters were discussed, of most importance that of rural unionization, object of a long petition sent to the President of the Republic, manifesting the apprehension of the producing classes about the rumors and certain measures of the Minister of Labor in the sense of 'organizing' under the direction of suspect elements, unions of rural workers, whose objectives, according to the unanimous thought of those present, could only be the provocation of agitation in the rural areas, with grave threats to the very existence of the nation."^{81/} The report sent to the National Security Council stated that the attempt at rural unionization "does not conceal the intention to transform the agricultural proletariat into an instructed electoral mass, at the cost of dangerous promises."^{82/} The confederation, still under the presidency of Iris Meinberg, adopted a more conciliatory position in 1963: he stated that "in the Conferences of 1952, 1953, 1954, and 1956, the problem of unionization always received the

^{81/} Minutes of the Directorate Session of February 17, 1954. A Loura. March-April, 1954. p. 42.

^{82/} O Estado de A São Paulo. February 24, 1954.

favorable attention of the rural class "but warned that he would vigorously oppose any attempt of in-authentic labor leaders and communists to infiltrate in the rural union organization."^{83/}

5. The Attitude of the Federal Government.

The indifference of the federal government to rural unionization, despite the publication of laws establishing the possibilities of rural unions in 1903 and 1944 and the single instance of Labor Minister João Goulart in 1954, is evidenced by the number of recognized rural unions in the country. From 1946 to 1961, under five different presidential administrations, only six rural labor unions were recognized, but, since the advent of President Goulart in 1961, the number increased to 266 by the end of 1963 and, according to reports, several hundred other rural unions were recognized in early 1964.^{84/} The statistics demonstrate the favorable interest of the present federal administration in the formation of rural unions.

^{83/} O Estado de São Paulo. November 30, 1963.

^{84/} Superintendência de Política Agrária. Sindicatos Rurais. Relação No. 1. December 31, 1963. 21 p. p. 18.

The present Minister of Labor, Amaury Silva, recently issued an enthusiastic report on the intentions of the Labor Ministry relative to rural unionization. The goals of the Ministry were explicitly stated:

1. Completion of the rural union organization by 2,000 unions distributed rationally throughout the country, according to the criteria of demographic concentration.
2. Perfection of the rural union organization to make it as solid and developed as the urban, with capable and authentic leaders, and ready to act politically.
3. Financial independence of rural unionism by the implantation and collection of the union tax in 1964.
4. Distribution of one million rural worker identification cards and three million photographs for other documents.
5. Installation of 500 arbitration Councils.
6. Initiation of the 'great struggle' for the application of the labor laws to rural workers by organized judicial vindication.
7. Civil and electoral registration of three million new voters.^{85/}

Another organ of the federal government, the agrarian reform agency "SUPRA" is active in the encouragement of rural unionization. In coordination with the Ministry of Labor, it represents the attempt of the federal government to direct the political

position of the rural unions. Although the Church elements active in rural unionization have alleged partiality of the federal government in favor of the communist unions, a "General Plan for Rural Union Organization," published by "SUPRA", states that it intends to guarantee "the assurance of facilities, without any restriction on political philosophical motives, for the entrance of rural workers into recognized unions and the affiliation of unions to recognized federations."^{86/} This comprehensive policy of "SUPRA" enabled João Pinheiro Neto, a former Labor Minister and present director of "SUPRA", at a reunion of the General Labor Confederation (Confederação Geral do Trabalho -- "CGT"), the communist labor front, to appeal for their assistance in rural unionization: "My friends, help me!"^{87/}

^{86/} SUPRA. Departamento de Promoção e Organização Rural. Plano Geral de Organização Sindical Rural. November 1963. 8 p. p. 4.

^{87/} A speech delivered at a Plenary Reunion of the General Labor Confederation in the auditorium of the Union of Bankworkers in Rio de Janeiro, November 29, 1963. Notes of the author.

