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# RESEARCH REPORTS AND NOTES

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## “A PECULIARITY OF LABOR IN THIS REGION”

Workers' Voices in the Labor Court Archive  
at the Federal University of Pernambuco

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*Abstract: This research note provides historical context for the creation of Brazil's labor judiciary and tells the story of an innovative partnership forged between the archive of Pernambuco's regional labor tribunal and the Federal University of Pernambuco. It also engages methodological questions about the use of these labor court cases, reviewing some of the scholarly literature based on these sources and describing some research projects under way. Pernambuco has powerful historical links to the sugarcane industry, and because the history of labor in this industry is the terrain of our work, this note pays particular attention to the relevance of labor court cases for studying Pernambuco's sugarcane region.*

Nearly a decade ago, the Federal University of Pernambuco (Universidade Federal de Pernambuco, UFPE, in northeastern Brazil) struck an innovative partnership with Pernambuco's Tribunal Regional do Trabalho (TRT, Regional Labor Tribunal) to save thousands of labor court records from destruction. The archive

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offers a rare opportunity for studying workers and labor relations in a region with high rates of illiteracy and other barriers to historical and social scientific research, a place where a sugarcane planter's lawyer argued in 1977 that the exploitation of unremunerated women's work was simply "a peculiarity of labor in this region."<sup>1</sup> With more than 130,000 cases reaching from 1943 to 1985, the archive offers an opportunity to reveal such "peculiarities" and to explore crucial landmarks in Brazil's twentieth-century history, from the transformation of the sugar plantation economy and the rise of a major rural workers' union movement to the modernization of agricultural production and migration to cities. This region saw the growth of the country's most important center of rural worker mobilization, highlighted by massive strikes in 1963 and 1979 that drew attention and support from across Brazil and beyond. Shifts during the periods of military government and redemocratization also left marks in the labor court records. Data from the cases allow scholars to measure and compare workers' pleas and to track their conditions as wage earners by compiling salary information, working hours, job stability or mobility, and other factors, possibilities available through no other textual sources. The collection offers new insight into discussions on the status, standard of living, and collective conditions of many categories of waged workers (both urban and rural), thus opening valuable new source material to scholars of labor, rural sociology, agrarian history, anthropology, gender studies, and other fields.

An individual labor court file records a complaint or procedure initiating the case—a worker's accusation of late wage payments, for example, or a company's intention to fire a worker—along with the names and basic information of the parties involved. Files contain a cover sheet with basic (and helpful) information and sometimes little else, especially if a worker never returned after lodging a complaint. But many files contain transcripts from hearings held during the course of the dispute; documentation of payments that changed hands; and occasionally external materials pertinent to the case's progress, such as a plantation renter's contract. The files also record which judges heard the case, the lawyers involved, and information about witnesses who testified. The archive's holdings come from Pernambuco's municipalities in the coastal zone, largely devoted to sugarcane cultivation, and the hilly region of mostly small farms immediately to the west. The most complete files come from the labor forums in the capital city of Recife. So far, the archive has no cases from the semiarid western interior of the state, as labor courts were established there much more recently. Among the municipalities represented in the archive, most cases date from 1963 through the 1970s, although the oldest begin in 1943 and some reach to 1985.

This research note engages methodological questions about the use of these labor court cases for scholarly research; reviews some of the work that has already exploited these sources; and describes projects in progress, especially among students at UFPE. This archive is not unique; some federal courts elsewhere in Brazil, including several labor tribunals, have entrusted records to other public institu-

1. JCJ Nazaré da Mata, *processo 49/77: S.R.C. e outras (4) vs. E.B.V. (BA)*, hearing of April 26, 1977, Archive of the Tribunal Regional do Trabalho, Pernambuco.

tions (mostly universities or public libraries, as in Juiz de Fora, Minas Gerais). The state of Pernambuco has powerful historical links to the sugarcane industry, and we have focused our work on the history of labor in this industry (Dabat 2007; Rogers 2010). Therefore, the article pays particular attention to the relevance of labor court cases for studying Pernambuco's sugarcane region, an area where ostensibly rural labor has important similarities to and overlaps with industrial work.

