

IVONE SALGADO E DIRCEU PICCINATO JUNIOR

Urban land: the relationship between religious and public institutions in the control over the land heritage for founding the city of Buritizal / SP

Ivone Salgado is an architect and urbanist. She holds a PhD and is a Professor in the Graduate Studies Program in Urbanism at the College of Architecture and Urbanism of the Center for Exact, Environmental and Technology Sciences (CEATEC) of the Pontifical Catholic University of Campinas (PUC-Campinas). salgadoivone@uol.com.br

Dirceu Piccinato Junior is an architect and urbanist, currently doing a Master's Degree in the Graduate Studies Program in Urbanism at CEATEC PUC-Campinas. piccinato.jr@gmail.com

ABSTRACT

Up until the present, the Church still finds ways to control urban land that belongs to the original land heritage given for the founding of cities. In the second decade of the XXI century, we have identified the Church's role as an urbanizing agent in the city of Buritizal, which is located in the northeast of the state of São Paulo. The establishment and founding of this locale were marked by the movements along "Caminho do Goyazes" and the concession of land for the founding of the town. With respect to scientific references, we used Murillo Marx's and Fania Fridman's literature, among others, as well as documentation collected from municipal and clerical institutions of the city. This article endeavors to outline a relational profile between the Church and local Government. Thus, rather than issue a final conclusion about this interface, we only intend to expose the problems inherent in this type of arrangement when interests and powers act on opposing sides in the same city.

Keywords: Urban land; Foundation; Land Heritage; Church; Government.

As we describe the history of the foundation of cities in the northeastern part of the territory of São Paulo during the XIX century, for the purpose of identifying how professional, technical and social knowledge was applied in the physical definition of their original urban cores, we commonly find a configuration that includes the building of a chapel or church, followed by a square, which in turn gives form to the city around it.

In the formation of urban areas, donating a parcel of land to a patron saint was a commonplace practice, which in turn led to ecclesiastic norms being responsible for the social and physical organization of the territory. Within this set of conditions and actions, there was an inferential partnership between Church and State. However, as Murilo Marx pointed out, the norms and regulations of the clergy were adhered to even more closely than the State's ordinances themselves. (2003: p. 20) This relationship between the sacred and the profane lasted until the Republic, with the promulgation of the 1891 constitution, which established the preservation of the rights to the land given to the Church.

When analyzing and reviewing the formation of the urban cores of Colonial Brazil, we noticed that, at the onset of their spatial and juridical structuring, there was a lack of concern for physical organization in all of the urban conglomerations. "Most of the time, this characteristically picturesque profile of their irregular nature suggested a random organization, or more recently a chessboard." (MARX, 1991: p. 17) However, we may consider the official concession of their religious temple as a legal norm which brought to life numerous population centers throughout the country, where "their chapel was visited by a priest, and one day elevated to the status of matrix, an elevation which meant the ascension of an entire inhospitable or older and expanding region to the new status of parish or *freguesia*¹." (MARX, 1991: p. 18)

In addition, Murilo Marx argues that the formation of these urban nuclei should also be examined from another angle: the land market. The researcher believes that before analyzing the way in which the land was divided, how the "ground" was defined, and especially how the land was cultivated for financial purposes, it is necessary to know to whom the "ground" belonged. The religious heritage was the land market instrument that was frequently used in the formation of a considerable chain of cities. It is within this context of land donations, in which religion brought about the marriage between Church and State that "a great deal of information regarding our peculiar urban landscape and life" is contained. (MARX, 2003: p. 27)

On the basis of this context, this article seeks to address a unique situation, one that is still present in the relationship between Church and State, that of the appropriation of urban land in certain Brazilian cities. Through a case study, of the city of Buritizal, we intend to discuss the continuation of this secular rela-

1. *Freguesia* (Portuguese pronunciation: [ˈfɾɛɣiˈzi.ɐ]) is the Portuguese term for a secondary local administrative unit in Portugal and some of its former colonies, such as Brazil, roughly equivalent to an administrative parish.

tionship for the control of urban land through laws and codes used to regulate land division.

An urban nucleus, whether it be a chapel, *freguesia*, village or city, means nothing if it is not founded on a “piece of land” which gives it legitimacy and, most importantly, spatiality. During our field research, when collecting data for the development of other studies, we came across a certain conflict regarding the original land heritage for founding the city of Buritizal. This situation led us to create a methodological framework for putting together this article, with the intent to demonstrate the history of the formation of the city, using the history of land ownership as a parameter. The first step entailed gathering a considerable amount of information, through interviews with government employees and local residents regarding the procedures used in the process of buying and selling urban land. In order to verify this information, we looked up registration certificates (history of the property) at the local civil registry offices and City Hall. The purpose was to clarify to whom the property rights belonged and determine what was actually transferred to the buyer – use, control, property, etc.

For the discursive structure of this article, we mainly adopted as primary reference sources the civil registry documents and local cartography, in addition to literature on the history of the city of Buritizal and the northeastern region of the State of São Paulo, as well as papers on the formation of cities in Brazil. Nowadays, land partitioning in Buritizal abides by municipal, state and federal institutional norms, and also ecclesiastic ones. Therefore, the narrative that follows seeks to illustrate the parameters used in the process of founding cities in Brazil, with particular reference to the relationship between Church and State, and aims to show how this relationship has been able to endure until today and what the results are of this union.

Historical route – Caminho dos Goyazes (“Goyazes Road”): the formation of the Buritizals in the northeastern part of São Paulo

Located in the northeastern part of the State of São Paulo, 60 km from the city of Franca (SP) and Uberaba (MG), there is a small city called Buritizal, which in the 2010 Census registered 4,053 inhabitants². The origins of this small hamlet, founded in the XIX century and formerly known as Buritizal, date to the end of the XVIII century, when it served as a resting place for travelers on the *Caminho para Goiás*. With the construction of a detour, around 1825, which we will discuss later, the location gained importance along this route.

