
4 LAND POLICIES

The Land Law, 1850, and the Homestead Act, 1862

Land and labor policies are always related, and both depend in turn on the stage of economic development. In the nineteenth century the expansion of markets and the concomitant development of capitalism caused a reevaluation of traditional land and labor policies in countries that were directly or indirectly affected by the process. Population growth, internal and international migration, improvements in transportation, the concentration of population in urban centers, the development of industry and the accumulation of capital—all these processes stimulated the integration of land and labor into the commercial and industrial economy. In many parts of the world there was an increase in the amount of land cultivated for commercial purposes and a related decrease in subsistence agriculture. In places where the land had been only partially exploited, the expansion of the market gave rise to more intensive use of land and labor, resulting very often in the expulsion of tenants and sharecroppers and in the expropriation of small properties and communal lands. Part of the population formerly dedicated to the traditional subsistence economy was absorbed as wage labor on commercial farms. Another part migrated to the cities. Where virgin land was available, new areas were put into use, increasing the demand for agricultural labor. As a result of this process, the meaning of land ownership changed and legislation controlling access to the land also changed.

The rhythms of change varied, however, from one country to another and from one area to another within a country, depending on the degree to which these areas were affected by the development of the commercial and industrial economy. A comparative study of the Homestead Act of 1862, which regulated land policy in the United States,¹ and the Brazilian Land Law of 1850² will allow us to analyze the relationship between labor and land policy in two countries where capitalism developed along different lines and led to opposite policies.

The land law enacted in Brazil in 1850 forbade the acquisition of

public land through any means but purchase, putting to an end the traditional forms of acquiring land through squatting (*posses*) and grants from the Crown (*sesmarias*). Those who had obtained property illegally by squatting and those who had received grants but never legitimized their ownership were allowed to register and validate their titles after surveying their lands and paying taxes—but only if they had actually occupied and used the land. The size of the *posses* that could be legitimized was limited by the law; it could be no greater than the largest *sesmaria* in its district. The proceeds of public land sales and taxes on the registration of properties were to be used exclusively for surveying public lands and importing “free colonists.” A bureaucratic service, the *Repartição Geral das Terras Públicas*, was created to control the public land and promote colonization.

The parliamentary debates on the law reveal a conflict between traditional and modern conceptions of landownership, a transition from a traditional view of land as the Crown’s domain to a modern view of land as the public domain.³ In the earlier period land was granted primarily as a reward for services to the Crown; later it became accessible only to those who could exploit it profitably or in other words, those who had capital. Thus land, which had been seen as a grant in itself, came to be a commodity; its ownership, which had essentially conferred social prestige, came to signify economic power. Changing attitudes toward land correspond to changing attitudes toward labor: from a commitment to slavery and certain forms of servitude to a commitment to free labor.

At the beginning of colonization, land was seen as part of the king’s personal patrimony. In order to acquire a piece of land, one had to apply for a personal grant. The king’s decision to concede the favor was based on his evaluation of the applicant, which involved considering his social status, personal qualities, and service to the Crown. Thus, the acquisition of land, though regulated by law, derived from the king’s *arbitrium* and not from a right inherent in the supplicant. By the nineteenth century the concept had changed. Land had become the public domain, patrimony of the nation. According to the land law of 1850, the only way to acquire land was to buy it from the government, which would act as mediator between the public and the prospective proprietor. The personal relationship between king and applicant had given way to an impersonal transaction between state and buyer. No longer a personal gift conceded by the king according to an individual’s personal qualities, land was a commodity that could be obtained by anyone with sufficient capital. When land was a royal grant, the king had the right to regulate its use and limit the size and number of

grants received by each person. When land became merchandise, the individual who bought it made the decisions. The ownership of land always conferred social prestige, at first because it implied the Crown's recognition of the grantee's merits, then because it implied economic power. In the first case, then, economic power derived from social prestige while in the second case the reverse was true.

