CENSORING THE WORD: PUBLIC CONTROL OF PRESS AND BOOKS IN BRAZIL

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**Resumo:** Este artigo tem como objetivo fornecer um modelo abrangente de compreensão do controle público da imprensa da fase liberal no Brasil. Este período representou um marco novo para a imprensa. Houve uma maior valorização da liberdade de expressão, da leitura e da opinião pública. Este artigo, portanto, trata das origens do controle governamental da imprensa no Brasil, a fim de examinar as formas como cultura e poder se uniram durante o período que abrange o século XIX e o primeiro terço do século XX, etapa em que o controle estatal substituiu o controle eclesiástico sobre a palavra impressa. **Palavras-chave:** Censura; Livro; Imprensa.

**Abstract:** This article aims to provide a comprehensive model of understanding of public control of the press during the liberal stage in Brazil. The liberal stage in Brazil represented a new framework on the press. There was a higher valuation of freedom of speech, reading and public opinion. This essay will examine the origins of government control of the printing press in Brazil in order to examine the ways in which culture and power were bound together in the nineteenth-century and in the first third of the century XX, a period in which government control replaced ecclesiastical control over the printed word. **Keys-Words:** Censorship; Book; Press.

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The difference between other countries in Western Europe – that throughout centuries were accepting of different philosophies such as Protestantism, humanism, secularism, scientism and rationalism – and the Iberian society is characterized, above all, for its religious beliefs and for the impregnation of religion in all areas of the society. The social circumstances and cultural beliefs created by this religious attitude have contributed to the Catholic church having a notable influence in what concerns to the control of the circulation of ideas. This Iberian cultural project has also formed part of the intellectual activity and the emergence of the press in Brazil, as Portugal occupied the Brazilian territory from 1500 until 1822.

In the fifteenth century political framework, starting with the introduction of the press in Portugal, the expansion of reading habits brought about new kinds of political organization. These new political or jurisdictional problems raised by the production and consumption of cultural and literary products created a complex relationship between the press and the Catholic church. Considering the political and religious conditioning, the introduction of press came with the Catholic Church’s ward, which, through the Lateran Council in 1512, established a preliminary censorship to all printed material. Yet, in 1536, ecclesiastical censorship was bolstered as the Inquisition was granted a monopoly over censoring powers.

During the administration of Don João III we see the intention to structure an emerging public control over the printed word, leading him to nominate his own brother, Don Henrique, as Grand Inquisitor in 1539, defying the ecclesiastic power. This was an answer from the monarchy to the church’s powers, which can be seen as an attempt to reinforce state control over the printed word. Cardinal Don Henrique created a commission whose purpose was to organize a list of prohibited books, creating, in 1559, the famous *Índex auctorum e librorum*, established by Pope Paul IV and published in the city of Coimbra (STE-PHANOUS, 2001, p. 21).

Beginning in 1750 the Portuguese Crown began a large reform, influenced by the Enlightenment, seeking the consolidation of the King’s power before the Church and the society as a whole. In this context, during the administration of Marquês de Pombal (1750-1777), a promotion of an illustrated culture and a growth of state interference in all press matters took place. On April 5th 1768, a Portuguese law determined for the first time that all matter relating to the censorship of the printed word was exclusively under the control of the State, restricting the role of the Church in the intellectual field. With this change in legislation, books relied on authorization by the Royal Censoring Board to be published. The King was the one who nominated the censors, them being either religious or layman. The intention was to unify the censoring process, improving its effectiveness, its direct subordination to the Crown and the rupture with triple censorship system (VILLALTA, 1999, p. 154). And so the rationalizing wish of the Portuguese Monarchy is evidenced by a new organizational attitude with the goal of limiting the powers of the Church in face of an interventionist and regulating model of the cultural and reading matter.

