

# Soldiers of God: religion and politics at the Porto Alegre Faculty of Law in the first half of the twentieth century

*Os soldados de Deus: religião e política na Faculdade de Direito de Porto Alegre na primeira metade do século XX*

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## RESUMO

O artigo aborda as ideias e concepções filosóficas que predominaram na Faculdade de Direito de Porto Alegre, fundada em 1900, ao longo dos seus primeiros 40 anos de existência. Focando a geração dos católicos, analisa a oposição que se estabeleceu entre esse grupo e os outros membros da instituição que não comungavam com a filosofia do humanismo cristão pregada por ele. Discute-se a formação e as características desses católicos, bem como sua participação na Faculdade de Direito, quando buscaram espaços para o humanismo cristão contrapondo-se politicamente àqueles que passaram a chamar de ‘positivistas’.

Palavras-chave: política e religião no Rio Grande do Sul; Faculdade de Direito de Porto Alegre; política e ensino superior no Rio Grande do Sul.

## ABSTRACT

This article discusses the philosophical ideas and concepts that prevailed during the first 40 years of the Porto Alegre Faculty of Law, founded in 1900. Based on an analysis of the ‘Catholic generation,’ what is focused on is the opposition established in the institution between this generation and those who did not share the philosophy of ‘Christian humanism’ it preached. First, the education and characteristics of the Catholic group is looked at. Afterwards we analyze their participation in the Faculty of Law, in which they sought to find in space for their Christian humanism, politically opposed to those that have come to be called positivists.

Keywords: Politics and Religion in Rio Grande do Sul; Porto Alegre Faculty of Law; politics and higher education in Rio Grande do Sul.

In 1980, on the occasion of a commemorative symposium marking the 50<sup>th</sup> anniversary of the 1930 Revolution, held by the Federal University of Rio

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Grande do Sul (UFRGS), Francisco Machado Carrion, a former student of the Faculty of Law of Porto Alegre and professor of the Faculty of Economy in the same University, made a statement. In this he touched on the actions of a group of young students who had entered third level education shortly beforehand. This was at the beginning of the 1930s:

On entering the Faculty of Law we had a very strong Catholic conscience, principally oriented by Fr. Werner, in whose cell in Anchieta the politicians of the time would seek advice. We resolved to transform the Faculty – of Law – and the others; to reconquer them for Christian humanism.<sup>1</sup>

Why did these young students seek to reconvert higher level teaching institutions to ‘Christian humanism’? According to Carrion’s assessment, it was because when they and the other members of the group entered university, “positivism, which governed the state, dominated the faculty professorships,” in such a way that ‘conquering’ these professorships, “when the figure of *university professor* was worth something and could confront the *owners of power*,” was a priority.<sup>2</sup>

The group to which Carrion belonged was called by Fernando Trindade the ‘Catholic generation,’ whose ‘influence’ on Rio Grande do Sul society began in the 1920s and which would reach its apogee in the 1950s. In these 30 years the group slowly imposed itself on what had been the “‘positivist generation,’ which had been educated at the end of the nineteenth century and defeated politically until the 1930 revolution.” Also according to Trindade, what substantially differentiated one generation from another was that, in the case of the latter, “there was no integration of various dominions such as, for example, between the political and the religious. There were distinct groups acting under the apparent ‘unity’ of the ‘positivist’ doctrine.” On the other hand the “‘Catholic generation’ was characterized by close connections between the various domains. It was the same group which acted in politics, in university and in religious practice.” The ‘cohesion’ of this ‘generation’ was essentially based on its common primary and secondary education, principally in establishments managed by Jesuits priests with Germanic origins: *Ginásio Nossa Senhora da Conceição* in São Leopoldo and its successor in Porto Alegre, *Ginásio Anchieta*. The primary schools the ‘positivists’ went to, however, were not based on the doctrine of Comte.”<sup>3</sup>

In effect, the Catholic group, from what can be perceived from their relative cohesion, proximity in age, and their sharing of a common cultural and

educational background, can be treated as a 'generation' in accordance with the criteria established by Sirinelli,<sup>4</sup> for whom it should be defined as something arising out of a significant 'event' which decisively marked a group of agents. It emerges in function of a context, of one event or a set of events in a determined space of time experienced and/or led by a group whose members have a certain closeness in age.

In relation to the so-called 'positivists,' there is great difficulty in clearly defining them, either as a group or a generation. In addition to the fact that criteria which the Catholics adopted to label them was very diffuse and imprecise, they did not have the cohesion of the shared education which would justify describing them as a generation. The Catholics used the positivist label for all who did not share their religious preference or their metaphysical philosophy based on Christian humanism. In other words, generally speaking the 'positivists' were the 'scientificists' and/or 'materialists,' all those who did not share the ideas preached by the Catholic group. Moreover, positivists were still very active in the period when the Catholics began to gain space in the university teaching staff, in political party positions and in more general professional and cultural activities. In other words, they were both older and contemporary to the Catholics. Thus, there could be included under this label everyone from the republicans of the so-called 'propaganda generation,' including Júlio de Castilhos and Borges de Medeiros, to the more pragmatic revolutionary leaders of 1930 from the so-called '1907 generation,' such as Getúlio Vargas and Oswaldo Aranha. For some Catholics, 'positivists' were simply the supporters of Borges de Medeiros, to others they were those who professed an ideology more or less based on Comte.