The transition from a traditional to a modern conception of land started in the sixteenth century with the onset of the commercial revolution and continued throughout the nineteenth century. The extent and rapidity of this transition depended on the degree to which a society was permeated by capitalist values. During the nineteenth century in Brazil the process accelerated primarily because of changes that occurred in economic and social structures in response to the expansion of the international market.

During the colonial period the theoretical positions outlined above were often blurred; in reality, contradictory attitudes toward land co-existed. Land was awarded to those who served the Crown, but at the same time the Crown required that it be granted only to men with the capital to exploit it. Land ownership meant social prestige but it also meant economic power. The ambiguities often found in concrete reality do not, however, invalidate the general theoretical framework, as we shall try to demonstrate.

Colonial Brazil was organized as a commercial enterprise, the product of an alliance of the merchant bourgeoisie and the Crown. This alliance was reflected in a land policy that embodied both feudal and mercantile conceptions of land. The original land legislation for the colony was derived from medieval Portuguese land policies. Agents of the Crown in the colony were entitled to grant land to all who wished to settle, according to their merits. Grants were considered personal favors and could not be inherited. Those to whom the land was granted had only the usufruct; ownership was reserved to the Crown.⁴

Very soon, however, land policy underwent certain modifications. The restrictions on inheritance were abolished when it became obvious that the Crown needed to attract settlers to the colony. By the middle of the sixteenth century, land policy had been redefined to reflect the growing mercantile concerns of the Crown. The turning point was the royal instruction given to the governor Tomé de Souza in 1548, on the occasion of his appointment as first governor general of Brazil. His instructions from the Crown directed that land for sugar mills be granted to anyone who could prove he had the resources to exploit and fortify it, that no more land be granted to anyone than he could use, and that grants be limited to one per person. In these prohibitions

we can clearly see the Crown's intention to avoid concentrating land in the hands of a few, to avoid the establishment of a new feudal order in the colony. The intentions of the Crown in this respect were frustrated, however. Millowners tended to accumulate land not only to insure the supply of cane to their mills but because land granted social prestige. In order to extend their properties landowners resorted to several expedients, acquiring grants in the names of family members or friends. Thus they succeeded in accumulating land beyond their immediate production needs.

Because not all the land was utilized for commercial purposes the landowner could afford to maintain a number of tenants and sharecroppers who lived in the less fertile regions of his property, dedicating themselves to subsistence farming, hunting, fishing, and, occasionally, to working on the plantation. The practice of permitting tenants and sharecroppers to live on the plantation created a network of personal ties, with the landowner mediating between the tenants and sharecroppers and the Crown. The ownership of the land was the basis of his power. Since free men were not numerous enough to supply the manpower required by the plantation and since the natives proved "unfit" for plantation work, the landlord resorted to African slaves. His power over his slaves and over the free men living on the periphery of his estate conferred social prestige. Thus although profit was the mainspring of the economy, control over men and land was as important in defining a landowner's social status as in securing capital accumulation.

In the backlands, however—areas that had no commercial value—virgin land was available in large quantities; anyone who was able to fight the Indians and survive in the wilderness could secure a piece of land. During the colonial period, then, land could be acquired by squatting as well as by royal grant. (Of course, it could also be acquired by purchase, marriage, or inheritance.) But since the land belonged to the royal patrimony, squatting meant trespassing on royal property and could not be legitimized—except by the concession of a grant. The millowners, planters, and others involved in the commercial economy were interested in having rights to the land and would usually try to legitimize their *posses* by requesting land concessions in areas where they had already squatted. Squatting was more typical of the settler who was restricted to the subsistence economy because he did not have the capital to buy slaves, build mills, and join the commercial economy. Throughout the colonial period, the availability of large tracts of land made it possible for those who were unable to participate in the commercial economy to devote themselves to the sub-

sistence economy as tenants, sharecroppers, or small proprietors. Though the colony was organized on a commercial basis from the sixteenth century on, the subsistence economy not only survived in the plantation areas but was typical of the rest of the country.

