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UPDATE

People with disabilities: eugenics in the early 20th century immigration

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Abstract

Eugenic ideas reemerge intermittently, calling into question the acceptance of the different. Now, the term returns, this time disguised as genetic "improvement". In this context, it is necessary to highlight the rights of people with disabilities because, although they no longer seem to constitute a "problem" to society, prejudice and discrimination still remain. From the report of a family of Portuguese immigrants who faced difficulties to be granted permission to enter Brazil because one of the children had visual impairment, this paper outlines a historical overview of eugenic ideas to this date. Finally, the importance of identifying and combating eugenics through an ethical reflection is reaffirmed.
Keywords: Bioethics. Eugenics. Disabled persons. Emigration and immigration.

Resumo

Pessoas com deficiência: eugenia na imigração do início do século XX

Frequentemente as ideias eugênicas ressurgem, colocando em questão a aceitação do diferente. Travestidas de "melhoramento", hoje retornam sob a promessa de aperfeiçoamento genético. Nesse contexto, é preciso ressaltar os direitos da pessoa com deficiência, pois embora aparentemente não representem mais um "problema" para a sociedade, o preconceito e a discriminação permanecem. A partir do relato de grupo familiar de imigrantes portugueses que enfrentaram dificuldades para entrar no Brasil em razão da filha deficiente visual, este artigo traça panorama histórico das ideias eugênicas até os dias de hoje. Por fim, reafirma-se a importância de constatar e combater o eugenismo pela reflexão ética.
Palavras-chave: Bioética. Eugenia (ciência). Pessoas com deficiência. Emigração e imigração.

Resumen

Personas con discapacidad: la eugenesia en la inmigración de principios del siglo XX

Frecuentemente, las ideas eugenésicas resurgen poniendo en cuestión la aceptación de lo diferente. Travestidas de "mejoramiento", hoy retornan bajo la promesa de perfeccionamiento genético. En este contexto, es necesario resaltar los derechos de la persona con discapacidad, pues, aunque aparentemente ya no representan un "problema" para la sociedad, el prejuicio y la discriminación permanecen. A partir del relato de un grupo familiar de inmigrantes portugueses que enfrentó dificultades para entrar en Brasil, debido a una hija con deficiencia visual, este artículo traza un panorama histórico de las ideas eugenésicas hasta los días actuales. Finalmente, se reafirma la importancia de constatar y combatir el eugenismo a partir de la reflexión ética.
Palabras clave: Bioética. Eugenesia. Personas con discapacidad. Emigración e inmigración.

Declaram não haver conflito de interesse.

This case study discusses the adverse situation and the difficulties faced by a family of Portuguese immigrants struggling to be accepted in Brazil due to the visual impairment of one of their children. The article also analyzes the national legislations established between 1920 and 1950, identifying the restrictions imposed upon immigrants with disabilities at the time; and describing a history of segregation and international political articulations that resulted in a positive outcome. Based on the reports on eugenics in Brazil, legal guidelines can be proposed to identify and prevent discrimination and prejudice against vulnerable groups.

Eugenics and its historical roots

For the nomadic people, it was essential that individuals were able to take care of their own survival, as well as collaborate with the group. Those presenting non-standard characteristics, such as diseases or anomalies, were considered a "weight", being abandoned to their fate [1].

[It was common] *infanticide among blind children* [or even] *the abandonment of those who had lost sight in adulthood* [2].

The concern to ensure safety and maintain the health of the tribes made the survival of people with disabilities practically impossible, since in such unfavorable environment these individuals were considered a burden [3]. There were exceptions only when some discrepant traits were associated with positive traits, such as the figure of the blind man who could foresee the future, or the albino who brought good luck, very common beliefs among some groups throughout history.

From the invention of writing (4000 BC) until the fall of the Western Roman Empire (476 AD), physical disability ostracized individuals, and many of the cases were interpreted as a divine punishment, the stigma of sin committed by the disabled, his/her parents, grandparents, or some ancestor of his/her tribe [4].