From the second half of the XIX century, settlers coming from Franca, Sacramento and Jacutinga (MG) were the first ones to consolidate the region, due to

2. Data from IBGE. Available at: www.ibge.gov.br/cidadesat/topwindow.htm. Accessed on June 15, 2011.

cattle ranching and subsistence agriculture. Thus, the mobility of the route led to its permanence, which made the organization of the place into a hamlet possible. In 1873, the village of Buritis was founded, with land donated by the residents in the vicinity³. In August 1897, the Distrito de Paz dos Burityts ("Peace District of Burityts) was established in Santa Rita do Paraíso, where the city of Igarapava now stands. In 1944, the name was changed to Buritizal District and then, ten years later, in December 1954, the municipality was founded.

The discovery of gold in the Minas Gerais and Goiás regions, between the late seventeenth and mid-eighteenth century, consolidated the movement of the *bandeiras*⁴ into the Colony and established a path that went from São Paulo, passed through some villages, until reaching the auriferous veins of Minas and afterwards Goiás, known as the *Caminho dos "Goyazes"* (Goyazes road or path).

The incursive activities of the *bandeirantes*⁵ transformed gold one of the most important territorial expansion agents which delineated Brazil as it is today, besides expanding its limits. The figures involved in this quest for gold led to the formation of different urban cores. Since there was a defined central axis, which oriented the route, and some *freguesias* and villages had already been founded in the proximities of São Paulo, there was a need to organize simple resting places along the route, in locations that were still sparsely or non-populated. According to Capistrano de Abreu, the exploration process of the territory was done through the urban network that had already been established:

"(...) around São Paulo a great number of villages prospered: Moji das Cruzes, Parnaíba, Taubaté, Guaratinguetá, Itu, Jundiá and Sorocaba, all of them before 1680, prior to the great exodus that marked the last quarter of the seventeenth century. Each of those outlying villages catered to different destinations: the villages of Paraíba do Sul pointed to Minas Gerais; Parnaíba and Itu to Mato Grosso; Jundiá to Goiás; and Sorocaba to the pine tree fields where Curitiba was in the process of emerging." (ABREU, 1988: p. 45)

Gold exploration and the care of the land were factors that contributed to the strengthening of this route, which began in the city of São Paulo, passed through Jundiá, Campinas, Mogi Guaçu and Mogi Mirim – then through the northeastern region of São Paulo, our case study – Casa Branca, Tambaú, Cajuru, Altinópolis, Batatais, Patrocínio Paulista, Franca, Ituverava and Igarapava, soon overtaking the Rio Grande and going in the direction of Cuiabá. (Picture 1)

"Caminho dos Goyazes" then became the main transportation route towards the interior of the Colony. It resulted in a land occupation line in a south-north direction, marking the settlement of the northeastern region of São Paulo during the eighteenth century, and also served as a starting point into the "un-

3. See History. Available at: www.ibge.gov.br/cidadesat/topwindow.htm. Accessed on June 15, 2011.

4. *Bandeiras* or *Bandeirantes* were frontiersmen from the early sixteenth century in Colonial Brazil who penetrated the Brazilian hinterland in search of Indians for enslavement, runaway slaves and quilombos, as well as mineral wealth, such as silver, which was abundant in the area.

5. See footnote 5

known wilderness” and the “sister regions” located to the east of its path.

According to the authors Carlos de Almeida Prado Bacellar and Lucila Reis Brioschi:

*“In effect, the Anhanguera road was the dorsal spine for the settlement of the northeastern region of the State of São Paulo. From the *acaboclad*⁶ inhabitants of the resting places and the descendants of the few *sesmeiros* (land allottees) and squatters who installed themselves along the road, mixed with the vanguard of Minas Gerais and São Paulo settlers who came down from MojiMirim, were the first resting places and camps born, the first farms and villages that would bring about the future administrative parishes and villages.” (BACELLAR; BRIOSCHI (org.), 1999: p. 54)*

The Anhanguera road, therefore, gave rise to the formation of a considerable number of hamlets; including Burityts, which only took shape and gained importance as a result of the detour that was delineated, due to the difficulty of crossing the Carmo River.

The reason for altering the route in this São Paulo region was to shorten the distance between the towns of Franca and Uberaba, as well as avoid illnesses like yellow fever and malaria, common in swamp regions, such as the ones in Ribeirão do Carmo and Rio Grande – the latter established the border between the states of São Paulo and Minas Gerais.

The path of *Caminho dos Goyazes* was shortened by an alternative route that passed through the lands of the current cities of Buritizal and Igarapava. (Picture 2) In approximately 1825, it is said that the priest Antonio José da Silva and the major Antônio Eustáquio da Silva e Oliveira, residents of the region were the ones responsible for this change in the route. This “new delineation” contributed to enhancing the prestige of the *pouso dos Buritis* (Buritis resting place), because it increased the movement of travelers:

*“...with the creation of this detour that passed through the *pouso dos Buritis*, travelers (...) journeying along the Goiás road would camp and stock up in the locale, (...), which enabled the area to develop, until it became a hamlet.” (BRIOSCHI; PIMENTEL, 2004: p. 6)*

The local hydrography is important in the definition of the alternative routes along *Caminho dos Goyazes* and would later mark urban formation, especially that of Buritizal. Sebastião Ângelo de Souza, a historian from the region, comments on the detour and its importance for the Burityts:

*“(...) The Detour of *Caminho dos Goyazes* had more than one route, always taking advantage of the trails. The oxcarts, in general, used the road which was more to the left, due to the abundance of riverfronts found in Ribeirão Bandeira, Córrego Seriemá, Córrego Bebedeouro, Córrego da Fazenda Cachoeira, Córrego da Fazenda Estiva, Ribeirão Ponte Nova and Córrego Ponte Nova. This path cut through a*

6. A *caboclo* (Portuguese pronunciation: [ke'boklu]; from Brazilian Portuguese, perhaps ultimately from Tupi *kaa'boç*, “person having copper-coloured skin”^[1]) or *caboco* is a person of mixed Indigenous Brazilian and European descent. Former Brazilian indigenous designation.

property that at the end of the last century belonged to José Antonio de Oliveira (Xi-Xi), the Cachoeira Farm, which had been bought shortly before by José Antonio Vieira; from there it passed through the Estiva farm which belonged to the heirs of Captain Manoel Joaquim da Costa; then the path traversed Ribeirão Ponte Nova and afterwards Córrego Ponte Nova, arriving at the highlands into the region of the headwaters of the Rio do Carmo, and finally reaching Vila Franca do Imperador. Along many stretches of the Detour, the marks of the oxcart wheels and the deep indentations caused by erosion remain to this day.” (SOUZA, 1985: p. 21)

FIGURE 1

Part of Caminho dos Goyazes (by Francisco Tosi Columbina, XVIII century) – highlighted is the approximate location of the pouso dos Buritys. Source: <http://www.bn.br/portal/>



The formation of the hamlet of the Buritys may have resulted from the original roads of the *Caminho para Goiás*. (BRIOSCHI; PIMENTEL, 2004: p. 7) An aerial image of the urban nucleus of Buritizal (Picture 3), dated from 1939/1940, and belonging to the Geographic and Cartographic Institute of São Paulo, allows us to identify the two roads forming the nucleus. The “street above” probably delineated by *Caminho dos Goyazes*, currently called Alferes Manoel Joaquim Street, and the “street below”, which today is Dom Alberto Gonçalves Avenue.

According to Sebastião Ângelo, “the road that passed more to right” (the “street above”) may have given rise to the current outline of the city of Buritizal. (SOUZA, 1985: p. 21)

FIGURE 2

Outline of a stretch of Caminho dos Goyazes in the northeast of the state of São Paulo.

Source: BRIOSCHI, Lucila Reis; PIMENTEL, Palmira Silveira. Buritizal 1954-2004. 50th anniversary of political emancipation, Buritizal, pp. 6-12, December 2004.

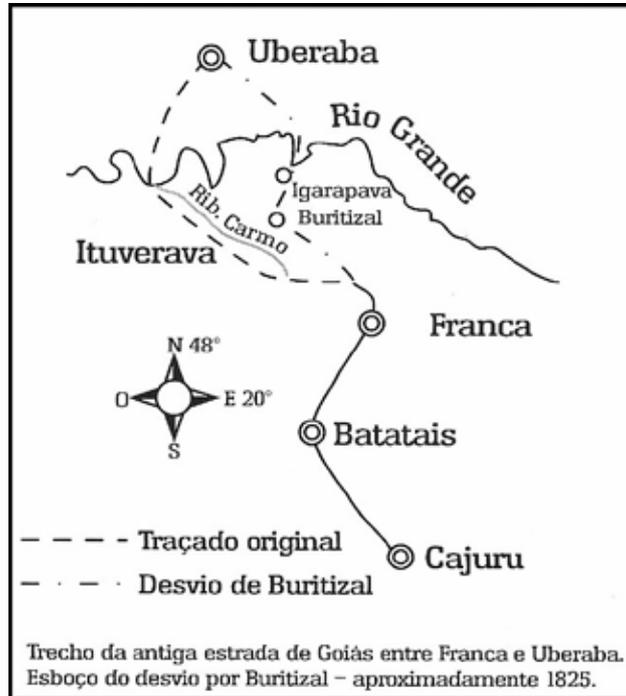
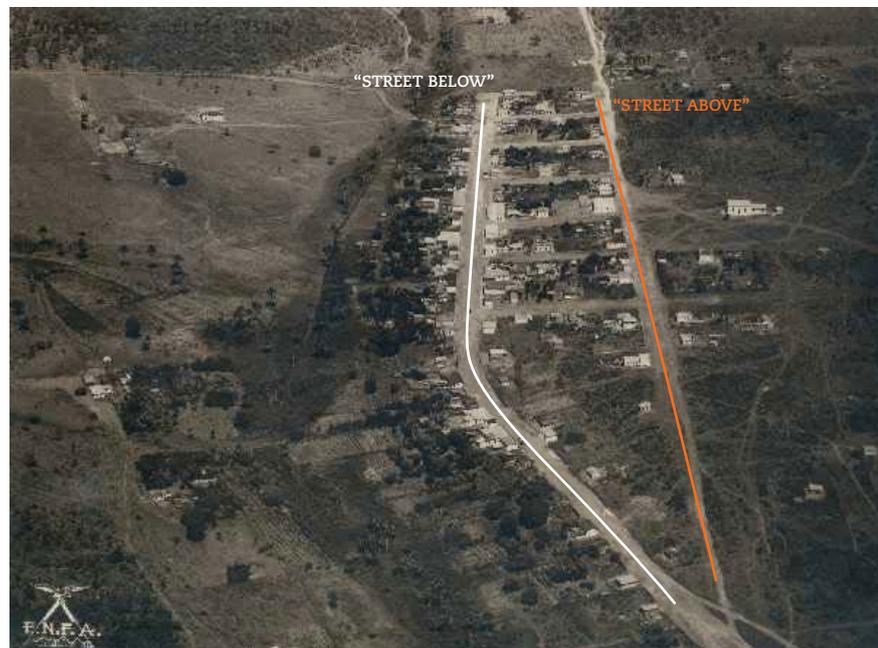


FIGURE 3

Source: <http://www.igc.sp.gov.br/>

Available at: www.igc.sp.gov.br/produtos/arquivos/aerofotos/Igarapava_2878.jpg - Accessed on May 29, 2011



Chapel, *freguesia* and village: the granting of land for the establishment of the heritage of the founding of the urban centers. An analysis of the general terms and concepts corresponding to the specific nature of the locale.