As a result the idea of a 'positivist generation' cannot be sustained. This was actually an invention of the Catholics in their struggle to obtain professional, political party and cultural spaces. The label was invented with the aim of ensuring that their more immediate 'enemies' would be identified.

Catholics represented in Rio Grande do Sul the strongest and best organized resistance and counter-offensive to the 'new ideas' which legitimated the proclamation of the Republic and the actions of republicans from the 1870s in Brazil, and the historical period described by Barros as the 'Brazilian Enlightenment,'<sup>5</sup> or by Costa as when "new matrices of ideas began to make sense in intellectual life."<sup>6</sup>

positivism, naturalism, evolutionism, thus, all the types of nineteenth century European thought – will express themselves in national thought and will deter-

mine notable progress in the critical spirit. This progress in criticism and comprehension was concomitant – and perhaps resulting from – the notable economic progress which was expressed in Brazil from the 1860s in a noticeable rise in the standard of living of certain classes of the population and in the incipient technical strengthening of the country, such as railways, the mechanization of rural industries, the installation of its first manufacturers. (Costa, 1967, p.115)

Also according to Costa, “to our *philosophants*,” the “self-taught intellectuals” who were “more sensitive to erudite and bookish *philosophism* than the spirit of philosophy ... mere glossers of European thought, apart “from their environment and their people,” ultimately these first Brazilian ‘intellectuals’ and those “linked to the doctrines recommended by the Church,” would in the 1870s “be joined by... the new generations of positivists, both orthodox and heterodox, the Spencerians and a few materialists” (Costa, 1967, p.330).

With the analysis of the so-called Catholic generation being its central thread, this article will focus on the aspects most linked to the philosophical/doctrinaire ideas and concepts which predominated during the first 40 years of the existence of the Faculty of Law of Porto Alegre, founded in 1900, such as the opposition established in this environment between the generation in question and the professors and students who did not share the Christian humanism philosophy preached by this generation. First, the education and the characteristics of the Catholic group will be looked at, and afterwards their participation in the Faculty of Law will be analyzed, when, with the aim of ‘re-conquering’ the institution for Christian humanism, its members counterpoised themselves to those they called ‘the positivists.’

## THE CATHOLIC-JESUITICAL PROJECT

After the mishaps which the Company of Jesus suffered in the second half of the eighteenth century, with the order was even abolished by Pope Clemente XIV in 1773, it was restored by a Papal Bull in 1814.<sup>7</sup> The following year the Spanish government readmitted the Jesuits to his dominions, but other persecutions followed. In 1835 the government once again prohibited the members of the Company of Jesus from operating in Spain.

Since the then president of Argentina, Juan Manuel de Rosas, had asked for the presence of priests from the order in his country, a group of them went to Buenos Aires. However, they would soon find themselves in difficulties with the Argentinean government, and were officially expelled from that country

in 1842. A year previously some of them had gone to Rio de Janeiro, where they were not initially well received by the local bishop Dom Manoel do Monte Rodrigues de Araújo. From there they left for Rio Grande do Sul, since its provincial president had asked the bishop in question – whose diocese then also covered that province – for priests to “attend ... the rural zones” (Bohnen; Ullmann, 1989, p.87).

In the same year of 1842 Spanish Jesuits reached Porto Alegre, where they started to carry out ‘missions,’ sporadic trips to various locations in the interior of the province in which they minister the sacraments and prayed masses. Through these contacts, at the request of Germanic Catholic colonists they corresponded with their Austrian ‘brothers’ in the order, who accepted to send German speaking priests to Brazil. In 1849 three Jesuit priests (a Pole, a Czech and a Silesian) landed in Rio Grande do Sul. All spoke the maternal language of the Germanic colonists and initially they were limited to working with these in the interior of the province, at first with strictly religious questions, setting up parishes and distributing the sacraments, by in the 1850s they were building and running of primary schools. According to Bohnen and Ullmann, the “teaching was concerned with the practical, daily, life of the children of immigrants.” These first German-speaking priests were followed by others. Until 1885 there were 78 Jesuit priests, in 1900 their number reached 100, “working among the Germanic-Brazilians” (Bohnen; Ullmann, 1989, p.87).

At the turn of the twentieth century, however, the Jesuit priests were no longer only ‘working’ among Catholic immigrants with German origins and their children. In 1869 they opened a college in São Leopoldo, Nossa Senhora da Conceição, which initially aimed to prepare “teachers for the distinct colonists and priests to heal souls” (ibid., p.179). According to Schupp, also a Jesuit priest, since early the students who attended were not limited to the children of colonists, so that gradually “the Luso-Brazilian youth gradually became the majority and... the Portuguese language, which previously had played a secondary role, was converted into the dominant language.”<sup>8</sup>

According to Bohnen and Ullmann, the priests responsible for the school even thought about closing, since the presence of Luso-Brazilians was diverting the institution from its initial objectives of training priests and teachers for the Germanic colonists. However, instead of closing, the college was expanded and also came to educate students apt to take the preparatory exams for entering the advanced schools of the Empire. In 1878 five students from Conceição took the Portuguese exam in the Escola Normal of Porto Alegre, with all of them passing.

