

Authoritarianism, Urban Planning and Public Sphere

Salvador, Bahia (Brazil) 1935-1945

Ana Fernandes¹

This paper aims to explore the history of urbanism in Brazil in two directions: first, it seeks to articulate local history with national history, believing that the vertical analysis among the scales of government have much to contribute to an understanding of concrete design and urban development plans. Secondly, the text is interested in a particular time in Brazilian history, where, over a period of government marked by authoritarianism, institutional initiatives and legal instruments of urban management are engendered, seeking to place limits on the private action and appropriation of the city, entering the urban question in the sphere of constitution of public interest.

Brief Introduction

The Nova República (1930-1937) and the Estado Novo (1937-1945) are, particularly, important stages of transformation and modernization of government and Brazilian society. Strongly marked by the mobilization and the rise of new social classes to power, the two periods mean also an attempt, albeit unsuccessful, to break with oligarchic structures that dominated the political and economic power in the country². It was placed on the national agenda the building of a modern nation, rooted in new forms of social and economic organization, new political forms and new legal order. Between 1930 and 1937, this search

resulted in seven years of tumultuous improvisation, including a regionalist riot in Sao Paulo, a new constitution, a Popular Front movement, a fascist movement and an attempted communist coup. (SKIDMORE, 1969)

In 1937, a coup d'État establishes a civilian dictatorship in the country and has significantly reduced the bustling social and politics ambience of the period, with strict control over the possibilities of assembly, expression and organization, reinforcing the conservative and authoritarian traits³ that characterized most of the entire process.

Basically, we can summarize this political outcome as marked by a belief that political parties and free elections were harmful to the

¹ Professor at the School of Architecture of Federal University of Bahia and CNPQ researcher (anaf@ufba.br).

² To explore the issues of the period, see, among others, BRESCIANI (2005), FAUSTO (2001), SKIDMORE (1969) and WEFFORT (1980).

³ For a distinction between authoritarian and totalitarian view FAUSTO (2001).

intended construction of the modern nation and that authoritarianism, presented as a true democracy, was the way to this project. The argument that justified this reasoning was that technical competence could effectively replace parliamentary powers⁴, once grounded in the objectivity and in the scientific analysis, devoid of class or political ideologies disputes⁵, and therefore more effective in terms of social transformation. Derived from positivism that characterized part of the Brazilian elites and of the armed force, this project, against which many other social sectors went, was still associated with a radical critique of liberalism, with populism and with an exacerbated nationalism. Furthermore, it led to a reconceptualization of the role of private property⁶ and to an understanding of the state as a centering and stable sphere, able to drive the transformation process.

Even in a situation where the agricultural sector was the main source of the country's economy and where somehow anti-urban ideas⁷ were disseminated among the framers of the intended changes, the set of political and institutional changes of the period shows the centrality given to the cities in the sought transformation process of the Brazilian nation. The development model pursued associated industrial production and urban conditions of social reproduction. Was then needed a set of policies with their respective legal apparatus to implement the construction of a national capitalist regulated sector, in close harmony with the action of the interventionist state. The relations between state and city, therefore, are constituents of the new moment of accumulation, as well demonstrated Oliveira (1982) – particularly in terms of national regulation of the various instances of the capital-labor relationship – and, in consequence, this dimension will take a particular place in the definition of policies for the country.

The construction of urban planning as state policy: a working hypothesis

It is in this context and with these features that will be made an outlining of a national policy for cities, although in a piecemeal fashion and with enormous vulnerabilities to its operationalization. The initiative can be traced to the establishment, at the federal level, of institutional structures dedicated to addressing the urban issue in terms of control, proposal and management. There are then built forms of action ranging from the sphere of housing⁸ - one of the most acute and pressing in the period – to the creation of new cities, to a strategy of control and development for the Brazilian health resorts and thermal spas, to the structuring of agencies for production of data and

⁴ FAUSTO (2001)

⁵ BRESCIANI (2005)

⁶ Where Duguit' solidarism fulfilled important role, understanding property not as a right but as a social function.