Portugal established the same basic criteria for control over printed word in its Brazilian colony. The 1747 Royal charter did not allow the existence of typography, expropriated clandestine equipment and punished those responsible with exile and imprisonment.
Censoring the word: publicity and books in Brazil

Civil and ecclesiastical authorities strictly inspected bookstores, booksellers and the entry of foreign books in the territory, their focus being on books relating to political matters. Nevertheless, towards the end of the eighteenth century, the first private libraries were built – prior to that libraries were only found in monasteries and schools – due to the start of book sales and, despite all the difficulties, many prohibited books and publications managed to enter the colonial territory. According to Rubens Moraes (179, p.59), in the Portuguese America there was a lack of consistency in the censoring practices, making it possible for some captaincies to have constant inspection while others did not have it. That clandestine printed materials gradually converted itself into vehicles for dissemination of liberal ideas, influencing the creation of a conscience with nationalist and libertarian traits in colonial Brazil –as in the case of the revolutionaries from Pernambuco in 1817 who included freedom of expression in their program–.

Because of all that, starting December 17th 1794, only years after the French Revolution and a year after the execution of King Louis XVI, Prince Don João VI brought back the traditional censoring institutions: the Inquisition, the Ordinance and the Mesa de Desembargo do Paço. Those revolutionary efforts produced, however, a reaction of the Portuguese Crown fearing the dissemination of french revolutionary principle. In this new legal resolution the King declared that the “extraordinary and fearful literary and ideological revolution that, in the last few years, and currently, have tragically attacked established opinions, propagating new, unprecedented and horrifying political and philosophical feelings and principles [...]” (NEVES & FERREIRA, 1989, p. 113).

It is clear that books, considered a great disseminator of “transgressive” ideas, had rigid censoring inspections in Portuguese lands. The Crown recognized the authority of the Holy Office in literary censorship matters, allowing Bishops and inquisitors took legal action against all who bought, sold, or were in possession of prohibited print. Since the seventeenth century, nonetheless, a rise in the royal powers when compared to other members of the censoring actions was noticeable. The Brazilian state then preserved many of the cultural markings of the traditional Portuguese society and, in fact, controlling freedom of thought through a censoring apparatus was one of them. With this perspective we can distinguish the different political stages in the nineteenth and the first third of twentieth century, from which two historical facts regarding the growing public control over printed word stand out in the light of this investigation in a concise way: the arrival of the Royal Family and Brazil’s political independence; the Brazilian Empire; the Republic.

THE ARRIVAL OF THE PORTUGUESE ROYAL FAMILY IN BRAZIL AND INDEPENDENCE: THE BEGINNING OF A RELATIVE FREEDOM OF PRESS

In November 1807, the Portuguese Court marches to Brazil after Napoleon’s troops invade the Portuguese territory. After the Court settles in the South American continent, Brazil is promoted to a United Kingdom receiving the Crown’s state apparatus and doing business with other countries –as established by a decree calling for the opening of ports “to
all friendly nations”-. The printed houses had a secure spot in this new circumstance since Impressão Régia was established. The first regulation over printed matter at this stage determined that they should all go through an administration that would examine all papers and books, whose objective was to “make sure nothing printed goes against the religion, government and morals”. It was created, then, a Administrative Board of Royal Print that would handle preliminary censorship of print.

This censoring was perpetrated, through the decree on September 27th 1808, by four royal censors. This first stage of Brazilian print not only represented a tightening of the censoring phenomenon, but also the beginning of structuralized print in the country through an official system and a few incipient typographies – in Bahia and Pernambuco – between the years of 1810 and 1811. The Museo Nacional de Bellas Artes and the National Library were also founded, whose function was to promote development in the scientific and cultural sectors under the State’s ward.