In 1900 in the republican period, Conceição achieved the status of an institute equivalent to the Ginásio Pedro II, for which they received the support of Júlio de Castilhos. This episode showed very well the pragmatism which guided the actions of the greatest leader of the *Partido Republicano Rio-Grandense* (PRR). Known and recognized as an extreme ‘positivist’ who abominated the ‘metaphysicals,’ Castilhos did not hesitate from supporting a request for the maintenance of religious teaching in a school which, though it was confessional and therefore unofficial, was important for Germanic colonists, and even more so for the Jesuit priests, influent among immigrants and their descendents with Germanic origins, a growing source of support for his political party. He, thus, intervened directly on behalf of the priests with the minister, Epitácio Pessoa, who had been opposing religious teaching in the school curricula. With the support of Castilhos, even after receiving the equivalent status, religious teaching was maintained in the institution.

In 1890, however, the priests of São Leopoldo opened another college in Porto Alegre, Ginásio Anchieta:

As there were three free ‘Academies,’ in other words faculties, in the Capital ... the priests thought it would be fruitful to prepare the students of Anchieta for the said questions. Anchieta was the day school of Conceição in São Leopoldo, from 1903 onwards. It immediately became clear that the administration, as well as the structure of the programs suffered interference from Conceição. What was then sought was the total autonomy of the Porto Alegre college. The dean of São Leopoldo, Fr. Lütgen, SJ, spared no efforts to achieve this. He even went to Rio de Janeiro with a written recommendation from President Borges de Medeiros to carry out the necessary steps. On 23 June 1908 a presidential decree granted autonomy to Anchieta, and it came to be called a *Ginásio*, with the right to hold preparatory exams. (Bohnen; Ullmann, 1989, p.196)

Having Anchieta in the state capital, the priests closed Nossa Senhora da Conceição in 1912 and transformed it into a Provincial Seminary, “at the request of Dom João Becker”, the bishop of Porto Alegre (*ibid.*, p.203).

Anchieta, however, was not the only teaching establishment founded by Jesuits outside the Germanic colonial region. It was not by chance that Pelotas and Rio Grande, two of the largest cities in the state after Porto Alegre and profoundly identified with the Luso-Brazilian world, received in 1895 and 1900, respectively, similar colleges founded by them. However, it is possible that the Jesuits invited the Marist brothers to help them in their school, as the

latter would later be the founders of various other primary and secondary teaching institutions in Rio Grande do Sul (*ibid.*, p.141).

In effect, while the Jesuits, especially the ‘Germans’ operated in Rio Grande do Sul, their interest in the area of teaching was obvious. Their pedagogical activity, initially aimed at the children of Germanic immigrants, soon changed to the population as a whole. However, as they came to act in and for the Luso-Brazilian world, the Jesuits did this with the intent of influencing the cultural, religious and moral formation of the ‘socio-economic elite’ of Rio Grande do Sul. “They believed that... investing culturally in this elite was a guarantee of the irradiation of a Catholic mentality within the heart of society” (Trindade, 1982, p.42).

According to Trindade, their educational actions were based on two basic points: “‘intellectual’ formation” and “discipline.” The former stressed enormously the cultural content accepted by the Catholic Church in Europe, from which came the first priest-teachers who worked in schools, in such a way that a “particular group of students from Anchieta had an education equivalent to certain European gymnasia.” In philosophical terms, thought based on ‘scholasticism’ was predominant, which was counterpoised the scientificism which dominated non-religious, and even anticlerical, thinking. “The ‘Catholic generation’ only ‘updated’ Scholasticism in some points.” This ‘intellectual’ accent was also obtained by stimulating ‘competition’ between students for the winning of ‘school honors’ according to performance lists. “The essence of this intellectual competition had the aim of creating an ‘elite.’” In this case the formation of an intellectual elite among the family groups arising out ‘socio-economic elite’ of Rio Grande do Sul (*ibid.*, p.41-42).

Added to this was strict discipline which preached

respect for the authority of the teacher and principally the priest. Various priests exercised over these young people, based on authority, a spiritual and moral influence. Authority was also present in corporal discipline, in the fulfillment of the times established for each class, in the rigorous order to enter classrooms, in the absolute silence in the development of subjects... Even when these young students reached adulthood, they did not free themselves from the spiritual directors who guided even family and professional subjects. (Trindade, 1982, p.42-43)

This ‘intellectual formation’ and the emphasis on discipline arose out of the meeting which Coradini identified with ‘organic communitarianism,’ the

'basic general matrix' which guided the contents of Catholic education. Christian humanism and neo-Thomism were expressed through this 'organic communitarianism,' which was sustained on "an 'integral' conception which refused the possibility of distinct foundations for each social sphere or dominion, such as religion, politics, or education."<sup>9</sup>

Based on this basic matrix, various paths can be distinguished in terms of cultural influences on the search for meaning in the world, perceived since its conception as an integrated whole. In other words, the references should not solely take into account a specific sphere susceptible to interests, such as politics, religion, education, or science, rather they had to take into account an organic whole, at the same time physical and metaphysical.

The aspects mentioned here configured what can be called the Jesuitical-Catholic project. Through discipline and an elitist school education philosophically guided by Christian humanist values derived from neo-Thomism, the Jesuits came to decisively influence those who would become part of the cultural, professional and political-party elite of Rio Grande do Sul.