In Ancient Greece, the city of Sparta did not accept individuals with anomalies, hiding the "defective" nature from third parties. Parents were obliged to present their offspring to magistrates, and disabled children were considered subhuman, which legitimized elimination or abandonment [2,5]. They were interested in "good" children, that is, those who could become warriors.

One of Plato's approaches to the planning of Greek cities proposed that people born "deformed" had to be discarded, an idea also shared by Aristotle [6]. In Rome, the legislation allowed parents to kill the defective offspring [1], or to abandon them so they could be raised by commoners. This is described in the Law of the Twelve Tables; and by Cicero and Seneca [3].

To the Hebrews, humpbacked, blind, and crippled individuals were considered unworthy. The belief was that these people had demonic powers, whose sins were expressed through their bodies exposing stigmas and signs that confirmed the presence of evil spirits [7]. Attributing imperfections to supernatural causes also appears in the Middle Ages, when those born disabled were considered possessed by demons and banned from social life, being placed in orphanages, asylums, and prisons. During this period, religion, the holder of knowledge, considered physical disability a divine punishment imposed onto parents; or just the way the so-called "normal" people could do good to others and engage in charitable practices [1]. Superstitious individuals believed the disabled were provided with special powers or witch abilities [3].

In the midst of the several disabilities considered divine punishments, blindness stands out here, mostly because it was the source of inspiration for this article. In the Bible, it appears as something negative, related to darkness, to sin, sitting opposite the light – God. Therefore, blindness was seen as sin, lack of faith [8], and like any other stigma, fueled prejudice and limited opportunities for the disabled. The idea that the blind were a "burden" to be borne by "normal" people was perpetuated, despite punctual actions developed throughout history, in an attempt to help those who could not see.

In Ancient History, the incidence of blindness was high in desert regions because of heat and dust. Egypt, for instance, was considered a country of the blind because of the characteristics of its territory, In China, music was a way for the visually impaired to provide for their livelihood by developing hearing and memory. In Rome, many blind boys were enslaved, and girls were forced into prostitution [8].

In England, during the Middle Ages, a law foresaw that the government had to help the poor, the incapable, and the blind [8]. But while legislation sought to instill a certain degree of humanity when dealing with the disabled, they came to be seen as an extra "expense" for society. In France, in 1260, the first center for the care and treatment of the

blind emerged with the objective to assist 300 soldiers who had their eyes torn out by the Saracens during the Crusades [3].

In Brazil, 600 years later, by means of the Imperial Decree No. 1.428 of 1854, Dom Pedro II created the Institute for the Blind Boys to take blind children off the streets and help them [6], taking on the responsibility of providing for their welfare. In England, in 1859, Darwin published his conclusions on evolutionism, stating that in the animal world only those who have the capacity to adapt because they are biologically superior survive. Even though they were considered controversial at the beginning, his theses have been accepted over the years, serving as references for other areas as well. Social Darwinism arose, which presented *the bourgeois as the most capable, the strongest, the most intelligent, and the richest* [9]. *Hence, individuals considered weak or somehow disabled were the target of a gradual social extermination, regardless their condition or social demands* [10].

The mindset predominant in England at the time was conducive to the emergence of such ideas. The Industrial Revolution attracted crowds into the cities and, while they needed labor for their factories, the bourgeoisie feared the physical and moral degradation of society. British workers – men, women, and children – were exposed to extended hours of work and lived in slums under poor hygienic conditions, spreading epidemics and suffering prejudice. Meanwhile, public hygiene policies and the imposition of discipline guided the redevelopment defended by the adherents of "social selection". These measures sought to *prevent the physical degradation of workers* [11] and avoid losses that would reduce the profit of the bourgeoisie.