#### BRAZIL'S LABOR COURT SYSTEM AND RURAL WORKERS IN PERNAMBUCO

In 1939 the corporatist dictatorship of Getúlio Vargas, called the *Estado Novo* (1937–1945), created a labor judiciary within the federal justice department. The national labor department (1931) and the regional labor inspectorates and local labor boards (1932) were formalized by legislation passed in 1939. In 1943 the *Consolidação das Leis do Trabalho* (Consolidation of Labor Laws, CLT) outlined all labor regulations, transforming the arbitration of conflict for urban workers (Ferreira Filho 2009). The CLT governed labor standards and workers' rights and regulated the minimum wage that took effect in 1940, opening to urban and industrial workers (including, in Pernambuco, workers employed in sugar mills) a crucial new means for contesting their exploitation. The CLT established a labor court structure rooted in local *Juntas de Conciliação e Julgamento* (Conciliation and Trial Boards, or labor forums) presided over by three judges. The forums, in turn, are overseen by state-level tribunals, such as Pernambuco's TRT. At the top of the hierarchy sits the federal *Tribunal Superior de Trabalho* (Superior Labor Tribunal, TST).

It took more than twenty years for rural workers to gain access to the benefits and rights that urban workers enjoyed. Vargas's Rural Unionization Law of 1944 failed to bring rural labor in line with the CLT. The Communist Party and other radical organizations such as the Peasant Leagues (organized in Pernambuco's cane region during the democratic interregnum from 1945 until the 1964 military coup) advocated a legal approach to improving workers' lives. In the late 1950s and early 1960s, as Peasant Leagues leader Francisco Julião put it: "We had not yet accomplished a French Revolution in the rural areas. There were still feudal and semi-feudal remains" (Carvalho and Incão 1982, 82). What he described as "feudal" included the use of in-kind payments, such as access to land and a shack in lieu of wages.

President Jânio Quadros's abrupt resignation in 1961 created a new political context as Vargas's former labor minister João Goulart assumed the presidency. Pursuing a series of structural reforms, including the redistribution of land, he succeeded in pushing the *Estatuto do Trabalhador Rural* (Rural Worker Statute, ETR) through the legislature in 1963. It is this legislation that governs most of the rural cases in the UFPE archive. Described by the prominent leftist economist Caio Prado Jr. (1963, 143) as "a real complement to the act that abolished slavery," and by another commentator as a *Magna Carta* for rural workers (Petrovich 1963, 12), the ETR brought rural wagedworkers many of the basic rights their industrial and urban colleagues enjoyed through the CLT. Before, rural workers had little choice but to rely on the fragile privileges of patron-client ties. The ETR stipu-

lated a clear definition of professional category, the right to an employment card, regulations on hours worked and contract durations, and a minimum wage (articles 1–41). Workers also enjoyed benefits such as a weekly break and paid vacations (articles 42–48) and oversight of factors such as workplace safety, women and underage workers, contracts, grounds for dismissal, stability, collective contracts, and union organization (articles 49–154). The last articles specified penalties for failure to adhere to the law and outlined a social security plan specifically for rural workers, which was implemented in the early 1970s with a program named the Fundo de Assistência ao Trabalhador Rural (FUNRURAL, or the Rural Workers' Assistance Fund).

Although they had to wait seventy-five years from the abolition of slavery until federal legislation regulating work relationships, rural workers had long harbored the idea of possessing rights. They sustain that their rights are as old as those of industrial workers, dating back to the CLT. However, even though "Getúlio Vargas had left everything signed," these rights were "put in a drawer" and "hidden," in the words of Pernambuco sugarcane worker José Honorato dos Santos (Dabat 2007, 709). With the ETR, rural workers finally gained rights as wage-workers and enjoyed some checks on the depth of their exploitation. The word *rights* itself stood in for the exercise of citizenship that was otherwise denied this population; unable to vote, most sugarcane workers had access to neither public policies nor services (education and health care). Little by little, their trade unions made these available, and along with the ETR and collectively negotiated wages, they were included in the capacious category of "rights."