The system of social relations that emerged from this economic and social structure explains the survival of traditional conceptions of land. And the development of other sectors of the economy during the colonial period did not imply a fundamental change in the land and labor policies typical of the sugar cane areas. The general assumptions of the sixteenth century survived into the nineteenth.

At the time of independence in 1822, the grants policy of the colonial period was abolished, and until 1850, when the land law was enacted, squatting was the most common form of obtaining virgin land. This created an anarchical situation, since the rights of the squatters were not recognized by law. The *posses* resulting from squatting multiplied unchecked and the squatters accumulated great tracts of land whose limits were vaguely defined by geographic accidents: a river, a watershed, a slope. Although these properties had no legal status, they were bought and sold and written up in wills. The situation was aggravated by the expansion of plantations in response to the growing demand for colonial products in the international market. In the nineteenth century, coffee, which had never been important during the colonial period, supplanted sugar as the most important product in the Brazilian economy. New areas were occupied each year by the coffee planters, who felt acutely the need to legalize landownership and obtain labor, particularly because the traditional way of obtaining labor, the slave trade, was being threatened by steady opposition led by England.

The chaotic state of landownership and the problems of manpower forced the dynamic sectors of the Brazilian elite to reevaluate land and labor policies. The land law of 1850 expressed the concerns of these groups and represented an attempt to regulate landownership and the labor supply according to the new possibilities and needs of the time.

In 1842 the subject was discussed for the first time in the Council of State, and a bill formulated by the council was presented in the Chamber of Deputies the following year. The bill, inspired by Wakefield's theories, was based on the assumption that where access to land was easy, it would be impossible to get people to work on the plantations unless they were coerced by slavery. The only way to obtain free labor under these circumstances would be to create obstacles to landownership, so that the free worker, unable to get land, would be forced to work for others. Therefore the traditional means of access to the

land—squatting, tenancy, sharecropping—should be limited, and unused land should revert to the imperial government as public property and then be sold at a price high enough to make it difficult for newcomers to buy. With the money accumulated from land sales the government could subsidize immigration, bringing Europeans to Brazil to replace slaves on the plantations and solving the problem of manpower. The bill was designed to regulate the disposition of properties that had been illegally acquired and at the same time to extend government control over land in general. A land tax based on the size of property was proposed, to encourage productive use of land and provide revenues for subsidizing immigration.⁵ An analysis of the arguments for and against the bill clarifies the different conceptions of land and labor that existed at the time.

Those who supported the bill pointed out that it would eliminate the problems of excess land and scarce labor, which they saw as contributing to the deflation of land prices.⁶ The sale of public land for a relatively high price and the passage of the land tax would have several positive consequences. First, by forcing new settlers to work for some time on the plantations, it would give them the opportunity to adjust to the new environment before they started their own enterprises. According to the bill's proponents, experience had shown that immigrants whose fares had been paid by a planter often left the plantation, seduced by the prospect of property. Most of them had no capital, could obtain no labor and, worst of all, lacked the experience necessary for living in the new environment. Knowing little about the soil, the weather, and the crops, they were, in the words of one of the representatives, "dying in poverty in a country of abundance."⁷ Thus the traditional system, which allowed the immigrants to purchase land at low prices or to obtain it by way of grants, was bad not only for the landowner but also for the immigrants. Second, those who spoke for the bill asserted that the sale of high-priced public lands would provide the government with funds for promoting immigration. The increase in land prices would also stimulate a more intensive and effective use of land, putting an end to the unexploited big estate, which they considered one of the evils of the country.