According to the eugenicist theory, each individual is born with a life determined by heredity, which places him/her into lower or higher categories. Everyday conditions are predetermined by biology, excluding the possibility of social mobility. Therefore, *in order for the eugenicist ideal to become effective, it would be necessary to stimulate procreation among those considered "superior eugenicist types" and curb the procreation of others* [12]. The use of *methods such as sterilization, segregation, marriage licensing, and the adoption of restrictive immigration laws* was strongly reinforced [9].

In the United States (1917), the eugenicist legislation was based on three pillars: compulsory sterilization of the "inappropriate" ones, prevention of non-eugenicist marriages, and immigration control [13] in order to prevent the entry of undesirable individuals. Germany, in 1933, with the Nazis in power, two eugenicist measures disseminated in other places were instituted: the improvement of the Aryan race and prohibition of race-mixing. It was institutionalized the compulsory sterilization of patients suffering from inherited diseases, such as: congenital mental debility, schizophrenia, obsessive behavior, depression, epilepsy, Huntington's disease, blindness, deafness, and severe physical malformations [14].

The presentation of the case

The eugenicist perspective strongly affected the scientific production in the 19th and 20th centuries, influenced by the legislation implemented in several countries and how society interpreted the differences among people. In many cases, physical disability became an obstacle to the free exercise of human rights, as illustrated by the report that underlies this work, which was obtained in an open interview with a family of Portuguese immigrants on January 20, 2015, in Curitiba, city capital of Paraná.

After being informed about the research and its objectives, the interviewees agreed to spoke up about their life story and experiences related to the theme of this study. The audio recording of the conversation lasted approximately nine hours, and then transcribed, according to the guidelines established for field work. To preserve their anonymity, the participants are henceforth referred to by acronyms. As many immigrants have experienced, Mrs. MGLS, blind from birth and the youngest of a family of seven siblings, was denied immigration from Portugal to Brazil in the 1950s. Their parents lived in the parish of Lomba, located in Guarda, a city of the Beira Alta province. AS, her father, and MJL, her mother, born respectively in 1906 and 1909, were married in 1934. As means of survival, Mrs. MJL was responsible for the cultivation of fruits and vegetables, and the animals raised on their land; whereas Mr. AS ran a small shop selling food and beverages.

Due to several problems resulting from food shortage and the crisis in the Portuguese economy imposed by the great war and by the Salazarist dictatorship, the couple decided to move away in search of better living conditions. At the time, they decided, for fear of leaving behind what little they had in Portugal, that it would be better for the patriarch to go to Brazil first in order to adapt to the

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new country, creating more favorable conditions for the rest of the family.

In 1953, Mr. AS immigrated with the help of government incentives and established residence in Curitiba, starting to work soon after for a food distributor. He used an invitation letter written by relatives already settled in Brazil, bringing with him his eldest son, leaving his wife and the other children behind. Little did he know his wife was expecting another child, who was born blind.

After the arrival of Mr. AS in Brazil and the birth of the youngest daughter, their saga began. Getting money to bring his wife and children was a difficult task. They could not have ever imagined that, in addition to the financial difficulties, they would have to overcome the laws that denied the entry of visually impaired immigrants in Brazil. While Mr. AS remained in Brazil to help his family on the other side of the Atlantic, Mrs. MJL, with six children to raise, worked in the village hoping that Brazilian policies would allow the family to reunite again. The separation lasted 8 years.

The reencounter was only made possible through a professor of the Federal University of Paraná, to whom Mr. AS provided services, and who personally knew the first lady of Brazil at the time. Touched by the story, the professor sent a personal request to Mrs. Sarah Kubitschek, who interceded on behalf of the family. According to Mrs. MGLS, Mrs. Kubitschek felt compelled to help because she was personally involved with several projects focused on helping the disabled.