During this project the actions of one Jesuit priest in particular stood out: Werner von und zur Mühlen. Born in 1874 in Münster, capital of Westphalia, Germany, from a local rural noble family. Until 1891 he studied in an important German college when he transferred to Holland where he began to study for the Jesuit novitiate. He completed his priestly training in Belgium and Portugal, having studied Portuguese in the latter country due to the possibility of going to Brazil. In 1908, Fr. Werner assumed the position of teacher at *Colégio Catarinense* in Florianópolis, the responsibility of the Company of Jesus. At this time he made the acquaintance of the future bishop of Porto Alegre, Dom João Becker, then bishop of Santa Catarina. In 1912 he was transferred to the capital of Rio Grande do Sul, where he began to teach at Ginásio Anchieta, which at that time had four hundred students. He would remain there until his death in 1939.<sup>10</sup>

In relation to this teaching, Fr. Werner was responsible for the discipline of philosophy in Ginásio Anchieta, which he also taught for one year in Instituto Júlio de Castilhos in 1927 (Rabuske, 1999, p.287). "philosophy was the *raison d'être* of his cultural life. Along with the Apologetics and Theology, he cultivated like no one from his time the queen of sciences, here in Porto Alegre," Magalhães stated.<sup>11</sup> In Anchieta he used to receive in his 'cubicle-office' his 'orientees' (Rabuske, 1999, p.181).

Fr. Werner, however, taught in a college, "which would have been just another confessional school, if it had not been for its connection with the



Marian Congregation” (Trindade, 1982, p.43). Congregations of this type were old associations stimulated and directed by members of the Company of Jesus. Others already existed in São Leopoldo, with the most significant being Nossa Senhora da Imaculada Conceição, which had ties with the local Jesuit college and in Porto Alegre. However, what are special importance here are those which had the Ginásio Anchieta as their center. In 1894 Mater Ter Admirabilis was created, which congregated male Catholics. In 1911 Mater Salvatoris was established for academics, which in 1925 was divided into two sections, one of graduates and the other of those still studying. There was also Nossa Senhora da Glória for students from the final years of Anchieta. All were based in Anchieta, whose building, then located in the city center, on the current Rua Duque de Caxias, a few meters from the metropolitan cathedral and the seat of the government, became the center of “a true Marian burgh, which nestled a ‘blue army’ for Catholic and apostolic life in the state capital” (Rabuske, 1999, p.249, emphasis added). For Trindade, Marian congregations were the:

most fertile ‘schools’ for the ‘Catholic generation.’ In them were reduplicated and deepened the targets of Anchieta: the ‘intellect’ and ‘discipline.’ Something else was added: the ‘spiritual’ dimension which was centered on the practice of the sacraments such as confession and communion. Essentially the ‘spiritual’ dimension proposed a sanctification process ... Young people were rigorously chosen by their Marian colleagues and presented to the spiritual director. They had to go through a period of ‘probation,’ in which they were considered to be novices, who afterwards would become true members of the congregation.

The Marian Congregation, at the beginning exclusively masculine, was concerned with a special devotion to the Virgin Mary. Under her protection members asked for their sanctification. In addition to personal perfection, it had the function of apostolating those who were removed from the heart of the Church and also helping the sanctification of those who were already Catholic. On the other hand, within a *spirit of combat*, members of the congregation were supposed to protect the Church against its enemies. This added to its spiritual mission an inquisitorial character aimed at detecting enemies. At the beginning they were the ‘positivists’, afterwards the ‘protestants’ and finally the ‘communists’. (Trindade, 1982, p.43, italics added)

The language of the sources added a markedly military dimension of these congregations in the sense of the discipline of their members, which formed

an 'army' to fight against those labeled as the 'enemies' of Catholicism. Trindade adds:

In addition to the religious practice in the ritual of activities of the Congregation, there was a weekly meeting in which punctuality and assiduity was demanded. During the meetings there were prayers and readings, accompanied by religious canticles. However, the most important part was the speech by the spiritual director. During the time when Fr. Werner directed the Congregation, his sermon was the culminating moment. In addition to a clear spiritual scope, he had fundamental social and political resonances. With the aim of encouraging religious practice, members of the congregation marked general communions and held festivities dedicated to whom they were devout. However, the center of spirituality was the open or closed spiritual retreats whose guide was the Spiritual Exercises of St. Ignatius. These retreats intensified the fervor of members of congregations and created an atmosphere to achieve true miracles in terms of 'conversions.' Another significant activity of the congregation was the practice of acts of charity which did not go beyond the limits of philanthropy. This demonstrated a 'reformist' vision of how the social question was viewed. Charity appeared, in first place, as a spiritual act of Catholic faith which shone in visits to the ill and prisoners. Also as a most social charity which gave help to the needy poor. Many members of the congregation had *their poor person* whom they helped with their needs. (Trindade, 1982, p.43, italics added)

The Jesuit-Catholic project presented itself as a proselytizing and salvationist mission for individual souls and for society in general. In the 1930s members of the Catholic generation came to occupy important spaces in terms of university professorships, political and ideological movements, the state bureaucracy, and the press, "we, in truth did not have a party, we carried out Catholic actions, in other words, less Catholic than political. Our group marched, we can say, along a line of true political actions," Carrion said in his statement.<sup>12</sup> According to Trindade, "this progressive and totalizing scope shows that the final target of 'Jesuit Catholicism' was to implant itself in the heart of civil society and that it constituted the natural extension of the confessional school" (Trindade, 1982, p.45).