One deputy emphasized that, as a result of the traditional system of granting land (*sesmarias*), most land grants had not been surveyed or exploited since, as he put it, the grantees wanted only to boast about their land, not to cultivate it. Because of the gratuitous nature of land grants and the ease with which titles were obtained, land did not represent wealth.⁸ Those who did use the land were not concerned with using it rationally. They lacked a spirit of innovation. They did not try

to diversify production, but cultivated one product until the soil was exhausted, then moved to other areas in search of virgin land. The increase in land prices, the legislators expected, would improve the system of production, making it more efficient, helping to eliminate monoculture, and forcing landlords to give up their routines and look for better methods.⁹ The law would also put an end to another "vice" that corrupted the economy and society—the great numbers of tenants living on the fringes of the big estates at the expense of the landlord, working only two or three days a week and spending the rest of their time loafing, hunting, fishing, or sometimes even conspiring against the landowners.¹⁰ By requiring that land be surveyed and titles registered, the law would legitimize property, ending the land quarrels that plagued society and making it easier to purchase and sell land.¹¹ The geographical programming of land sale would make it easier to create a system of highways and railroads, facilitating access to the market for more people.

Underlying all these particular arguments, the bill's supporters insisted, was the fact that the law would create conditions under which the planter could obtain free labor to replace slaves, whose supply was threatened by the imminent interruption of the slave trade. For them the new land policy was designed to help solve not only the problem of land but also the pressing problem of manpower. As one author correctly observed, what they really wanted was to force all land proprietors to pay for the costs of subsidizing free labor.¹²

Opposition to the bill came primarily from men who represented the less dynamic sectors of the economy. To them it seemed clear that the bill served the interests only of the planters of Rio, São Paulo, and Minas, the coffee land. Most of the opposition still believed that slavery was the best form of labor in a plantation society, and they were pessimistic about the possibility of replacing slaves with free immigrants. They were upset by the increasing interference of the central government in the life of the country and wanted to guarantee the independence of local authorities. Forbidding foreigners to acquire land, they said, was appropriate to a country like England, where the available land was insufficient to the needs of the population, but absurd in a country where most of the land was still to be occupied. Some of them, in fact, recommended the opposite policy: granting land to immigrants as a means of attracting them.¹³ Their perspective on the question of immigration differed from that of the bill's supporters. For them it was a question not of supplying labor but of colonizing the country. They saw immigrants as agents of civilization, and the bill as it was conceived seemed designed to hinder the process of civilization.

The opposition also raised objections to the land tax. But then, even those who otherwise favored the bill were against the land tax. Opposition to the tax was so strong that it was eliminated from the final draft. Both sides were also critical of the plan to limit property size, but did not succeed in eliminating it completely from the law. Many opposed the requirement to survey the land, arguing that the country lacked experts to perform this task and that the process would be too costly, reducing the profitability of owning land.¹⁴ But this feature, too, was retained in the law.

If we look closely at the bill and the arguments of those who supported it in the Chamber, it becomes obvious that the legislators wanted to foster the growth of the plantation system, which was fundamental to the Brazilian economy. They were willing to grant the government the power to control land and labor in order to insure the success of the plantation economy, but only for that reason. In relation to the land the government was seen not as a proprietor but as a representative of the people from whom it derived its power.

In accordance with modern ideas of profit and productivity the legislators took several steps to force the landowner to use his land more rationally. Aware of the need for a new type of labor to replace the slave, they resorted to immigration. And finally, since they assumed that immigrants to a country where land was available in large quantities might become landowners instead of working on plantations, they tried to make access to the land more difficult.

In the United States as in Brazil, land policy was linked to a certain conception of labor. But while the Brazilian law of 1850 made it difficult for free labor to obtain land, in the United States the Homestead Act of 1862 granted land to all who wished to settle. Using old arguments in favor of small property that were rooted in the historical experience of the early settlers and mobilizing new arguments derived from conditions created by nineteenth-century development, the Homestead Act reflected the impact of immigration, urbanization, industrialization, and capital accumulation on American society.