The years of separation and constant struggle trying to get the family reunited were times of deprivation, shock, sadness, and anguish. The family had to adapt to adversity, which, while it lasted, caused everyone, the parents and their children, to live in dismay. Although the example did not have the disastrous consequences seen in other circumstances and countries due to the racial theories involved, the example shows in a tangible way how the eugenicist perspective interfered in the life of a family in the 20th century.

Eugenics in Brazil during the 19th and 20th centuries

In Brazil, eugenics began to be massively publicized and institutionalized in the beginning of the 20th century. However, as early as the second half of the 19th century, two travelers had brought the first seeds of ideas for the enhancement and degeneration of the human being. Both produced a prognosis *according to which it would be impossible to build a civilized nation located in the tropics based on the mestizo population that inhabited that country* [15].

The first visitor was Agassiz, a Swiss national who came to Brazil in 1865 with a scientific and tourist expedition searching for evidence that could substantiate his theory, which was contrary to Darwin's Theory of Evolution. For Agassiz, skin color, hair type, physiognomy, and other appearance-related traits, such as height and physique, were racial characteristics – a fallacy that would serve as the reasoning behind the attempt to prove that each human race consists of a distinct species. Agassiz was astonished by the enormous miscegenation among whites, blacks, and native indians found in Brazil, claiming that this indiscriminate mixture produced weak mestizos, both physically and mentally, in whom the best qualities of the three races were lost [16].

The second visitor, Gobineau, came to Brazil in 1869 as minister of France. His best-known work is called "An Essay on the inequality of the human races," which establishes a relationship between the rise and fall of great civilizations and ethnic issues. For him, *a society of equals, without hierarchies, was the greatest nightmare* [17].

Souza mentions a passage from Gobineau's letter to his sister in which he reports that all Brazilian families have *black and native indian blood running in their veins; the result is people who develop a rickety built that, if not always disgusting, is at least unpleasant to the eyes* [18]. The author reports that the Frenchman was so convinced that degeneration resulted from intense miscegenation, coming to the point of stating that Brazilian society was destined to become extinct within two hundred years, approximately.

In 1897, a conference called "Prenuptial Examination" was held at the National Academy of Medicine. During the conference, it was proposed a law that would make such examination compulsory and prohibit marriages among people suffering from tuberculosis and syphilis. Although the legislation has not been effectively established, the conference demonstrates the penetration of eugenicist ideas in Brazil. According to Sodré, cited by Sousa, the racial ideology that prevailed at the time would have been absorbed by Brazilian intellectuals through imitation of foreign theories, adding that it was *a period of time during which the national intellectuality was*

not mature enough to produce with originality and autonomy [19].

In the beginning of the 20th century, Brazil was experiencing a period of intense urban and industrial development, receiving a large number of immigrants. Cities like Rio de Janeiro and São Paulo were the ones most affected by such transformation [20]. At that time, the influence of the visitors during the final years of the Portuguese Empire was still very dominant. His ideas attributed to the "ethnic diversity" the reason for the country's poor economic and social development: *the intellectuals questioned what kind of nation could be composed of the mix among whites, blacks and Indians, with a sick, illiterate, and miserable population* [21].

To "improve" the Brazilian population and make progress possible, eugenicists defended the control of immigration; the prohibition of marriages among "races"; and the sterilization of the disabled, mestizos, and those suffering from tuberculosis and syphilis. Scientism restricted the freedom of the individual and his social relations: *the eugenicist thinking was authoritarian because it justified the intervention of the State in both the public life and the private life of individuals* [22].

Doctors ended up becoming heralds of eugenics in Brazil. The best-known author on eugenics, Renato Kehl, attributed to the theory the power to solve the social demands of the time *without worrying about differentiating problems arising from poverty and the lack of sanitation among social groups* [23]. The enthusiasm fueled by Kehl's theories was so intense that it led to the founding of the Eugenicist Society of São Paulo in 1918, the first association focused on eugenics in Latin America. Critical of what he considered to be a slowness of justice, the author of *"A cura da fealdade"* [24] (1917) was favorable to the intervention of doctors in the Brazilian legislation.