Fr. Werner was the head of the Mater Salvatoris Congregation from 1923 to 1939. In 1931 under the presidency of honor of the same priest, the Catholic group from Rio Grande do Sul founded a Catholic Academic Center. This was followed by the creation the Catholic Youth Centers and the formation of the

local Catholic Electoral League (*Liga Eleitoral Católica* – LEC). LEC was an organization of lay Catholics and clergy which proposed to influence the votes of Catholics voters in general in relation to support for candidates who committed themselves to defend its ‘theses’ in the federal (1933) and state (1935) constituent assembly, irrespective of the political party. In 1934 the Association of Catholics Teachers was created under the influence of the teacher from Rio de Janeiro, Everardo Backheuser, which followed the molds of its contemporary association there (Trindade, 1982, p.48-49).

Although it had emerged independently from the Catholic movement in Rio de Janeiro built around the Dom Vital Center (*ibid.*, p.44-45), from 1930 onwards Catholics in Rio Grande do Sul began to have more frequent contacts with the Brazilian Catholic movement, also becoming closer to it.

These congregations and associations, in addition to serving as centers for Catholic religious, cultural and political proselytizing activities, were also complementary spaces for educational and professional activities which cemented the ties of interpersonal activities established since very early in the colleges and universities they attended. The elements looked at characterized this Catholic generation and the principles with which its members began to influence the various spheres of social activity in Rio Grande do Sul, especially in relation to the strategy implemented by the Jesuits in the area of education.

## CATHOLIC PROSELYTISM IN THE FACULTY OF LAW

The Jesuit Catholic project had a strong repercussions in the Porto Alegre Faculty of Law. In addition to the importance of legal education for the elites in general, law courses were a path that was more than common for the political elite. However, any action that was actually political in the sense of intensifying the presence of Catholicism in the world would undoubtedly involve, as Carrion himself made clear in one of the passages cited above, the ‘conversion’ of the Faculty of Law.

Engelmann identified as participants in the Catholic generation in this school the following professors: Januário Lucas Gaffrée, Adroaldo Mesquita da Costa, Armando Dias de Azevedo, Armando Câmara, Darcy Azambuja, Dario de Bittencourt, Eloy José da Rocha, Elpídio Ferreira Paes, Ely Costa, Francisco José Simch Jr., José Luiz Martins Costa, José Salgado Martins, Mem de Sá and Ruy Cirne Lima.<sup>13</sup> He also lists other professors as members of this generation, but they came to the faculty much later and were in general

younger than those cited. For the period in question here it was decided only to consider those who appeared in Santos' lists<sup>14</sup> and who were in the Faculty by the middle of the twentieth century. Januário Gaffrée, however, having studied at Nossa Senhora da Conceição Gynasium in São Leopoldo, is also cited by José Salgado Martins, a member of the Catholic generation, but as an example of the 'ideological' diversity which had existed since the beginning in the Faculty of Law, since even when it had 'official prestige' 'positivism' was criticized by Gaffrée when he was a professor of the philosophy of law.<sup>15</sup> Gaffrée, however, taught the discipline for a little more than a year and was linked to the Faculty of Law for only three years between 1906 and 1909. He should not be considered to be from the same group as the 'Catholics,' who started to act publically in the 1920s approximately, as he died in 1917. He is cited by Martins as being among the Catholics much more of a type of precursor of the position that his group would come to adopt than an actual member.

With the exception of the first name mentioned by Engelmann, Gaffrée, the other 13 professors were part of the group of 29 professors who started to teach between the end of the 1920s and the beginning of the 1930s and who had graduated in the Faculty of Law in Porto Alegre between 1917 and 1932. With the exception of one, all were students from the Catholic schools of Anchieta (eight), Conceição (two), Rosário, a school administered by the Marist brothers (two), and that of 'Brother Weibert' (three), and started to teach in the faculty during a twelve year period between 1929 and 1941. However, this case shows the autonomy of the connections with political parties preached by members of this group. Among the 13 in question, references for this were found for seven. Before 1937 three had connections with the PRR and two with the *Partido Libertador* (PL). After 1945 two continued in the PL, two were connected to the *Partido Social Democrático* (PSD), one to the *União Democrática Nacional* (UDN) and one to the *Aliança Renovadora Nacional* (Arena), after the civil and military coup of 1964.

In relation to the 'conquest' of teaching positions in the Faculty of Law by members of the group, the most emblematic case was the appointment of Armando Câmara in 1935 by Governor Flores da Cunha as Professor of Introduction to the Science of Law, which he had held provisionally since 1931. This was "received with protests by certain students... since it had been done without a contest." In Câmara's first class as chair the students divided into two groups. Both groups were gathered in the corridor which led to the

classroom, one supporting with applause the lecture of the new professor, whilst the other protested against it (Trindade, 1982, p.46).

Armando Câmara was a student of Anchieta, and consequently of Fr. Werner, where he also joined the Marian Congregation of students. As an undergraduate he became an honorary member of the Catholic Center of Academics and after graduating became the first president of the Association of Catholic Professors. He came from a family which counted among his members Viscount São Leopoldo, the first president of the province of Rio Grande do Sul after independence, as well as the minister who signed the law created law courses in Brazil in 1927. Armando Câmara was also the paternal grandson of Viscount Pelotas, marshal of the imperial army and first president of the state of Rio Grande do Sul in the republican period.<sup>16</sup> He was dean of the University of Rio Grande do Sul (now the Federal University of Rio Grande do Sul – UFRGS) between 1946 and 1949, and the first dean of the Catholic University (now the Pontifical Catholic University of Rio Grande do Sul – PUCRS) between 1949 and 1951. In 1954 he was elected senator by the PL, but resigned in 1956, being replaced by his substitute, Mem de Sá, another member of the Catholic group and the PL, who was also a professor of the Faculty of Law.