During the years of 1820 and 1821, conditions for a new political paradigm were created. Inspired by the liberal model of Spain in 1820, the phase known as the Liberal Triennium, and in Portugal, the Liberal Revolution of Porto, had a significant impact on censorship. This new political model, proposing the individual’s action in public life, assign a leading role to print. From this date on, in the Portuguese Empire, the foundation for freedom of speech is laid out and a growth in the dynamics of free thought grounded on liberal values had begun. On September 21st 1820, amongst the first measures of the Portuguese Constitutional Revolution’s Government Council were established, through a decree, the freedom of print on Portuguese territory (MARTINS & LUCA, 2012, p. 34). On November 11th 1820 the revolutionaries proclaimed a transitory Constitution, which determined the Cádiz Constitution should be applied in Portuguese territories.

Nevertheless, full freedom of print was not established until February 5th 1821 with the Decree over the Freedom of Print -largely extracted from the Spanish regulations on this matter-. After a long and heated discussion in Congress, the definitive text to grant freedom of print based on the Portuguese Political Constitution was voted for. The end of prior censorship to the writings of political, dogmatic and moral nature was established. Beyond that, all citizens had the right to express themselves freely, according to article 8 of the Constitution, even though it would be held accountable for abusing such freedom. Thus a Special Court was created to protect the freedom of print and deter misdemeanors resulting from abuse, and the censoring practices were restricted to Bishops for print relating to spiritual matters. This new Constitution, then, sought to conciliate freedom with penal responsibility for occasional abuse.

On February 24th 1821 João VI established the Bases for this Political Constitution in Brazil. After that, the King decided to go back to Portugal leaving his successor Don Pedro as the leader. It was then created an Assembly on Brazilian territory who temporarily adopted the Cádiz Constitution. Then, on August 28th 1821, Don Pedro inaugurated the freedom of print in Brazil, fulfilling all specific Articles of these Bases. Still, the decree from June 18th 1822 implemented, like the legislation from 1820 in Spain, a specific jurisdiction through the People’s Courts, establishing for the first time in Brazil a people’s court allowing citizens to take part in the making of decisions related to print crimes. A judge,
a prosecutor, and print misdemeanor surveyors were nominated, together with 24 citizens elected amongst “good, honored, intelligent, and patriotic” men. Those citizens would become the people’s jury, whose duty was recognizing the criminality of abusing print.

In these circumstances, on September 7th 1822, Brazil became independent from Portugal and a new Constitution was being drafted. Nonetheless, the Constitutional Assembly only began its works on May 3rd 1823. A commission was created to elaborate the Constitution. Amongst the most noteworthy projects is the one known as Farinha de Mandioca (Manioc Flour), idealized by Antonio Carlos, which intended to guarantee the freedom of print, with even article 23 being voted on, which read: “Writings are not subject to censoring before or after printed; and no one is responsible for what is written or published, except in cases as detailed by the law” (COSTELLA, 1970, p. 51). At the same time, a law listing the abuses people could incur was drafted. In the end, on November 22nd 1823, the Carta de Lei (Law Letter) from October 2nd 1823 was passed, having been drafted by the constituents. This letter - which was essentially a copy of the Portuguese Print Laws from 1821- said: “No writings, of any quality, size or denomination, is subject to censorship, not before, nor after printed (Article 1)”. It was also established that the authors or translators would be held accountable for print abuses, with the responsibility falling upon the printer when those were not found.

In short, this long stage – going from the arrival of the Portuguese Crown until the Independence of Brazil - was characterized for setting the base for freedom of expression in the Brazilian Constitution. In this course, print had an important role in the formation and politicization of the colonial populace. The political independence inaugurated a new period driven by civil liberties and a gradual secularization of the cultural world.

THE BRAZILIAN EMPIRE AND THE CENTRALIZATION OF POWER: FROM POLITICAL TO ROYAL PRINT

The first stage of the Brazilian Empire was marked by intense social mobilization, revolts, and, in cultural field, by the proliferation of publications that tried to represent, on a political level, the Brazilian society’s middle class. There was a growth in political culture and an intense discussion on civic responsibility - connected to nationality and race identity matters - (BARBOSA, 2010, p. 55-56). Marco Morel (2003) also notes that print was a large articulating force of the national bonds as well as an essential mechanism for the participation of the middle class in political issues and in symbolic struggles and in spaces of production of meaning. Still, as Nelson Werneck (1999) points out, it was a productive time, of peculiar print, whose themes dealt with nativism and hatred towards the Portuguese, through a fierce critique of those in power. It starts to, at this point, “enter the scene as the figure of a public man until then not existent in the Portuguese America: the pamphlet writer” (MARTINS & LUCA, 2012, p. 35).