In 1929, Miguel Couto, president of the National Academy of Medicine, delivered an alarming speech during the 1st Brazilian Eugenics Conference, highlighting the "danger of contamination" resulting from immigration. The theme of his regulation brought up heated discussions during the event: *the defense of a rigid control of immigrants who entered Brazil under the penalty of bringing over* (…) *degenerates of other nationalities, further increasing a problem already faced by the Brazilian population, which dealt with its genetic quality and its transmission to future generations* [25].

Also, in 1929, the first Bulletin on Eugenics was released, under Kehl's supervision. A while later, in 1931, while Nazism and Fascism flourished in Europe, the Brazilian Central Commission of Eugenics (Comissão Central Brasileira de Eugenia - CCBE) was founded. In Brazil, the appreciation of one race over another was often confused with differences of social class, and eugenics was defended as the only science capable of turning the degenerate into a national elite. The theory has served the purposes of Vargas, for example, who relied upon prenuptial examinations for the same reason [26].

Through the Brazilian Central Commission of Eugenics, Kehl approached Oliveira Vianna, a government legal adviser, who joined a group nominated by the newly founded Ministry of Labor in 1932 to think about immigration issues in Brazil [27]. The doctor submitted a draft for the committee responsible for the code that would regulate the subject: the text highlighted the prohibition of all "heterogeneous" or "promiscuous" immigration, identifying immigrants who were welcomed and those who were not. Individuals who, due to ethnicity and physical, mental, and moral features, were considered incompatible with the eugenicist formation of nationality, or unassimilable, and could not integrate the racial, social, and political formation of the country.

Therefore, starting in the 1930s, politics became closer to the predominant racial argument. Fitting in perfectly with *Getúlio Vargas's project of a stronger and more organized national state* [28], the eugenicist ideals culminated in laws that explain the obstacles faced by the family object of this study.

Eugenics and the Brazilian legislation

If until 1910 immigration was considered a solution for the lack of labor resulting from the abolition of slavery, in the 1920s, that vision was drastically changed. After World War I, Brazil started following the world's tendency to strengthen nationalism and opposition to the entry of foreigners, giving *rise to several laws that regulated the arrival of immigrants* [29].

Amidst this scenario, Decree 4.247/1921 was established regulating the entry of immigrants into national territory, prohibiting the following to enter the country: *any foreigner who has been mutilated; those who are crippled, blind, mentally ill, peddlers, bearer of an incurable disease, or of*

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a serious contagious disease; any foreigner who wishes to come to this country for prostitution; and any foreigner who is 60 years of age or older [30]. Shortly afterwards, in 1923, President Arthur Bernardes approved Decree 16.300, the Brazilian Sanitary Code, which, under section VII, Article 1.409, deals with the "Inspection of immigrants and other passengers", showing that the restriction on the entry of foreigners carrying certain diseases was finally put into effect [31].

The lack of interest in foreigners who had been mutilated or exposed injuries that disabled them to work was justified by the national movement for the expansion and development of labor, which used immigrants as labor force to maintain agricultural and industrial productivity. But the ban on the entry of the mentally ill, the blind, and the deaf-mute was not justified on a commercial or labor basis; in such cases, eugenicist principles would be the only ones to substantiate such prohibitions.

Decree 16.300/1923 established severe penalties for ships that boarded immigrants traveling to Brazil who were considered "undesirable". The decree certainly prohibited, in the countries of origin, the purchase of tickets by foreigners who presented conditions considered improper, including their boarding [31]. In 1924, Decree 16.761 came into force [32], which prohibited permanently the entry of the immigrants described in Decree 4.247/ 1921 into Brazilian territory [30], if they were second or third-class passengers.