Pernambuco's rural sugarcane workers wasted no time in leveraging the opportunity opened by the ETR, launching a massive strike in November 1963. They won major wage increases and greater oversight over work conditions. Only five months later, the military toppled Goulart's government and established a dictatorship that would last twenty years. However, the ETR survived. The military regime exercised stricter control over rural unions but did not abolish them. Their efforts to secure an ever-growing and more diversified list of rights met with resistance from labor courts purged of democratically minded judges, and workers still faced violence at the hands of employers and their gunmen, who continued to wield their power with near impunity.

Still, as the political scientist Biorn Maybury-Lewis (1994) has pointed out, with their unions intact rural workers maintained room to maneuver. Pointing to the Nazaré da Mata union in Pernambuco's sugarcane region, he describes how union leaders took a pragmatic approach to protecting workers' rights in the state-sanctioned arena of the labor courts. As with the CLT's impact on urban labor, the ETR's passage signaled a new social reality for many rural workers, a fact substantiated by the political scientist Peter Houtzager (1998), who has shown that the stability of the unions and their obstinacy in the face of regime efforts to control and constrain their activities kept pressure on employers despite the apparent opening for a rural landowner alliance with the dictatorship.

Experiences under the dictatorship helped reveal the limits of labor laws, or the limits of their application. John D. French's (2004) analysis of Brazilian labor law's impact on urban workers offers insight into the laws' symbolic efficacy and

their utility to unions. French (2004, 54) acknowledges the many shortcomings of the system and the well-recognized reality that many of the laws exist "on paper but not in reality." However, he argues that the mere existence of the extensive labor code offers workers recourse from the domination of employers—it opened a space for negotiation and resistance that was crucial for workers and has helped shape the history of industrial relations since the Vargas era. Julião, among other rural labor leaders, acknowledged that labor law "does not and never has functioned fully," yet he argued that the rural wage earners' struggle must be carried out according to those laws, since they hold "a promise of liberation" (French 2004, 175). Some leaders saw in this approach evidence of evolutionary movement in Brazilian society as a whole, with the country realizing progress and development. Grasping this perspective helps explain the legalistic attitude of widely divergent political forces, including even the dictatorship.

The courts mitigated the power wielded by the privileged landholding class and shifted the social system that had in many areas been based on their exploitation of the rural poor. With new forums opened for resolving conflicts between workers and employers, both parties needed to learn the new norms and language of the courts, a process clearly visible in the first few years of case files from Pernambuco. In her ethnography of a labor forum in the southern part of Pernambuco's sugarcane region, the anthropologist Moema Miranda (1991, 9) writes that when workers took complaints from their tradition-soaked milieu into the labor courts, it "contaminate[d] the supposedly rational and pristine space where the judiciary exercise[d] its will." Although their specific complaints clearly placed them under the labor code's jurisdiction, the workers' broader plight stemmed from centuries-old patterns of exploitation. Labor court judges and their subordinates constituted a largely homogeneous circle, drawn according to common family backgrounds and matriculation at Pernambuco's law school. Rural workers had no access to this sphere, and the abyss separating the parties meant that illiterate cane cutters faced difficulties beyond educational differences when they lodged their complaints, a fact that underscores the rural unions' key role in facilitating workers' struggles.

The unions received crucial support for their early efforts in the courts from a group of young lawyers in 1965. The Instituto Brasileiro de Reforma Agrária (Brazilian Land Reform Institute, IBRA<sup>2</sup>) funded legal support for the federation of rural unions, Federação dos Trabalhadores na Agricultura do Estado de Pernambuco (FETAPE, or Federation of Agricultural Workers in the State of Pernambuco), through a one-year agreement. Following this experience, some unions chose to continue legal support using their own funds, and in 1968 FETAPE created a legal department to aid unions throughout the state (Miranda 1991). This generation of lawyers aggressively pursued individual rural workers' complaints, trying to hold employers to the ETR's stipulations and demanding the provision of worker

2. Created by the Land Law (Estatuto da Terra, 1964), the early military regime's response to widespread calls for land reform in the 1950s and 1960s, the IBRA merged with the Instituto Nacional de Desenvolvimento Agrícola (INDA) to become the Instituto Nacional de Colonização e Reforma Agrária (INCRA) in 1970.

benefits. Despite their successes, the courts' mediation of disputes has been seriously flawed, in part because of the cultures of class highlighted by Miranda. Employers did their best to bring their assumption of superiority into the courts, evading charges and seeking to slow cases' progress.