⁷ Perhaps one could say more specifically anti-metropolitan ideas. Issue addressed in RIBEIRO, CARDOSO (1996)

⁸ For a specific analysis of the outlines of housing policy in the period, see BONDUKI (1994).

information, or even to the definition of a heritage preservation policy for buildings and historic towns.

The necessity of facing the urban issues in their complexity and totality is also defined at this moment, pointing to the need for the construction of urban planning as state policy and meeting various initiatives and experiences that happened at the local level, especially in Brazilian state capitals. The framework of structural urban transformations that characterized that moment, with large migration and investments flows, particularly in the field of real estate and infrastructure, gives rise to the need of coping with urban issues in a more articulate way, surpassing cities sectoral and beautification plans, toward more comprehensive plans, which seek to equate the city in its entirety (LEME, 1999).

Two types of initiatives can be identified in this respect⁹: that relating to the administration of cities and its institutional framework and that relating to the legal framework upon which it relies.

The creation, at the federal level, of institutional structures dedicated to face, in terms of proposition and management, issues related to cities, generalize the urban issue – and the urban planning – as state policy. Already in the constitution of 1934, a strong effort was made in order to instrumentalize the public administration and to improve its efficiency, including, for instance, the possibility of creating agencies of technical assistance to local governments¹⁰.

In 1938, this possibility is generalized by States, with the creation of the so-called Department of Municipalities, a body of technical assistance to local governments, particularly in terms of management structures and of deployment of network infrastructure, but also to the monitoring of municipal finances, one of the key points of the Estado Novo administration. Moreover, these departments also fulfilled an important role in the balance of political power of the States, having become themselves a space of articulation between the appointed intervenor in each State and municipal mayors¹¹.

The action of these departments, simultaneously, generates a set of experiments developed nationally, giving them unit, even in the diversity. That is why it seems to be appropriate to work with the hypothesis, for the mentioned period, of enlarging the idea of planning as a function of government¹² towards the idea of urban planning and urbanism as state policy, this arising from the process of election of cities as a strategic object of economic, social and political intervention by the national state.

⁹ Other dimensions should also be investigated, like the lines of financing or a more accurate analysis of the contents of the urban policy then implemented.

¹⁰ Article 13, § 3 – It is allowed to the Federal State to create a body of technical assistance to municipal administration and oversight of its finances." Constitution of the United States of Brazil, 07/16/1934

¹¹ The relationship between the intervenors and the States administrative departments is exploited in CODATO (1997).

¹² As proposed by Feldman (2005) in her rigorous study on planning and zoning in the municipality of São Paulo (1947-1972).

Already in terms of legal framework, a series of new regulations had been adopted since the beginning of this reform period. In terms of its relationship with the urban question, and more particularly with the urban planning, four elements of the legal system seem particularly important in the period, although two of them have experienced a retraction or a redirection from the coup d'état of 1937 on.

Firstly, the 1934 Constitution guarantees the right of property, but sets a limit to it, doctrinally understood that the property is not a right but a social function¹³. It is well established that this right

will not be exercised against the social or collective interest, as determined by law¹⁴.

Secondly, this same Constitution recognizes to the State the right to tax the urban property due to the appreciation arising from public works¹⁵, indicating the search for a more equitable equation between public investment and capture of land and real estate appreciation. Third, in 1941, the power of municipalities for the execution of expropriation in the public interest was recognized¹⁶, achieving this legal web that instrumentalizes, in successive movements of back-and-forth, the possibilities for action on cities. Finally, the Tenancy Act, in 1942, focuses directly on the housing issue, acute problem of big cities in the period.

Even if the Constitution of the Estado Novo, in 1937, has abandoned the first two legal figures above mentioned – the principle of submission of property rights to the limits of social or collective interest¹⁷ and the right of municipalities to impose the betterment tax – these figures are tangled up in the daily action of several local governments and will be structuring for the debates and the propositions which follow on cities.