In October, 1929, the world crisis broke out, seriously affecting coffee plantations in Brazil. International prices dropped sharply, and with the contraction of consumption, it became impossible to compensate for this decline by only increasing sales volume. The crisis caused a great disagreement between the coffee sector and the federal government, which consequently affected the Brazilian political scenario [33].

Dissatisfaction was also spread among the industrial bourgeoisie and the population in general, motivating the emergence of a new type of State in 1930. Alliances supported the government in search of national capitalism [33], and Vargas eventually dismissed actions previously imposed by restricting and controlling immigration. With Decree 19.482/1930 [34], the new president focused on balancing the need for "trained agricultural workers" with the control on immigration, delivering his own response to political, economic, and ethnic interests [35].

Decree 19.482/1930 limited the *entry of third-class foreign passengers into Brazil* and provided for the *location and protection of local workers*, since *one of the causes of unemployment is found in the uncontrolled entry of foreigners* [34]. The exceptions, established in the sole paragraph of Article 1, included:

Foreigners domiciled in Brazil (...)*; foreigners whose coming has been requested by federal intervenors working with the Ministry of Labor, Industry, and Commerce to fulfill the exclusive demand for agricultural services, or by relatives who have issued the so-called "call tickets" to families of farmers with assigned placement;* (...) *foreign farmers, consisting of regular families, or craftsmen introduced or requested by individuals, associations, and companies, who meet all the requirements set forth in Article 6, paragraph 1 of decree number 16.761, of December 31, 1924, and the respective ordinance of June 30, 1925* [34].

The government would open an exception only in the absence of Brazilian citizens required to provide strictly technical services. In this case, those naturalized citizens of Brazil would have priority over foreigners. Finally, with Decree 20.917/1932 [36], which altered articles 1 and 2 of the 1930 legislation, in addition to implementing other measures, it was believed that the immigration regulation was guaranteed.

In 1933, with the formation of the National Constituent Assembly, many parliamentary amendments focused on immigration. Broadly disseminated at the time by doctors and scientists, the data that served as the basis for the proposals justified prejudice against ethnic groups, declaring them to be "undesirable" [35]. The influence of the racial policies implemented by the Nazi and fascist regimes, as well as by the American immigration legislation, was evident: *this way, several arguments were put forward in favor of a more selective immigration policy together with an agenda that preached the defense of the national worker* [37].

At the inaugural session of the Constituent Assembly, Vargas delivered a dubious speech. He defended immigration because of the need for labor and to populate the country, but he stated that the entry of immigrants could not continue to happen uncontrollably [35]. If, at the beginning, the control on immigration was intended to protect the local worker, the eugenicist bias became even more clear during the Assembly.

More restrictions on immigration and nationalization policies were implemented. One of

the most important decisions was made following the implementation of the 1934 Constitution [38], which started establishing quotas for the entry of immigrants, as described in paragraph 6, article 121. The prohibition of ethnic grouping was also defined in an attempt to minimize the strength of different nationalities, homogenizing the Brazilian population.

The way immigration control was included in the 1934 Constitution was in line with Vargas' nationalist and populist policy, which argued that the presence of foreigners was harmful because it represented competition with the Brazilian worker [39]. However, these laws did not please everyone, and *elite sectors, as well as intellectuals, demanded greater State intervention and the inclusion of a more rigorous selection in the immigration policy* [40]. According to Carneiro [41], the Vargas government's ethnopolitical project, characterized by the idea of hygienization of the race and inspired by the Nazi-fascist racism, adhered to the concept of racial homogeneity advocated by eugenicist theorists at the end of the 20th century.

Exacerbated nationalism and xenophobia served as catalysts for the debate, masking the intention to ensure *ethnic integration, and the physical/civil capacity of the immigrant* [38]. Improved in the 1930s and 1940s, an intense campaign characterized by a jingoistic, anti-Liberal, anti-communist, and xenophobic "Brazilianism" was the cover up for racist and anti-Semitic values defended by the Brazilian political elite [41]. According to Koifman, cited by Haag, *literate segments of Brazilian society and many government representatives, including Vargas, believed that the problem of Brazilian development was related to the poor ethnic background of the people. They thought that bringing over "good" immigrants, that is, whites that integrated themselves into the non-white population, Brazil would become a more developed society over the next 50 years* [40].