From the ETR's passage, and especially after the 1964 coup, many employers reacted to the new labor demands by severing official employment relationships with increasing numbers of workers. In one 1964 case, a planter disclaimed any knowledge of a worker before allowing that the man "might have worked" on his plantation but was never employed; that is to say, he never held a signed work card (Rogers 2010, 166). Workers with cards faced pressure to work without them, as *clandestinos* unprotected by labor law. This directly affected how much they could claim when dismissed, as most were repeatedly in their lives. In this respect, the material in the archive allows for comparisons with the way rural and industrial employees were treated across the tribunal's jurisdiction: How much could workers claim for indemnity, for example, and how much time on the job was recognized in different industries? The case files contain numerous dismissals, which can be tracked geographically or across time to reveal patterns. Most termination cases contain a worker's thumbprint signaling his or her acknowledgement of the firing, although many are blank, which indicates that the worker did not appear at the forum to accept or contest the dismissal.

Nearly a generation after their epochal 1963 strike, Pernambuco's sugarcane workers launched another one in 1979. This time, their mobilization helped hasten the end of the dictatorship, exerting pressure in tandem with the strikes in São Paulo led by Luiz Inácio Lula da Silva (the labor leader who served two terms as president, from 2002 to 2010). The historically important period encompassing these two episodes of labor militancy has received attention from scholars but not, until recently, with the benefit of insights from labor court cases.

#### WHAT LABOR COURT CASES TELL US

Pernambuco's sugarcane region has for more than forty years been the subject of limited but high-quality social science research. The Recife-based Joaquim Nabuco Foundation's research center produced a series of reports on the region starting in the 1960s, providing valuable data on living standards and work conditions. From the 1970s, a group of anthropologists from Rio's National Museum graduate program conducted research projects in the region that generated excellent monographs examining the worldviews, challenges, and power relationships of field and mill workers as well as peasants and small farmers.<sup>3</sup> These studies offered important insights into labor and hierarchy, sensitively analyzing worker culture and mobilization (Sigaud 1976, 2008).

Although these studies made significant contributions to our understanding of the sugarcane region, widespread illiteracy and the secular patterns of exploitation prevented the emergence of worker "voices," whether through stable collec-

3. The results of the project "Estudo comparativo do desenvolvimento regional" included Sigaud 1979; Leite Lopes 1978; Heredia 1979; Garcia 1983.

tive organizations or a popular literature. The rural unions are singularly viable institutions; their records provide one important source for documentation of the worker experience, and some demographic data can be cobbled together from local notary offices. Oral histories also offer important insight, but the brutal demography of the region means that the generation that came of age in the 1940s and 1950s is already dwindling away. Other traditional historical sources—police files, for instance, or employer records—can be difficult or impossible to access (although the secret police—Departamento de Ordem Política e Social [DOPS]—have opened their files; for a note on using DOPS files, see Negro and Fontes 2008). Part of the labor court cases' value stems from this paucity of sources dealing with working people's experiences.

One sample case illustrates the riches these records contain and indicates possibilities for research along many themes. In 1971, Gustavo received permission to live and work on a plantation in the municipality of Nazaré da Mata. His wife, Marília, and their four daughters joined him (the names are pseudonyms). In 1977, Gustavo brought a complaint to the Nazaré da Mata forum, alleging that some of his wages had been withheld. He won and accepted a partial payment, but a short time afterward the plantation owner refused to allow Marília and the daughters to work. The five women complained to the forum, claiming that they had been fired and petitioning for back benefits and indemnification for their dismissal. At a hearing, the planter's lawyer explained that Marília and her four daughters contributed to Gustavo's production, helping him cut more cane, for instance, but that this did not constitute a labor relationship because the planter never paid wages directly to the women. The planter must not have fired them, the lawyer pointed out, because they continued to live there.<sup>4</sup> Indeed, in pre-ETR relationships between planters and their regular laborers, workers earned their access to a house on a plantation so long as they worked; when a planter decided to dispense with a worker, he would expel him from the ceded house.