In Colonial Brazil, barring some exceptions, there was a specific method used for founding urban cores. However, it is not the exceptions that interest us at the moment, but rather the hierarchical trajectory that made the configuration of these sites possible, stemming from ecclesiastical determinations and, on a smaller scale, from the State,. Generally speaking, a hamlet or a settlement, depending on its needs or on the importance it acquired as time passed, achieved a new hierarchical status.

Initially, a group of houses scattered randomly across the land configured what could be called a hamlet or settlement. However, at a certain point in time, this area would need some kind of social organization, that is, the presence of a vicar who would be able to provide spiritual guidance to this nucleus. The construction of a chapel would raise the settlement to a new level, that of hamlet, or better yet, *capela curada*⁷, which in essence meant a temple visited by a curate or a priest. After becoming a *capela curada* the locale could then become a parish or *freguesia*. Soon thereafter, its goal would be to achieve the status of a town. Reaching this level would entail new responsibilities for the new urban center, such as municipal autonomy, the construction of a pillory, a city hall and a prison. (MARX, 1991: p.12)

This apparently simpler and more logical path entailed terms, concepts and norms that would define the categories such as they are or would be when founding these sites. These terms and concepts, which will be discussed below, seek to shed light on the actions and paths that exemplify the way Brazil founded its cities.

Besides carefully examining the formation and foundation of the urban cores, we will spend some time, in order to illustrate the ideas contained here, looking at the cities of Franca and Cajuru, also located in the northeastern part of the state of São Paulo, and particularly the city of Buritizal, because at some point in this trajectory the illustrious folks of the Buritys turned things upside down, in other words, a strip of land that should have belonged to the municipality became private Church property.

These were hamlets, thorps or settlements devoid of any legal concerns. Their homes and lodgings and eventually a chapel were unpretentiously scattered

7. *Capela Curada* was an official title given by the Catholic Church, for the formation of a village or *freguesia*. Only hamlets with chapels that celebrates Masses could earn the title of 'capela curada' and later *freguesia*.

across the land. According to Marx, the lack of concern to organize these agglomerates may be an indication that the Church had not, as of yet, effectively penetrated the lives of the inhabitants nor played its political, social, normative and institutional role, as would be the case when the settlement was elevated to the category of *freguesia*. (1991: p. 17)

The inconstancy of the hamlet, due to its irregular physical and social organization, would only change when it aspired to become a parish. The need to make render marriages and christenings sacred, as well perform funerals, made some religious intervention necessary. In regard to this situation, the researcher Murilo Marx writes about this modification in the order:

“Erecting a chapel was not enough; simply building a small chapel, no matter how good it was, was not enough; it was necessary to make them official. Providing the village with a place of worship for engaging in religious practices was not enough; it was necessary to make them sacred. Sacralization would transform the venue into a place of worship for the Church, a parish recognized as such, a capela curada, in other words, it would be regularly visited by a priest.” (1991: p. 19)

Thus, the recognition of the hamlet by the State would only happen after the admittance of the Church, which would confer worth and recognition upon the locale. This recognition, however, would only be validated when there was a donation of land in order to constitute the heritage for founding the town. This was the means used to confer legality to the land and bestow institutional values to the locale. Therefore, in order for a village to be raised to a higher category, an inhabitant or group of inhabitants needed to grant a certain amount of land, defining it as city land, that is, an area allocated to the town.

This property for founding the city consisted of strips of land donated by a lord or neighbors, who gave the land as housing and a means of subsistence to those who wished to live communally in exchange for their work. This was done with either religious or lay estates; however, our interest lies in the religious estate.

These religious estates cropped up on Brazilian lands in a discreet and hesitant manner. They were pieces of land conceded to a devotional saint, a patron saint. These lands would then constitute the assets of this patron saint, which were then administered by an organization of the Church itself or by State Ordinances. The donated land would enable a chapel to be built and conferred legality to the “land” so that the settlement could expand. “In exchange, the founders of the estate, the ones who made the existence of the chapel possible, would obtain special favors, in spiritual terms, for themselves and their loved ones, such as masses after their deaths.” (MARX, 1991: p. 39)

Thus, an estate or land heritage that ensured a minimum income were necessary in order for a hamlet to be raised to the level of a parish or *capela curada*, and a sacralization ritual was essential before religious activities could start being performed in the chapel.

Over the last decades, Fania Fridman has been carefully studying the chronological order of the formation of urban centers and the appropriation of urban land. The researcher has analyzed this context using cities from Rio de Janeiro as a basis. In her book, *Donos do Rio em Nome do Rei* (1999), a collection of texts written over a period of time, the central theme is the appropriation and use of land in the city of Rio de Janeiro. We can also find a wide range of other texts which focus on the division of the original land heritage, as a result of diverging and perhaps, at some point, converging interests. Fania Fridman shares Murilo Marx's point of view regarding the issue of the original land heritage given for founding cities, using "a socio-political interpretation of the unique way land owning was concentrated to a few" (FRIDMAN; ABREU (org.), 2010: p. 25) to explain its formation.