C. Economic Accomplishments.

The immediate result of the application of the Rural Labor Statute, accomplished by the efforts of the associations of rural labor, has been the securing of salary increases, the minimum wage. This has had a multiplier effect upon commerce within the affected area since the peasants immediately used their newly-acquired capital for local purchases. This has been especially marked in Pernambuco. In September, 1963, one newspaper reporter commented: "In the last few months, with the placement of the peasants under the Rural Labor Statute and with the advent of the Remuneration Table for the Rural Workers, the street fairs have attracted more people and merchandise, once rarely sold, are now being sought in these centers. The stores in the county seat are being invaded by the peasant in his search for articles that are not easily encountered in the street fairs, local markets, and plantation stores."^{88/} A Brazilian economist, Caio Prado, in a visit to Pernambuco after the strike of the sugar cane workers in November, 1963, observed the same phenomenon: "In December of last year, I was in Palmares, center of the southern sugarcane region of the state, and there I obtained conclusive information in respect to an investigation that I was compiling with respect to local

^{88/} Jornal do Brasil. September 22, 1963.

commerce. I did not encounter two divergent opinions or sources of information. Large and small merchants -- I contacted many and diverse persons, including a director of a local bank agency -- were unanimous in their recognition and proclamation that the commerce and the city in general are greatly benefiting with the great influx of new consumers, the sugarcane workers with their increased salaries."^{89/} Another economist noted that the increase in the volume of rural salaries in the "Mata" zone of Pernambuco went from 800 million cruzeiros in February, 1963, to 4 1/2 billion cruzeiros in December of that same year.^{90/}

Another immediate effect, an unfortunate one, has been the dispensation of rural workers from the plantation since many owners of inefficiently managed farms cannot afford the payment of the minimum wage. One commentator predicted "calamitous unemployment" and the accentuation of a "mechanization that does not always correspond to the interest of Brazil with its strong demographic pressure."^{91/} The president of the Federation of Rural Workers of São Paulo stated that "many agricultural employers, alarmed by the benefits

^{89/} Prado Junior, Caio. "Marcha da Questão Agrária no Brasil." Revista Brasiliense. January-February, 1964. pp. 1-9. p. 3.

^{90/} "A Situação Social Da Agricultura Em 1963." Desenvolvimento and Conjuntura. February, 1964, pp. 25-37. p. 32.

^{91/} Appy, Robert. "De Proprietário a Lavrador." O Estado de São Paulo. August 18, 1963.

attributed to the rural worker by the Rural Labor Statute, are threatening the discharge of their employees in mass. Some are forcing their employees to sign a prior notice of discharge in blank..."^{92/} The response of the president of the Brazilian Rural Society, a society which represents farm owners and whose headquarters is in São Paulo, defended the discharge of rural workers: "As is well known, in the exercise of rural activities, in addition to the imponderable factors of nature, the farmers are subject to economic factors, and to them they are subordinate and dependent."^{93/}

A further effect, less immediately noticeable than the others, is the increase in the price of agricultural produce and the evolution of the farm to a cattle ranch since less labor force is required in the latter. The Secretary of Agriculture of São Paulo sent to the federal government a report on agricultural perspectives for the agricultural year 1963-64 in which it was stated: "It appears reasonable to admit that one of the first consequences of the Rural Labor Statute will be the further incentive to cattle - raising.... the next harvest, perhaps more than precedent ones, will fundamentally need government help on other matters and the support of guaranteed price minimums that favor the expansion

^{92/} Rotta, José. "Dispensa dos Empregados Rurais." O Estado de São Paulo. June 9, 1963.

^{93/} O Estado de São Paulo. July 16, 1963.

into recommended sectors and that, in any case, will enable the establishment of conditions that permit an increase in income which will enable the discharge of new social duties...."^{94/}

D. The Social Reality of the Rural Labor Statute.

In conclusion, it might be instructive to include several pessimistic analyses of the possibilities of Brazilian rural unionization and the Rural Labor Statute for a comparison with the social reality that has been verified in the preceding sections:

"Brazilian rural unionism cannot exist, this is the truth, because of the generalized ignorance of the class..."^{95/}

"It is early, very early, for a rural unionization law that will produce healthy fruits, unpoisoned, at least in a system of unionization such as that foreseen in the Decree (1944) and the mentioned Instructions..."^{96/}

"However, in general, I believe that this labor law -- even after its regulation -- will have slight repercussions because of its basic defects."^{97/}

^{94/} O Estado de São Paulo. August 8, 1963.

^{95/} Malta Cardozo, Francisco. "Sindicatos Rurais na Federação." Digesto Econômico September-October, 1962. pp. 19-23. p. 22.

^{96/} Barbosa de Carvalho Ribeiro, Augusta. "Aspectos Básicos num Estudo de Reforma Sindical." Arquivos do Instituto de Directo Social. December, 1962. pp. 133-164. p. 154.

^{97/} Freitas Marcondes, J.V. "O Estatuto do Trabalhador Rural." Cadernos Brasileiros. July-August, 1963. pp. 55-59. p. 59.