The bill was initially introduced in 1842 by southern representatives interested in westward expansion. But they soon dropped their support when it became clear that expansion toward the west would imply free labor. For the northerners and westerners who later supported the bill, free land, free soil, and free labor were inseparable concepts.¹⁵ By 1860 the conflict between supporters and opponents of the act can be seen as an antagonism not only between two different conceptions of land and labor but also between the entrepreneur and the landlord, industrial capitalism and commercial capitalism.

Supporters of the Homestead Act used several arguments. They said the act would increase the number of independent farmers, putting an end to the undemocratic distribution of land. "It is not on the face of vast dominions but in the bosom of industry that the Father of mankind pours out the most precious fruits of the earth," said one representative,¹⁶ expressing the feelings of those who thought the large estate was not a good system for exploiting the land. One representative in 1852 contrasted England and the United States. England's policy was to concentrate property in the hands of a few wealthy families, while in the United States the ideal was to distribute it among those who would cultivate it: "We desire to see them [the lands] owned and occupied by the lords of the soil, the sovereign people of this country. The British theory is that every acre of land in that country has its lord; and there is a regularly graduated dependence from the king down to the humblest tenant who tills the soil. The title descends from the Crown. Her policy is to preserve a pampered landed aristocracy, which policy is at war with the best interests of this country."¹⁷ Ten years later, another congressman used almost identical language: "Instead of baronial possessions, let us facilitate the increase of independent homesteads. Let us keep the plow in the hands of the owner." And, he added, "In my judgment, the policy of applying the public lands in such a manner as to increase the number of independent farmers, of secure and independent homesteads, decentralizing and diffusing the wealth of the nation, is of the very first importance; vital, indeed, to the ultimate stability of the Republic."¹⁸ For those who thought in such terms, the small homestead was the source of economic development and political stability, the concentration of land the source of social unrest.

Its supporters expected the Homestead Act to put an end to land speculation, which they believed to be responsible for the maintenance of large unexploited areas. According to them, the system of auctions, preemptions, and grants had always favored speculators at the expense of those who really wanted to work the land. The speculators' accumulation of large expanses of uncultivated land was contrary to the interests of the government. According to one representative the practice of selling large tracts to nonresidents and speculators had retarded the growth and improvement of the West more than anything else. The Homestead Act would bring the greatest possible amount of public land under actual cultivation.¹⁹

Granting land in homesteads would attract immigrants. Among the oppressed in Europe, there were millions "with strong arms and brave hearts"²⁰ who would gladly perform the task of cultivating the land

but did not have the money to purchase it. And for those Americans who were in crowded urban slums, the act would create an opportunity to migrate west "before they become vicious" and make it possible for them to earn a living by honest industry.²¹

To those who argued against the bill because they considered government land a source of public credit, the supporters answered that the best form of credit was furnished by improved lands, lands owned by the people, not by wild lands held by the government.²² In the opinion of one representative an acre of cultivated land was worth two acres uncultivated.²³ Another insisted, "There is no real wealth except the labor of men."²⁴ "What do you want of jurisdiction over trees and barren acres?" one of the bill's supporters asked members of the opposition. "It is men only that constitute the strength, power, and the glory of a State."²⁵ The supporters asserted that public credit was based upon general wealth and prosperity, which ultimately depended on the availability of labor. The occupation and exploitation of land would increase both production and consumption and consequently build up government revenues.

In short, the farmers who occupied the lands as a result of the Homestead Act would increase imports and exports; new employment would be created as a result of the expansion of the economy; and the effects of the farmers' labor would be felt throughout society.