On the urban formation subject, the researcher clarifies that in the cities of Rio de Janeiro there was, in addition to the parish or *capela curada*, the *capela colada*⁸, during the very initial stages of the formation of the urban area. Fridman explains the difference between them by stating that, "two types of parishes coexisted: the *coladas* and the *curadas*. In the former, which were less common, the curates, who were selected by contests, were supported by the royal treasury in the exercise of their duties, while the *curadas* were dependent on the 'largesse at the foot of the altar.'" (FRIDMAN, 2008: s/n). Thus, we believe that the latter was found more frequently, although both gave rise to many locales, as can be seen in the northeastern region of the state of São Paulo.

Once the parish or *capela curada* was established, the next step for the hamlet was to move up into the category of *freguesia* or administrative parish, a territorial institution dominated by the clergy. Therefore, within the domains of a *freguesia* there was a church and a curate, or vicar, and possibly even other chapels and chaplains in the vicinities.

Elevating a hamlet to the status of *freguesia* took into account demographic, economic and political factors. However, generally speaking, it was the population who organized themselves and requested spiritual assistance due to the distance of the nearest parochial base. When the place was only a hamlet, there was no need to demarcate its limits; *freguesias*, on the other hand, after being founded needed to mark out their territory. Due to this fact, *freguesias* had certain duties to fulfill. It was the responsibility of the curate of the *freguesia* to ensure that the population was catechized, that the community complied with ecclesiastic norms and that the local residents attended mass, as well as to inspect the inflow and outflow of cash, maintain and promote improvements to the church building, and supervise religious activities in distant chapels. The obligations of the *freguesias* were those of exercising civil justice and administrative acts, such as tax collection and military draft. (DERNTL, 2010: pp. 63-66)

8. Before becoming known as a *capela curada*, a hamlet was called a *capela colada*

Upon achieving the desired status of *freguesia*, the contours of the urban area would start to take shape and the holy places, in this case the church and churchyard, would begin to receive care and attention. The latter marked the first delineation of the urban area. It was consolidated in the space preceding the church, as well as the space around it, because it was in this area that religious processions were carried out.

When William John Burchell drew Vila Franca do Imperador, in 1827, he intuitively characterized what the churchyard represented in colonial times (Picture 4). The present day city of Franca was founded as a *freguesia* in the county of Mogi Mirim in 1804. It was elevated to the status of Vila (town), in 1821, and called Vila Franca d'El Rey. In November 1824, the name was changed to Vila Franca do Imperador, and in April 1852, it was granted rights as a city and was then called Franca.



FIGURE 4

Drawing by William J. Burchell, 1827, Vila Franca do Imperador.

Fonte: http://www.francasite.com/museu_virtual/

According to the trajectory of the hierarchies, the elevation of a *freguesia* to a village or the foundation of a village entailed new and diverse legal fees for the urban nucleus. The institutional obligations associated with this right integrated the village within the Portuguese Empire. Thus, in terms of the jurisdiction of a village, it would need to achieve political and administrative autonomy; and in order to do so, not only was the ownership of an estate necessary, but also the wide possession of lands, in other words, it would be up to the village to achieve municipal autonomy, that is, its own territory. (MARX, 1991: p. 52)

In conjunction with the foundation or elevation of a village, administrative councils were also created, which constituted minimum territorial units that were administratively and legally governed by a Chamber. However, since the village only encompassed the built-up nucleus of houses, streets and the Chamber itself, the words village and council, became interchangeable. (DERNTL, 2010: p. 71)

The jurisprudence of a village was considerable when compared to that of a *freguesia*. With the instituting of the village, the “cluster (*termo*)” and “*rossio*”⁹ were established. Maria Fernanda Derntl explains the concept of these words and their relevance in the urban design of a village

⁹ The name “*rossio*” is roughly equivalent to the word “commons” in English, and refers to a commonly owned terrain.

*“Cluster (Termo) was the whole jurisdictional territory of a municipality, where there may have been a number of neighborhoods and parishes. Rossio designated the land given by the Crown through a charter letter to constitute the heritage for founding of the municipality. The rossio was for common use, and could be used for pastures, plantations and the gathering of firewood. It also served for the future expansion of the village, whether for housing or the construction of roads and squares. It was up to the members of the Chamber to divide the rossio and lease pieces of land to local residents through the payment of an annual tax, the *usus fructos*.” (2010: p. 74, bolding added)*

After the limits and the domains of the rossio were secured, a letter sent by the king would grant the land as heritage of the Chamber. (DERNTL, 2010, p. 75) The land would then become a public asset, available for the use of the local municipality. This combination of actions, terms, and concepts in regards to urban area, based on the union of the religious and public institutions, was commonly used during the Colony and Empire periods in Brazil. Marx states that, “with the advent of the Republic – and only with that – did the separation of Church and State come about.” (2003: p. 38)

We will use the city of Cajuru as an example, in order to illustrate the process and way an urban nucleus was raised to a new status. In March 1835, the *capela curada* of São Bento do Cajuru was created. In February 1846, Cajuru was elevated to the level of *freguesia*, and in March 1865, it became a village.

With regards to the history: in February 1821, the heirs of the local *sesmeiros* sent a letter to the Bishop of São Paulo, requesting the construction of a chapel that could meet the needs of the residents of the region, because, according to them, they were too far from the *Freguesia de Batatais*. This distance hindered them from fulfilling their obligations to the “Divine Office”, which included, attending mass and being christened, among other religious activities, which ensured the recognition of the people of the region as an integral part of the citizens of the Brazilian Empire.