The restriction on immigration defined in 1934 was reinforced by Article 151 of the 1937 Constitution [42] in order to ensure ethnic integration. Likewise, the Decree-Law 406/1938 [43], in addition to determining which immigrants were prohibited to enter the country due to diseases (Chapter I, Article 1), it reinforced the "entry quotas" for different nationalities (Chapter III). By means of this legislation, the President of the Republic determined:

Article 1 The entry of foreigners, of either gender, will not be allowed:

I – the crippled or mutilated, the disabled, the blind, the deaf-mute; (...)

III – who present nervous or mental illness of any nature, verified according to the regulation; alcoholics or drug addicts;

IV – people suffering from serious infectious diseases, especially tuberculosis, trachoma, venereal infection, leprosy, and others included in public health regulations;

V – who present organic or functional impairment [43].

Haag [40] points out that Decree 3.010 [44] was instituted in 1938 determining that visa applicants were required to appear in person at the local consulate to submit their documentation, so that the consul could verify whether the candidate was white, black, or physically disabled. In the same year, the Immigration and Colonization Council was created with the explicit objective of supervising and selecting immigrants [45].

During World War II, there were many eugenicist actions in the country, imposing rules and persecutions on immigrants everywhere. With the end of the war, Decree-Law 7.967/1945, was instituted to reestablish immigration without neglecting the quota regulation, and *to provide Brazil's immigration policy with a rational and definitive guidance, which would serve the dual purpose of protecting the interests of the national worker and developing immigration* [46].

In 1946, Decree-Law 9,534 was approved, resulting from an agreement established between the federal government and the government of São Paulo to bring European immigrants to work in agriculture and manufacture [47]. By means of this regulation, the state government had the autonomy to bring foreigners to Brazil and integrate them into productive activities. The decree does not mention physical restrictions, but declares that labor is mandatory, suggesting that the "undesirable" ones would continue to be refused.

During this period, spontaneous immigration began, which was made possible by the "invitation letters" from relatives and job offers. Groups and cooperatives of foreign workers were formed to establish mostly the agricultural colonization, being guided by agreements established between the Brazilian government and international organizations.

Immigration was again regulated by the Constitution of 1946, whose Article 141 *ensured the inviolability of rights concerning life, freedom, individual security, and property to Brazilians and foreigners residing in the country* [48]. However, Article 162, which subordinated immigration to

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the demands of national interest [48], opened up a long and heated discussion, raising concerns not only about the qualification of the workforce, but also the idea of "race enhancement" based on the eugenicist reasoning [49].

The need to restrict individuals with physical disabilities, the so-called "tare", was still evident in the discussions. The presence of an eugenicist view was still strong at the time, as seen in Lira Cavalcanti's article published in 1946. According to Salles, the doctor states in the text, which deals with the psychological aspects of post-war immigration, that *there was never an attempt in Brazil to address the biotypological verification of immigrants and their eugenicist qualities* [50].

Once Decree 7.967/1945 [46] was revoked, with the Resolution of the Immigration and Colonization Council 1.676/1950 [51], the quota system was abolished for Portuguese, Spanish, French, and Italian immigrants. Since then, Brazil has signed numerous agreements with European countries and Japan.

Even after changes in the government and international integration actions to increase immigrations between countries, Law 2.312 of 1954 established "General Norms for the Defense and Protection of Health", which determined, in Article 27, that *the naturalization of foreigners without the approval of the federal health agency will not be granted* [52]. The text also established measures to deny the entry of individuals whose conditions could affect the social well-being of the Brazilian population, but without making it clear to whom it was intended to protect and for what reasons.