It has been with consternation in Brazil that the analysts have observed the rapid evolution of rural unionization. Professor Caio Prado Junior, a respected Marxian economist, although critical of the Rural Labor Statute since "it evidenced immaturity on the question and a lack of study and discussion...",^{98/} has stated that it "constitutes, without doubt, the most important occurrence relative to the widely urged basic reforms."^{99/} He later stated: "The quick and large mobilization of rural workers is almost a miracle..."^{100/} Within the space of four years, from the foundation of rural unions in Rio Grande do Norte by Bishop Sales in 1960 to the recognition of a national confederation, representing over 500 recognized unions, in 1964, there has been a dramatic growth. There has also been the securing of some demands of the rural class in certain areas, such as the collective labor contract of the sugarcane workers in Pernambuco. There is, however, a concomitant danger in the hurried evolution of an illiterate and indigent class of rural labor. There exists the possibility for the use of its newly acquired force in political activity that may have

^{98/} Prado Junior, Caio. "O Estatuto do Trabalhador Rural." Revista Brasiliense. May-June, 1963. pp. 1-13. p. 2.

^{99/} Idem, p. 1.

^{100/} Ibid. "Marcha da Questão Agrária no Brasil." Revista Brasiliense. January-February, 1964. pp. 1 - 9. p. 2.

unforeseen consequences. Its future is uncertain since, while the national leadership of the rural union movement is composed of notorious communists and many of the state federations are in similar circumstances, the peasant himself, ignored by the government for centuries, is unpoliticized. Father Paulo Crespo, a Catholic priest active in the rural unionization of Pernambuco, has stated the question in dramatic form:

In summary, the Brazilian Rural Union Movement, a product of the Northeast, will be the greatest labor force in the country. No one can deter it any longer: not the government, not the Church, not even the army. We are certain of this. Within two years, it will be the greatest force in the country, greater than the National Confederation of Industrial Workers, and the latter now decides even the fate of cabinets. The National Confederation of Rural Workers will be in the future a great force for the total defeat of democracy or for the salvation of it.^{101/}

^{101/} Crespo, Pe. Paulo. "O Problema Camponês no Nordeste Brasileiro." Síntese. January - March, 1963. pp. 55-66. p. 65.

EPILOGUE

The Brazilian revolution of April 1, 1964 has made necessary some revisions of perspective and of cited legislation in this monograph, completed several weeks before the April revolution. The overthrow of the Goulart government and the implantation of the revolutionary government of General Castelo Branco may be accounted for, in part, by the agrarian disturbances which had become more frequent in Brazil in early 1964, although the basic justification of the revolution seems to be the demagoguery and increasing communist influence in the incompetent Goulart government. In this epilogue, there are observations on the position of the new government towards rural labor, the attitudes of the rural associations, and future possibilities of the rural labor movement in Brazil.

The position of the new government towards agrarian reform and rural labor appears to be favorable, but precise definition on a number of issues has not yet been clarified. The immediate reaction of the revolutionary government of General Castelo Branco was the arrest of alleged communists and subversives: in the rural labor sector, the most important arrests were of Francisco Julião, the founder of the Peasant Leagues in Northeast Brazil; João Pinheiro Neto, the director of SUPRA; Miguel Arrais, the Governor of Pernambuco; and Father Laje, a Catholic priest who was SUPRA

delegate in the state of Minas Gerais. Later, there was the stage of the investigatory commissions into communist subversion: however, until now, there has been no complete published report on the communist influence in the rural labor movement, merely isolated instances of that subversion.^{102/}

A new orientation for labor law has also been evident within the revolutionary government. Labor Minister Arnaldo Sussekind, at a conference of the International Labor Organization in Geneva, indicated greater autonomy for the labor union through the proposed extinction of the social labor fund and the protection of the rights of rural labor by the observance of the Rural Labor Statute.^{103/} Within the sphere of legislation, the Castelo Branco government has extended the right to strike to agricultural employees by a revocation of Decree 9,070 of 1946 and the passage of a new law.^{104/} There is also discussion of a completely new

^{102/} O Estado de São Paulo. July 5, 1964. This newspaper reported a supposed plan of the Goulart government to form 1,700 rural unions by June 30, 1964, with especial emphasis on their formation near the great population centers of Rio de Janeiro, São Paulo, Belo Horizonte, Recife, and Porto Alegre, in order to influence the 1965 elections.

^{103/} Ibid. July 2, 1964.