The arguments of the opposition were weak. They feared that, instead of cultivating their landlords' property, tenants presently working in the Atlantic states would move to new areas, ruining the existing economy. Others feared that the poorhouses of Europe would be unlocked, pouring upon the United States thousands of undesirable immigrants and suggested that the act apply only to individuals born in America.²⁶ They argued as well that a free land policy would reduce land values and tried to prove that a policy of cheap land would damage the economy.²⁷

The strongest argument against the bill rested on a pretext of unconstitutionality. Opponents claimed that the federal government did not have the right to distribute land. Rather, the states should decide the fate of public land. "Will you, at the expense of the rights of sovereignty and dignity of the State governments, induce the people of the United States to look up to this Federal Government as the only and sole dispensers (*sic*) of gifts and bounties?" asked one opponent of the bill.²⁸

The opposition insisted that public lands constituted the basis of government credit and land sales the source of revenue. If this source disappeared, new taxes would have to be created or existing taxes in-

creased. They complained about the increasing interference of the federal government in the economy in general, condemning the Act because it relied on the assumption that it was the government's duty to control labor and capital. Basing their arguments on classical liberal dogmas, they insisted that "men manage their own affairs better than Government can do it for them" and that the law of demand and supply directs the labor and pursuits of community.²⁹

When the bill was passed in the house in 1862, 16 voted against it and 107 in favor. After many years of debate, the bill had passed without much opposition. Most of those who had opposed it—mainly southerners—had left the house because of the war. The passage of the bill was essentially an act of war. The Homestead Act had been a plank in the Republican platform and had faced the opposition of several Democrats. But the division of the House during the debates on the bill seemed to represent less a conflict between Republicans and Democrats than an opposition between two groups with different conceptions of land and labor. One group represented the point of view of land speculators and also of a great number of southerners interested in preserving the plantation system and slavery. The other represented those who were interested in populating the West and exploiting its resources with the help of small freeholders.

Some of the assumptions underlying the arguments of those who supported the act had roots in the colonial experience. Old myths served new purposes. The disruption of traditional social and economic structures by commercial and industrial development led many people to see the present as corrupt and to idealize the past, which they saw as the golden age of small property. The "myth of the garden" became a powerful ideological support of the Homestead Act.³⁰ The idea that small property represented a superior form of land use was associated with the idea of the dignity of labor and the notion that labor is the source of wealth and entitles a man to property. Ownership of land was seen as the ultimate source of all virtue. The yeoman was invoked as a symbol of frugality, morality, industry, and independence, and small property was considered the source of public morality, wealth, equality, and political stability. Some of these concepts were rooted in the Puritan ethic and in New England colonial agrarian society, but they became instrumental in the emerging competitive society of the mid-nineteenth century. The ideology expressed the desire to combine the best of two worlds—the virtues of small property with the benefits of industrial society.³¹ What is more, it offered arguments to those interested in occupying and exploiting the West.

The need for expansion toward the west resulted from a complex set

of processes: urbanization, industrialization, immigration, the accumulation of capital, and the expansion of the internal and international markets. In the eyes of the new entrepreneurial groups, the West was a fresh field for capital investment, a potential market for their manufactures, and a granary for the growing eastern cities and the expanding international market. Once investments were channeled toward the West—in the purchase of land and the construction of railroads, highways, and canals—and once new areas were populated, the investors and the new western settlers joined those who had supported the Homestead Act.

Virgin land was seen as a safety valve for the urban tensions that threatened the stability of this new industrial society, which periodically suffered economic depressions. In the increasingly competitive atmosphere the solution to the problems of urban poverty and unemployment seemed to be neither charity nor strikes but westward migration.³² The nascent labor organizations and workingmen's parties made free land a political issue. To most easterners free labor and free land seemed a panacea for the ills of their society.

The occupation of the West by small freeholders would tip the political balance in favor of the antislavery states. Thus the Homestead Act found support also among those who opposed slavery, especially in the late fifties and early sixties, when the hostilities between the slaveowners and the rest of the country were approaching a climax. The entrepreneurs argued the superiority of the farming freeholder over the slaveowner. In the eyes of the eastern bourgeoisie, the most cherished values of the free labor system—social mobility, economic development, and political democracy—were violated on the plantation. The plantation economy seemed stagnant and the society hierarchical and aristocratic. Labor was demoralized by slavery. Leisure, laziness, ostentation, and routine existed in the place of hard work, industry, and frugality. In sum, the Homestead Act would create a society in which bourgeois values could flourish.