In August 1957, Decree 42.122 promulgated the *constitution of the Intergovernmental Committee for European Migration, concluded in Venice on October 19, 1953*, which reinforced the *establishment of immigrants under more favorable conditions to promote their rapid integration into the economic and social life of the new countries of residency* [53]. Four years later, under the name National Health Code, Decree 49.974-A/1961 [54] regulated Law 2.312/1954. In its Chapter VIII, the text attributed to the Ministry of Health the task of stipulating the rules for entry and permanence of foreigners in the country, stating that naturalization would not be granted to individuals who did not comply with the sanitary requirements defined and desired by the Brazilian nation [54].

In 1962, the Decree of the Council of Ministers 967 established *special technical norms regarding the sanitary conditions of foreigners who intended to enter or settle in the country* [55], determining that:

Article 3 The entry and settling of a foreigner suffering from diseases or presenting any of the physical disabilities listed in Article 4 of this Norm will be denied.

Sole paragraph – The restrictions of this article will apply even when the alien is in possession of a valid consular visa.

Article 4 Entry will be denied if aliens present the following:

(...)

IV – Physical disability or severe mutilation that determines impairment of more than 40%, according to the official tables issued by the Ministry of Labor [55].

Article 6 determined that the medical examination was also applicable to the whole family, even if only the patriarch was a candidate for immigration [55]. The disqualification of a family member due to any of the diseases listed in Article 4 would represent the grounds for his/her total rejection (it is not clear whether it referred to the individual or the whole group). The decree allowed the entry of those crippled or mutilated, disabled, blind, deaf-mute, and *those who presented organic or functional impairment only in case of temporary stay in Brazil*. Lastly, the 1962 legislation was amended by Decree 57.299/1965 [56], which maintained the denial of entry of the disabled, but now clearly applicable to the whole family.

Decades later, in 2009, the *International Convention on the Rights of Persons with Disabilities and its Optional Protocol was promulgated in Brazil, following its implementation signed in New York on March 30, 2007* [57]. The convention summed up the achievements of all those years by reaffirming in its preamble *the universality, indivisibility, interdependence, and interrelation of all human rights and fundamental freedom, while emphasizing the need to ensure that all persons with disabilities exercise them without discrimination* [57]. Based on other international treaties and conventions, the text establishes as general principle the respect towards human dignity, individual autonomy and differences, advocating non-discrimination and acceptance of the disabled as part of human diversity [57]. Therefore, the document reveals a shift of perspective in regard to the disabled, whether a foreigner or not, from the late 20th century to the 21st century.

It is evident that in the last decades there were many advances towards the assistance of the entire population. Human rights were universally

recognized in the 20th century; yet there was still evidence proving they had not been put into practice completely. In this context, keeping in mind the cultural characteristics and peculiarities of each country, the concern to discuss the specific needs of the disabled has gained a lot of strength, which has been evidenced though several political actions. This process denotes the ethical importance of reflection, debate, and dissemination of information to raise awareness about the universality of human rights and essential equity among all.

Final considerations

The conclusion is that, despite the modernization of society and economic development, the natural diversity among human beings is transformed into inequalities because of mechanisms of power. The beginning of the 21st century brings controversial proposals for human "enhancement", which expose not a benefit in itself, but an attempt to eliminate imperfections, disabilities, limitations, and deficiencies. The renewal of the eugenicist impulse must be observed, so that the authentic differences of human life are not eliminated.

Brazil, which has welcomed many people and lived its eugenicist moment, still lacks the provisions required to ensure its citizens with disabilities a humane level of living standards. The precarious conditions of physical access to public buildings and the difficulties faced during locomotion are proof of that. There are still obstacles and misunderstandings for those who need help from a guide dog, for example; and there are no vacancies in special education. These and many other problems show that society is slowly evolving, but it is still far from taking on the ethical responsibility to protect the most vulnerable ones.

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