In this nineteenth-century political framework, the first Constitution of the Brazilian Empire took place. Freedom of expression and print was again the proclaimed right of all
Brazilians, and print censorship based on dogmas and morals by the Bishops was suppressed. According to Article 179, “all are free to communicate their thoughts through words, written and published by the press, without depending on censorship”. Years later, in 1832, the Empire’s Criminal Code was approved. This Code, influenced by enlightenment ideas and the progress in penal sciences, guaranteed in one of its articles the individual citizen’s rights founded on “solid bases of justice and equality”. From then on, print abuse was regulated by Article 7, which stipulated a successive accountability system (first one to be held accountable would be the printer, and then editor, author and seller).

As noted, between the years 1831 and 1840 -the Regency period-, a clear growth of the written word took place in the public sphere. This first stage was characterized by liberal progress and eagerness for change. Nevertheless, starting in the 1840’s -with the Monarch Don Pedro II establishing centralized power with the change of his legal age and coronation-, the Empire and the landowners joined forces. With that, the political debate started winding down, as a result of the repression and incorporation of those political agents under the Imperial State’s ward. So print, unlike during the first stage of the Empire, was then directed to act in favor of a civilized image of the Empire, whose function was the intention to include Brazil in western culture. A more conservative and royal rhetoric prevailed then.

From this point of view, Cristina Costa (2010, p. 59-60) notes that the control and demonstrations of power from the Empire during the colonial period faced no resistance from the people, making room for the establishing of paternalism and the patronage system as typical relations in civil society. With that, coming to power became a guarantee of inclusion in this political and social context. The arts of the Empire were fed by the State (such as the Imperial Fine Arts Academy and the Brazilian Drama Conservatory), creating a relation of subordination between intellectuals and the Monarchy. Literature and journalism at this time promoted an “ideological reconciliation” (BOSI, 2006, p. 155) with the Power, establishing an identification with the enslaving regime and its political institutions. Writers such as José de Alencar, Joaquim Manuel de Macedo and Gonçalves Dias received Imperial protection and participated in the political life of the Empire. Nevertheless, towards the end of the 1860’s we see the liberal rhetoric multiplying, in favor of religious freedom, freeing the slaves, the proclamation of the Republic and a Federal State. The intellectuals campaigned openly for a change in the regime. Because of that, a Republican print began to be built as a modernist proposal that would stay until the military coup in 1889. With the Republican movement gaining force and the relationship between the State and its bases for social support wearing out, the coup triumphs and the Republican period begins. This new stage in Brazilian history also brings in two new political actors –the military and the working class-.
THE BRAZILIAN REPUBLIC AT THE END OF THE NINETEENTH CENTURY
AND FIRST THIRD OF THE TWENTIETH CENTURY: REPRESSION AS A SIGN

The Republic arrived late in Brazil. While the other countries in the American continent opted for a Republic after they became independent, the Brazilian Monarchy resisted for around 70 years after the independence (COSTA, 2010, p.80). In general, after a long period of political culture control, the turn of the century came in a very intense political background, with active participation of writers and a politicization of civil society. In this context, the first Republican Constitution confirmed the governing ways of the Liberal Federative Republic, which guaranteed a wide autonomy to states and the institution of a formally representative and democratic system. This new political system entailed, to the eyes of a large part of the population, a possible improvement in their life conditions, a growing democratization of political spaces and Brazil entering modernity.