Though the ideology that supported the Homestead Act stressed the superiority of the independent small farmer, the economy at this time seemed, ironically, to be going in the opposite direction. Mechanization, increasing dependence on credit and transportation, vulnerability to the oscillations of the market—all characteristics of the new commercial agriculture—made it difficult for the independent freeholder to survive. Lacking the capital to purchase agricultural equipment, scratching away at infertile lands far from transportation, many homesteaders were forced to abandon their farms and become tenants on the lands of speculators. Speculation in land did not stop after the

Homestead Act. In fact, the traditional system of auctions, cash sales, and preemption survived side by side with the new policy. The Desert Land Act, the Timber Culture Act, the Timber and Stone Act, the land grants to railroads and states, the Indian land policy, the acts granting warrants to ex-soldiers or their heirs, and the Agricultural College Act (which granted millions of acres to the states) facilitated the monopolization of land by speculators, undermining the principle of land for the landless that had inspired the Homestead Act.³³ The expectation that the Homestead Act would benefit the urban poor was not realized. A majority of those who received grants were either eastern farmers who decided to move west or immigrants.

To a certain extent the act, which resulted essentially from the Industrial Revolution, was incongruous with new trends in industrial society.³⁴ The expectations that gave rise to the "myth of the garden" were frustrated by new economic trends. "In some way," as one historian said, "the Homestead Act was not the lodestone of a new democratic age but the capstone of a vanished era."³⁵

In the nineteenth century, then, new land policies in Brazil and in the United States resulted from economic expansion. The contradictory strategies adopted by the two countries reflected differences in social and economic trends.

In Brazil, because the export of tropical products in the international market was most profitable at the time of independence, the colonial system of production was maintained. But in the United States even before independence, the plantation was not the only important economic base. After independence, the plantation owners had to share power with other groups, who became increasingly strong as new forms of enterprise developed in the nineteenth century. The existence and expansion of an internal market and the availability of capital favored the development of industry. In 1848, there were 123,025 manufacturing establishments in the United States. Twenty years later the number had increased to 353,863. In Brazil in the 1870s the number was still only around 200! In the United States in 1851, there were 8,886 miles of railroad and by 1861 there were 31,286. In Brazil the first railroad was just being built. The number of banks in the United States increased from 85 in 1811 to 1,931 in 1860. In Brazil there were only a handful. The population of the United States grew from 5,486,000 in 1800 to 33,188,000 at the time of the Homestead Act, while in Brazil the population was 2,419,406 in 1808 and grew to 7,677,800 in 1854. Most significant was the difference in the number of immigrants who entered the two countries. From 1820 to 1861,

over 5,000,000 people, mainly from Europe, came to the United States. Up to 1850, fewer than 50,000 immigrants had entered Brazil.

Economic diversification and population growth had the greatest effect on the northeastern part of the United States, causing dramatic changes in the social structure. The number of industrial workers increased from 957,059 in 1849 to 2,053,996 in 1869.³⁶ (It was only in the 1960s that the number of workers in Brazil reached this level.) The middle classes also expanded rapidly. Entrepreneurial groups became more powerful. They invested capital in banks and manufactures, in railroads and canals, in urban developments and insurance schemes. In a society with so many opportunities the bourgeois credo seemed to be justified. Meanwhile, in the South, the maintenance of the traditional economic structure led, as it did in Brazil, to the survival of a seigniorial mentality.