The lawyer's arguments revealed a mixture of traditional patron-client rules with the logic of labor law. The women could not have been fired because they continued to live on the plantation, yet they did not hold work cards signed by the planter, so they must have been prohibited from working in the fields. The uneven persistence of the inherited labor system alongside the emergent one caught Marília and her daughters in a trap. According to the old arrangements, habitation signaled employment, but the ETR required that a work card accompany employment. As for the women's acknowledged presence in the fields with Gustavo, the lawyer described workers' habitual use of family labor to augment their production as a "peculiarity [*peculiaridade*] of work in this region."<sup>5</sup>

This sort of "peculiarity," however, clashed with the ETR's tenets, which presumed that an individual worker had discrete labor ties to a particular employer. The lawyer had accurately characterized the prevailing norms of women's labor: a union report from 1968 found that only 8 percent of women in the family's

4. JCJ Nazaré da Mata, processo 49/77: S.R.C. e outras (4) vs. E.B.V. (BA), hearing March 17, 1977, Archive of the Tribunal Regional do Trabalho, Pernambuco.

5. *Ibid.*, April 26, 1977, hearing.

subregion earned their own wages. Of the remaining women, a large proportion worked alongside husbands or fathers, but without their own direct compensation (Confederação Nacional dos Trabalhadores na Agricultura [CONTAG] 1968). The forum judges decided that the question of these women's relationship to the plantation revolved around how many "tasks" Gustavo regularly finished, as these were assignments designed to take one day. If he completed more than one task in a day, the judges argued, presumably he had received help. If he alone received wages, then that would imply fraud by the employer. The planter's foreman testified that Gustavo regularly earned credit for more than one task, and other workers confirmed under questioning that they saw Marília and the young women in the fields. The forum ruled that the planter's refusal to offer the women more work constituted dismissal without warning and ordered that he pay them restitution.<sup>6</sup>

Cases like these allow researchers to catalog the problems that arise between employers and employees; the evolution of claimant profiles; the types of solutions found; and frequently, the gap between amounts claimed by workers and those conceded by planters for dismissal or back benefits, which depended on determinations of length of service and position. Historians can compile longitudinal records of working conditions, wage levels, forms and rhythms of payment, working hours and time on the job, family employment, work recruitment, changes in occupation, and more (Ferreira Filho 2009; Cunha 2008). These details of sugarcane cutters' lives have sometimes been cast as uninterestingly homogeneous, an assumption that has led some scholars to caricature the region as a backward site of "semifeudal" relations.<sup>7</sup> The data in the files allow researchers to question this picture, using a large corpus of precise, if also concise, information to differentiate regularities from singularities, as well as to identify concrete elements in the region's trajectory through changing work and class relations. This analysis can even extend to the perceptions of social actors by following changing terminologies in testimony, for instance.

Tracking case outcomes provides some sense of the courts' efficacy in satisfying workers' complaints or in sustaining the power of planters. Marília and her daughters' case ended with a decision in their favor, but many others ended with a settlement between parties that failed to satisfy the workers' initial claims. José Marcelo Ferreira Filho (2011) shows that mutual settlements frequently amounted to less than 5 percent of the totals that workers demanded. The frequency of negotiated settlements, as opposed to the simple dismissal of cases, raises questions, but so does the apparent readiness of some claimants to back out partially or totally on their claims, which could indicate worker intimidation (Ferreira Filho 2007; Rocha 2008). The rhythm of the courts in dealing with large numbers of

6. *Ibid.*, July 13 judgment.

7. Guimarães (1977) and Sodré (1962), following the Brazilian Communist Party's line, placed the region at the feudal stage because of its large estates, exploited workforce, and in-kind payments, seen as similar to medieval European lord-tenant relationships. Prado (1967) refuted this thesis, but the landless workers movement Movimento dos Trabalhadores Rurais Sem Terra (MST) still holds the feudal view.



cases on particular days may also be interesting to follow, as well as the composition of the three-member forum panels. Electoral politics and the shifting of parties in power affect judge selection, although as Miranda (1991) has demonstrated, recruitment along class (and even family) lines has also been a persistent feature of the region's judiciary.

