

A tessitura dos direitos: Patrões e empregados na justiça do trabalho, 1953–1964.

By LARISSA ROSA CORRÊA. São Paulo: Editora LTr, 2011. Tables. Appendix. Notes. Bibliography. 231 pp. Paper.

The labor relations system that emerged from the 1943 Consolidation of Labor Laws (CLT), promulgated during the Estado Novo dictatorship, has long been shrouded in a rhetorical fog that obscured on-the-ground realities in Brazil's key industrial areas, such as São Paulo. This refreshing book combines personal interviews with, and research in a private archive of, the city's leftist labor lawyers with unpublished records of the labor courts and the Delegacia de Ordem Política e Social. Larissa Rosa Corrêa cautiously frames her intervention in a vexed and ongoing historiographical debate between those who emphasize the forward-looking reformist nature of the system and those who cast a more critical eye on how it functioned, as I did in my 2004 monograph *Drowning in Laws*.

To her credit, Corrêa avoids being drawn into the rabbit's hole of historiographical controversy. The book's achievement lies in offering a richly and relentlessly empirical tour, from the inside, of the world of industrial relations framed by the CLT and its labor court system. Based on her master's thesis at the Universidade Estadual de Campinas, where she is currently completing her doctorate, the book avoids drawing grand conclusions but brims with the excitement she feels—and that labor historians will likely share—as loosely linked chapters walk the reader through key dimensions of legal disputation as well as class and political conflict in São Paulo's textile and metalworking industries. The first chapter provides a rich array of information—not all of which has been fully encompassed in existing accounts—about internal dynamics and procedural issues, with attention to the key role of Communist labor lawyers. The second sheds new light on how labor-management bargaining was carried out during major mass strikes between 1953 and 1963. A short third chapter examines efforts to win employer compliance with the thirteenth-month salary law of 1962, which gave workers an *abono de natal* (Christmas bonus). The book ends with a rich fourth chapter narrating specific legal cases—drawn from labor court records she located, some incomplete—in which individuals and small groups of workers, often aided by union lawyers, struggled to resolve injustices at the hands of their employers (the cases on job tenure disputes are especially revealing).

The book is enriched by the author's appreciation for the folklore surrounding the courts (read chapter 1 to find out what is meant by its title “‘Jaguars,’ ‘Rabbits’ and ‘Armadillos’”). She is also, surprisingly enough, the first to have gained access to the personal archive of the Communist labor lawyer Rio Branco Paranhos, and she conducts revealing interviews with his associates and family, including his daughter, a labor court judge. At the height of his influence from 1950 to 1964, Paranhos and his associates were of supreme strategic and tactical importance for the aggressive labor leadership in this quickly industrializing region. Operating in an environment mired in a dense web of untrustworthy legal institutions, both honest and militant trade unionists faced a simultaneously haughty, aggressive, and insecure array of industrial employers whose

approach to managing workers was both despotic and outrageous (nonpayment of wages, for example, was an all-too-common complaint that generated court cases and led to strikes). Under such circumstances, as Corrêa shows and I have argued, the labor law system was of vital importance as an arena of collective and individual struggle. Neither reliably good nor straightforwardly bad, the government's highly politicized labor relations institutions could not be consistently depended upon by workers in their struggles with politically powerful employers who disdained court intervention while cultivating the state's formidable repressive apparatus.

The field of labor history in Brazil has made enormous progress in the last decade, especially in valorizing and preserving labor court records. This book offers a tour d'horizon even though it moves, perhaps too quickly, from one issue to another. Yet it suggests, I think, that the time has come to move beyond a dated pro or con debate regarding the CLT and its impact. We have larger questions to address if we are to advance our understanding of this admittedly imperfect body of law and legal practice in these early decades. In the preface to *An Introductory View of the Rationale of Evidence; For the Use of Non-Lawyers as Well as Lawyers* (1843), a work harshly criticizing the use of evidence in the English legal system, Jeremy Bentham posed a vital question that might help us reframe our understanding of labor law in São Paulo: Why doesn't individual and group suffering caused by bad laws lead to public grievance? The answer, he suggests, is because "the law itself is perfect: this they heard from all quarters from whence they heard anything about the matter. . . . The law is a Utopia—a country that receives no visits, but those who find their account in making the most favorable report of it. All this while the violations of justice have been continual."

Yet Bentham reminds us that those immersed in the law, like lawyers, are precisely those who both most clearly understand the imperfections of the law and simultaneously have the least interest in reforming them. Bentham's observation points precisely to what is most admirable about São Paulo's combative lawyers and the trade unionists they worked with. Men like Rio Branco Paranhos or labor leader Antonio Chamorro used a malfunctioning system to the hilt while making a public grievance of the court's betrayals of its own ostensible ideals. They did so precisely because they shared the same aim as Bentham the legal critic: to rid the law of its many imperfections. Isn't it time that scholars of the CLT system adopted Corrêa's realism rather than offering excuses or apologies?

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