Salvador's Experience in the field of Urban Planning (1935-1945)

The position of Bahia in the political and economic relations which dominate Brazil from 1930 until 1945 changed substantively. The centralization of power followed by the weakening of regional structures and the loss of political prestige of the State before the new dominant compositions lead main sectors of the Bahian elite to identify the Revolution of 1930 as a "Stepmother Revolution" to the

¹³ CHAGAS (2002)

¹⁴ Constitution of the United States of Brazil, 07/16/1934, Chapter II, Rights and Guarantees, Article 113, item 17

¹⁵ "Proved the valuation of property arising from public works, the concerned administration may charge the beneficiaries through the betterment tax." Constitution of the United States of Brazil 07/16/1934, Article 124.

¹⁶ Decree n°. 3.365/41

¹⁷ "Art 122 - The Constitution guarantees to Brazilians and foreigners residing in the country the right to liberty, to security of person and to property, as follows: (...) 14 - the right of property, except the expropriation for public necessity or utility, by prior compensation. Its contents and its boundaries will be defined in the laws which regulate its exercise ". Constitution of the United States from Brazil in 11/10/1937.

interests of Bahia (MARIANI, 1958 apud AZEVEDO, 1975). With a strong political and administrative instability in the period – 09 governors or intervenors are in charge in a period of only 15 years – the establishment of a more assertive policy for the state and its cities will be given mainly by adherence to the development guidelines issued nationally.

So, faced with a crisis of development derived from the stagnation and decline of its economy – called the Bahian enigma – the state authorities, as well as the capital and the other municipalities governments, sought, through the modernization of its infrastructure and the cities themselves, to reinsert the state in the most dynamic circuits of the economy¹⁸, which had moved to the Southeast region of Brazil, led by São Paulo, Rio de Janeiro and Minas Gerais.

In the first Republic (1889-1930), this goal meant adherence to national programs to upgrade port infrastructure and the deployment of network infrastructure (expansion of regional connections, water supply and electricity, outline of a sewage system), mainly concentrated in Salvador, capital of the state. Also in Salvador, one sought the expansion of the urban transport system, enhancing flows and centrality, by opening new avenues and creating new areas of urban sprawl. The activity of urbanism and urban planning at this time has happened in an essentially sectorial way in a moment where virtually all the urban services were operated privately.

But the 30s will bring an unquestionable need of more systematic and comprehensive planning of the state and of the cities of Bahia, as well as the interest of the government to do so. The persistence of economic weakness – the crisis of the period can be exemplified with the stagnation of the population of Salvador, capital of Bahia, between 1920 and 1940¹⁹ – tenses continually public and political life in the state. But the changes at the national level impose somehow the necessity of re-articulation of forces, including the presence of new actors in the conduct of state politics. The intervenor and subsequently appointed governor in the period between 1931 and 1937, a young lieutenant, who had participated directly in the national movement that culminated in the rupture of 1930²⁰, brought to the scope of the state government institutional and political principles that would beacon the new Government – modernizing, authoritarianism, centralizing role of government and heightened confidence in the technical sphere as a rational alternative to the policy – principles that have been radicalized in the coup d’etat of 1937.

¹⁸ Note, for example, for that period, the absolute precariousness of the electricity service in the State (Azevedo, 1975).

¹⁹ In 20 years, the city's population grew only 2.5%, while São Paulo increased, over the same period, 219%.

²⁰ This is the Captain Juracy Magalhães, born at the State of Ceará, who came to power in Bahia with 26 years of age, as intervenor between 1931 and 1935 and as governor from 1935 to 1937, when he resigned, over disagreements with the coup d’etat. He was followed by three intervenors in the period between 1937 and 1945, of which the most stable were Landulfo Alves (1938-1942) and General Pinto Aleixo (1942-1945).

We thus can observe in Bahia, and in Salvador, the principles and guidelines issued by the central government becoming empirical, combined with effective procedures and conditions of Bahian society in the period. Let us then resume the two orders of federal initiatives as outlined above as a sketch of urban politics: that related to the administration of cities and their institutional framework and that related to the legal framework upon which they rely.