Câmara is usually attributed a central position in the Catholic generation by the sources. His intellectual influence on Rio Grande do Sul was principally due to his teaching position in the Faculty of Law and to the meetings he held in his residence, *Solar dos Câmara*, whose participants included fellow faculty professors and members of the Catholic generation Francisco Simch Júnior, Eloy José da Rocha, Ruy Cirne Lima and José Martins Costa. One of his ‘disciples,’ Jacy Mendonça said in the 1950s that he felt “very small listening to the political and philosophical debate which Armando Câmara had [in the meetings in his residence] with the men of great knowledge”<sup>17</sup> cited above.

This was not a conversation of leisure, although sometimes he called it *warehouse talk*. They smoked as much as they talked. Ruy [Cirne Lima] and his unforgettable cigar, Armando Câmara lit one cigarette from another. But everyone cultivated a strategic silence when Armando Câmara took part in the debate. His personality was even dominant. In any place that he was or arrived, he was the natural center and almost monopolistic of attention. (Mendonça, 1999, p.17)

Câmara was one of those professors who centralized the attentions of students and reinforced their predisposition for various engaged actions based

on previously acquired references, as Tobias Barreto in Recife and Avelar Brotero in São Paulo were in the nineteenth century.<sup>18</sup> It is enough to cite the number of students which the Jesuits schools provided to universities in Rio Grande do Sul, especially to study law. 47 of the 87 graduates from the Faculty of Law until 1937, from whom information of this type is available, studied in Catholic schools, 34 in either Anchieta or Conceição. It is, thus, no wonder that Câmara received from part of the student body at the time of his contested nomination to the Professorship of Introduction to the Science of Law, the ‘admiration’ he aroused, as well as the ‘influence’ he exercised after assuming the professorship.

From what can be understood from the sources, it was the actions of the Catholics that established the opposition between them and those they called positivists. The label given to the professors who preceded the Catholics in the professorships of the Faculty of Law, as has been shown, is somewhat imprecise. First, because it confuses party political positions with the positivist ideology and, in second place because it covers ideological and doctrinaire differences among the professors who were labeled as such.

Evaluations of the initial decades of the Faculty usually argue that it, through the intermediation of places where its professors got their degrees, had been influenced by the two schools of Brazilian legal teaching during the imperial period. “The São Paulo school was predominantly responsible for the political function, while that of Recife was responsible for the cultural and scientific function of law.”<sup>19</sup> However, this distinction between the two imperial schools should be questioned because in both schools there prevailed until the end of the nineteenth century both the ‘new ideas’ of the ‘1870 generation,’ and political party actions. Whether among the professors coming from São Paulo, or from those from Recife, it seems that scientificist and materialist conceptions were the philosophical and doctrinaire tonic which provided the foundations for the understanding of law and the social sciences in Porto Alegre Faculty of Law. Some of these, whether actually positivists or not, were given by the Catholics the label of ‘positivists.’

Commenting on the ‘teachings’ of the Catholic José Salgado Martins when he taught in the faculty, the memorialist Rodrigues Till stated that “the ‘grandeur of man’ was the tonic which dominated the positioning of the unforgettable master in relation to the pragmatism of Science,” and that he was an adept of “Christian spiritualism in which doctrine [his] humanism was enrooted.” From this arose the perception that Tobias Barreto, according to Armando

Câmara, was “a pedantic mulatto with pretentious language” and Freud “the creator of the psychology of the chicken run.”<sup>20</sup>

As has already been mentioned, a decisive step in the ascension of the Catholic generation in teaching institutions in Rio Grande do Sul was the professorship obtained by Armando Câmara in 1935, while in the same year he also took the professorship of Philosophy of Law. The philosophical field, the area of special intellectual predilection of the ‘master’ of this generation, Fr. Werner, would be conquered as the bridgehead of Catholic proselytism in the Faculty of Law. And not only here. When the Faculty of Philosophy of the University of Porto Alegre (UPA, which gave rise to URGs and finally to UFRGS) was created, the Catholics were of decisive importance, the effects of which can still be perceived (Trindade, 1982).

According to Engelmann, it was in the discipline of Philosophy of Law that the “oppositions that would be established between positivism and Catholicism could be detected” (Engelmann, 2001, p.75). Salgado Martins’ position was no different:

Considering the critical and integrating function that belongs to the Philosophy of Law, such as the investigation of the foundations of legal sciences, and focusing and determination of the ontognosio-logical, axiological and historic assumptions of Law, aiming at the synthesis of knowledge, assumed the greatest importance in the orientation of those who held professorships in Porto Alegre Faculty of Law.<sup>21</sup>

However, it was not always like this. When it started the discipline was taught in the first year of the course and, on the occasion of the Rivadávia Corrêa Law in 1911, which gave autonomy in relation to curricular provisions to university congregations in Brazil, it was even abandoned. Only after 1918 did it return to the curriculum, after the attempt to regain Federal recognition of the faculty.<sup>22</sup> Even Salgado Martins admitted that, before Armando Câmara, whose actions in the discipline had raised it to the “prestigious position of the true *caput scholae*,” it was “the simple generalization of scientific results... within a scheme of a priori formalism and the lack of ontological substance.” Only with Câmara would it come to be a “final synthesis of legal knowledge” (Martins, 1974, p.168). In effect, since then metaphysical concepts increasingly came to be spread in the Faculty of Law and the previous scientificist, materialist and pragmatic perception was substituted by speculative considerations about ‘Justice,’ ‘Value’ and the ultimate purposes of ‘law.’