In November 1821, the widow, Dona Maria Pires de Araújo and her children donated a piece of land close to the site where the “Capella de São Bento e Santa Cruz” (Picture 5) was being erected. In March 1835, the Capela de São Bento e Santa Cruz became a *capela curada*. Therefore, generally speaking, the creation of a *freguesia* could only happen in a location where a *capela curada* had already been installed – a category the area achieved in 1846.

Since there is an exception to every rule, Buritizal does not follow the same linear formation that other sites do. Around 1850, after consolidating itself as a hamlet, the local residents wished to have their urban nucleus recognized by the Brazilian Empire. As a hamlet, the Buritys were faced with the uncertainty of what would constitute a common asset in terms of city land to consolidate its urban core. The donation of lands for the foundation of Vila dos Buritys, in 1873, placed the locale within a relevant civil, juridical and administrative context, both state and nation-wise. Elevating a locale from hamlet to village

would give the residents political autonomy as well as a previously demarcated territory. The concession of lands for the foundation of a city heritage was necessary for this to happen. From hamlet, the nucleus is elevated to the status of village, but it did not follow the usual path that we have previously described.

FIGURE 5
Capella de São Bento
e Santa Cruz, 1924.

Source: Photo
courtesy of Maria do
Carmo Arena



Thus, Derntl reminds us that in many cases, political maneuvers were actually more instrumental in raising the status of a hamlet than the economic and demographic circumstances of the time. (2010: p.66) Following is part of a land donation deed for the Patrimony of Capela de Nossa Senhora do Patrocínio (Buritizal) (Picture 6):

“May those who see this heritage donation legal public instrument, or having a better name and place, that in the year of Our Lord Jesus Christ’s birth, one thousand, eight hundred and seventy three, at the first of May of the same year, in the vicinity of Santa Rita do Paraíso, city district of Franca, São Paulo Province, in this notary appeared as donators, Manuel Dias Ferreira and his wife D. Maria Perpetua da Luz, and they told me in the presence of below named witnesses, that as the landlords and owners of the larger portion of lands in so called Fazenda dos Buritys, already subdivided, free of partnerships, from which they are donating a square of six hundred braças⁶ in each side, comprising seventy two alqueires⁷, from which they donate each, with ten alqueires of fields and sixty two alqueires of fields, ten on account of José Ignácio dos Santos, five on the account of Manuel Martins Ferreira Costa, five on account of João Damásio Ramos, and forty two in the name of many others that subscribed with minor amounts, (...), whose borders start at a Pão de Burity that is below the path that leads to Santa Rita, along the water stream up, bordering with the first donator and with Ignácio Cardoso’s heirs, and Christino Leal da

Fonseca's heirs, and with Reginaldo Cardoso Leitão's heirs, meeting with the donator, at Espigão, bordering with it on one side and the other until the ridge that drops down to Bafideira, and from there to the ridge below bordering with the same donator on its left side until the path that comes from the same passage, in the direction of the same ridge, this path serving to meet the starting point. (...) Santa Rita do Paraíso, May 1st 1873." I, Joaquim Vieira Alves, wrote this. (apud SOUZA, 1985: p. 222-223)[1].¹⁰



FIGURE 6
Capela de Nossa Senhora do Patrocínio, 1952.
Source: <http://www.buritizal.sp.gov.br/>
Available at: www.buritizal.sp.gov.br/pop_fotos.asp?id=58/59 - Accessed on June 19, 2011

The 72 donated acres were given in order to constitute the heritage of Capela de Nossa Senhora do Patrocínio (Picture 7). Perhaps, the intention of these gentlemen, as well as many others who ceded "grounds" of land for the foundation of the urban nucleus was that of providing the location with official corporations. In this context, Marx states that "once a hamlet became a village, a municipality would be created where its headquarters could be set up, and a plot of land would be incorporated into the municipality for its use and growth, which would be managed by its new officials, the councilors themselves." (1999: p.28)

Buritizal, from *Caminho para Goiás*, was formed from lands of the current city of Igarapava, formerly Santa Rita do Paraíso, and became a district in March 1898. Its economy and development were linked to Igarapava until it detached itself from its matrix and became its own municipality in December 1952. Agriculture and livestock have always been the city's source of income and support. Coffee, corn and soy were predominant in the area until 1990 at which time the Buriti plant was inaugurated, with an average production of 850,000 tons of sugar cane per year¹¹.

10. A copy of the donation deed for the heritage of the Capela de Nossa Senhora do Patrocínio, also found in the archives of the city hall of Buritizal.

11. See Associação Brasileira do Agronegócio da Região de Ribeirão Preto – ABAG/RP –. Available at <<http://www.abagr.org.br/cidadesBuritizal.php>>. Accessed on November 10, 2011

FIGURE 7

Aerial view of
Buritizal, 1952.

Fonte: <http://www.buritizal.sp.gov.br/>

Available at: www.buritizal.sp.gov.br/pop_fotos.asp?id=11
– Accessed on June 2,
2011



In the map below (Picture 8), we highlight the original land assets donated by the local residents to found the village. At present, it is completely occupied by the metropolis. With its change of category, the lands of Buritizal were thereafter defined according to prior norms and guidelines. Examining the guidelines for the urban design elaborated by the professional and the norms for founding the village, leaves us with one question: at what stage in Buritizal's formation and foundation process did the "ground" which was meant to constitute the heritage of the nucleus become private? This question ensues from observing the actions of the ecclesiastical institutions from Franca (Diocese) and Buritizal (Church) in regards to the dictates of the urban parameters and those of the local Public Government.

FIGURE 8

Map of the city of Buritizal
(1993/1996).