- Building institutional and technical sphere

The reference to the creation of organs of local government with technical assistance, provided by the federal constitution of 1934, is simultaneous in Bahia. In line with this perspective – the emphasis in the technical sphere as a rational way to modernization –, in the same year, 1934, Paulo Peltier de Queiroz, an engineer and urban planner of Bahia, proposes a draft bill for the creation of a technical department that could provide technical and financial assistance to municipalities in the interior of the State²¹. The following year, this position becomes reaffirmed both by reference to the

Technical Councils, of undeniable preponderance in the federal, state and municipal public administration,

created by the Constitution, as well as for its more technical and therefore

less partisan and factious²².

In 1936, within the state of Bahia, both the Council of Municipal Affairs as the Technical Department of Municipal Administration were already fully formed and they will have an important role in the management of cities in Bahia in the period²³.

Institutional building and outlining prospects for urban development can be also found in the need for supervision and regulation of cities classified as health and hot springs resorts²⁴. Following national guidelines, several municipalities in Bahia will have plans elaborated for their territories in this period: Itaparica, Cipó, Caldas do Jorro, Dias D'Avila are among them.

Cipo's case is exemplary: it is for this territory that, in 1934, the same year of the new Federal Constitution, the civil engineer and urban planner Oscar Caetano da Silva is in charge of outlining the Plan for Expansion and Improvement of the town, requested by the Board of Public Works of the Department of Roads and Public Works. Also in 1935, Oscar Caetano is appointed mayor of the newly Cipó's municipal administration with its health and hot spring resort, undertaking the implementation of the plan and the administrative

²¹ FERNANDES in LEME (1999)

²² OLIVEIRA (1935)

²³ APEB (1936)

²⁴ That will be considered as national security territories from the constitution of 1934 on.

activities of the municipality²⁵. It was during his administration (1935 to 1937) that the urbanization of the central area of Cipó and the construction of the first public buildings were implemented, besides the project conception for other constructions. It should also be noted that the city administration in this period was characterized by an essentially technical profile, what can be noticed in the choice of mayors among officials of the Department of Transportation and Public Works of the State, in general civil engineers²⁶. Itaparica, also a health and hot spring resort, will experience a similar situation, having its plan designed in 1937 and implemented thereafter.

Other cities, like Ilhéus, the economic center of cocoa agriculture, and Pirangy, which is nearby, both in southern Bahia, will know, in a similar way, also in 1935, the development of urban plans as well as public structures for their implementation and management²⁷, with strong technical character.

The close relationship among the three levels of government policies (federal, state and municipal) is very evident in those cases, revealing the authoritarian – for instance, mayors weren't elected – and deeply nationalistic ideals – among others, the definition of strategic sectors to the nation building²⁸ – that will be implemented through unrestricted adhesion to the technical sphere.

Salvador, for its condition as capital city, was also closely linked to this process of urban modernization, institutionally and legally speaking, but in a more complex way. In January 1935²⁹, bringing together about 50 representative sectors of the city, the Plan Commission of the City of Salvador is created, responsible for forwarding the process of structuring and elaborating the urban plan. Split into 15 sub-committees, these groups had as social and political horizon the three levels of government, the business classes, associations of positivist militants, service clubs and professional associations, particularly of engineers, lawyers and journalists. In October 1935 the Week of Urbanism takes place, with a series of conferences that aim to publicize the urban planning, to debate alternative for the development of Salvador and forward the

²⁵ The state of Bahia constitution of 1935, following the federal constitution and its ideology of national security, states that the mayor of cities classified as health and hot springs resorts shall be appointed by the governor of the state and not through free elections (Constitution of the State of Bahia, 1935, Article 40).

²⁶ SANTOS NETO, 2008

²⁷ Urban Plans for Ilhéus and Pirangy (current city of Itajuípe) were both developed by civil engineer and urban planner Paulo Peltier de Queiroz.

²⁸ Very clear limits are set to the performance of foreign companies and private companies, which should operate under strict control of the national state. In the case of health and hot springs resorts, the federalization of the concession to operating them, established by the 1934 Constitution. Formerly exercised by the states, this new rule will be accompanied, on the one hand, by the federal support for its implementation: "The Union (...), regarding the interest of collectivity, will assist the states in the studies and equipping of the resorts." (CF 1934, Article 119, ¶ 5). On the other hand, these areas will be defined, as well as the capitals, as national security areas, prohibiting the election of their mayors (CF 1934, Article 13, ¶ 1).