While the northeastern part of the United States was changing very rapidly, the colonial social structure survived in Brazil: slave labor, the patronage system, a predominantly rural population, small urban populations concentrated in the main ports—all these features of the traditional colonial society remained. The elites were fundamentally conservative. And the only important revolutionary uprisings of the period found support among the urban *petite bourgeoisie*—shopkeepers, artisans, soldiers, professionals—the Brazilian counterpart of the *sans culottes*. They opposed the landed aristocracy and favored abolishing the slave trade, eliminating the great estates through agrarian reform, and nationalizing commerce.³⁷ Aligned with them on these issues were those few intellectuals and bureaucrats who were influenced by the Enlightenment and who did not identify with the landed aristocracy.

Radical movements were repressed, and the few radical intellectuals and bureaucrats continued to publish their books without affecting public opinion. The nation was firmly controlled by groups linked to the export-import economy—landowners, merchants, slavetraders, and their clients. In this society, there was little room for the development of a bourgeois ideology. The concept of the dignity of labor, the belief in labor as the source of wealth, and the faith in social mobility seemed incongruous in a hierarchical society in which labor was identified with slavery and social mobility with patronage.

The Brazilian elites resembled in some ways the planters of the South, with the essential difference that they controlled the nation alone. They delayed the abolition of slavery as long as they could. The law prohibiting the slave trade, enacted in 1831 under pressure from

the British, was not obeyed until 1850, when a new law was enacted again mainly because of British diplomacy. During this period coffee plantations were rapidly expanding. When the slave trade was abolished, the landowners, whose interests were linked to the developing areas, felt they had to resort to immigration as an alternative means of recruiting labor. It was not by chance that the Land Law of 1850 was enacted in the same year as the law that abolished the slave trade.

While the Brazilians were trying to make land acquisition difficult, most of the emerging groups in the northeastern part of the United States backed the Homestead Act.³⁸ But they did it for a variety of reasons. The financial groups thought that the settlement and development of the West would create new possibilities for investment. Manufacturers saw new markets. Merchants expected an increase in exports and imports. The urban middle classes—either because they resented present trends or because they regretted a paradise lost—saw in the Homestead Act the promise of a better life. Workers expected the act to stimulate migration toward the West, reducing the labor surplus in the cities. Once the issue of slavery had clearly divided the nation, many abolitionists would associate free labor with free land and support the Homestead Act for that reason. All these groups contributed, in different ways, to create an atmosphere favorable to the law. Opposition came essentially from land speculators and from southerners linked to the traditional economy and landownership, the same group who had originally suggested it.

The modernization of land policy had begun in the United States at the time of the American Revolution, when the sale of public lands became one way for the government to obtain revenue. The system had allowed speculators to amass great tracts of the best land. Others who did not have enough capital to buy land squatted on public land despite legal prohibitions. Very often those who had bought the land did not settle, and those who did settle were not able to buy it. The pre-emption laws had tried to legalize the situation of the squatters, granting them permission to buy the land they had occupied and exploited. Several local homestead acts had been enacted and many grants had been made to those who wanted to build roads or mines or engage in other development projects. But the best land had remained in the hands of the speculators. The Homestead Act meant to release productive land that had been only in the hands of a few.

In both the United States and Brazil the line separating those who supported land reform from those who were against it seems to have coincided with political party lines. The Conservatives tended to support the Land Law of 1850 in Brazil, while the Liberals opposed it.³⁹ In

the United States the Republicans included the homestead policy in their platform, while the Democrats opposed it. But in both countries, politics seemed less relevant than economic and social motives. Conflicts on the issue of land reflected conflicts between the most dynamic, capitalist sectors of the economy and the most archaic.⁴⁰

A study of the debates that preceded the enactment of the land law in each country reveals the ambiguities and contradictions that divided ruling groups torn between past and present. In the wake of modernization, conservatism and idealization of the past seem to have played a role as important as utopian dreaming. The participants very often perceived new realities in traditional ways. The trends of the present were not always clearly understood, and the expectations and purposes of those who contributed to the enactment of the laws were not completely realized. Both laws, resulting as they did from the confrontation of several opposed tendencies and representing the conflicting world views of several groups, lagged behind the concrete realities of their time.