Nonetheless, the Republic did not carry through those ambitions, but instead guaranteed the maintenance of all privilege for plantation owners, represented, at the time, by the “rural coffee aristocracy” – which came about due to the economic progress in the South of Brazil-. For this group, the administrative decentralization was essential for the increase in their political power. On the other hand, after the Paraguayan War, the army reveals itself as another political force in the national setting. Given these circumstances, the military joined the Republican movement –based on positivism- and, adding to the rural aristocracy interests, the Army -led by Deodoro da Fonseca- installed a temporary government on November 15th, 1889, which, amongst other things, ordered the separation between church and state and gives citizenship to all immigrants living in Brazil.

Nonetheless, Leitão (2011, p. 115) notes that, given the significant historical link – established since the origins of the country and reinforced by a state bureaucratic system - censorship was kept throughout the Brazilian Republic. Because of that, this new Regime did not represent any breakthrough in the cultural democratization process, but was instead was characterized by a strengthening in coercive use of censorship. According to Carneiro (2002), the Republican State revealed itself to be censor por excelencia (Censoring par excellence), which had a negative impact in the formation of citizenship. In this sense, during the temporary government, Deodoro da Fonseca established the censorship and prohibited the distribution of newspapers amongst the provinces of the Federation, under the pretext of protecting the new Regime from its monarchic enemies.

In effect, print legislation determined, through the Decree 85-A, on December 23rd, 1889, that “the individuals that conspire against the Republic and its government; who advise through words, writings or acts a civilian revolt or military indiscipline” should be judged in military court by a commission nominated by the Ministry of War. A second decree, from March 28th, 1890, determined - without instituting censorship - that “all those generating or collaborating to distribute through press, telegram or any other means, false news or alarming rumors, inside or outside the country, as those referring to military discipline and the stability of all institutions and public order” would follow under the Decree 85-A.

On February 24th, 1891, the Republican Constitution was published, which guarante-
ed freedom of speech. Nevertheless, according to Walfrido Moraes (2005, p. 8), the Repub-

lican Stage—a time when society should have enjoyed ample liberties—was marked by the

suspension of Constitutional guarantees of freedom of expression through the estado de

sighto (State of Siege) Decree, which, together, represented 1,579 days of suspension of all in-

dividual rights. The first years of the twentieth century meant a period of profound change

and sociopolitical instability. The Great War promoted industry growth, whose consequen-

tance was the working class coming into being, as a sociopolitical protagonism, and with that

the structuring of the worker’s movements. Starting on April 15th, 1894, the date when the

first worker’s meeting was held and catalogued in the list of political repression in Brazil—
the rise of the worker’s movement was clear.

This active social participation of the working class was also reflected in the creation

of a wide proletarian press and in the use of books as a vehicle for propaganda and in-
doctrination. This genre had 149 titles between 1890–1920 and newspaper editorial offices

multiplied in the neighborhoods occupied by immigrants and workers. Due to the growth

in popularity of the anarchist and socialist ideologies amongst the working class (largely

promoted by immigrants mostly from Spain, Italy and Portugal, who were engaged in the

socialist and libertarian movements in their own countries), the Brazilian Congress passed

in 1903 the first law to deport foreigners, under pretext that they represented a threat to

national security and the public order in Brazil (CARNEIRO, 2003, p. 25-27). In 1907 the

Adolfo Gordo Law, Decree 1,641, legalized the deportation of foreigners involved with the

strikes.

In this same vein, the Brazilian State started to perfect its repression apparatus. On Ja-

nuary 17th 1921, then President Epitácio Pessoa inaugurated the censorship with ideological

selectivity through the Decree 4,269 regulating repression against anarchism (MATTOS,

2005, p. 102), including when their practices were incited through use of press. According

to this law, the Government could determine, for an indefinite period of time, associations,

labor and civil unions to close down when they were involved in acts damaging to public

order. From then on, the shutting down of newspapers, arrests, exile and deportation were

common. Still, a new Press Law was drafted, on October 31st, 1923, reinforcing the fees for

crimes on the Penal Code. Article 5, also established that it was forbidden to “sell, put up

for sale or, in some way, collaborate in the distribution of any book, pamphlet, magazine, or

newspaper, picture, drawing, engraving, paint or print of any nature as long as it contains

material offensive to public morals and decency.” Equally, it was required, to eliminate

anonymity in print, and that all papers printed the name of those responsible and articles

previously unpublished stated name, address and profession of their authors.