²⁹ The Act n° 4/35 creates the Commission of the City Plan (FERREIRA, 2000).

institutional building needed for these tasks³⁰. In this case, two solutions were identified: firstly, the establishment of a City Affairs Council, formed by the Councils of Urban Planning, of Legislation and of Finance, which would correspond to the idea of the city as business; and secondly, the need for creation of a Department of Urban Planning within the municipal administration itself, with the rational-technical – not political – background needed to conduct the orderly growth of the city³¹.

Finally, in 1942, already in a situation where the prospects of maintaining civilian dictatorship in the country began to crumble, the EPUCS - Office of Urban Development Plan of the City of Salvador starts to be implemented, until today remembered as an important twentieth century experiment in Salvador's urban planning, in terms of its comprehensiveness and in terms of city's theories, concepts and design. The proposal, that is developed until 1947, differs substantially from that prevailing in the Week of Urbanism in terms of urbanism concepts. To the technical management and propaganda of the Week, the EPUCS, although still quite confident in the technical sphere, also reveals a civic humanism and a closer consideration of urban society, more interested in its welfare³². In this sense, the engineer and urban planner Mario Leal Ferreira, also points to the opening of the office to various social segments that might be interested in debating the urban plan³³, as well as for the implementation of various models, enabling greater ease of understanding the propositions. The very process of preparing the urban plan provided as a step to be executed its presentation

to the free criticism of the most reputable agencies, between us or even abroad

and, subsequently, the preparation of the urban plan publishing for popularizing it³⁴. In 1945, the results were made public through an exhibition of maps and models³⁵.

In terms of institutional building, the EPUCS was constituted as a private office of urban planning, that brought together a multidisciplinary team - engineers, architects, lawyers, historians, geographers, topographers, doctors and biologists. The company provided services to the Municipality of Salvador, solution to the effective hiring of the professional responsible for developing the plan, due to the rigorous federal legislation then in place. The work

³⁰ The discussions took persistently as model some urban experiences and proposals implemented in several U.S. cities, a topic that, by itself, worth a separate article.

³¹ As already mentioned, in 1936, at state level, were already in place the Municipal Affairs Council and the Technical Department of Municipal Administration. The Urban Planning Department is created in 1938 as part of the management structure of the Municipality of Salvador and has an active life until the end of this period.

³² Eugenics ideals, however, were also present in the proposal, reflecting the time it was conceived.

³³ Testimonial of Mr. Fábio Vieira, on 06/18/2007, when the class of engineering students visits the office of EPUCS in 1946.

³⁴ Mario Leal Ferreira's Letter to Mayor Helenauro Sampaio, on 01/10/1947, apud PREFEITURA DA CIDADE DO SALVADOR/OCEPLAN (1976).

³⁵ PREFEITURA DA CIDADE DO SALVADOR/OCEPLAN (1976)

and part of the team's Office became integrated at the municipal service in 1948, incorporating the activities and needs of the routine plan administration, leading to other developments in the following period.

- Legal framework and limits on property rights

Issues relating to the limitation of property rights, as established by the federal constitution of 1934, will be also present in discussions about urbanism in Bahia.

Two themes centered debate. First, the increasing value of private properties caused by public investment was questioned. There is,

the unearned increase in real estate value or in wealth of the owner³⁶.

Considering that there are scant resources for the municipal administrations to tackle the problems posed for the development of the city and that the recovery of appreciation brought by public investment is unevenly distributed in space, several of the speakers at the Week of Urbanism in 1935 strongly supported the possibility of the use of the tax of betterment - approved by the constitution of 1934 - in the properties valued by public investment. Ceasing to be unconstitutional such taxation, municipal governments can rely on new inflows of funds for its operations in the city.

