

**Law, race, and development in the writings of Oliveira Vianna:
Recovering the Global Arguments That Shaped Brazil's Corporatist Experiment in
the 1930s**

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Abstract

This paper examines the writings of Brazilian sociologist Francisco José de Oliveira Vianna in order to explore how legal theory and racial thought intersected to shape Brazil's experiment with corporatism in the 1930s. Oliveira Vianna produced one of the first sociological studies of Brazil's social and political development, where race was central to explaining its feudal and patriarchal institutions. Few historians have considered how these works shaped his legal career. Serving as a trusted advisor to dictator Getúlio Vargas, Oliveira Vianna was at the forefront of legal, political, and historical debates over how to rewrite Brazil's constitution. The corporatist model was integral to this new legal framework, positing an alternative to the decaying liberal order in its attempt to carve a "third path" between capitalism and socialism. Due to this embrace of corporatism, Oliveira Vianna's writings are deemed fascist, authoritarian, and retrograde. Yet in lesser-known works, he turns to an unlikely source to defend the corporatist measures of Brazil's 1934 Constitution: American legal realism. The interweaving of Brazilian experience and U.S. legal scholarship in Oliveira Vianna's work reveals how "corporatism" comprised more than the provincial implementation of authoritarian politics: it was part of a global and racialized response to the "social question." Oliveira Vianna's legal scholarship, assimilating and comparing legal traditions often characterized as self-contained, allows us to rethink the binary categories used to describe the interwar period: traditional versus modern, authoritarian versus legalistic, national versus transnational.