It is interesting to note that Câmara was not directly connected to the contemporary political party positions. Although he was identified with the opposition to the PRR before 1930, more specifically with the PL, he was appointed by Flores da Cunha, a former member of the PRR and at that time head of the *Partido Republicano Liberal* (PRL), to his first professorship in the Faculty of Law in the period when the PL and PRR were aligned in the *Frente Única*, and rivals of the PRL. In addition, others of his colleagues from the Catholic generation were identified with the PRR. What occurred with Catholic conservatism is that it appeared to be capable of providing a theoretical instrument more suitable to the political and ideological struggle that commenced in the 1930s against, on the one hand, liberal capitalism and, on the other, Marxist-Bolshevik inspired communism. Catholic humanism, in effect, counterpoised itself to both.

In relation to this aspect of the greater suitability of the references preached by Catholics in the political party struggle from the 1930s onwards, there is an emblematic ‘conversion.’ In 1950 Flores da Cunha acted as the defender in a jury trial of police officers accused of killing four ‘communists’ in Santana do Livramento. “Appearing in the courtroom... he interspersed in his brilliant defense of the police, the news of his conversion to the Apostolic Roman Catholic Church, a fact which moved all those watching the trial and which had great repercussions, even in other states,” Caggiani stated.<sup>23</sup>

## FINAL CONSIDERATIONS

The interchange of the philosophical approaches to the understanding and interpretation of law, however, did not change the nature of what can be designated as the predominant type of focus in the teaching in Porto Alegre Faculty of Law: public law, an area of law which also marked the production of ‘judicial literature’ in Rio Grande do Sul.<sup>24</sup> This could not have been different in a school whose explicit objective when it was founded was to educate leaders and ‘republicans’ qualified to carry out public affairs in Rio Grande do Sul. What Catholic humanism represented was a type of updating of philosophical references which thus served better the justifying and legitimating purposes of the conservative political party positions then in vogue.

Remembering the 1940s, when he studied in the Faculty, Faoro mentioned that:



The discussions always had a tone, although not always authentic, and not always derived from reading or meditation, strikingly philosophic. This was a particular trait of our Faculty, which distinguished it from many which I knew. I do not know to what point this trait can be identified with the positivist inheritance, in my time as a student already covered by neo-Thomism. Always with a vision of the corridors and the classrooms, and never with the professorship, the ardent and naïve philosophism involved political discourse, with the unmistakable note of public law. (Faoro, 1980, p.9)

In its humanist preaching the Catholic generation did not differ from the previous generations in Porto Alegre Faculty of Law, or even from the imperial law faculties in the previous centuries, in relation to basic objectives: actions and political engagements. The methods of teaching and of disseminating ideas were also very similar. As Engelmann highlights, ‘orality’ characterized the actions of professors (Engelmann, 2001, p.73) in such a way that, between them and in general, few of those who dedicated themselves to law in Rio Grande do Sul “poured their thoughts into books” (Martins, 1974, p.156). The transmission of the ‘thinking’ of these ‘brilliant spirits’ preferentially occurred “through the press, through specialized journals, in university professorships, or among groups of friends and in the enchantment of the intimate conversation” (Martins, 1974, p.156). Armando Câmara was the emblematic case of this. Having published only a few speeches and articles in journals, he did not write any technical or scientific books about questions linked to what he discussed in his classes, much less in relation to law in the strict sense.

From this it can be understood that the law continued to be much more a means and an instrument for action in the world, principally political action, than an activity tending to specialization and professionalization. Thus, exactly where prolific technical production could be expected, and where are concentrated what Bourdieu calls the ‘authorized interpreters’ aimed at the ‘purely theoretical preparation of the doctrine,’ the ‘professors’ of law,<sup>25</sup> can be found agents engaged in acting in the sense of giving an account of what they diagnosed as the ‘problems of society’ and of assuming positions where they could impose, or at least intended to imposed, their perspectives of the world on others, their version of how to save it in this case.

## NOTES

<sup>1</sup> CARRION, Francisco Machado. Depoimento. In: VV.AA. *Simpósio sobre a Revolução de 30*. Porto Alegre: Erus, 1980. p.678.

<sup>2</sup> CARRION, Francisco Machado. Depoimento, p.684 e 686, original italics.

<sup>3</sup> TRINDADE, Fernando Casses. Uma contribuição à história da faculdade de filosofia da UFRGS. *Revista do Instituto de Filosofia e Ciências Humanas/UFRGS*, Porto Alegre: IFCH/UFRGS, ano X, 1982. p.39-40.

<sup>4</sup> SIRINELLI, Jean-François. Os intelectuais. In: RÉMOND, René (Org.). *Por uma história política*. Rio de Janeiro: Ed. UFRJ; Ed. FGV, 1996. p.255.