^{104/} Ibid. June 2, 1964. Article 12 of the new law does not consider agriculture as a "fundamental activity."

labor code, under the authorship of Professors Evaristo Marais Filho, Mozart Vitor Russomano, and José Martins Catarino, the most respected labor law commentators of Brazil. In the related area of agrarian reform, President Castelo Branco has expressed interest in an agrarian reform law which would eliminate the uneconomic latifundio through the use of the progressive land tax and expropriation with partial payment in bonds.

The attitude of the associations and political parties which represent the major farm owners of Brazil has been that of caution towards the Castelo Branco government. The initial euphoria of this class has vanished and is now represented by the criticisms of the section of the Democratic National Union led by Governor Carlos Lacerda. An illustration of the position of this class towards the Rural Labor Statute has been expressed by the Rural Association of Londrina, São Paulo, one of the important agricultural zones of Brazil: "The Rural Labor Statute, as it is, only constitutes a factor for agitation in the rural area and contributes to the rural exodus..." 105/ These associations are especially critical of the inclination of President Castelo Branco to issue agrarian reform bonds.

The opinions of the rural labor leaders towards the new

105/ Ibid. May 5, 1964.

government has been varied, a result of the still vague position of President Castelo Branco. The leader of the Federation of Agricultural Workers of Sao Paulo, a conservative Catholic group, assured rural labor in Sao Paulo that "your rights are assured" 106/ and later observed that "Thank's to God and the patriotic spirit of our armed forces and democratic governors, we have passed the demagogic phase of the reforms." 107/ In Pernambuco, a more radical Catholic group has been more critical, even though the Ministry of Labor has recognized several rural unions there since the April revolution: Father Melo, one of the rural leaders in that state, has said: "The peasant is now thinking that the revolution has been against him." 108/ The remnants of the Communist rural labor leadership has been silenced since the revolution.

In summary, the rural labor movement in Brazil must assume new directions for the immediate future. The movement of the communist parties and Francisco Julião have been stymied for the present, and the associations led by the Catholic Church, now supported by the federal government, should be able to increase their strength. There has been a

106/ Ibid. April 14, 1964.

107/ Ibid. June 7, 1964.

108/ Correio da Manhã. Rio de Janeiro. May 15, 1964.

retention of the legal benefits which were acquired during the Goulart government, but there appears to be a diminution in the economic accomplishments, a probable result of the temporary disappearance of the communist pressure in the rural area and the confusion caused by the April revolution. The future direction of the rural labor movement is dependent upon the support, even encouragement, of the Castelo Branco government, and it is still too early to be able to predict that.

AGRICULTURAL LABOR FORCE

(Source: 1950 Agricultural Census, pp. 10-12)

1. Ownership group (includes responsible party and unremunerated members of his family).	4,888,247
<p><u>Note:</u> an estimated 1,450,683 members of this group cultivate an area inferior to 10 hectares (1 hectare = 2.471 acres).</p>	
2. Rental group (includes responsible party and unremunerated members of his family).	466,615
3. Occupant group (includes responsible party and unremunerated members of his family).	575,881
4. Mixed Status group (includes responsible party and unremunerated members of his family).	91,290
5. Sharecroppers (includes his employees).	1,245,557
6. Employees.	3,729,244
	<hr/>
TOTAL	10,996,834

ANNEX II

RURAL LABOR UNIONS*

(until 12/31/1963)

<u>STATES</u>	Recognized Unions	Unions awaiting Recognition	Recognized Federations	Federations Awaiting Recognition	Existent Counties
<u>NORTH</u>		6		1	265
Rondônia					2
Acre					7
Amazonas		1			167
Rio Branco					2
Pará		5		1	82
Amapá					5
<u>NORTHEAST</u>	92	193	4	17	894
Maranhão	3	14		1	122
Piauí	2	16		3	102
Ceará	21	22	1	2	176
Rio Grande do Norte	19	41	1	4	131
Pernambuco	32	58	1	4	121
Paraíba	11	20	1	1	149
Alagoas	4	22		2	93
<u>EAST</u>	24	123	2	7	1,226
Sergipe	9	9	1		65
Bahia	2	19		2	338
Minas Gerais		57		4	718
Espírito Santo		11		1	42
Rio de Janeiro	13	23	1		62
Guanabara		5			1
<u>SOUTH</u>					
São Paulo	61	60	2	1	505
Paraná	47	71	1	3	250
Santa Catarina	2	5		1	177
Rio Grande do Sul	33	75		3	158
<u>CENTRAL-WEST</u>	11	24	1		244
Mato Grosso	1	3			64
Goiás	10	19	1		179
Federal District		2			1
<u>BRAZIL</u>	270	557	10	33	3,719