These cases also open a window onto gender relations and their role in changing workplace norms, with Marília and her daughters' experience an example in this respect (Marinho 2008). Although women had to wait until the 1980s when legislation required their full incorporation into rural unions, the "peculiarity" of family labor came under the judges' scrutiny in this case and others, leading to a growing recognition of women's work as individually rendered rather than an occasional supplement to men's labor (Houtzager 1998). As in Marília's case, case files provide information on wages, employment duration, tasks, and the presence of family members. Interesting comparisons can be drawn with women who appear in urban forums, in socially comparable positions such as maids or bakery attendants. Some cases involved teachers employed by sugar mills to meet the legal requirement that employees' children have access to education. Used in concert with other sources, written and oral, the labor court cases can enrich investigations into a series of questions: worker literacy levels (and their pride in providing signatures rather than the humiliating thumbprint on documents), the presence of underage workers and family ties between claimants, time on the job and the tribunal's estimations of its length, daily work hours, locations of plaintiffs' homes at the time of the complaint and afterward (many workers had to flee planters after filing a complaint), the reasons invoked for withdrawing a complaint, and more (Bezerra 2012).

During the forums' early years in the sugarcane area, petitioners invoked the two bodies of relevant labor law, the CLT and the ETR (Inácio 2007c; Dabat 2009). Recourse to a particular code is not purely a technical question; an analysis of different approaches to the laws offers a better perspective on the degree to which rural workers and their lawyers were aware of potential support from the state in asserting their status as citizens. In explicitly claiming rights guaranteed by the CLT they sought to demonstrate a connection to their better-protected industrial counterparts. Clearly, "the formalization of work contract conditions in the countryside" and the help of trade unions to instruct and counsel workers came in an imperfect package with the ETR (Ianni 2005, 142).

Research projects pursued by graduate students use the labor court files to probe some of the questions outlined here. Most concentrate on sugar and alcohol production, among both field workers (Ferreira Filho 2007; Rabelo 2007) and mill workers (Galvão 2008a). They analyze wage and employment data for rural workers (Rufino Dabat and Abreu e Lima 2010); wage levels noted in claims and mutual settlements can guide a rough estimate of employee buying power (Walter 2010) and can be linked to measurements of children, thereby demonstrating the seriousness of malnutrition (Chaves 2007). Others have used files in conjunction with medical records from the Recife hospital built for sugar workers, which offer insight into working illnesses and accidents (Ferreira Filho 2011). Depart-

ing somewhat from political culture and work relations, the UFPE files open a window onto the geographical distinctions between the southern and northern parts of the sugarcane region. They also cover urban workers, especially in the metallurgical and textile sectors, and they could serve as the basis for a systematic comparison between rural and urban workers (Inácio 2007a, 2007b; Marinho 2008; Varejão 2008, 2011).

A ripe area for further research involves the multiple levels of political action that leave traces in the case files, from local and union politics all the way to the federal level. Examining how the rural unions played their role of helping workers in court expands our understanding of the political dimension of union activity, recognized as crucial to their history (Galvão 2007; Abreu e Lima 2005a, 2005b). Given that several decades' worth of leaders of the national confederation of rural unions came from Pernambuco, research can also help us understand the national labor movement. In addition, the presence and influence of large sugar mills can be analyzed, as they have used the judiciary to manage their workforce and influence the dynamics of local authority (Rabelo 2008). Sugar producers or their lackeys have frequently met workers' legal exercise of their rights with violence, and this dangerous dynamic has impeded the resolution of work conflicts (FETAPE 1984; Amnesty International 1988). Crucial political processes at the national level (the democratization process during the 1980s) and the state level (Miguel Arraes's three terms as state governor, before and after the dictatorship) can be explored by combing the cases for arguments tied to these developments (Montenegro 2011). The reciprocal influences between workers' movements and political processes can be uncovered by piecing together municipality-based monographs or research papers, thus allowing for new ways of approaching the role of the state in managing labor conflict.