<sup>5</sup> BARROS, Roque Spencer Maciel de. *A ilustração brasileira e a ideia de universidade*. São Paulo: Convívio; Edusp, 1986. p.7-24.

<sup>6</sup> COSTA, Cruz. *Contribuição à história das ideias no Brasil*. Rio de Janeiro: Civilização Brasileira, 1967. p.115; COSTA, Cruz. O pensamento brasileiro sob o Império. In: IGLÉSIAS, Francisco et al. *História geral da civilização brasileira*. Tomo 2, v.3. O Brasil monárquico: reações e transações. Rio de Janeiro: Bertrand Brasil, 2002. p.323-342; SCHWARCZ, Lília Moritz. *O espetáculo das raças: cientistas, instituições e questão racial no Brasil (1970-1930)*. São Paulo: Companhia das Letras, 2001. p.27-28; ALONSO, Ângela. *Ideias em movimento: a geração 1870 na crise do Brasil-Império*. São Paulo: Paz e Terra, 2002.

<sup>7</sup> The following considerations are based on BOHNEN, Aloysio; ULLMANN, Aloysio Reinhold. *A atividade dos jesuítas de São Leopoldo (1844-1989)*. São Leopoldo (RS): Ed. Unisinos, 1989. p.15-101.

<sup>8</sup> SCHUPP, Ambrósio, *apud* BOHNEN; ULLMANN, 1989, p.179.

<sup>9</sup> CORADINI, Odaci Luiz. As missões da ‘cultura’ e da ‘política’: confrontos e reconversões de elites culturais e políticas no Rio Grande do Sul (1920-1960). *Estudos Históricos*, Rio de Janeiro, n.32, p.125-144, 2003.

<sup>10</sup> Information obtained from RABUSKE, Arthur. *Padre Werner: a serviço da inteligência gaúcha (1923-1939)*. São Leopoldo (RS): Ed. Unisinos, 1999.

<sup>11</sup> MAGALHÃES, Álvaro, *apud* RABUSKE, 1999, p.222.

<sup>12</sup> CARRION, Francisco Machado. Depoimento, p.681.

<sup>13</sup> ENGELMANN, Fabiano. *A formação da elite jurídica no Rio Grande do Sul*. Master's degree Dissertation in Political Sciences – PPGCP/UFRGS. Porto Alegre, 2001. p.130-140.

<sup>14</sup> SANTOS, João Pedro dos. *A Faculdade de Direito de Porto Alegre: subsídios para sua história*. Porto Alegre: Síntese, 2000.

<sup>15</sup> MARTINS, José Salgado. A Faculdade de Direito de Porto Alegre e a vocação política. *Correio do Povo*, Porto Alegre, 25 jul. 1970, p.4.

<sup>16</sup> See ABREU, Alzira Alves de et al. (Coord.). *Dicionário histórico-biográfico brasileiro pós-30*. Rio de Janeiro: CPDOC/FGV, 2001. p.955.

<sup>17</sup> MENDONÇA, Jacy de Souza. *Diálogo no solar dos Câmara*. Porto Alegre: Ed. PUCRS, 1999. p.17.

<sup>18</sup> GRIJÓ, Luiz Alberto. *Ensino Jurídico e Política Partidária no Brasil: a Faculdade de Direito de Porto Alegre (1900-1937)*. 2005. Doctoral Dissertation in Social History – Programa de Pós-Graduação em História, Universidade Federal Fluminense. Niterói (RJ), 2005. p.20-90.

<sup>19</sup> MARTINS, José Salgado. *O direito no Rio Grande do Sul: esboço da evolução do direito no Rio Grande do Sul*. Porto Alegre: Gráfica da URGs, 1961. p.24; ARAÚJO, José Francelino de. *A escola do Recife no Rio Grande do Sul: influência dos nordestinos na magistratura, no magistério e nas letras jurídicas do Rio Grande do Sul*. Porto Alegre: Inst. dos Advogados; FIRR; Sagra, 1996.

<sup>20</sup> TILL, Rodrigues. Salgado Martins ou o humanista da cultura. *Correio do Povo – Caderno de Sábado*, Porto Alegre, 19 abr. 1980, p.7.

<sup>21</sup> MARTINS, José Salgado. Panorama Jurídico do Rio Grande do Sul durante dois séculos e meio. In: \_\_\_\_\_. *O poder judiciário no Rio Grande do Sul*. Porto Alegre: TJ/RS, 1974. p.147.

<sup>22</sup> GRIJÓ, Luiz Alberto. Quando o privado tem interesse público: a fundação e a trajetória institucional da Faculdade Livre de Direito de Porto Alegre (1900-1937). *História*, Franca/ Assis: Unesp, n.2, v.28, p.303-338, 2009.

<sup>23</sup> CAGGIANI, Ivo. *Flores da Cunha – biografia*. Porto Alegre: Martins Livreiro, 1996. p.40.

<sup>24</sup> FAORO, Raymundo. A nossa velha faculdade de direito. *Correio do Povo – Caderno de Sábado*, Porto Alegre, 19 abr. 1980, p.9; MARTINS, 1974, p.156.

<sup>25</sup> BOURDIEU, Pierre. A força do direito: elementos para uma sociologia do campo jurídico. In: \_\_\_\_\_. *O poder simbólico*. Lisboa: Difel; Rio de Janeiro, Bertrand Brasil, 1989. p.217.