During the year 1922, when Brazil’s independence was completing 100 years, the coun-

try was going through a period of transition whose ruptures were carried through with the

1930 movement. The climate of generalized rebellion is part of a conjunction of change in

the sociopolitical panorama. The presence of new political forces that the Conservative Re-

public was not capable of facing. The working class’ role was highly influential in the start

of a political crisis for the oligarchies, together with the crisis generated by the overproduc-

tion of coffee and the world crisis in 1929. It is also worth noting that the year 1922—and the

following years—saw a series of events, such as the Semana de Arte Moderna, the creation
of the Communist Party and the Movimientos Tenentistas. These various transformations—
together with the industrial development and the diversification in agriculture—worked to fuel the change in the current political framework (FERREIRA & PINTO, 2003, p. 340).

In 1929, the presidential succession took place. Not satisfied with the control imposed during the First Republic for the agrarian oligarchies of Minas Gerais and São Paulo, the Liberal Alliance was formed. This heterogeneous alliance represented, above all else, the existing dissidence within their own state oligarchies. Moreover, it symbolized a proposed political renewal, whose platform included topics such as electoral reform struggle, the creation of an electoral justice, private voting, individual liberties and labor protection. With the defeat of the Liberal Alliance in the elections, Getulio Vargas—leader of the reform movement—came to power via a coup, historically known as the Revolução de 1930.

Following the consolidation of the revolution, the print censorship was expected to be lifted as part of the revolutionary project. In fact, the decree-law 19,395 of November 8, 1930 granted amnesty to all civilians and military personnel who were involved in the revolutionary movement, either directly or indirectly, provided that it would remain “in perpetual silence, as if they had never existed, the processes and sentences regarding these facts and all political criminal offenses relating to print.” However, in December 1933, the Minister of Justice, Francisco Antunes Maciel, published in the National Assembly Newspaper, rules and regulations on the implementation of censorship. According to the Minister, criticism of the government, personal attacks, and news harmful to public order should all be censored.

On the 14th of July, 1934, a new constitution was promulgated, inspired by the Weimar Constitution of 1919 and, with regard to press, approached the Republican Constitution of 1891. Article 113 established freedom of thought, without dependence on censorship except for demonstrations during public performances. The publication of books and newspapers was independent of the public license, however war propaganda or inciting violent processes with political and social subversive objectives would not be tolerated. Furthermore, unlike the Constitution of 1891, it established a distinction between nationals and foreigners, where only the former were allowed to exercise the main responsibility, intellectual or administrative guidance of the political press.

Also noteworthy, the Decree 24,776, also on the 14th of July, 1934, which instituted a new law allowing freedom of the press in nationalizing terms, since the journalistic companies, of political or news content, cannot be an anonymous society (S.A.) “with shareholders, or be owned by a legal personality, or presided by foreigners, whom cannot be shareholders or have interests on organized society to explore such companies”.

Another innovation of this law refers to legal proceedings for print. It was created, returning to the tradition of the Imperial Period; a specific court, composed of a judge, a president, and four citizens. Nevertheless, breaking from this popular and democratic process, on September 11th, 1936, Getulio Vargas created a National Security Court, putting these crimes against the security of the Republic under military jurisdiction. The executive power, thus, was fortified and had begun the process which triggered the construction of a New Brazilian State (1937). This new period of Brazilian politics, despite the coercive tradition of the censorship during the whole history of Brazil, exhibited the highest degree of
authoritarian reign ever seen before. The intention of the new state to control the public life through censorship would move the state towards an ambitious project of cultural planning, made official by the Department of Press and Advertising.

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