Just as the planter's lawyer in Marília's case saw pooled family labor as a regular feature of rural life, another "peculiarity" of the cane region has been the silencing of worker voices. Routinely referred to metonymically and dismissively as "arms" or "sickles" by the planters, these workers live hard lives tied to an agro-industry with deep historical roots and an ugly legacy of oppression. The labor court files in the UFPE archive hold the key to exposing this history and to providing access to those voices, as well as to those of workers in the urban sprawl of Recife. Urban labor history has enjoyed a period of energy and innovation in recent decades in Latin America. The UFPE archive could help direct some intellectual energy toward rural labor, reinvigorating a field that sagged when the agrarian studies literature of the 1960s and 1970s dwindled. There are important exceptions to the recent urban focus, such as Cliff Welch's (1999) excellent history of São Paulo sugar workers and a handful of studies on plantation workers elsewhere (Chomsky 1996; Striffler 2002). Scholars have had limited opportunities to study formal organized rural labor, much less the collective or individual actions of rural workers engaged with the state and employers in a court system. Pernambuco's sugarcane region represents an area of overlap between rural and industrial labor in terms of the challenges and questions that workers have faced. Northeast Brazil also has a far less developed historiography than the country's center-south, which further highlights this archive's value (French and Fortes 1998; French 2000).

THE ESTABLISHMENT AND POLITICS OF THE LABOR COURT ARCHIVE AT UFPE

Pernambucan workers' complaints, firings, and other labor disputes have been heard for nearly seventy years, but only in October 1996 did the Regional Labor Tribunal establish its archive, which operates under the oversight of a judge, in Vitória de Santo Antão, near Recife. All older records are preserved in paper folders, though labor court record keeping is now digital and maintained online; files are public records and can be searched via the online interface. In 2003, a Swiss doctoral student, Luc Banderet, began exploring the archive's holdings and recommended that the authors examine it. We arranged for the chair of the History Department at UFPE to visit the head archivist, Augusto César Ramos, who, with a keen sense of the archivist's tasks, described the difficulty of maintaining the files. The archive occupies a long concrete-block warehouse of two floors; large double doors generally stand open to increase ventilation. Before Ramos instituted handling norms, trucks delivering files dumped bundles of cases onto the warehouse's floor.

Ramos struggled with the influx, and during the 2003 meeting, he acknowledged that he would have to destroy older records as he received new shipments. Unfortunately, his dilemma confronts labor court archivists in other states as well. The historian Antonio Negro (2006, 194) warned: "An invaluable historic register is being incinerated with the sanction of the law. Complaints, cases, accords, testimonies, and reports—as well as assorted documents annexed for evidentiary purposes—are being burned in every corner of the country." Recognizing the cases' historical importance, the UFPE History Department began a dialogue with the tribunal about saving the files. The discussion extended from basic material questions—the documents' condition, organization, accommodation, and cataloging—to questions of principle that stoked heated exchanges about what should be kept. Should entire files be transferred, with all the evidentiary documentation, or should the case outcomes alone be saved? How long and for what purposes should the files be kept, beyond the obvious juridical need (that a case may be reopened, even after lapses of time)?

Gaining the support of regional tribunal authorities depended in part on precedents set by similar projects elsewhere in Brazil. For instance, in Rio Grande do Sul the former judge and historian Magda Biavaschi helped safeguard the files of the Fourth Region's labor tribunal. She has exploited supposedly useless files like dead-end cases in fruitful and revealing ways, which highlights the "human density" of these documents (Teixeira da Silva 2007, 39; see also Biavaschi 2007). A team of researchers at the State University of Campinas (Universidade Estadual de Campinas, or UNICAMP) works with similar files, but only for collective agreements (*dissídios coletivos*). Efforts at preservation have taken place in the Third Region in Minas Gerais, the Fifth in Bahia, the Ninth in Paraná, the Sixteenth in Maranhão, and the Twenty-First in Rio Grande do Norte. A recent volume of essays demonstrates that labor organizations themselves have made important parallel efforts to preserve the documents of the labor movement (Marques and Stampa 2010).