Source: Buritizal City Hall



According to Fridman, these religious and administrative orders, with the church as one of the main agents responsible for shaping the metropolis, played a decisive role in the formation of the urban nucleus, that of standardizing the design and use of the urban land. These institutions, according to the author, played a major role in “inventing” a certain location that would “serve the interests of the metropolis, since they themselves were the State in many situations, in addition to sustaining their own institutional profile through the accumulation of assets and participation in so-called public life.” (FRIDMAN; ABREU, 2010: p. 25)

Buritizal: an example of the tenuous and complicated relationship between Church and Government in contemporary urban management

The *in loco* research revealed that the planning of the city was done by a professional who projected and designed its urban space. However, we were not able to identify the author based on the features of the project. There is a folder with the design in the City Hall; however, it was done according to sectors, and there isn't any overall design that includes all the streets, plots, blocks, leisure areas, etc. What we found was a design for each block, defining the plots and their measurements.

Another aspect that drew our attention is that this same folder, which we had access to, contains the designs of all the blocks, but there are no approval dates or even a descriptive memorandum, which would help enormously in clarifying the current situation, as well as help the city government to administer the city.

The urban planning process, according to the interviews that were conducted, happened as follows: an order was sent from the Archdiocese of Franca to the Church in Buritizal for the sale of a parcel of lands – these could be the lands corresponding to a whole block or just the lands from one side of a specific block. It's important to note that the lands of the city belonged to the Church under the tutelage of the Franca Diocese. Once the “desire” to sell was confirmed, the Church promoted the advertising of the sale of the lands through a vestryman, a member of the church community who managed and administered the assets of the Church. In some situations, cars with loudspeakers were used, and in other situations, pamphlets, and nowadays it is done by word-of-mouth. The problem with this last advertising method is that buyers are limited to a specific “class” of interested parties, usually those closest to everyday religious life.

The complexity of this process is greatly accentuated by the fact that the local city hall is the last to find out about the business transactions. The local Church promotes the land division, but does not provide the necessary infrastructure, in other words, it does not supply future residents with the basics: water, electricity and sewer networks, as set forth in Law 6766/79 which “governs the division of urban land and other measures.”¹² Only after the deal is registered in the Civil Registry office is the Secretariat of Urbanism notified so that, under the responsibility and at the expense of the municipality, can the area be provided with the necessary infrastructure.

Another problem created by the “real estate development activities” of the Franca Diocese is that the value of the land is established in relation to the value of a piece of land in the downtown area of the city of Franca. According to interviews with residents from the city of Buritizal, a piece of land close to the Mother Church, 14 m x 35 m in size, is valued at R\$ 150,000. This represents an exaggerated price for a city which, according to last year’s census from the Brazilian Institute of Geography and Statistics (IBGE), indicated that 3,306 of the residents live in the urban area and 747 in the rural area.

Regarding property rights, we examined some sales and purchase deeds¹³. In all the registry records that were checked, full property rights were transferred to the recipients. However, the deeds reveal a set of speculative real estate actions on the part of the clergy.

Among the older deeds that were studied, there is one dated July 7, 1967, in which the Archdiocese of Ribeirão Preto is the grantor – the archdiocese held the legal rights to the land assets for the founding of the city until the 1980s, at which time they were transferred to the Archdiocese of Franca – and a local resident by the name of Geraldo Antônio da Silva is the grantee. In a particular part of the land deed it states that, by means of the amount established at that time, the buyer would receive the “useful, direct and definite rights” to the land being negotiated, in other words, what the Church transferred was the right to the land, and not the property itself, not only in this case but also in the one below.

In another register, this one from November 18, 1980, the Archdiocese of Ribeirão Preto and the Church of Buritizal are listed as the grantors and City Hall itself as the grantee, which at the time wanted to set up a Post Office in the city. In the deed, the grantors transfer to the grantees, “full, general and irrevocable settlement of payment, and immediately transfers all ownership, title, domain, rights and activities within its control.”

Among the registers analyzed, one that generated a great deal of interest was an agreement between the City Hall of Buritizal and the Diocese of Franca and

12. See Law 6766/79. Available at: <http://www.planalto.gov.br/ccivil_03/Leis/L6766.htm>. Accessed on June 8, 2011

13. The deeds analyzed in this article can be found in the archives of the city hall of Buritizal.

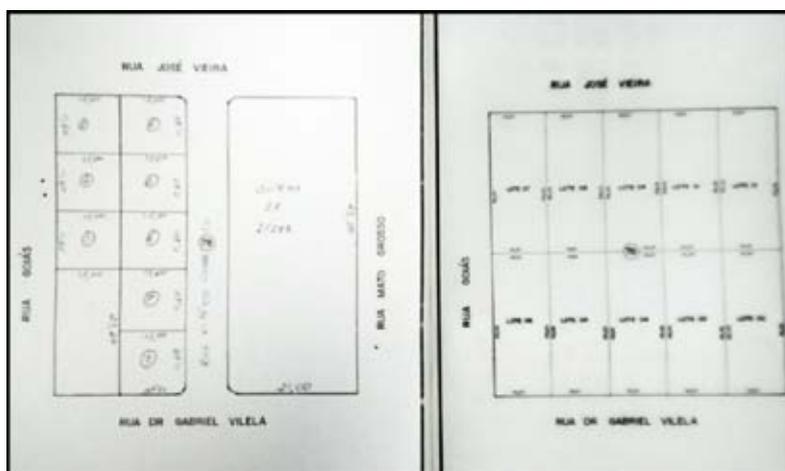
the Church of Buritizal for a friendly land expropriation. The municipal government wanted to build some lower income housing and a community warehouse and therefore bought the blocks 78 and 82, as stated in the deed, with each block divided into 12 plots of land. Thus, the City Hall of Buritizal bought, at the time, for Cz\$ 100,000 (one hundred thousand cruzados), 24 plots – 12 from block 78 and 12 more from block 82. However the total “compensation” paid to the Diocese of Franca and the Church of Buritizal was Cz\$ 2,500,000.00 (two million, five hundred thousand cruzados), which gave the local City Hall “full and complete expropriation”, provided the latter “assumed all the expenses for the title deed, debt clearance certificates, taxes and registrations”.