Even with the drop of the tax of betterment by the Constitution of 1937, EPUCS (1942-1947) continues to defend it as a tool for development of the city: in case of plots development, the Office defends the payment of the betterment tax when there is increase in land values due to improvements made by the municipality. Furthermore, the Office advances in some concepts of managing the city, defending the need to require the owner of the land to be plotted another type of compensation in favor of the municipality: the donation of land for streets and public necessities or utilities³⁷. The coordinator of EPUCS acutely examines the relationship between landlords and the structuring of the city, vigorously defending the role of government as the entity that must define the destinations of the city and drive its development³⁸:

In fact the urban land is worth by its relationships with the community, it has no stable value, but, as all utilities, it changes its value, in time and space, at a certain speed.

The speed is a function of three coordinates, each of which, in turn, with a pace of change, of its own: the coordinate of the physical and structural order, variable with technical progress; the coordinate of social order, varying with the nature of function to which it is reserved, therefore resulting of the administrative policy of the community; the coordinate of economic order, resulting from the pressure it receives from the progress of the rest of the community.

It's not possible to subsist between us the existing practice, whereby the development of cities is promoted by the land owners, which decide to divide them

³⁶ SARAIVA (1999)

³⁷ Corresponding to the spirit of the Constitution of 1934. FERREIRA (1945)

³⁸ FERREIRA (1945)

as and when is more appropriate to their interests, submitting their designs to a really quick control of City Hall. For the existing legislation only what is absurd can be condemned, without any consideration for the structural lines of neighbors units, to which such plot developments are thereby seeking to incorporate themselves.

Granted, only to reason, that such projects were perfects in themselves, the result would be a patchwork, anti-economical and anti-functional, characterless, with buildings subjected, therefore, to an aging process and consequent devaluation³⁹.

The second theme concerns the change of scale in the use of expropriation for public interest, a state action on private property, due to works or uses that may prove relevant to the urban society. Although this figure has existed since the nineteenth century and had been widely used by the federal government, in 1941, the Federal Decree n° 3365 regulates that the expropriation by a declaration of public utility can now also be implemented by the municipal level⁴⁰. In a period where urban growth is significant – Salvador grows 44% between 1940 and 1950 – and where the public interventions on the territory of the city are more frequent, this more flexible legislation will enable a quicker action of the municipal administration and will put the political negotiations directly into local level. During this short period, the decrees of expropriation for public interest issued by the municipality are multiplied, function of the deep processes of transformation through which the city was submitted at that time.

In conclusion

The route here presented shows, for the focused period, a strong link between a sketch of urban policy nationally defined and the principles of its empirical implementation in cities of Bahia and, more specifically, in Salvador. Even considering the small number of elements analyzed or even the low level of detailing the issues here presented, one can verify that local situations, with diverse temporalities, relate strongly to the perspective here appointed of addressing the urban question as a complex system, involving the diverse levels of government. This observation seems important because, in view of a huge monographic material produced on cities, paths for their systematic analysis need to be explored.

Moreover, the elements here referred indicate the outlining of the urban planning as state policy, where two perspectives are articulated. First, urbanism is built as a field of public interest, where the technical, rational and institutional answer to the challenges of organizing the city adds up to the facing of one of the most basic institutions of the capitalist city, the private property. The construction of limits on property rights and the ways in which the public administration implements the legal instruments point to the tension and extension of the public sphere, which is now also – and increasingly – composed of different dimensions of the urban

³⁹ FERREIRA (1945)

⁴⁰ Besides the Union, States and Territories. The Constitution of 1934 determined that the expropriation would be made only by public necessity or utility. Then, the Union can no longer exercise the absolute right on private property as in the monarchical period and the First Republic. Zerbo (2005) apud CRUZ (2008)

question. The formulations and modulations of the public interest are transmuted, to a large extent, into public space itself (and vice versa).

Second – and this is clear in the period under analysis – the public interest in urban planning is strongly reinforced, with mobilization of various social subjects through mechanisms of propaganda and consultation, particularly to business and technical segments. The place of things and the process of producing and taking ownership of them becomes a given component of the new urban question that develops from there.

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