The UFPE's representatives urged tribunal officials to consider the examples of

larger and much more sensitive archives under international or neutral supervision, such as those of the International Committee of the Red Cross or Arolsen's documents on the Holocaust. The moral arguments for maintaining the labor court records using these broad comparisons proved persuasive to the regional tribunal, and in December 2004, its president signed an agreement with the UFPE chancellor making the university lawful guardian of the files. Fifteen months later, nine thousand files found a home in the university's Center of Philosophy and Human Sciences.<sup>8</sup>

The arrangement remains fragile and subject to institutional change on both sides of the partnership. In 2007, a new director took charge of the Vitória de Santo Antão archive, shifting Ramos to a lower position. The staff disposed of some records (including, oddly, all files from 1987) but expressed interest in sending more files to UFPE. In response, the parties extended the agreement, and by 2010, 10 percent of the holdings from Vitória de Santo Antão had arrived at UFPE. Most complete are the files from Recife (following a choice made by professor Antônio Montenegro, current overseer of the collection). But there is also good coverage of the sugarcane region and municipalities to its west. Among the nonurban municipalities represented in the archive, the available cases generally date from the ETR's passage in 1963 through the 1970s. The oldest cases come from the capital-region municipality of Paulista (1943); Recife also has files from the 1940s to 1985. For Jaboatão, a mixed industrial and rural municipality, the archive has a full run of cases from 1963 through 1983.<sup>9</sup> Photographs of every Jaboatão case are available online, a milestone for the archive ([memoriaehistoria.trt6.gov.br](http://memoriaehistoria.trt6.gov.br)). The archive aims to provide access to digital images of every case file in the holdings. A few of the tribunal's earliest documents are kept at the Memorial da Justiça do Trabalho (Labor Court Memorial) in Recife, inaugurated in 2008. The prospective construction of a new building at the UFPE branch in Vitória de Santo Antão, supported by the town's mayor and a federal financial institution (Caixa Econômica Federal), offers hope for the long-term sustainability of this effort in conservation.

The tribunal provides no financial support for maintenance and operation, but the university's labor court archive recently received grants from the Foundation for the Support of Science and Technology of Pernambuco to provide scholarships for several students working in the archive. Most of them are simultaneously pursuing senior papers and master's theses based on the case files, and many have earned prizes for their work at conferences and symposia.<sup>10</sup> The UFPE documents have clear pedagogical value as a laboratory for history students, exposing them to primary documents and giving them preservation and conservation experience. Although they have largely seen this use so far, the cases have clear significance and utility for a broader cohort of scholars.

8. Many students provided voluntary work to install the first thousands records, including Michel Galvão, José Marcelo Ferreira, Daniely Marinho, Luciana Varejão, Pedro Inácio, and Luciana Walter.

9. Vera Acioli, archive manager, personal communication, April 20, 2010.

10. First, Second, and Third Encontro Justiça e Trabalho (2006, 2010, 2011); Oficina Sociedades Açucareiras (2007, 2008, 2010); First and Second Seminário Nacional Poderes e Sociabilidades (2008, 2010); Associação Nacional de História (2006, 2008, 2010, 2011); Third and Fourth Cultura e Memória da UFPE (2007, 2009); Congresso de Iniciação Científica-UFPE (2007, 2008, 2009, 2010).

CONCLUSION

The experience of the agreement between UFPE and the regional tribunal offers an example for other universities to establish partnerships with archives in precarious conditions. Although funding is difficult and maintenance of the collections a burden for stretched budgets, this solution saved more than a hundred thousand valuable documents from destruction, and will likely save more in the future. There are risks, of course. Implicitly, the responsibility of preserving and maintaining these records has shifted from the institution that ought to perform these tasks to one with a different mission (Gama 2011). On the one hand, why should UFPE subsidize an area of the tribunal's duties? On the other hand, these sorts of transfers have a long history; universities have long sought to rescue endangered materials. And the extension of this subsidy redounds to the academic and larger communities, in terms of student training, the facilitation of access to researchers, and the production of knowledge.

The tumultuous recent decades marked a turning point for Pernambuco workers, especially in the rural areas. The planter's lawyer in Gustavo and Marília's 1977 case hoped the local forum would support traditional assumptions about the "peculiarities" of the region's labor regime. The word he used means both "particularity" and "oddity," the specificity of a situation that may also set it apart. For workers, these particularities were not odd; they flowed from the power structures workers operated within and increasingly challenged in the labor courts in the years following the forums' establishment. The UFPE archive allows scholars to investigate "normal" labor relations and their changes in Pernambuco, and to situate these in the context of Brazil or of Latin America more broadly. Used to investigate politics, labor conditions, health, legal strategies, or any of the other areas we have outlined, this archive can take us deep into the lives of generations of workers.

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