After the “agreement”, the Secretariat of Urbanism had to resize the plots of land in order to adapt them to popular standards. Apart from these steps, the Secretariat had to operate in accordance with Law No. 6766/79, which establishes the percentage of green areas and institutional areas, among other rulings. (Picture 9) This situation brings us back to an “incongruence”, as Fania Fridman noted in the city of Rio de Janeiro, that in the twenty-first century, a local municipality would need to “buy something that in reality already belonged to them.” (FRIDMAN, 1999: p. 287)

FIGURE 9

Block 78 (on the left, the resizing of the plots done by the Secretariat of Urbanism and on the right, the original design for block 78).

Source: City Hall of Buritizal.



Another equally interesting situation was the intention of City Hall, years later, to build a new housing complex on the lands of the religious estate. However, this venture did not spark the interest of the Diocese of Franca, “perhaps because it would devalue their lands”, in the words of one resident, which forced the City Hall to buy about two acres of land from a private property in an area close to the city. In the picture below, we can identify the Planalto da Saúde Housing Complex, which was built according to a friendly expropriation agreement between the two parties, in other words, between the religious and public institutions. We have also highlighted the Morada do Sol Housing Complex built outside the original land donated for founding the city, as described previously (Picture 10).

FIGURE 10

Aerial image of Buritizal with the housing complexes highlighted.

Source: <http://www.buritizal.sp.gov.br/>

CAPTION:

Planalto da Saúde Housing Complex (1989)

Morada do Sol Housing Complex (1995)



Final Considerations

The urban cores of cities were usually founded in accordance with a model that conformed to the rights and duties of a chapel or a *capela curada*, a *freguesia*, or a village. These represent urban examples that define the way landowning was conducted when linked to each of those categories. The way a location was formally founded was the same in Brazil during the Colony and Empire periods, and it was only with the Republic that the relationship between Church and State would unravel – as can be seen by examining the 1891 Constitution or the 1916 Civil Code, which address the leasing of lands belonging to the Church.

There have been important and significant amendments to the legislation since the Proclamation of the Republic until the present. However, what reasons would lead a small city with a little over 4,000 inhabitants to still have its lands in the hands of the Church in the year 2011? The situation is exacerbated by the fact that the donation, like most of the original land donated for founding cities in the past, benefits assets that should belong to the public. However, what can be noted is a subversion of the institutional rules of the municipality, state and federal government.

Through the research conducted in the local registry office, the city hall and in interviews, we have seen that the actions of the Diocese of Franca in conjunction with the Church of the city are that of urban land speculation. The Church realized, therefore, that “land is something finite, with its plots belonging to an only and absolute lord, regardless of its extension and condition.” (MARX, 1999: p. 57)

References

ABREU, Capistrano de. **Caminhos antigos e povoamento do Brasil**. Belo Horizonte: Itatiaia, 1988.

BACELLAR, Carlos de A. P.; BRIOSCHI, Lucila R. (Org.) et al. **Na Estrada do Anhanguera: uma visão regional da história paulista**. São Paulo: Humanitas FFLCH/USP, 1999.

BRIOSCHI, Lucila R.; PIMENTEL, Palmira S. **Buritizal 1954-2004: cinquentenário de emancipação política**. Buritizal, dez. 2004.

DERNTL, Maria Fernanda. **Método e arte: criação urbana e organização territorial na capitania de São Paulo (1765-1811)**. 2010. 225f. Tese (Doutorado em História e Fundamentos da Arquitetura e do Urbanismo). Faculdade de Arquitetura e Urbanismo da Universidade de São Paulo, São Paulo, 2010. Disponível em: < <http://www.teses.usp.br/teses/disponiveis/16/16133/tde-09062010-143444/pt-br.php>>. Acesso em: 15 out. 2010.

FRIDMAN, Fania. **Donos do Rio em nome do rei: uma história fundiária da cidade do Rio de Janeiro**. Rio de Janeiro: Jorge Zahar Editor/Editora Garamond, 1999.

FRIDMAN, Fania. **Freguesias do Rio de Janeiro ao final do século XVIII**. In: ANAIS DO II ENCONTRO INTERNACIONAL DE HISTÓRIA COLONIAL, 24., 2008, Caicó. *Simpósio...* Caicó: Mneme – Revista de Humanidades, UFRN. 2008. Disponível em: < http://www.cerescaico.ufrn.br/mneme/anais/st_trab_pdf/pdf_8/fania_st8.pdf>. Acesso em: 10 nov. 2011.

FRIDMAN, Fania; ABREU, Maurício (org.). **Cidades latino-americanas: um debate sobre a formação de núcleos urbanos**. Rio de Janeiro: Casa da Palavra, 2010.

MARX, Murillo. **Cidade brasileira**. São Paulo: Edições Melhoramentos/Ed. da universidade de São Paulo, 1980.

MARX, Murillo. **Cidade no Brasil: terra de quem?** São Paulo: Nobel/Editora da Universidade de São Paulo, 1991.

MARX, Murillo. **Cidade no Brasil: em que termos?** São Paulo: Studio Nobel, 1999.

MARX, Murillo. **Nosso Chão: do sagrado ao profano**. 2. Ed. São Paulo: Editora da Universidade de São Paulo, 2003.

SOUZA, Sebastião Ângelo de. **Pelos caminhos da história de Santa Rita do Paraíso**. Uberaba: Editora Vitória Ltda., 1985.